To the Graduate Council:

I am submitting herewith a thesis written by Susan L. Roakes entitled "Attitudes and Viewpoints of the Real Estate Development Community Towards Development Control: Grand Cayman as a Case Study." I have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science in Planning.

George E. Bowen, Major Professor

We have read this thesis
and recommend its acceptance:

Accepted for the Council:

Vice Provost
and Dean of The Graduate School

ATTITUDES AND VIEWPOINTS OF THE REAL ESTATE DEVELOPMENT COMMUNITY TOWARD DEVELOPMENT CONTROL: GRAND CAYMAN AS A CASE STUDY

A Thesis

Presented for the

Master of Science in Planning

Degree

The University of Tennessee, Knoxville

Susan L. Roakes

August 1987

ACKNOWLEDGEMENTS

During the course of my research, a number of individuals generously contributed to the completion of this study. First, I wish to thank George Bowen, my thesis advisor, who spent numerous evenings reviewing material and providing editorial comments. I would also like to thank James Spencer and Joseph Prochaska, other members of my thesis committee.

I am especially grateful to the eighteen members of the Cayman Islands development community who took time from their busy schedules for a personal interview. Their candid responses gave validity to the research and made it enjoyable.

I would also like to thank the Cayman Islands Government, particularly the Planning Department and Central Planning Authority, for making this study possible. Their assistance and hospitality were helpful throughout the course of the study.

Finally, I wish to express special thanks to Milan Buncick for his encouragement and assistance through the writing of this report.

ABSTRACT

The purpose of this thesis was to research the attitudes and viewpoints of the real estate development community toward development control with a case study in Grand Cayman of the Cayman Islands in the British West Indies. The research will serve two missions. First, it will add to the body of information concerning the attitudes of the development community in general toward development control. An increased awareness by planners of the problems the development community associates with the control imposed on this industry can be used to improve a development control system. Second, it will provide information for the Cayman Islands Government to assist them in revising the development control system currently in use on Grand Cayman.

The method of analysis included personal interviews with eighteen active members of the development industry in Grand Cayman. The interviews consisted of several open-ended question. This approach encouraged spontaneity, while allowing in-depth probing for specific issues. A review of the literature on the effects experienced by the private sector from development control provided a framework for the analysis of the interviews.

The study provides insight into the major problems the development community in Grand Cayman finds with the existing development control system. Means for alleviating these problems without destroying the integrity of the development control system are discussed in the conclusion.

TABLE OF CONTENTS

CHAPTER		PAGE
I.	INTRODUCTION	1
	A. Setting	1
	B. Problem Statement	3
II.	LITERATURE REVIEW	6
	A. Control of Real Estate Development	6
	B. The Development Process	17
	C. Development Control Issues	19
	D. Summary	26
III.	METHODOLOGY	28
	A. Scope and Interviewees	28
	B. Research Approach	29
	C. Data Collection and Recording	31
	D. Limitations and Assumptions	33
IV.	LOCAL ENVIRONMENTAL FACTORS	35
	A. Historical Influences	35
	B. Local Values	46
	C. Political and Institutional Framework	47
V.	ANALYSIS OF FINDINGS	61
	A. The Development Community	61
	B. Attitudes and Viewpoints Toward Existing Regulatory Practices	65
	C. General Analysis of Responses by Respondents	82
	B. Comparison of Grand Cayman to Literature	86
VI.	CONCLUSION AND RECOMMENDATIONS	88
	A. Conclusion	88
	B. Recommendations	94
BIBLIOGRAPHY		102
APPENDICES		110
	A. The Grand Cayman Development Community	111
	B. Existing Land Development Approval Process	114
	C. Categorization of Responses	118
	D. Proposed Land Development Approval Process	123
VITA		131

CHAPTER I

INTRODUCTION

The subject of this thesis is the perspectives of the real estate development community toward the development control system on Grand Cayman, Cayman Islands, British West Indies. The research will serve two purposes. First, it will add to the body of information concerning the attitudes of the development community in general toward development control. Second, it will provide information for the Cayman Islands Government to assist them in revising the development control system currently in use on Grand Cayman.

Setting

The Cayman Islands Government began to plan for growth and development of the Cayman Islands in 1971 with the adoption of the Development and Planning Law. At that time, the Department of Planning was created to handle the administration of this law and to assist the Central Planning Authority (CPA). The CPA, a statutory body also established by the Development and Planning Law, was entrusted with the responsibility for guiding the Department of Planning during the preparation of a development plan for the Cayman Islands. In 1977, The Development Plan was adopted by the Cayman Islands Government. The stated objective of this document was

> to maintain and enhance the environmental character of the Cayman Islands and the well-being and prosperity of its people. It is intended to define and develop a planning

> strategy for the Islands which is however flexible enough in concept and implication to accommodate individual requirements, special circumstances and changing conditions.

Since the adoption of the 1977 Development Plan, Grand Cayman has experienced considerable growth. The population increased from 7,025, in 1960, to 8,759, in 1970, a 25 percent increase (Cayman Islands Government). By 1980, the population of Grand Cayman was estimated by the Cayman Islands Statistical Dept. to have grown to 17,502, a 65 percent increase since 1970 and in 1985, an estimated 21,782 persons lived on Grand Cayman, representing a growth rate of almost 25 percent in only five years. The majority of this population growth is attributable to migration (UT/GSP). This fact, along with the virtually self governing status of the Island, allows the Cayman Islands Government to control the growth rate of its population.

The sudden population growth which began in the 1960's occurred primarily because of development of the banking and tourist industries. These two industries continue to be pillars in the Caymanian economy. The banking industry may well have grown to its potential, but tourism is still expanding rapidly, therefore the population is expected to continue to grow in the future (UT/GSP).

This population growth has had a tremendous impact upon the physical development of Grand Cayman. Between 1960 and 1970, 578 units were added to the housing stock, and during the next decade approximately 627 units were added (Cayman Islands Statistical Dept.). This growth translates into income and employment for the Caymanian people. In 1985, approximately $76.5 million was spent by the development industry (Cayman Islands Government). No figures are

available on employment. The historically spartan existence of the Caymanian people has created a desire to expand as much and as fast as possible before the potential to do so disappears.

Nine years after the adoption of The Development Plan the CPA questions the adequacy of this document to handle the pressures created by the growth and development of Grand Cayman. The Caymanian Government continues to support growth and development, but the leaders are beginning to see the costs of rampant growth. The effectively independent status and the physical isolation of the Cayman Islands allow for a high level of authority over the level and means of controlling land use and development on Grand Cayman. The absence of a tiered system of government in the Cayman Islands also allows for innovation. The Cayman Islands are currently in a position to design a development control system unlike any other currently in use.

Problem Statement

The Cayman Islands are currently beginning the process of revising its development control system. Because of the unique environmental and economic conditions of Grand Cayman, a system of growth and development control currently in use elsewhere may not provide for the needs of the Caymanian population.

The research questions set forth below are meant to provide information concerning the attitudes and viewpoints of the private real estate development community toward the development control system currently in use on Grand Cayman.

Primary Research Question

What are the attitudes and viewpoints of the real estate development community on Grand Cayman toward the current and future development control systems on Grand Cayman?

Secondary Research Questions

(1) In what way do government activities and regulations affect the development process?

(2) What are the most serious problems in the existing land use control system?

(3) What existing administrative practices hinder the development process?

(4) How may the administrative process be improved?

(5) What existing regulations do they consider to be restrictive or prohibitive?

(6) What regulations are lacking?

(7) Is there a preference between the provision of land and improvements or making payments-in-lieu of these?

(8) What should the development control system accomplish that it does not presently accomplish?

Chapter II reviews the literature used as the foundation for the research conducted in Grand Cayman. This chapter includes the theoretical basis for the research methodology and a summary of literature comparable to this study. Chapter III outlines the methodology used for conducting the thesis research. Both Chapters IV

and V focus on Grand Cayman. Chapter IV describes local environmental factors that were considered necessary for understanding the results of the research. Chapter V presents the interview results and analyses of the results from several different perspectives. Chapter VI summarizes the thesis, offers concluding remarks and makes recommendations for action to the Cayman Islands.

CHAPTER II

LITERATURE REVIEW

This chapter forms the theoretical basis for the study. First, a brief review and description of what development control systems are and how they evolved is discussed. Next, the development process is described. Finally, the issues that the literature points out to be of primary concern to members of the development community are summarized.

Control of Real Estate Development

A review of the evolution of cities in Anglo-American civilization (see Mumford, 1970 & 1961, Reps, 1965, and Warner, 1962) gives an indication of why society has determined that it needs to regulate the built environment. As Chapin and Kaiser explain, the market forces directing land use decisions threaten social values such as safety, convenience, efficiency, energy conservation, environmental quality, social equity, social choice, and amenity (1978, pp. 48-58). Over time political processes emerged in order to mitigate the problems caused by these market forces (Chapin and Kaiser, 1978, pp. 58-60).

The political processes that have evolved to guide private land use decisions are expressed in a variety of forms. According to Bryant, public involvement in land development may be considered along a continuum where one end represents no involvement and the other end represents complete control through public ownership and development of the land (1972). The means of controlling land use and development may

take a variety of forms, including public investment (Kenney, 1972), taxation (Andrews, pp. 209-275, Bryant, pp. 283-310), public ownership (Bryant, pp. 197-282), betterment levies (Bryant, pp. 311-323), and regulation (Andrews pp. 131-206). Assuming that development control is politically desirable, but complete public land ownership is not, then the politically acceptable alternative lies somewhere in between.

Chapin and Kaiser describe such a system as follows:

> The planning and guidance system is offered as a way to organize government's role in the key systems affecting land use by utilizing the force and effect of both political and market processes to guide development. It incorporates the whole array of means by which government examines, interacts with, participates in, services, and ideally "guides" land development systems, activity systems, and environmental systems toward the achievement of local objectives based on the criteria of public interest (1978, p. 60).

They describe a land use planning and guidance system as "essentially a seamless web in practice," but distinguish four major divisions for purposes of explanation:

(1) Land use planning activities

(2) Political system

(3) Decision guides

(4) Action instruments (1978, p. 60)

Figure 1 shows the interrelationships among the components of Chapin and Kaiser's model for the planning and guidance system. As Chapin and

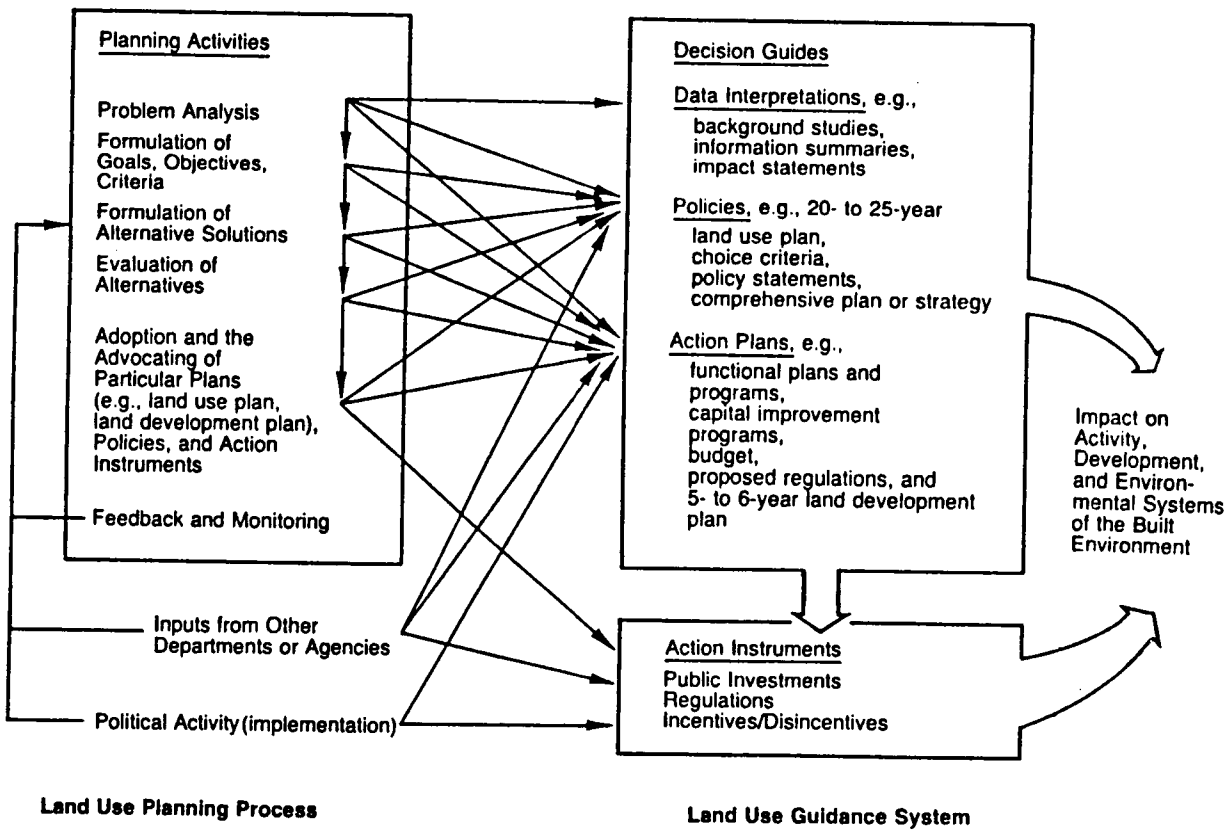


Figure 1: The Land Use Planning and Guidance System (Chapin & Kaiser, 1978, p. 61)

Kaiser explain, "planning activities and the political system determine decision guides and action instruments" (1978, p. 61). Land use planning is "the process of identifying and analyzing problems and exploring and assessing options open to an urban community in the pursuit of general goals and specific land development objectives" (Chapin and Kaiser, 1978, p. 63). In a democratic system of government, as is the Cayman Island's, the political system "consists of the elected and appointed officials, and other actors behind the scene, involved in deciding and administering the guidance system components" (Chapin and Kaiser, 1978, p. 60). The decision guides include policy statements and plans. Action instruments are "the means by which government intervenes most directly and decisively in activity, development, and environmental processes [as described above] in the political interest" (Chapin and Kaiser, 1978, p. 62).

These three ideas encompass what Chapin and Kaiser call "the theoretical underpinnings of land use" (1978, pp. 26-67). Figure 2 summarizes this theory.

Chapin and Kaiser argue that in order to effectively guide and control development one must consider "the basic systems involved in the use of land, the agents associated with each system, and the forms of behavior in each system" (1978, pp.28-31). The basic systems and the

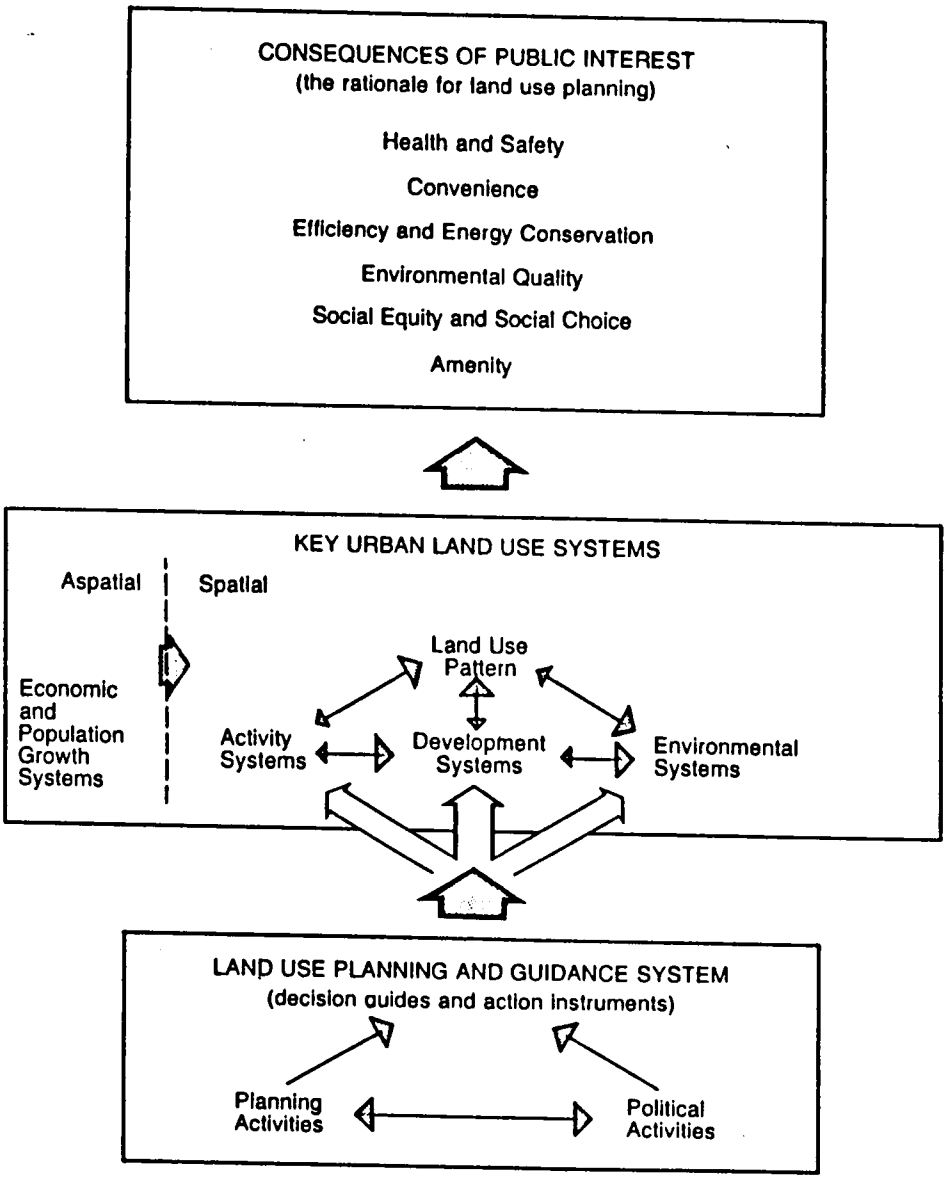


Figure 2: The Theoretical Underpinnings of Land Use (Chapin & Kaiser, 1978, p. 65)

corresponding agents of land use described by Chapin and Kaiser (1978) are:

Systems	Agents
Activity Systems	**Activity Agents**
"the way man and his institutions...organize their affairs on a day-in-day-out basis in the pursuit of human needs and interact with one another in time and space" (p. 28)	Individuals and Households, Firms, and Institutions
Development Systems	**Development Agents**
"processes that convert or reconvert space and adapt it for human use in the pursuit of activities defined in the previous system" (p. 30)	Landowners, Developers, Consumers, Financial Intermediaries, and Public Agencies
Environmental Systems	**Environmental Agents**
"states generated by natural processes" (p. 30)	Biotic Components and Abiotic Components

Each of these systems and their corresponding agents play significant roles in the land use system.

Immobility is a fundamental attribute of land. Because it is immobile, local conditions play an important role. A key factor at the local level is the legal setting. Included within this framework are the constitutional, statutory, and judicial framework establish which establish the purpose and authority for exercising governmental powers to regulate private development (Chapin and Kaiser, 1979, p. 503-507). Godschalk, et. al. (1977) note that two contrasting perspectives may be taken in regard to the legal context: as a limitation on the exercise of

governmental powers or as a means to promote social responsibility. While the former represents a negative perspective, encompassing the government's need to defend its actions, the latter represents a more positive perspective, pertaining to the government's mission to promote social objectives.

The constitutional rights define which rights are involved in the context of development control and whose rights. Chapin and Kaiser suggest that important rights to consider are due process, the taking of property, and equal protection (1979, p. 504). Godschalk, et. al. identify five major groups who are affected by a development control system: landowner/developers, neighbors, local residents, regional residents, and potential residents (1977, p. 14). This listing includes both present and future members of each group, because the permanence of land development decisions directly affect the rights of the unborn.

Due process requires that the exercise of governmental powers serve a legitimate objective, and the means of achieving this objective are reasonably related to the objective while not unduly oppressive. The rights pertaining to land ownership generally protect a property owner against the government's "taking of property without unjust compensation" by requiring the government to fairly compensate the owners when the property is acquired. Equal protection requires a uniform application of the laws to all persons in similar situations.

Statutory authority refers to the source of development control powers; these include the laws which define the objectives of the development control system and the limitations on powers and procedures. The judicial context includes the court precedents which interpret and

delineate the laws. An analysis of the legal framework will touch on issues of equity and efficiency and serve as boundaries when coordinated with the analysis of the land use system.

The adoption and implementation of a development control system should not mark the end of the government's role in the development process. As each of the urban land use systems is dynamic, so is the land use pattern. And, although the activity systems and actors tend to vary little in general, the essence of their interests do change. Therefore, a land use control system must adapt to these changes. The question becomes, how may the system's effectiveness be measured relative to current and future conditions? Noble et. al. contend that

> In any country, a development control process may reasonably be asked to achieve three objectives: quality, consistency, and efficiency. Quality development is fundamental, the ultimate reason for a control process. Consistency, no less important, requires that measures to achieve quality be rationally and evenhandedly [sic] applied to the varying circumstances of individual cases. And efficiency requires that control measures not impose needless costs on developers and their customers, on government or on the general public (1977, p. 37).

Using these criteria as guidelines, in conjunction with Chapin and Kaiser's land use theory, the focal element of the land use system becomes evident: development systems. The traditional approach to formulation of the land use planning and guidance system has been from the perspective of the public interest. The development system and its agents have generally been viewed as the enemy (Logan, 1982). Generally, land use planning and development guidance systems have been written and adopted in isolation from the development process. As Kenney explains, the development system has been noticeably absent from

the factors considered in the design of a development control system. Altshuler believes that an essential problem with many American planning systems is a lack of contextual information collected prior to the design of the system (Altshuler, 1966). He says that two consequences result from this dearth of information: first, American city planners tend to have their horizons limited almost entirely by contemporary American practices and short-term estimates of political feasibility. Second, when they do report historic and contemporary examples of "good" civic design, they tend to neglect analysis of the cultural, political, and economic factors which produced them (Altshuler, p. 452).

While Altshuler may be correct in his analysis of the causes of many planning system problems, it is impractical to consider starting all over again. A community must begin with what they have and make adjustments.

A number of communities in the United States have begun to explore new avenues for reform. Prince George County, Maryland, as well as other communities (see Schwanke, 1984, McClendon, 1981, Vitt, 1978, and Urban Land, 1983) have found that bringing the private development community into the reform process has proven a successful means of reform. Each of these communities began the process of tackling problems with their development controls systems by asking the private sector members to identify and describe the problem (Smith cited by Schwanke in 1984, p. 13). By integrating the information gained from the development community into the theoretical and technical elements of the land use planning and guidance system the planners would adjust the system of land use control to alleviate the problems directly associated

with regulation, while protecting the substance of the laws which were intended to achieve the public interest. Each of the communities using this method of reform determined that the results of a cooperative relationship between the public and private sectors of the development system improved the quality of development relative to the public interest.

No communities experienced negative results from involving the development community in their land use control reform, although some met with reluctance at the initial stage of reform (McLendon, 1981, pp. 3-7). In Beaumont, Texas the development community resisted participation in the reform because of the following factors:

(1) Distrust of the local planning staff,

(2) Misunderstanding of the flexibility and negotiation concept in zoning,

(3) Opposition from developers who had drafted the 1955 ordinance (which had been rejected),

(4) Opposition to any type of zoning,

(5) Reluctance to trust the judgement of the elected officials who would be making the final decision,

(6) Belief that members of the planning commission were not knowledgeable or familiar with local development practices and problems,

(7) Satisfaction with the current regulations, and

(8) General fear or opposition to change (McClendon, 1981, p. 5).

Primarily because of these problems, many communities have found that an indirect benefit to involving developers in the reform of a development control system is better communication between the public and private

sectors. Ruth Senes, a planner for a regional agency in Prince George county and a member of both the zoning and subdivision subcommittees, described the dynamics of the response to public/private communication as one where "people would talk and listen and understand and compromise," and Sam Wynkoop, a Prince George County council staff member, commented that through increased communication members within the public sector began to "appreciate the difficulties the developer must go through" (both cited in Schwanke, 1984, p. 14) because of the development control system.

While planners may play a definite role in the shaping of cities, it is actually the private developers that build them. Hodges believes "a public-private partnership is needed which would merge enterprising public land use planning with private profit-oriented efficiency." He feels that "merging the community interests with the private profit motive can serve to stimulate the real estate development industry, protect the environment and balance the local budget." Williams goes further by "advocating a closer link between the planning process and the developer process, with the planner as development strategist." He believes that "It is vital for the planner to know how the development process operates and its relationship to the planning process." This attitude is also shared by Dowell, who warns that planners not familiar with the mechanics of real estate financial analysis "may be out-negotiated and possibly hoodwinked by developers" (p. 84). The viewpoint that planning should function through a public/private partnership is becoming the new trend in planning.

The Development Process

Land development involves the conversion of a parcel of land from one use to another. The development process is a complex system involving constantly changing interrelationships among a variety of actors. For the purposes of this study, a simplified version of the development process helps in understanding how the system of development control interacts with the development system. Lichfield provides a clear description of the development process which can be summarized as follows:

(1) The 'maturing of circumstances' that make a change possible in the use of land,

(2) Control of the land by a person prepared to develop it,

(3) Preparation of the development scheme,

(4) Obtaining all necessary consents to develop, especially planning permission,

(5) Arrangement of the finance to carry out the development scheme,

(6) Preparation of the land for development (such as clearing, grading, and filling),

(7) Construction of the physical facilities (such as buildings, roads, and other improvements), and

(8) Occupancy of the development by either the developer, a new owner or a tenant (see Lichfield, 1956, Weimer & Hoyt,).

Goodchild and Munger note that this process may proceed only when agreements are reached, often through considerable negotiation, between a variety of actors (1985, p. 67). The principal actors in the

development process may be characterized as follows:

(1) Predevelopment landowners,

(2) Developers,

(3) Designers,

(4) Lenders,

(5) Builders,

(6) Public authorities,

(7) Legal professionals,

(8) Sales agents, and

(9) Consumers (see Lichfield, 1956, Weimer & Hoyt, and Kenney, 1972).

Although there is some overlap in the activities performed by each of the agents, the separation is somewhat discrete. As the focus of this thesis is the control of development, only the activities and persons directly associated with the development control process are considered significant. Activities (3), (4), (6), and (7) involve the design, consent, and construction of the development; each of which directly interacts with the development control function. The developer, the professions within and connected to the building industry, and the public authorities are involved in these activities. Although the legal profession plays a key role in the development control system within the U.S., this group is excluded from the Caymanian development control system because of its British heritage (as will be explained in a later chapter). Therefore the legal profession is excluded.

The developer is usually regarded as playing the key role in both the English and American development processes (see Craven & Pahl, 1967,

Clawson, 1971, Lichfield & Darin-Drabkin, 1980, McNamara, 1983 all cited by Goodchild & Munger, 1985). The developer is the entrepreneur, (Lorimer, 1978); "the innovator, the one who starts the change" (Clawson, 1971, p. 75). But the developer is not always the actor who deals directly with the development control system. Members of the construction industry, including the architect, the real estate agent, and the contractor, frequently interact with government agents.

Development Control Issues

In a review of the British literature on the effects development control have on the private sector, Pearce finds that "one group of critics claims that the basic structure of development control is at fault, whilst another argues that the system is fundamentally sound but needs to be adapted to fit contemporary problems and opportunities" (1987, p. 11). Pearce finds that the development community generally classifies the negative effects of development control into four general areas: it delays the development process, it increases the level of uncertainty in an already risky business, it increases the cost of development, and it hinders attempts to meet market demand (1987).

While no summary of the effects of development control on the development process as perceived by members of the development community in the U.S. exists, a survey of the literature determined that the problems associated with development control in the U.S. are similar to those found in the U.K. (McClendon, 1981, Vitt, 1978, Mandelker, 1979).

Pearce says that the private sector asserts that delay of development occurs because:

(1) Development control procedures are held to be so inefficient, inflexible, and sluggish that they cause unjustifiable delays,

(2) The machinery is said to be 'clogged up' with large numbers of small-scale or unimportant applications,

(3) The development plan framework is thought to be incomplete and often out-of-date, and thus incapable of providing immediate guidance,

(4) excessive consideration is believed to be given to trivial or subjective aspects (such as aesthetics),

(5) Planning authorities are said to be poorly managed,

(6) There is supposedly a lack of appreciation that to a developer time is money,

(7) There is thought to be an excessive concern to involve the general public,

(8) Local authorities are seen as frequently insisting on lengthy negotiations, before and after an application is made, sometimes changing their view during this process,

(9) Authorities are said to engage in unnecessary consultations with other public and semi-official bodies,

(10) Staff may be incompetent, and

(11) Delay is thought to be used as a means of applying pressure to encourage applicants to agree to changes they otherwise would resist (1987, p. 12-16).

Pearce goes on to cite a number of reasons which have been offered by local authorities to explain the delay; for instance, proposals that are complex and those that are departures from approved plans require more time to assess than do simple and clear "uses-by-right"; also "delays frequently occur which have nothing to do with planning authorities...[,

such as,] downturns in demand, problems in getting development land released by landowners, in financing completion of development, and in construction, and changes of ownership; finally, the Association of district councils suggested that "between 40 % and 60 % of proposals are characterized by inept, invalid and incomplete applications, and ignorance of well-publicized policies and requirements, and changes of mind of developers (1987, p. 12-13). Pearce finds that for most developers a "delay whilst the authority negotiates to improve an application may be a...(preferable) alternative to a refusal" (Pearce, 1987, p. 14).

Independent research addressing measures which have been taken to resolve the issues between developers and government planners showed contradictory results (Pearce, 1987, p. 14). For example, the National Economic Development Office found "that clearer development plan policies would reduce the time taken up by informal contacts and unacceptable application...[whereas researchers for the Department of the Environment/Housing Research Foundation determined] that clear design standards and policies do not necessarily reduce the amount of time-consuming local authority/developer negotiation or lead to a pattern of clearly-conforming approvals and contrary refusals that may expedite proceedings" (both cited in Pearce, 1982, p. 14). Pearce had several explanations for this predicament. First, he notes "the problem of defining exactly what is meant by an 'over-long' period for making a decision," second, "there are difficulties in measuring the extent of 'delay' caused by inefficient control procedures when other 'causes' are occurring at the same time," third, as described above, "there may be

'planning delays' that are justifiable" (1987, p. 14). Pearce adds that "whether delay is an important problem depends partly on the perspective chosen" (1987, p. 14), for "performance cannot be measured in time alone" (1987, p. 15).

Very little research on the way developers react in order to lesson the extent of delay has been done and even less research was found on the costs associated with the tactics used for such preventative measures (Henneberry, 1982 cited by Pearce, 1987, p. 15). Pearce found that several researchers have studied the extent to which developers accumulate 'land banks' to determine whether the inventories "represent speculative/investment purchases or attempts to plan continuity of operation," but he found little consideration of "whether or not developers make multiple application or utilize options and conditional contracts" (Pearce, 1987, p. 15) for their inventories. One study, by Pountney and Kingsbury, determined that outline planning applications (these will be described later) save little time and therefore do little in the way of reducing the costs associated with delay (cited by Pearce, 1987, p. 15). Pearce also found no studies which evaluated the relationship of developers with the "development control machine" (1987, p. 15). Pearce concludes that although numerous instances of development delay are available, "it is questionable, however to assume that this reflects a general problem...[because] developers' perceptions of difficulties may rest on unrealistic expectations about time-scales, consultations, etc." (1987, p. 16).

The second focus for criticism found by Pearce involves the uncertainty faced by developers as a result of development control 1987,

pp. 16-19). Because of discretionary powers available to local authorities and pluralistic decisions by parties with vastly differing perspectives, "developers are left not knowing where they stand until and unless their applications are actually approved" (Pearce, 1987, pp. 16-17). Pearce finds that one of the principal causes of problems associated with uncertainty are inadequate policy guidelines (1987, p. 17). This problem was evidenced by complaints of vague and unspecific policies, conflicting policies, a growing use of non-statutory plans and forms for guidance, and indiscriminate collusion by officials to by-pass plan requirements at will (Pearce, 1987, p. 17). Llewelyn Davies et. al. find that even "clear policies and standards...do not necessarily reduce the amount of negotiation with developers" (cited by Pearce, 1987, p. 17). This finding is not consistent though. Goodchild and Munton find an absence of "a speculative market in land (especially by contrast to the United States) as a reasonably good indicator of 'the certainty created by the planning system'" (cited by Pearce, 1987, pp. 17-18).

Pearce draws several conclusions from the available research and notes several planning-related variables found to influence the degree of 'certainty' found in plans:

(1) The amount of forethought and relevance (to current issues) evident within the plans,

(2) The existence (or lack of) political commitment to implement the plans,

(3) The capacity of the local authority to achieve the plan,

(4) The degree of negotiation sought by the authority,

(5) The division of power controlling development,

(6) The vagueness (or clarity) of planning statements,

(7) The enforceability of the plans, and

(8) The rapidity of change occurring within development control laws.

He qualifies this list by noting that although each of these factors may be relevant, the importance of each in different circumstance is difficult to establish (1987, p. 18).

The third focus of attack by critics of development found by Pearce involves the direct costs required for meeting standards imposed (1987, p. 19-20). Lowell and Hawke (cited by Pearce 1987, p. 19) contend that open space, community benefits, infrastructure requirements, and tight usage control of buildings all add to the cost of development. Pearce primarily points out the gaps in the literature relevant to problems associated with development standards. He feels that research on the number and proportion of development applications subjected to "conditions and planning agreements" (1987, p. 19-20), and he questions "the presumption that a planning agreement always imposes a cost on the developer" (1987, p. 20). Pearce points out that despite the fact that the research community has ignored the actual cost and economic incidence, "conventional economic theory would probably suggest that in the long run, although developers are the ones who directly meet the extra costs, they effectively pass them on,...[either] backwards to the landowner in the form of lower land prices...[or] forwards, in increased prices to the consumer" (1987, p. 20).

Finally, the literature concerning development control and the development process in the U.K. responds to attacks on the power of local authorities to refuse applications, in general, and specifically those resulting from inflexible procedures (Pearce, 1987, p. 20-24) which is thought to effectively restrict a developers' ability to meet needs and demand. This literature focuses on denials of planning permission due to activities such as "trivial or suspect reasons," only allowing development on limited or unsuitable land, intolerance for non-traditional or complex development schemes, and unjustified perceptions of competing uses. In the literature, views vary concerning the causes of these problems (Pearce, 1987, p. 21). Several researchers believe that the problem is the incompatible nature of planning and markets (see Adam Smith Institute, 1983 and Jones, 1982 cited by Pearce, 1987, p. 21).

Pearce finds that the principal defence of inflexible standards and tight control of available land is the need for environmental protection. He also finds that the allegation that a development is needed or demanded by the market is often questioned (1987, p. 21). Many communities also point out "that control does not normally place a ban on development, but shift its location, so that usually...the demand for development is still being met" (Pierce, 1987, p. 21). Several studies also contend that development control often benefits the developers; for example, "control prevents the best development opportunities [from] being pre-empted or ruined by poor-quality schemes, enables easier land assembly, and" it limits competition (Pearce, 1987, p. 22). Still other studies reveal that planning authorities are often

slow to respond to market shifts (Pearce, 1987, pp. 22-23).

Pearce also mentions that "a number of 'obstacles' to development initiatives lie outside development control altogether;" such as the practice of landholding by landowners for a variety of reasons, financial problems in the market in general as well as with specific developers, and site preparation and construction problems (1987, p. 23). Finally, Pearce comments that developers also influence development control outputs through activities such as withholding development in depressed areas, submitting many applications for uses on land not allocated for such uses, threatening to appeal, and allowing buildings to deteriorate "in order effectively to 'blackmail' planning authorities into giving permissions" (1987, p. 25).

Summary

To summarize, principal elements of the land use system are the actors (public officials and staff members, developers, designers, builders, and sales agents), their roles (various activities in the conversion of a parcel of land from one use to another), and the development control system (land use planning activities, the political system, decision guides, and action instruments). Each of these elements plays a vital part in the land use system.

Although the development control systems in use in the U.K. and the U.S. are different (as will be explained in the following chapter) the problems that the development community complains of are similar. In both countries the development control system is said to delay the development process, increase the costs of development, increase the

level of uncertainty, and reduce the private sectors ability to meet market demand. Each of problems causes a hindrance in the development process.

CHAPTER III

METHODOLOGY

This chapter outlines the procedure used to select the individuals for the study, the research approach, and how the data was collected and recorded. The limitations and assumptions associated with the thesis are also described.

Scope and Interviewees

Scope

This thesis describes the attitudes and perceptions of the real estate development community toward the planning review process and development control regulations on Grand Cayman, British West Indies. The Cayman Islands Government was beginning the process of revising the existing development control system while the research was being done. This system was an adaptation of systems commonly used in Great Britain and the United States. Because of the unique environmental and economic conditions of Grand Cayman, a system of growth and development controls currently in use elsewhere may not provide for the needs of the Caymanian population. This study is limited to Grand Cayman because of the immediate needs of the Central Planning Authority and also because of the physical and political characteristics of the island. The physical and political isolation of the island provides a setting without the interference of neighboring jurisdictions or higher levels of government.

Persons Interviewed

The persons interviewed for this study included persons within the development community of Grand Cayman. A sample of the most active members of the development community was constructed using recommendations of the Central Planning Authority and the Planning Department. Twenty-eight names were recommended, including developers, real estate agents, architects, and contractors. Several of the persons pursued more than one livelihood. Several of the real estate agents and contractors had been the primary developers of one or more projects on the island. For coding purposes, each person was classified according to his or her principal occupation. A representative was selected from each of the major real estate, contracting, and architectural and engineering firms located on the island. Eighteen interviews were conducted.

Research Approach

The principal research method used in this thesis is descriptive. Library research and personal interviews with members of the development community in Grand Cayman were conducted.

Literature Review

A review of relevant books, journals, magazines, and newspapers was undertaken. Although the University of Tennessee's collection of materials has no information on the specific case under consideration, documents with information concerning the attitudes of developers from

other areas toward development control were used to provide a reference point. They gave a general framework for formulating interview questions and showed any similarities and differences between developers in Grand Cayman as compared to those from other nations.

Personal Interviews

Personal interviews with all twenty-eight of the persons recommended for the survey sample were sought. The sample was categorized by members of the Planning Department into most active, moderately active, and least active in development on the island. All interviews were scheduled and conducted within an eighteen day period.

The interviews were face-to-face, consisting of five open-ended questions. Each respondent was asked about his or her opinion concerning:

1. Problems with the existing development control regulations
2. Suggestions to solve these problems
3. Problems with the existing planning review process
4. Suggestions to solve these problems
5. Future development on the Island

The interview questions were broadly structured to encourage spontaneity. To ensure responses to all of the research questions, issues not emerging during the course of the interview were mentioned. The interviews were not tape recorded because the Caymanian people place

a high priority on interpersonal communication. Notes were handwritten during the interviews and later, within the same day when possible, rewritten to expand upon responses.

Personal interviews were chosen as the best research approach because of the small sample. A higher response rate was expected because individuals are reluctant to turn down a face-to-face interview; whereas a questionnaire may be easily discarded. More in-depth information can also be obtained in a personal interview. The questions were open ended in order to encourage the persons interviewed to elaborate on their answers (Babbie, 1979, pp. 337-347).

Data Collection and Recording

Data Collection

Appointments could not be established during the study period with eleven of the twenty-eight persons of the original survey sample. Three were off the island during the site visit, two did not have time for the interview, and six could not be contacted during the site visit.

The original sample list had been categorized according to level of involvement in development. All persons unable to be contacted were in the least active category, except one. This person was off the island during the site visit. Due to the importance of this person in the development of Grand Cayman, an interview was conducted after the site visit by a proxy. (Professor George Bowen interviewed this developer and reported the results to the author.) Because all others unable to be interviewed were in the least active group, no special arrangements were made. Based on the advice of the Cayman Islands' Planning

Commission, the eighteen interviews conducted were considered adequate for the needs of the study. Of the four occupations in the development community, interviews were scheduled with 56 percent of the architects in the survey sample, 50 percent of the real estate agents, 67 percent of the contractors, and 75 percent of the developers, representing 64 percent of the total survey sample.

The interviews were conducted at a variety of locations. Most were held at the office of the person interviewed. Several were held at the Planning Commission office at the request of the person interviewed. The difference in location was not considered to have any effect on the information obtained from the interview. The interviews lasted from thirty minutes to two hours; the average was one hour and fifteen minutes.

At the beginning of each interview, the five general questions were given in the introductory statements; each question was then repeated as transitions from one subject to the next occurred during the interview. To compare responses, a list of critical issues was established prior to the interviews. Persons interviewed who did not address each of the critical issues were queried concerning their opinion relative to these. Several unexpected issues arose early in the interview schedule. These issues were added to this list as the interviews progressed. Based on the needs of the study, the inconsistency of the interview formats was not considered to be a problem.

Seventeen interviews took two weeks to complete. (The eighteenth interview was conducted at a later time.) During the study period,

between one and four interviews were conducted per day. The interview notes were rewritten and expanded as soon after the interview as possible.

Data Recording

Each person interviewed was assigned a code number for data recording purposes. The number was assigned in order to protect the confidentiality of each person's responses. Each person's responses were numbered when the interview notes were rewritten. The responses were then sorted according to issue. Thirty-five total issues resulted The personal qualifications of each developer was tabulated for easy reference while analyzing the sorted responses. (This table is located in Appendix A.)

Limitations and Assumptions

The primary limitation of this study is its focus. The study cannot be completely generalized because of the unique characteristics of the Cayman Islands. A small island also tends to have a small universe of the participants in the real estate community, and that causes the sample size to be inherently small. Although the real estate community on Grand Cayman is relatively large for the island's size, it is small in absolute terms. The small sample size precludes the use of a statistical analysis. Therefore, the analysis of finding is primarily qualitative.

Another limitation to the study is the range within the development community of experience and familiarity with development controls and

planning review processes. Frequently developers leave the task of dealing with this system to their architect. Therefore a developer may be completely unfamiliar with the existing system. This was found to be the case in several instances. The number of years of experience in development was also found to limit the responses received. One architect had fewer than five years of experience and was not as familiar with problems with the existing review process or regulations as those who had more experience. Familiarity with other development control systems and planning review processes also affected the respondent's ability to make suggestions concerning changes to the system on Grand Cayman. These factors were considered when analyzing the data. (The factors relative to each respondent are also contained in Appendix A.)

CHAPTER IV

LOCAL ENVIRONMENTAL FACTORS

One of the most frequent errors of reform is the direct application of systems borrowed from other communities. The "cut-and-paste method" of regulatory reform has failed in many communities in spite of valid and desirable purposes. The very essence of change is a radical concept. It is human nature to prefer the maintenance of the status quo, even when it is known to be defective, rather than facing the unknown. Saul Alinsky cautions that in order to be effective radical concepts must work within the present system (1971, p. xix). With this in mind, it is important to consider local environmental factors. Environmental factors unique to a community include historical influences, local values, the local political system and institutional framework.

Historical Influences

As Clawson counsels,

> History has a more utilitarian value [than merely as interesting for its own sake] for the solver of current problems: unless he [sic] understands the background from whence he came, he cannot really understand where he may be going. On this view the basic foundation for planning for the future is a reasonable knowledge of the past. (1974, p. 1).

This does not mean that the future will necessarily mirror the past, but "a trend adapter or trend setter should be a trend knower" (Clawson, 1974, p. 1).

Two dominant influences on the physical, social, and political development of Grand Cayman are the United Kingdom (U.K.) and the United States (U.S.). As a colony of the U.K., the British influence is obvious: the Caymanian government and most of its laws are based on the British system. But the close proximity and frequent contact, especially in recent years through tourism, of the Cayman Islands to the U.S. also bring a strong American influence into the Islands.

Development Control in the U.K.[1]

For centuries English common law gave a landowner the freedom to develop their land in any manner they wished, so long as the development did not infringe on the rights of others (Megarry, 1969, p. 573). Statutory control of land use and development began in England in 1909 with the Housing, Town, Planning, etc. Act. This law empowered local authorities to prepare "schemes" showing permitted development for each parcel of land. The local authorities were also granted powers to enforce the scheme against violators. Since the initial act, English planning law has evolved into the Town and Country Planning Acts. These acts have been modified periodically to update the system of land development control.

In order to control development, the Town and Country Planning Acts effectively severed the development rights from the traditional property rights associated with land ownership (see Clawson & Hall, 1973, Chapter 5). With the adoption of this law the right to develop and the benefits

---

[1] Because the Cayman Islands' development control laws are based on the laws which were effective in the U.K. in 1969, this section only includes information relative to that system.

associated with development became the property of the government. As Heap explains

> after July 1, 1948, ownership of land, generally speaking, carries with it no more than a bare right to go on using it for its existing purposes. The owner has no right to develop it, that is to say he [sic] has no right to build upon it and no right [sic] even to change its use, and if he sells it (in theory, at least) expect to get only its existing use value because whatever development value the land had is now expropriated by the state. The new Act does not nationalize the land; what it does is to nationalize the development value in land. (Heap, 1949, p. 12)

The introduction of this system was accompanied by a fund of £300 million to compensate property owners for the loss associated with the taking of the development rights (Delafons, 1969, p. 13).

Essential elements of the English system are (1) the concept of what constitutes "development"; (2) the plans that local authorities are required to prepare; (3) the rules for requesting and obtaining "Planning Permission"; (4) "enforcement notices"; and (5) "betterment levies."

The Town and Country Planning Acts contain very specific definitions of what does and does not constitute development. As cited by Maudsley, development means

> the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land

and the following operations or uses of land shall be considered exceptions to this definition

> (1) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of

the building and (in either case) are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space therein below ground,

(2) The carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road,

(3) The carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose,

(4) The use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such,

(5) The use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used, and

(6) In the case of buildings or other land which are used for a purpose of any class specified on an order made by the Secretary of State under this section, the use thereof for any other purpose of the same class (1975, p. 780).

These exceptions are the only activities which are exempted from the requirement to obtain Planning Permission.

Three levels of planning and development control exist: the Secretary of State for the Environment, district authorities, and local authorities (Megarry, 1969). District authorities are required to prepare and submit generalized "structure plans" for the subject area to the Secretary of State for the Environment (formerly the Minister of Town and Country Planning). Structure plans serve as policy statements of the district authorities regarding what types of development and land

use are envisioned for the area. These plans also include relevant considerations such as traffic patterns and the relationship of potential development to neighboring uses. Structure plans include general illustrations, diagrams or other descriptive materials to aid in the explanation of these plans.

Local authorities are required to prepare "local plans" in accordance with the generalized structure plans. Local plans include a map of the subject area and statements regarding proposals for the development and use of land. Local plans are more specific than structure plans, but they do not bind a local authority to grant permission to develop.

Enforcement notices are an English device whereby a landowner may be required to discontinue an unauthorized land use (Megarry, 1969, pp. 578-579). Betterment levies, or "development charges" are taxes or fees payable to the government by a landowner who realizes property value increases that are directly attributable to the grant of Planning Permission (Megarry, 1969, pp. 573-82). According to Delafons, a developer generally was required to pay a betterment levy if Planning Permission was received, but receives no compensation if Planning Permission is refused (1969, p. 13).

British Town and Country Planning Law provides for three forms of a planning authority's decision: Planning Permission may be granted unconditionally, or subject to conditions imposed by the authority, or it may be refused. The planning authority, in review of the application, may regard provisions of the development plan, but may also take other considerations into account, and in certain cases may

disregard the provisions of the plan (Heap, 1969, pp. 104-105 & Maudsley, 1975, pp. 791-792). British Law contains provisions for compensation in the event of refusal or conditional approval of permission that results in decreased property value. But there are so many statutory exceptions to these provisions that there are virtually no instances in which compensation would be required for a bona fide refusal (Maudsley, 1975, pp. 855-858).

Development Control in the U.S.

In the U.S., by contrast, ideas dating from the days of the expanding frontier, and the notion that space is limitless, formed a vastly different system of development control. Clawson notes that "two dominant themes run through the historical progression of land-use planning in the U.S.: (1) development of land has been an ideology of the American society and economy; and (2) the balance of power has gradually shifted in favor of public interests in land (publicly and privately owned), rather than private interests (1975, p. 1).

It was during the colonial years of American history that attitudes toward land tenure and development were formed. Clawson reflects, conditions during the colonial period: "land was plentiful; it was unimproved,...usually covered with forests which had to be removed before crops could be grown...; often it was so isolated that products could not be marketed satisfactorily anywhere...[; and] capital to invest...was scarce" (1975, p. 3). The abundance of untouched land cultivated the attitude that every person can do as he wishes with his own property. This attitude has become firmly imbedded in the values of

U.S. society (Bryant, 1972, p.3).

It is important to also recognize that "federal land ownership is very much a part of the American historical, social, and political tradition" (Clawson, 1975, p. 4), but only as a last resort. As Clawson explains, when "the realities of a situation seem to demand it, public landownership, and management of land is accepted, in spite of many philosophic commitments to private ownership...[, because] the American society is a pragmatic and adaptive one" (1975, p. 7). This attitude is evidenced by the designation of parcels throughout all publicly acquired lands for education, transportation, and other public service needs, but "land could be developed for farms or various urban uses only if it belonged in private hands" (Clawson, 1875 pp. 7-9). A system was developed for the disposal of vast public land holdings which "encouraged an enormous private drive and restlessness...[through which] built cities, cleared forests, made farms, and otherwise developed a vastly productive economic machine" (Clawson, 1975, pp. 8-9).

During the second half of the 19th century, evidence of waste and destruction spawned the first concerns for environmental protection, and subsequently, public retention of certain land for the preservation of environmental resources began (Clawson, 1985, p. 9-12). It was not until the beginning of the 20th century that public control of private land began with zoning (see Seymour, 1969 cited in Clawson, 1975, p. 17). Development control was introduced in a disbursed pattern by individual municipalities (Krueckeberg, 1985, pp. 88-121). Other than some state legislative mandates, no nationwide system of land use control occurred in the U.S. as in the U.K.

Over the years a standard system of development control did evolve in the U.S. though. While exceptions persist, Babcock explains the standard procedure for preparation of a development control system in most U.S. municipalities:

> First, a very junior planner makes a survey of the municipality and prepares a map showing the land uses. On the basis of this and reams of other data, and consultations with community leaders, a very senior planner prepares a "comprehensive plan" for the community, which indicates the community's idea of what it wishes its future to be. The planner then sets forth a number of means for implementing the plan, including, typically, a capital improvements program, a subdivision control law, and a zoning ordinance. In the planners view, understandably, the zoning ordinance is merely one of a number of methods of effectuating an overall municipal plan (1966, p. 121).

In general, most American citizens, and particularly those that are active members of the development industry, consider zoning as synonymous with planning and development control in the U.S. This is primarily because of the original purpose of zoning. Although the stated purpose of most zoning ordinances is the protection of the public health, safety, and general welfare (see American Law Institute, 1976, pp. 7-9), William Munro, who was the Vice President of the National Municipal League in 1931, observed that these purposes had become distorted:

> The rank and file of the people are coming to look upon [zoning] [sic] as merely a matter of maintaining or increasing property values. Whenever a question of rezoning comes up, the issue is not what the city needs, but of what the private owners desire and what their immediate neighbors feel disinclined to let them have (cited by Babcock, 1966, p. 12).

This attitude prevails in the present century (Babcock, 1985).

The Developers Front

F 128.44.W93

Attitudes & Viewpoints

Thesis –

Thesis 87.R625

Thesis 386.I784

Commercial Real Estate

Land: Private Property

Public Control

HD 111.B76

The legal basis for development control in the U.S. is the police power (Clawson, 1973, p. 159 & Delafons, 1969, p. 14). The decision to base development control on the police power, rather than on a compulsory purchase of property rights as in the U.K., determined the direction and limits of development control in the U.S. As Delafons explains

> The controls had to be such as would not justify compensation to individual owners, and they must bear a clearly demonstrable relation to the public health, safety, or welfare. There was no knowing how the courts might interpret this relation, but it was clear that the controls could not extend very far beyond the basic objectives of separating out grossly incompatible uses and establishing minimum standards of development (1969, p. 15).

Because of the U.S. Fifth amendment guarantee that "No person...shall be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation" the judicial system has become a very important part of the development control system in the U.S. and heavily relied on to resolve land use policy issues (see Babcock, 1985 & 1966 and Delafons, 1969, pp. 11-13).

Comparison of Development Control in the U.S. and the U.K.

Despite the fact that the planning and development control laws adopted in Grand Cayman are based on the British system of Town and Country Planning, the proximity of Grand Cayman to the U.S. encourages the design and administration of its regulations to exhibit an American attitude towards planning. Although these two systems appear to be similar in purpose, there are distinct differences in the laws.

There are four principal legal differences between the U.S. and U.K. development control systems. First, the historical roots of development control in the two countries have caused them to differ in scope. The introduction of development control in the U.K. through a single piece of national legislation made this system comprehensive. By contrast, the U.S. acquired its system of development controls through a crucial court decision of 1926 that asserted the right of local authorities to make regulations in the general public interest without the interjection of new legislation. This fact caused the U.S. system to be inherently fragmented. Although some standardization evolved, each local government could adopt and administer its system of development control independent of neighboring systems.

Second, the British development control laws are based on a compulsory purchase of development rights. Local governments are given the authority to use these development rights in the public interest. In the U.S. the legal basis for development control is the police power, a term unknown in the U.K., which allows local governments to pass laws in the interests of the general public health, safety, and welfare.

Third, there is a distinct difference in the relationship of development control to planning in the two systems. In the U.K. "planning and control are inevitably and inexorably associated by law in the same institution with a statutory responsibility to administer control in accordance with the plan" (Clawson & Hall, 1973, p. 158). Whereas, in the U.S. development control is frequently divorced from any plan making system (Clawson & Hall, 1973, p. 158).

Fourth, the courts play a significant role in the U.S. system of

development control. In the U.K. they are virtually absent. Because development rights are the property of the public, development control is legally an administrative activity in the U.K. Once public approval of a plan has occurred, a property owner has no basis for appealing to a judicial court.

Even though land is privately owned in both the U.S. and the U.K., the land ownership rights are very different. It is important to understand how this difference effects the respective systems of development control. The attitude in the U.K. is that ownership of a parcel of land contains no inherent right to develop it. Local plans define how a parcel may be developed, thus giving a landowner the opportunity to apply for Planning Permission to develop their parcel. The philosophy is that land is a resource that should be developed to the maximum benefit of society.

In the U.S., the landowner is assumed to have the right to use their property in an unlimited capacity unless the health, safety, or welfare of society are endangered by a specific use. Zoning laws are designed to limit land use as a preventive measure. In essence, the British attitude towards Planning Permission is to "give" rights to the landowner and the American attitude towards zoning is to "take" rights from the landowner.

This difference in rights associated land ownership in the U.S. and Great Britain have resulted in a vast difference in the administration of the development control systems of the respective countries. Because the American economic system is founded on an unwavering adherence to the tenets of the free market and private enterprise system American

planners are much more resistant to interfering with the process of private development and the choices made by the market mechanism than have their British counterparts (Delafons, 1969, p. 7). Although British attitudes toward land development have come closer to those of Americans, the purpose of development control in the U.K. was primarily for the preservation and efficient use of land as a scarce public resource, while at the same time development controls evolved in the U.S. primarily to protect private property values.

This public-private distinction has fostered a different attitude toward governmental authority. In the U.K. the government is assumed to be acting in the best interests of the public, whereas, the characteristic American attitude is distrust of government (Delafons, 1969, p. 6). This has led to "a determination to eliminate the scope for discretion in land-use controls by formalizing them in a set of standard regulations and by laying down in advance the conditions under which, if at all, change may be allowed" (Delafons, 1969, p. 7). In the U.K. considerable flexibility is provided within the statutes.

Local Values

Caymanians clearly hold an attitude toward property rights more similar to their American neighbors than to their British sovereignty. This does not imply that the English heritage can be discounted. The Cayman Islands enjoy a high level of self control, but only so long as it conforms with the British system.

Political and Institutional Framework

Political Climate

The political climate involves both the citizenry at large as well as individuals and firms directly involved in the development of cities. All too frequently "The developer is often considered the "enemy" by the community and the community is considered an obstacle by the developer" (Hodges). In the past planners have adopted the role of protector of the community interests, which placed developers in the role as their enemy as well.

Existing Development Control System

In order to understand the attitudes and perceptions of the development community toward development control on Grand Cayman it is necessary to first become acquainted with the development control system currently in effect as well as the basis for this system. The Caymanian system of land use control consists of three interrelated elements: governmental organization, statutory authority, and administrative processes. For purposes of discussion, these components will be considered separately, but they are functionally interrelated.

Governmental Organization

The Cayman Islands became a British colony in 1670. However, the Islands have been virtually self-governing since 1832 when representatives were first elected. In 1863 the Islands were annexed by Jamaica, also a British colony at the time. The Cayman Islands' elected representatives answered to the Jamaican Governor until Jamaica's

independence in 1962. Today the Cayman Islands remain as a British colony, and also continue to be self-governing.

The Queen of England appoints a governor to administer the government of the Cayman Islands to serve "during Her Majesty's pleasure" (Cayman Islands Constitution, 1972); meaning the Governor may serve indefinitely. The Governor is empowered with extremely wide discretion. This office is conferred all powers and duties described in any British law as well as "other powers as Her majesty may from time to time be pleased to assign to him...; but no court shall enquire whether or not he has complied with any such instruction". Included within these powers, the Governor serves as Chairman of the Executive Council (EXCO) and Presiding Officer of the Legislative Assembly (the Assembly) of the Cayman Islands.

EXCO consists of three "official members," who are appointed by the Governor (the Chief Secretary, the Attorney General, and the Financial Secretary) and four "elected members," who are elected by the Assembly. Each of the seven EXCO members heads a "portfolio." The portfolios make up the administrative arm of the Cayman Islands Government (the Government). Responsible for the control of land use and development in the Cayman Islands is the Portfolio of Development and Natural Resources. The Planning Department falls under the jurisdiction of this Portfolio.

The Assembly consists of three official members, also appointed by the governor, and twelve elected members. The elected members serve four-year terms each, and are elected by the Caymanian citizenry. Legislative bills are first considered by EXCO, upon presentation by the

elected member who is in charge of the pertinent portfolio. Then, when EXCO agrees to submit a bill, the Assembly debates and votes whether or not to adopt the bill into Caymanian law.

In addition to the constitutional and administrative bodies, various statutory entities exist in the Cayman Islands. The Central Planning Authority (CPA) is the sole statutory body whose responsibility is land use and development planning in the Cayman Islands. The CPA also considers all proposals for development on Grand Cayman.

The Caymanian land development control system closely follows its British heritage. The CPA, created under the Development and Planning Law, 1972, consists of a Chairman and nine members, all appointed by the Governor. The members serve for terms lasting no more than two years, but are eligible for reappointment. In practice, members serve a minimum term of one year. Two civil servants, the Chief Health Officer and the Chief Fire Officer, serve as ex-officio members. This means they participate in discussions and advise the CPA, but they do not vote.

The legal status of the CPA is a hybrid of English Law. The CPA performs policy-making functions similar to those of the English Secretary of State, while remaining subordinate to EXCO, as the English district and local authorities are to the Secretary of State. The statutory duties of the CPA are "to secure consistency and continuity in the framing and execution of a comprehensive policy approved by the Executive Council with respect to the use and development of the land in the Islands...in accordance with the development plan for the Island" and the provisions described in the regulations.

The CPA is not an autonomous body. It is required to consult numerous administrative departments. The Planning Department is the principal administrative arm of the CPA. The staff of the Planning Department reviews all development proposals and makes recommendations for action to the CPA. The Planning Department also prepares a development plan for the Cayman Islands. This latter activity includes general recommendations to the CPA concerning planning and development of the Cayman Islands. The CPA's actions require approval by the Director of the Planning Department, or any officer appointed by the Director, in order to become official. The CPA is therefore legally subordinate to the Planning Director. In practice, the wishes of the CPA are more influential than are those of the Governor because of the generally ex-patriot status of the Planning Director. The Planning Director and the Department's Staff are appointed by the Governor.

The Planning Department, under the Portfolio of Development and Natural Resources, acts as the administrative arm of the CPA. The staff of the Planning Department reviews all development proposals and makes recommendations for action to the CPA. The Department also offers advise concerning planning and development of Grand Cayman.

Statutory Authority

The legal basis for planning and development control stems from the Development and Planning Law. This law was adopted in 1971 and has been amended numerous times. A complete revision occurred in 1978. This law outlines the planning and development control system of the Cayman Islands. It requires that a development plan be prepared to define the

growth guidance policy of the Islands. In 1977, the Planning Statement for the Cayman Islands, (commonly referred to as the 1977 Development Plan) (Plan) was adopted by the Cayman Islands Government. This was the first plan for the Cayman Islands and continues as the land-use planning policy statement in 1987. The objective of this document is "to maintain and enhance the environmental character of the Cayman Islands and the well-being and prosperity of its people". It is intended "to define and develop a planning strategy for the Islands which is however flexible enough in concept and implication to accommodate individual requirements, special circumstances and changing conditions".

As a British colony, the Cayman Islands follow the English heritage of land development control. The Cayman Islands have adopted or modified the first three elements of the English system into their own system of land development control.

The Cayman Islands land development laws essentially mimic the English Town and Country Planning Acts' definition of "development" (see Maudsley, 1975, p. 780 for English definition). The Cayman Islands Development and Planning Law (Revised), 1978 (Law) defines development as "the carrying out of building, engineering or other operations in, on, over, or under any land, [or] the making of any material change in the use of any building or other land, or the subdivision of any land". As does English law, Caymanian law distinguishes certain operations as "not development" (Maudsley, 1975, p. 780). Caymanian exceptions to development are almost identical to their English forbearer. The Law substitutes dwelling-houses in place of buildings when excepting "interior alterations, improvements, and maintenance," and substitutes

widening for "improvement works carried out on land within the boundaries of the road." Minor alterations to dwellings and certain yard improvements (i.e. gates, fences, and walls outside all setbacks adjacent to the sea that are less than three and a half feet high) are also excluded from the definition of development. No comparable exclusion to that of British Law which exempts special orders by the Secretary of State may be found in Caymanian Law.

The Plan acts as both a structure plan and a local plan in the English system, including both broad policy statements and specific requirements for various use classifications. The stated objective of the Plan is "to maintain and enhance the environmental character of the Cayman Islands and the well-being and prosperity of its people" by "develop(ing) a planning strategy for the Islands which is however flexible enough in concept and implication to accommodate individual requirements, special circumstances, and changing conditions."

The Plan may define sites for proposed roads, public facilities, and open spaces; allocate areas for respective uses (agricultural, residential, commercial, and residential, etc.); and designate land subject to acquisition by the CPA. Although the CPA has rather wide discretion in allocating land for acquisition (Planning and Development Law, 1978, Land Acquisition Law, 1963), this power has never been used.

The Second Schedule of the Law lists further "matters for which provisions may be made in development plans." These matters include roads, as is consistent with the English Planning Authorities' jurisdiction over roadworks; the assignment of particular lands throughout the Island and any particular area, for the development of a

specified use or class of uses; community planning; allocating land for public amenities and preservation; public services; transport and communications; and several miscellaneous matters, including the subdivision of land.

Under the Law, the 1977 Plan was designated the first plan for the Islands. Despite the statutory mandate that "the Authority shall carry out a fresh survey...at least once in every five years" and submit the report and proposals for amendment to the Plan to the Assembly, the 1977 Plan is still in effect in 1987. When the Plan is revised, provisions are made for public notice, consideration of objections received, and submission of the new (amended) Plan with a report detailing the objections received by the CPA to the Assembly for approval.

Although the Plan contains specific limitations to development, the administrative control of planning and development is outlined in the Development and Planning Regulations, 1977 [Regulations]. Standards for development are defined in this document. The Regulations refer to numerous other Caymanian laws, including the Cayman Islands (Constitution) Order, 1972, the Governor (Vesting of Lands) Law (Revised), the Hotel Aids Law, 1976, the Land Acquisition Law, the Mosquito Research and Control Law (Revised), the Roads Law, 1974, the Public Health Law, 1974, the Animals Law, 1976, the Mining Law, the Minerals (Vesting) Law, and the Petroleum (Production) Law. Each of these laws must be considered in conjunction with the Law and Regulations.

The Regulations define the types of development, according to various use classes, that may be permitted in specific areas and the

manner in which a development, according to use, must be designed. The CPA is allowed considerable discretion and it may allow "deviant" uses, after public notice and no relevant objections are received. The Regulations also specify height, bulk, setbacks, and service needs for each zone. The Regulations are binding, but they do not authorize development. Everyone must seek "Planning Permission" before any development may occur.

Similar to British Law, Caymanian Law requires that anyone proposing to "develop" land must first obtain "Planning Permission" from the local planning authority, unless for a use specifically exempted (Megarry, 1969, pp. 576-77). Only the exceptions described in the definition of development above are exempt from this requirement. Matters, such as minor alterations to dwellings or the installation of utilities require application to the CPA, but approval is guaranteed. Application for Planning Permission is required for most forms of development. In 1984, 601 requests for Planning Permission were considered by the CPA (Yearbook, 1985, p. 218).

As does its British forbearer, Caymanian Law contains provisions for compensation in the event of refusal or conditional approval of permission that results in decreased property value. But there are so many statutory exceptions to these provisions that there are virtually no instances in which compensation would be required for a bona fide refusal. The application of compensation for loss of value is also quite limited in England as well (Maudsley, 1975, pp. 855-858).

Administrative Processes

Administrative processes include the review of all development proposals and the assurance of regulatory compliance. Such procedures are intended to assure that all development completed on the Island will conform with the Plan as well as the Law and the Regulations. The goal of the review process from the applicant's perspective is to receive "Planning Permission." Planning Permission is required to execute any activity defined as development on Grand Cayman. To begin the review process a developer, property owner, or someone acting as their representative, goes to the Planning Department to obtain application forms. At this time a preapplication meeting is recommended to allow for discussion concerning the proposed development. Steps are also begun for the publishing of public notices if they are required. Public notices are required for special uses within each zone and also for land subdivision.

Once the application forms are completed and submitted, they are reviewed by the planning department. If any deficiencies are noticed, the application is returned to the applicant for correction. If the application appears to be properly completed, it is assigned to a Planning Assistant within the Planning Department.

The Planning Assistant begins a review of the application and distributes copies of the application to all Government departments that have an interest in the development. All applications go to the Police Department, Chief Environmental Health Officer, and Chief Fire Officer. Proposals involving utility services also go to Public Works and the Water Authority. Proposals involving land reclamation go to the

Mosquito Research Control Unit (MRCU). Large projects, such as land subdivision or those which will produce substantial employment go to the Departments of Civil Aviation, Tourism, and Education. Each Department is required to respond to the Planning Department with a written comment. As ex-officio members, the chief officers of the Fire and Environmental Health departments are present at the CPA meetings. They can discuss any concerns their departments may have with a proposal.

The comments received are reviewed by the Planning Assistant for consistency. Any comments received as the result of a public notice are also reviewed at this time. Using both sources of information, the Planning Assistant drafts a staff recommendation for the CPA. This ends the administrative review, or Phase I of the review process.

Phase II of the review process involves the CPA review. The staff recommendations drafted by the Planning Assistants go through a series of reviews within the Planning Department. Both the Planning Officer, who is the senior staff planner, and the Planning Director review these drafts. Once they approve of the staff recommendations it is sent to the CPA. For each CPA meeting an agenda is typed by the Clerical Officer for distribution to both the regular and ex-officio members of the CPA.

At the meeting, the CPA considers the recommendations of the Planning Department and decides on each proposal. Minutes of the meeting are then prepared. Following approval of the minutes by the Planning Director, notices are sent to each applicant.

Phase III involves the notification and subsequent activities of an applicant. Decisions from the CPA may make take one of four different

forms. The CPA may grant "unconditional approval." This is synonymous with Planning Permission. With a notice of unconditional approval an applicant is instructed to proceed with development.

An applicant may receive "outline approval." This decision is intended to serve as a preliminary approval because the applicant is required to resubmit the application to receive final approval. Over the years a precedent has developed that causes outline approval to almost be unconditional approval, because Planning Permission automatically results from the submittal of the revised application.

The third type of CPA decision is "conditional approval." This means that Planning Permission will be granted upon a demonstration that conditions imposed will be complied with. This may be accomplished through correcting the plans or construction drawings. Additional information may also be requested to clarify any problem areas. This information is then passed on to any departments requesting the information or change. Once the departmental concerns are satisfied, Planning Permission is granted and the applicant may proceed with the construction process.

Fourth, the CPA may defer or refuse to grant Planning Permission. In the event of a refusal, the applicant may proceed with the appeal process. A deferral may occur when problems are discovered in the application by the CPA. When this occurs, the application will return to the appropriate stage within Phase I of the review process.

In the event that Planning Permission was received and construction did occur, a final inspection will be performed by the building inspector. The building inspector is a staff member of the Planning

Department. Presently the Cayman Islands has no adopted building code. Therefore the building inspector only considers the requirements imposed by the CPA. The building inspector is not required to be formally trained or certified in building construction methods. This final inspection is the only assurance that the resulting development complies with the proposal which was approved by the CPA.

A successful inspection will result in the issuance of an occupancy permit. Until this permit is issued, a completed development may not be used.

Applicants have a right to appeal a CPA decision for any reason. Appeals are heard by the Appeals Tribunal. If unsatisfied by the decision of the Appeals Tribunal, the final recourse is through a hearing by the Grand Court. (A simplified version of the review process is located in Appendix B.)

The structure of the Cayman Islands Government places planning and development control somewhat removed from the political arena via the appointment of CPA members, but land development continues to hold significant political interest. EXCO and the Governor maintain final control over any decision by the CPA. Even though the CPA is granted considerable discretion through the Law, 1978 and the Regulations, 1977, the authority displays considerable caution in imposing strict control of development. Because many development projects contain more than a year of preliminary work, a member's term may expire before a proposal is completely reviewed. The short term of the membership encourages the Planning Authority members to be aware of the opinions of EXCO members.

The Development Process in Grand Cayman

The development process in Grand Cayman contains a few variations from the one described earlier (as cited from Lichfield). Based on interviews with CPA members and staff of the Planning Department the actors and roles of the Caymanian development process may be summarized as follows. First, an interest by a local or foreign developer to develop on Grand Cayman evolves from an opinion that the market demand exists. Next, the land must be controlled by the person prepared to develop it. In the Cayman Islands a % local interest must be maintained in any business. This occurs through the ownership of the land by a Caymanian citizen or the development must include a Caymanian partner.

Third, financing is arranged. Because of the reluctance of local banks to finance local projects, most development is financed by cash, intermediate lending institutions, or undisclosed sources. Next development plans are prepared and submitted to the CPA for review. Usually plans are prepared by the developer, an architect, or a quantity surveyor. Most of the large projects are designed by American, British, or Canadian licenced architects and quantity surveyors, but Cayman Islands law does not require this. Frequently the designer will present the proposal to the CPA for review, however some developers do this themselves. The review process takes place, and after sometimes considerable time, Planning Permission is received.

After Planning Permission, land preparation and building construction activities begin. These activities are sometimes carried out by a developer, although contractors also may be hired to supervise

this phase. Once approval has been received, the Government has little interest in the development until completion. There is no means of assurance that a project will be completed. If it is, a site inspection occurs, and if the inspector finds that compliance is reached, an occupancy permit is issued.

The only other principal actor in the development process is the real estate agent. Also unlicensed, real estate agents act as purchasing and selling agents. Several of the real estate agents also act as developers on Grand Cayman.

CHAPTER V

ANALYSIS OF FINDINGS

This chapter presents the results of the research conducted on Grand Cayman. The chapter begins with a description of the persons interviewed: their occupations, residency status, levels of experience, and familiarity with Caymanian and other development control systems. The remainder of the chapter describes the responses received. First, the responses are presented; then they are categorized according to general problems areas and analyzed in terms of the perspectives of the respondents. Finally, the results of the interviews are compared to the literature.

The Development Community

The Grand Cayman development community is a diverse group. As noted in the Methodology Chapter, 18 individuals were interviewed. Of the 18, five were architects, five were developers, six were contractors, and two were real estate agents. In addition to occupational categories, the interview group was classified according to several background characteristics: residency status, experience with other development control systems, experience in the development industry, and apparent familiarity with the development control system in Grand Cayman. A synopsis of the interviewee profiles is located in Appendix A.

Residency Status

The Caymanian people generally classify the residents of the islands according to three types: Caymanian, resident, and expatriate. Persons classified as "Caymanian" include all persons born on the Cayman Islands, regardless of parentage. Persons not born in the Cayman Islands, but who have obtained official residency status (i.e. have complied with the legal requirements for residing permanently in the Cayman Islands) are classified as "residents". All other persons living on Grand Cayman are "expatriots". These persons are residing in the Cayman Islands temporarily only to fill employment requirements that the local population could not meet.

Half of the members of the development community on Grand Cayman are Caymanians. The remainder of the group are residents, with the exception of one expatriot.

Experience with Other Development Control Systems

In general, the Grand Cayman development community lacks experience with other development control systems. Over half (10) of the persons interviewed had no experience with development control outside of the Cayman Islands. The eight who had experience with development control outside of Grand Cayman, had done so in either or both the U.S. and the U.K.

Development Experience

Few of the persons interviewed were newcomers to the development industry. Most (15) had more than 10 years experience in development. Of these persons, all but one had also been active in the development industry on Grand Cayman for at least 10 years. Of the remainder of the interview group, three had between five and 10 years experience, and only one person had less than five years experience in the development industry.

Familiarity with Development Control on Grand Cayman

Familiarity with the local development control system was deduced rather than asked directly. During the interview the author noted the accuracy of the statements made by the person being interviewed concerning the development control system on Grand Cayman. Persons who gave accurate accounts of various components of the system were classified as having "good" familiarity. Persons who generally spoke as if they knew and understood the basic workings of the system, but made errors in their description of specific points were classified as "fair" in their familiarity with the system. Persons who admitted they knew little about the system or obviously had little experience, because of descriptions of the system with major errors, were classified as having "poor" familiarity.

The majority of the persons active in development on Grand Cayman are familiar with the development control system. Twelve persons spoke accurately of the system. Only two showed an apparent lack of

understanding although they had experience with the system, and four persons had very little knowledge about the system.

Bivariate Analysis

The characteristics considered were stratified according to two variables (occupation and residency status) in order to determine if their were any groupings. Caymanians are fairly well distributed between the occupations. Although no Caymanian architects were found, three were classified as developers, four as contractors, and two as real estate agents; none of the Caymanians had experience with other development control systems; and most (seven out of nine) had over 10 years experience in the development industry. In regard to the local development control system, four Caymanians understood it quite well, while the same number did not. Only one Caymanian was considered as having a fair understanding of the system.

The permanent residents on the Island were not so evenly distributed. Five of the residents were architects, two were developers, and one was a contractor. All but one of the residents had experience with development control systems outside the Cayman Islands, either U.S. or U.K., and most of them had participated in development for more than 10 years. One had only worked in development between five and 10 years, and one was a newcomer to the industry. The familiarity of the newcomers to the local development control system was good. Seven had good familiarity, and one had only a fair understanding of the system.

The one expatriot interviewed was classified as a contractor. This

person had experience with other development control systems, had worked in the industry for more than 10 years, and showed a good understanding of the local development control system.

Attitudes and Viewpoints Toward Existing Regulatory Practices

The members of the development community interviewed were asked what problems they had experienced with the regulations and the review process necessary to develop on Grand Cayman. Thirty-four total issues concerning planning and development control on Grand Cayman emerged from the interviews. The following discussion divides these issues according to concerns relevant to the regulations, concerns relevant to the review process, concerns relevant to the enforcement of the regulations, and other miscellaneous concerns which could not be categorized.

Regulations

Fourteen issues concerning the Caymanian regulations relevant to development emerged from the interviews. The issues covered a wide range of concerns. The following description of the issues drawn from the interviews begins with general concerns and goes on to describe more specific problems.

General Problems

All persons interviewed agreed with a general need for development regulation. Of the 18 persons interviewed, nine spoke of general problems with the existing regulations. The problems most frequently mentioned concerned the organization of the regulations rather than their content. The words "inadequate", "contradictory", "ambiguous",

"nonuniformity", "inconsistency", "uncertainty", "not specific enough", and "unclear" were used in the responses of eight of the nine persons who stated general complaints.

The other general problems related to the regulations concerned the strength of the regulations. One person said that some of the existing regulations were too strict, while others were not strict enough. One person said that the existing regulations were strict enough. One person said that the regulations needed to be strengthened. Several (five) indicated that the regulations should be as strict as necessary, but that it was more important that they be written to specifically meet Caymanian needs.

Repeated criticisms regarding the existing practice of adapting regulations from other areas, particularly south Florida, were heard. The explanations were consistent. All persons criticizing this practice felt that although similarities between Grand Cayman and other areas existed, the differences required a unique system of development control.

Offsite Road Improvements

Five persons interviewed cited problems concerning the coordination of new road construction with existing roads. The existing regulations have no provisions for the coordination of new roads with the existing road system. All persons commenting on this problem considered the existing regulations inadequate. The consensus was that newly constructed roads should not be built according to different standards than adjoining roads. While only one person considered the possibility

of reducing road standards for small subdivisions most people agreed that the roads connected to the development should be brought up to the standards of the new development. The responsibility for improving the existing roads to coordinating with the new roads was not consistent.

Three persons citing offsite roads as an issue felt that it was the government's responsibility to upgrade roads to coordinate with new road development.

Existing Road Standards

One person noted that poor road standards causes difficulty in obtaining housing finance. This person stated that banks were unwilling to lend in communities with poor road standards.

Responsibility for Road Maintenance

One person interviewed mentioned the need for the transference of the responsibility for road maintenance in subdivisions from developers to the government. This person recommended that it should occur automatically though a system of dedication of the roads by the developer and acceptance of the roads by the Government.

Environmental Protection

One person interviewed recommended that the regulations demand more environmental preservation. This person felt that the ecological changes resulting from activities such as dredging and filling should be justified by local needs.

Land Reclamation

Four of the persons interviewed mentioned problems with land reclamation. Three of the persons felt that the standards on land reclamation were excessive. All three said that the requirements for dredging and filling of mangrove swamps should be relaxed; although their reasons were slightly different.

Two persons believed that the economic significance of development was more important than the environmental significance of the swamps. One believed that the swamps should be filled to eliminate the mosquito problem. This person felt that the central mangrove swamp should be preserved in order to maintain the mangrove swamp's ecological function on Grand Cayman. But this person felt that the environmental threat of mosquitos (this person questioned the long term effectiveness of pesticide spraying) far outweighed the ecological necessity of preserving all of the mangrove swamps. The other felt that improved building design and engineering had reduced the significance of the mangrove swamp as protection from storms. The third person who mentioned excessive land reclamation requirements noted that the study (the Wicksted Report) that the standards were based on had lower requirements than those imposed.

Only one person was concerned with both land clearing and mangrove dredging and filling. Specific problems concerning erosion, sedimentation, and drainage were cited as were recommended actions that this person considered necessary. Maximum allowable time limits before replanting, phased clearing and filling, and preservation of red mangrove swamps was suggested. This persons felt that the current

problems were due to lack of information, and that the population should be educated concerning the ecological importance of mangrove swamps and vegetation acting as groundcover. Performance bonds were suggested as a means of enforcing environmentally sound development.

Open Space

Almost everyone interviewed mentioned problems with the requirement for open space. While most (10 of the 11) who made reference to this issue favored a requirement for public open space, the responses differed in content. Some were concerned about who should maintain the open space; some were concerned about how much land and what level of improvements the developer should be required to provide; and some were concerned with the administration and enforcement of the requirement for public open space.

The most frequent comment (eight of the nine favorable responses) related to maintenance responsibility. All of these people felt that the responsibility for maintenance of the open space after completion of the development should be clearly defined. The methods recommended with the number of times mentioned follow:

(1) Transfer of title with maintenance responsibility to either a community association or the government, (five)

(2) Transfer of title and maintenance responsibility to community association, (three)

(3) Transfer of title to government with long-term lease to a non-profit or other community based organization so that responsibility could be redefined if necessary, (two)

(4) Retention of title by developer with maintenance responsibility determined by government, (two) and

(5) Retention of title by developer with maintenance responsibility left up to him or her. (one)

The other two respondents who favored a requirement for the designation of public open space felt that the uniform requirement of 5 % was too arbitrary. Two of the persons who mentioned maintenance responsibility also felt that small developments should be exempt from this requirement.

Although most did not mention this specifically, several spoke of what should be required of a developer. Two felt that the developer should only be required to dedicate the land, with the government taking responsibility for the development and maintenance. One felt that beach area should be considered as dedicated public open space. Two felt that the developer should determine where the open space would occur so long as the CPA agreed that the parcel chosen met the spirit of the law.

One person felt that the law should be written in more specific terms; including how much, where, improvements, and maintenance responsibility. All others who agreed with the need for public open space felt that the law should only state that the provision of open space was a policy of the government. The specific methods for providing the open space should be handled on a case by case basis according to a set of administrative guidelines.

Only one person felt that private developments should not be required to provide public open space. This person believed that the open space within a development should be for the use of the residents

of the development. This person felt that the government should acquire land to develop as public open space.

Providing Schools

Twelve persons mentioned the requirement to dedicate land within a development for schools. Four of these stated that the current system works fine. Six felt that a system of payments-in-lieu of land dedication should be developed by the Education Department to determine the cost per household for educational services. These respondents felt that the Education Department should prepare a plan for the provision of schools and that a fund should be set aside from the payments made by developers to provide for schools as the need developed. Two persons said that the developer should not be responsible for the provision of schools.

Stormwater Runoff

One person stated that the regulations should require that all stormwater be retained on site.

Height Restrictions

Three persons interviewed complained of excessive height limitations on buildings. One felt that adequate fire protection should allow an increase in the building height. Another felt that higher buildings would provide more open space at current densities. The third person argued that the current height limits were inconsistent, and asserted that a building's height should be determined by either (one)

actual elevation in feet or (two) impact of the buildings use rather than by the number of floors. As an example, this person stated that a hotel could accommodate six floors in 55 feet of building height while an office can only accommodate five floors. This person also felt that because hotels and condominiums impacted the environment in similar ways, the height limitations for the uses should be the same.

Sign Regulation

One Person stated that signs were inadequately controlled. This person felt that the regulations should be specific about the size, location, distance from building, and maximum number allowed, and the regulations should prohibit portable signs. This person contended that there was not enough competition on the Island to require many signs.

Setbacks Requirements

Three persons mentioned setback requirements. One thought these requirements were clear. The other two thought they should be increased for residential and commercial uses.

Parking Requirements

Three persons mentioned problems with parking requirements. One person stated that only unreserved parking spaces should be considered in meeting the requirement. This person argued that 1 public parking space should be available for each 250 feet of floor area. It was also the feeling of this person that additions to and replacement of existing non-conforming buildings should be required to conform with current

parking requirements. The second comment was that in residential and hotel zones, only one parking space should be required for two bedrooms. A third person felt that the existing parking requirements were too lenient, but not flexible enough. This person thought that parking requirements should be categorized according to use and location, rather than square footage. With a more segregated system, more parking should be required for specific uses within a general classification, such as commercial, while others should require less.

Health and Safety

One person noted that residential use should not be allowed on the ground floor of buildings in high density areas because of the high frequency of hurricanes in the Cayman Islands. It was recommended that in these areas the ground floor be restricted to uses such as parking, offices, and commercial (as does the South Florida Building Code).

Administrative Processes

Ten issues concerning the development control review process on Grand Cayman emerged from the interviews. The issues covered a wide range of concerns. The following description of the issues resulting from the interviews begins with general concerns and goes on to describe more specific problems mentioned.

The Review Process

Sixteen persons interviewed commented on the review process. Thirteen said that they preferred central coordination through the

Planning Department. Ten said it worked effectively, but one said it did not. This person felt that the problem was often because of individual personalities. Two persons noted that the process needed streamlining; they said it took more time than necessary.

Three other issues were more specific. One person recommended that the term subdivision include any division of land, so that all subdivision would be required to comply with the same standards, process, and fees. This person noted a problem of large subdivisions being created through incremental development of small subdivisions which required lower standards than larger subdivisions. One person complained of a lack of appreciation by the government for the private development process; in particular, this person felt that the government was unaware of the costs, needs, and time constraints of developers.

Ten comments were directed at a multi-level review process. These comments generally went in two directions. First, several comments were received concerning a differentiation of reviews according to project size. These people felt that small projects should only require an administrative review and could be handled by the Planning Department; whereas, the complexity of larger projects required more discretion and should be reviewed by the CPA. Two people felt that small projects, particularly single family residences, should require a simpler review than larger projects. Both also considered the possibility of small projects only undergoing an administrative review by the Planning Department. One person also thought that large developments, those which have Island-wide impacts, should be investigated by a special committee to determine the likely socio-economic impacts of the projects

and determine, from a policy perspective, whether or not the project would be of benefit to the Island before the proposal's site design was reviewed by the Planning Department or CPA. One person felt that the CPA should not see an application until the developer had complied with the recommendations of the Planning Department.

Multi-level review was also suggested for individual applications. Several people recommended that outline approval be reinstated as a meaningful level of review. Six persons encouraged a preliminary review of a proposal at the conceptual stage. These people all argued that costs and risk could be reduced through the discovery of problems before large monetary commitments were made. One noted that the present system required excessive negotiations which caused delays.

Information Requirements

Only one person complained of excessive information requirements. According to this person, only one set of plans should be required for each application.

Assurance of Project Completion

Fourteen suggestions for means of the Cayman Islands assuring that development projects begun would be completed were given. The principle method considered was developer provided performance bonding. The comments were evenly split for and against. Seven persons felt that performance bonds were both necessary and feasible. The other seven opposed performance bonds for a variety of reasons.

The majority of the opponents (four) believed that bonding would

interfere with the market. They all felt that a free market was self adjusting and that bonding would allow poor development to be completed. One person thought that bonding was cost prohibitive and would drive developers away from Grand Cayman. One felt that performance bonds were impossible to get on Grand Cayman.

Several alternative suggestions were voiced. Two persons interviewed thought that reinstating the phased review process would improve project cash flow, and therefore increase the probability of project completion. One person thought that a requirement for architectural and engineering certification would help foster project progress. Two people felt that a developer's cash flow should be scrutinized as well as their net worth. One felt that an improvement in the availability of single family mortgage financing would increase the rate of subdivision completion.

Tradeoffs

Eleven people commented on the idea of tradeoffs[1]. The responses were split. Five people thought that the concept had potential. But all five qualified this by adding that a clear system of guidelines for negotiation should be defined either administratively or statutorily, including the range of allowable standards and the conditions necessary for negotiation. Six people were concerned with the potential for abuse

---

[1] Tradeoffs were explained to involve the process where developers would be given certain allowances, such as reduced parking, open space, or other required improvements, as a tradeoff providing an improvement needed by the community, such as a day care center or improved open space.

and misuse. These people all said that a clear system of standards should be uniformly applied.

Aesthetic Control

Two people commented that design aesthetics should be left up to the market.

CPA Discretion

Eight people commented on the discretionary power available to the CPA. Only one person felt that the CPA should be allowed more discretion in their decisions. This person felt that a procedure for variance from the regulation should be available under certain circumstances. Two people felt that the current level of discretion given to the CPA was adequate. One of the two added that the CPA should not impose standards that do not exist. In other words, it was acceptable to reduce standards but not increase them. Four people felt that the CPA used too much discretion. One person felt that there was no provision in the laws for the current level of discretion taken. Two thought that personalities played too significant a role in the CPA activities. Two people noted that the CPA changed standards indiscriminately[2].

---

[2] It was not possible to verify the accuracy of this because no CPA records were available for years previous to this study. It should be noted that the Planning Department is beginning to maintain records of CPA activities.

Variance

Four people felt that the law should allow for variance under specific conditions. Two felt that these should only be for physical hardships, and one felt that it should include rezonings, setback and height changes. The other person felt that a special board should be created with members from both the CPA and the general public (Canada was given as an example) and be given considerable latitude in the consideration of request for variance from any regulations.

Public Notification

Two people commented on public notification requirements. Both felt that current requirements were poorly designed, but their views were unrelated. One person said that the requirement for notification of adjoining property owners for a commercial use in a commercial zone was unreasonable. This person felt that public notification should only be required for a non-conforming use in a residential zone.

The other person commenting on public notification requirements stated that the current procedure were inconsistent and inadequate. It was suggested that the language of the notice be in terminology familiar to Caymanians (such as local landmarks and street names), rather than in legal terminology, and that the requirement should be consistently imposed.

Application Fees

Three people noted problems with the application fees required for CPA review. One person thought the fees in general were too high. Two

people felt the fee schedule was poorly designed. One person pointed out that the fee schedule had a negative effect on subdivision development. The absence of a fee for the development of small subdivisions encouraged large subdivision to be created from several small subdivisions.

Time Schedule

Thirteen people commented on the open ended time schedule for review of a development proposal. Only four people preferred the current system which allowed unlimited review, but nine people preferred that time limits be established. Most had no specific time limits in mind, but all felt that a system for review time should be established. They were all concerned with the potential for unlimited deferral. Although two persons believed that all projects could be reviewed within a set time frame (two to three weeks for small projects, and four to six weeks for large projects) most in favor of limited review time recognized that circumstances would occur which required extensions. They felt that guidelines should be written with set time constraints and the circumstances necessary for allowance of an extension. Two people preferred that a response from the CPA occur within 60 days of application, even if the response said that more time was needed for review and why. One person recommended that acceptable responses would include approval, denial, need clarification, or need more information.

Enforcement

Two separate enforcement issues evolved from the interviews: first, during the review process, design standards were not uniformly administered and second, after a proposal was approved tracking for compliance was inadequate. Six people noted that the CPA does not uniformly enforce standards. The words "indiscriminately", "arbitrarily", and "unevenly" were used consistently. One person felt that this increased the level of uncertainty. Another person felt that the CPA lacked an appreciation for the costs of development.

Although most persons complained of non-uniform treatment of development standards in general, two people felt that the standards were unevenly imposed in terms of who the applicant was. One argued that development standards should also apply to utilities. This person argued that planning permission should be required for the placement of utilities in order to coordinate their placement. This person recommended that a master plan for needed and proposed utilities be prepared and enforced. One person noted that Caymanian's were not expected to comply with the same development standards as were non-Caymanians. This person felt that this practice resulted in a type of inverse discrimination because it encouraged a buyer-beware system of design standards. Caymanians benefitted from the assurance that their own development, as well as all other development, complied with a system of design standards.

Three persons commented that the requirements approved by the CPA were not enforced. Two of these people were not specific about which requirements were not enforced; one person said that road standards were

not enforced. All three felt that one or more inspections should occur throughout the construction phase of development.

Personnel

Nine people commented on personnel problems within the Planning Department. Three issues emerged: incompetency, appropriateness, and insufficiency. First, 5 people felt that Planning Department personnel were not qualified to perform the duties that were required of them. One commented that this was because of poor supervision. One person commented that the personnel exhibited a non-professional attitude; the personnel tended to be apathetic toward their own performance. This person felt that increased training of personnel would improve this situation. Three people said that the Planning Department staff were expected to act as building inspectors. These people felt that besides the fact that there was no statutory basis for this, the personnel were not qualified as building inspectors.

Two people felt that the Planning Department was insufficiently staffed. They thought that an increase in staff would improve development control significantly. The other two comments involved personality problems. They felt that personality factors influence development control too heavily and that the Planning Director has too much power. One of the people noted that so long as a British system of land use control was in effect, the Planning Director should be more familiar and experienced with this system than with the American system.

Policy Issues

Seven people commented on the importance of basing development control on policy statements. These people felt that Grand Cayman Island needed a more detailed and updated master plan. Recommendations that specific plans be prepared for utilities, transportation systems (especially roads), and land use be based on the economic, social, and physical qualities unique to Grand Cayman were voiced. Various comments also implied that foreign systems of development control played too significant a role in Caymanian development control. The development community encouraged the Caymanian people to develop a policy statement which reflected Caymanian values, and that the development control system should be based on these policy guidelines.

General Analysis of Responses by Respondents

Interview responses proved to be extremely varied, but some consistency emerged. The responses noting existing problems or recommended improvements generally fell within five general categories:

(1) Problems related to insufficient control,

(2) Problems related to excessive control,

(3) Problems related to poor administration,

(4) Problems related to insufficient policy linkage, and

(5) Approval of the existing system.

A listing of the responses received appear in the Appendix grouped according to these categories.

In order to determine if attitudes towards development control were dependant on the respondent's perspective the responses were aggregated

into categories and classified in terms of the profile characteristics. The characteristics of the individual interviewed were occupation, residency status, experience with other regulations, development experience, and familiarity with Caymanian development control.

As noted earlier in this chapter, residency status and occupation were the most important characteristics. Experience with other regulations appeared to be dependant on residency status, and familiarity appeared to be related to occupation. Caymanians were the least likely of the three residency categories to be familiar with other development control systems, and architects and contractors generally were the most familiar with the development control system currently in use on Grand Cayman. Because most of the persons interviewed (78 %) had more than 10 years experience with development and only one had less than five years, this characteristic was not considered relevant.

Nineteen responses noted problems with insufficient control of development. These responses represented less than 8 % of the total responses received. The architects and contractors gave slightly fewer responses in this category than in other categories. The real estate agents were the most inclined toward increasing the level of development control. Twenty-six percent of the comments recommending that the standards be strengthened were made by real estate agents, even though only 12 % of the total responses received were from persons of this occupation.

The architects and the contractors have the most direct exposure to the development control system. Architects commonly act as the link between the control system and the development process; frequently

presenting development proposals to the CPA for review. And almost all of the contractors who noted problems with insufficient regulation were also CPA members. The real estate agents were noticeably concerned about available financing, particularly for single-family residences. This group is also the most likely to be directly affected, through sales, by problems occurring after a project is completed. Very few remarks concerning insufficient control were made by developers. All remarks of this kind made by developers regarded the increased likelihood of lending institutions financing in areas with strong development controls.

In terms of residency status, both Caymanians and residents responded in similar proportions to that of the total number made by these occupations. The number of expatriot responses and the representation of this occupation in the group were both insignificant.

Developers were more concerned about excessive control than they were about insufficient control. Responses by developers fell into this category slightly more than average for this group (24:19 %). Relative to residency status, permanent residents were the most concerned about excessive control. Sixty-one percent of the responses in this category fell were made by residents, although this group only represented 53 % of the total responses.

By far the most common complaint was with the process of development control. In general, this grouping referred to administrative policies and procedures. Over half of the comments heard fell into this category. It is interesting to note that no one group was the most concerned about this issue. The responses in this grouping

most closely represented the total response distribution of both occupation and residency status of any.

This category was also more diverse than the other categories. The responses in this grouping covered two very broad areas. Most of comments in this area related to statutory problems. The development community found the regulations contradictory, ambiguous, inconsistent, nonspecific, and unclear. Inflexibility was also a common complaint. In general, this problem was because of uniform procedures being applied to different types and sizes of development proposals. The remainder of the comments relating to administrative problems noted problems with the organization. Specifically, frequent complaints were heard about the importance that personalities played in the development control system. Many of the members of the development community complained of incompetence, apathy, unawareness, disorganization, and uncooperative CPA members and Planning Department personnel. There were several suggestions that more emphasis be placed on training and increasing the staff size.

The last two groups only represented 20 % of the total responses, but were separated because these responses were so very different from the others. First, 17 responses were heard noting a need for increasing the linkage between land use policy and development control. The most common complaint of this kind regarded the direct application of laws from other nations to meet the needs of Grand Cayman. The last general grouping included comments of approval for the existing system. Most of these comments were isolated comments about specific areas of the existing system. By far the most common agreement regarded the need for

development control. Everyone interviewed agreed that a system of development control was needed for Grand Cayman. Eleven people interviewed stated that they preferred the current system of central coordination by the Planning Department. Although several people agreed that a joint meeting with all of the departmental interests would improve conflict resolution. Only one person stated that the system of central coordination by the Planning Department improved the review process.

Comparison of Grand Cayman to Literature

As discussed in the Literature Review Chapter, the principal problems that the development communities within the U.S. and the U.K. complain about relate to those causing delay of development, those increasing the level of uncertainty in an already risky business, those increasing the costs of development, and those hindering the function of the market or inflexibility of the system. In many instances these categories overlap with the general categorization discussed in the previous section. Many of the responses cited above refer to causes of problems cited in the literature. The reason development control was considered excessive was because of the effect on the costs of development. Administrative problems frequently resulted in delays and uncertainty. The regulations were criticized for inflexibility while the regulators were criticized for inconsistency. Most of the problems within the last two groupings, citing inadequate policy linkage and approval of the existing system, general relate to the ever present desire to reduce the level of uncertainty. A number of persons

interviewed stated that knowing what the Government has planned for Grand Cayman would significantly benefit them.

Most of the comments noting a need for increasing the level of control did not easily fall into any of the groupings cited in the literature. Members of the development communities in both the U.S. and the U.K. rarely complain of insufficient control.

CHAPTER VI

CONCLUSION AND RECOMMENDATIONS

The goal of this thesis was to research the attitudes and viewpoints of the real estate development community on Grand Cayman toward development control. In order to accomplish this goal, personal interviews were conducted with eighteen persons identified by the Planning Department as actively involved in the development industry on Grand Cayman. The interviews provided information about each of the respondents; including their occupation, residency status, experience with development control outside of Grand Cayman, number of years of involvement in the development industry, and apparent familiarity with the Caymanian development control system. The attitudes and viewpoints of the persons interviewed toward the existing development control system were also identified.

Conclusion

The development community on Grand Cayman includes developers, architects, building contractors, and real estate agents. Several of the members of the development community are also members of the current CPA or have been members in the past. Most of the members are either Caymanian born or permanent residents of the Island. Very few ex-patriots are active members in the development industry. Most Caymanian born members have had no experience with development control outside the Island, while most non-Caymanians have. The development

community is very experienced in the industry. Most of the members have been involved in development for over 15 years. The majority of the members are well acquainted with the Caymanian system of development control.

The development community believes that the development control system causes delays, increases the costs of development and level of uncertainty, and sometimes impedes their ability to meet market demand. But they all agree that a system of development control is needed on the Island. The Caymanians are the most satisfied with the existing system. They believe the Island is a better place to live than it was before the development control system was introduced.

A development control system can cause delays and increase costs and uncertainty. The likelihood of these problems is frequently more related to administrative processes than to design standards. While the development community complains of some excesses in the existing design standards, the development control system is not stifling development on Grand Cayman. In fact, the interviews indicate that the development industry prefers that some form of development control exist. Therefore, it is concluded that a development control system is necessary and desirable on Grand Cayman, but that the existing system requires some changes.

The development community has indicated the areas that they believe should be reformed. General areas for reform include the regulations and the administrative processes. The development community thinks that the administration of the regulations is the most significant problem in the system. This problem area includes both the review procedures and

administrative practices. Using the same procedure for all development proposals presents the biggest problem. They suggest that the review process be differentiated according to the size and type of development application. For larger scale applications they recommend that the review process include several levels of review. Phasing of approvals should also be used. They think the administrative practices of the CPA are often too personal and frequently appear inconsistent. The CPA sometimes takes more discretion than the development community thinks they should. They also consider the enforcement of regulatory compliance inadequate. The development community recommends that the regulations be revised for clarity, consistency, and precision. They believe that better constructed regulations would improve the administrative process.

The development community on Grand Cayman prefers the "one-stop" application process, funneling all permit requests through the planning department, but disagrees with using the same process for all types of development. Both of these techniques are intended to simplify the development review process, but the interviews with members of the development community indicate that only the centralization of permit applications through the Planning Department is successful. The review of all applications by both the administrative departments and the CPA wastes time and resources. Many simple applications defined in the regulations as uses by right are submitted to the same review procedure as are applications which indicate a need for a consideration of some flexibility. CPA time used in reviewing applications that obviously meet the required standards would be better spent by concentrating on

the more complex development proposals that may require some discretion.

The development community feels that the development control regulations are inconsistently administered. Caymanian law empowers the CPA with a wide range of flexibility. The general way many of the standards in the regulations are defined allows the CPA to use considerable discretion in enforcement of these regulations. A lack of adequate record keeping discourages consistency with previous decisions. A clearly defined system of development review procedures would minimize the administrative inconsistencies. Recent improvements in the record keeping system should improve the tracking of past decisions.

The development community generally thinks that the Government imposes some unnecessary control on the development industry, but the specific complaints were fragmented. They feel that the controls should ensure adequate environmental protection, but the level should be kept to a minimum. They believe that the private development industry knows much more about economic development than the Government, and the development industry should be allowed maximum flexibility in meeting market demand. The disagreement regarding the topic of tradeoffs indicates an aversion to the potential for increasing the discretion available to the CPA.

Some members of the development community think that some of the design standards are inadequate. The developers and the real estate agents are concerned about how this effects available financing. The architects and contractors are not quite as confident that the free market will automatically produce high quality development. Many of the residents are beginning to see that the environment they were attracted

to is changing.

Both the development community and the CPA believe the regulations do not provide enough flexibility in one situation: when the regulations are specifically defined, no variance from the required standards is permitted, regardless of the circumstances. Sometimes physical qualities unique to a specific site do not allow for a strict application of the law. Although the CPA is empowered with a wide range of flexibility, no one has the authority to relieve physical hardships sometimes caused by the enforcement of the standards defined by law. A variance procedure is needed for exceptional cases.

Members of the development community believe that the environmental deterioration is a necessary cost of development, because the benefits of development to the Caymanian people outweigh the costs to the environment. Many of the Caymanian born members of the development community are wary of the fragile nature of the economy, but they believe that the recent growth should be exploited to its fullest potential before the opportunity is lost. They are aware that their economy is closely linked with the condition of the environment, and that the environment must be protected, but many believe that the Government has gone beyond the minimum standards required to protect the environment.

The differences in the American and British development control systems have caused problems on Grand Cayman. The most significant differences are the attitudes toward development rights and the relationships between planning and development control. The British system of development control legally deprives the landowner of the

automatic right to develop their property. The American system guarantees that the property owner may develop their property to its maximum potential unless it threatens the health, safety, or welfare of society. Even though Caymanian law mirrors its British predecessor, the Caymanian people maintain a value system more similar to their American neighbors. Caymanians hold that the rights of land ownership include the right to develop land to its potential.

The British development control system also places much more emphasis on planning than does the American counterpart. Because of the Caymanian attitude that a landowner has an inherent right to develop their land, the CPA places more emphasis on regulation than on planning. Subsequently, the development community feels a lack of direction in the Caymanian development control system. The development community indicates a desire for an increase in the level of policy planning for the Island. Developers and architects are interested in what the Government has planned for Grand Cayman, so that the efforts of the private and public sectors may be better coordinated.

Although the Caymanian attitudes are more like their American neighbors, this does not mean that they should change their system of development control to mirror those in the U.S. The non-Caymanian born members of the development community are the most insistent that Grand Cayman design its own development control system rather than borrow from other areas. The Government now has some experience with development control, and it can borrow ideas from other communities that appear to have the same problems with development, but these ideas must be adapted to meet the unique needs of the Island.

Many of the opinions of the development community seem to be the result of inadequate or insufficient communication. The development community appears to be a civic minded group. They say that they are willing to cooperate with the Government in order to improve the development control system. Establishing a development community advisory committee would encourage dialogue and open lines of communication. It could improve the awareness that both groups have of the needs of the other. An increase in the level of communication should improve the control of development on Grand Cayman.

Recommendations

The administrative processes of the development control system appear to be the most significant problem. Suggestions that the review process be differentiated according to the size and type of development application are good ones. Ironically, oversimplification of the system has caused the administrative process to become overly complex. By forcing vastly different development proposals to conform to the same review system, the system has become cumbersome and time consuming. Over-review of simple applications wastes valuable time, from both the Government's and the development community's perspective, and leads to a kind of under-review of the more complex proposals.

Years of frequent additions and modifications to the regulations have caused the regulations controlling development to be difficult to decipher and sometimes even contradictory. Streamlining the regulations for clarity, consistency, and precision will improve the administrative process and reduce uncertainty. These changes will also reduce delays

and increase flexibility.

In order to alleviate many of the problems associated with the identical treatment of all levels of development we recommend that development proposals be reviewed according to the proposed land use, scale of development, and class of proposal. Because, as the intensity of each of these factors increases, so does the level of discretion required.

First, we recommend that the uses allowed in each district be classified according to uses "permitted by right," uses "permitted by discretion," uses "permitted by performance review," and all uses of any proposal expected to produce an island-wide impact.

Second, we recommend that development proposals also be classified according to scale. The primary concern relative to scale is impact on existing manmade and natural systems. Every development impacts the existing area in some way. The level of impact may be considered in terms of range or distance from the project. The development community and the government describe three scales of development projects according to the level of impact created. Projects that are site specific, only impacting the adjoining properties, form the first level of impact. Most small projects are site specific. Projects impacting an entire community or region make up the second category. Most medium-sized projects produce community-wide or regional impact. This level of impact requires more extensive review and will more likely need some flexibility in design standards. The third scale of development includes all proposals that are expected to produce island-wide impact on Grand Cayman. This level of development includes all large scale

development proposals. Large scale development proposals require considerable discretion because of their complexity.

Third, we recommend that development proposals be classified according to type. Four different types of development proposals occur: construction proposals, subdivision proposals, land clearing and reclamation proposals, and requests for relief from the hardships caused by the regulations. Most development proposals fall into the first category. The second category may also include some limited construction but primarily concerns the division of land. Land clearing and reclamation activities often occur in coordination with a development falling into the first or second category, but because of the time span that may separate the two phases of development, land clearing and reclamation requires a separate review process.

Using this classification system, the following synopsis describes the development proposals received by the Planning Department

Scale	Type	Use
1. Small	1. Construction	1. Permitted by Right
2. Medium	2. Division of Land	2. Permitted by Discretion
3. Large	3. Land Clearance & Reclamation	3. Permitted by Performance Review
	4. Request Relief From Physical Hardship	

Similarly, five levels of discretion arise. The following material describes these levels

I Small Scale Types and Uses Permitted by Right	II Medium Scale Types and Uses Permitted by Discretion
III Uses Permitted by Performance Review	IV All Large Scale Developments regardless of use or type
V Requests for Relief from Physical Hardship	

The existing development review process also does not appropriately match the actors in the government structure with the necessary level of discretion. The current actors involved in the control of development are the administrative departments, the CPA, EXCO, and the Caymanian people. Projects requiring the least discretion are legally defined as uses by right. Projects requiring the most emphasis on policy issues are those likely to produce island-wide impact. For the purposes of this discussion, a government body that will be referred to as the Major Development Review Committee (MDRC) should provide a level of review which focuses on policy issues. The function of the MDRC would be to establish whether or not a development project that is expected to cause island-wide impact will benefit Grand Cayman in the long run.

Using the classification described above, we recommend that five levels of review be introduced into the development control system. The

Level I procedure includes all uses permitted by right which are not expected to produce an island-wide impact and all small subdivisions and land clearing/reclamation projects. These proposals require no discretionary consideration; therefore, only administrative review is necessary. Because of the simpler review needs, application forms for the Level I Procedure should also reflect simpler information requirements than the other levels of review. Except for information purposes, the CPA should give no consideration to applications not meeting the express standards and requirements of the law and regulations. A maximum time limit of two to three weeks should be adequate for a Level I Procedure.

The Level II Procedure is for the review of development proposals requiring more review attention than those of the Level I Procedure, but still allow a relatively simple review procedure. This procedure includes all uses permitted by discretion, unless in a large scale development, and medium sized subdivisions and land clearing/reclamation projects. These proposals require only a minimum level of discretion. A Level II Procedure is most like the existing development review process. Three to five weeks will normally allow adequate review time for a Level II Procedure.

The Level III Procedure is intended to provide a developer some feedback on the acceptability of a proposal, before the developer incurs a great deal of preconstruction expense, without committing the CPA to make a decision based on limited information. The Level III Procedure provides a two-phased review process: Concept Plan Review and Site Plan Review. A phased process will make "outline approval" meaningful.

The Level III Procedure also provides an opportunity for a phased application/review process within the Site Plan Review. All phases should undergo Concept Plan Review as a comprehensive unit. Once a complete proposal has been approved "in concept", the Site Plan Review may occur in phases. This system will allow a developer to complete a project in phases thus eliminating some of the risk associated with changing demand, and creating a more balanced cash flow throughout the construction of the project. The review time for each phase should be similar to that of the Level II Procedure.

The Level IV Procedure is intended to provide an early information exchange between a developer considering a large scale development and the Caymanian Government. It ensures consideration of environmental impact to Grand Cayman by those entrusted with setting Caymanian policy, and it provides an early communication network within the Caymanian Government. Large scale development includes any development project exceeding maximum parameters of acreage, square footage, or employment. The parameters should be determined by local standards. The Level IV Procedure includes two or three levels of review, depending on the composition of a the MDRC.

The MDRC would conduct a Policy Review of all large scale development proposals as soon as an application is substantially completed. The developer would have the opportunity to present his proposal to the MDRC. Several meetings may occur in order for the developer and the MDRC to negotiate aspects of the proposal posing concern to the MDRC. The MDRC would focus its attention on the "proposal in principal". They are given the responsibility for

determining whether or not the proposal in principal is desireable for Grand Cayman, and whether the project is planned for an acceptable location. If the answer is yes to both questions, the applicant will proceed either to a Concept Plan Review or to a Site Plan Review. Because the purpose of the Policy Review is to determine the appropriateness of a proposal in principal, a negative determination eliminates any need for design review. The effectiveness of the Level IV Procedure is enhanced by the composition of the MDRC. As a policy making body, MDRC should include members of EXCO.

The Level V Procedure involves requests for relief from physical hardship, commonly referred to as a "variance" request. This procedure may be administered by the CPA. CPA consideration of variance requests has the advantage of granting this power to a body that is experienced with development control.

The development control regulations are said to lack clarity, comprehensiveness, and consistency. In some instances, the regulations show conflicting standards and requirements. All development control documents should be compared and coordinated to insure consistency. Combining all of the regulations controlling development on Grand Cayman into one comprehensive development code will aid the coordination of these regulations. A comprehensive development code will also simplify the development control regulations and thus aid the private sector's understanding of the development control process.

Because many of the standards are written in general terminology, with specific requirements left to the discretion of the CPA, the development community considers the regulations unclear. Although this

lack of clarity does allow necessary flexibility, the imprecise nature of these standards may lead to a high degree of uncertainty in the development community. Uncertainty makes financing difficult to obtain and discourages development. Financial institutions generally avoid uncertainty and thus refuse to lend under such conditions. With the inherent risk associated with development, developers tend to avoid communities with built-in uncertainties. An increased emphasis on issuing planning and policy statements will alleviate many of these problems.

The isolation, size, and independence of the Cayman Islands make it an excellent study area for the subject of development control. Some of the original questions were not completely resolved because of the complexity of some of the issues. Most of the problems identified by this study related to procedures rather than regulations. This does not mean that the regulations may not be improved. Further research is needed to address the appropriateness of the existing design standards. Attitudes toward increasing the levels of flexibility also need to be determined. Specifically, attitudes towards tradeoffs and payments-in-lieu of improvements need further study.

BIBLIOGRAPHY

BIBLIOGRAPHY

Abrams, Stanley. "Turning Zoning Over to the Professionals," Planning, November 1979, pp. 21-24.

Alinsky. Rules for Radical New York: Random House, 1971

Allensworth, D. T. City Planning Politics. New York: Praeger Publishers, 1980.

_____. The Political Realities of Urban Planning. New York: Praeger Publishers, 1975.

Altshuler, A. A. The City Planning Process: A Political Analysis. Ithaca, NY: Cornell University Press, 1966.

American Law Institute. A Model Land Development Code. Washington, DC: American Law Institute, 1975.

American Planning Association and the Urban Land Institute. Streamlining Land Use Regulations: A Guidebook for Local Governments. Washington, D.C.: U.S. Government Printing Office, 1980.

American Society of Planning Officials. Problems of Zoning and Land use Regulation. Prepared for the Consideration of The National Commission on Urban Problems, Research Report No. 2, Washington, DC, 1968.

Andrews, R. B. Urban Land Use Policy: The Central City. New York: The Free Press, 1972.

Aschman, F. T. & Nelson, R. L. Real Estate and City Planning. Englewood Cliffs, NJ: Prentice-Hall, 1957.

Babbie, E. R. The Practice of Social Research. Belmont, CA: Wadsworth Publishing Co., Inc., 1979.

Babcock, Richard. The Zoning Game. Madison: The University of Wisconsin Press, 1966.

Babcock R. F. and Siemon C. L. The Zoning Game Revisited. Boston: Oelgeschlager, Gunn & Hain, Inc., 1985.

Barlow, R. Land Resource Economics. Englewood Cliffs, NJ: Prentice-Hall, 1986.

Batty, M. Paradoxes of Science in Public Policy. Reading, England: University of Reading, 1978.

Bosselman, Fred, et al. The Permit Explosion: Coordination of the Proliferation. Washington, D.C.: Urban Land Institute, 1976.

Bryant, R. W. G. Land: Private Property, Public Control. Montreal: Harvest House Ltd., 1972.

Chapin, F. S. & Kaiser, E. J. Urban Land Use Planning (3rd ed.). New York: Harper and Bros., 1978.

City of Largo, Florida. Part III: Comprehensive Development Code to the Code of Ordinances, City of Largo, Florida (Looseleaf Supplement). Tallahassee, Florida: Municipal Code Corporation, 1985.

Clawson, Marion. Historical Overview of Land-use Planning in the United States. Washington, DC: National Association of Manufacturers, 1974.

_____ & Hall, P. Planning and Growth: An Anglo-American Comparison. Baltimore: Johns Hopkins University Press, 1973.

Dahl, R. A. & Lindblom, C. E. Politics, Economics, & Welfare. New York: Harper & Bros., 1953.

Delafons, J. Land-Use Controls in the United States (2nd ed.). Cambridge, Mass.: Joint Center for Urban Studies, 1969.

Dowell, D. E. "Applying real estate financial analysis to planning and development control," American Planning Association Journal. Winter 1985.

Dunham, A. "A legal and economic basis for city planning," Columbia Law Review. LVIII (May 1958), 650-671.

Eversley, D. The Planner in Society: The Changing Role of the Profession. London: Faber and Faber, 1973.

Faber, M. & Seers, D. The Crisis in Planning: Volume I, The Issues. London: Chatto & Windus Ltd., 1972.

Godschalk, D. R., et. al. Constitutional Issues of Growth Management. Chicago: ASPO Press, 1977.

Goodchild Robin and Munton, Richard. Development and the Landowner. London: George Allen & Unwin, 1985.

Gruen, V. The Heart of Our Cities: The Urban Crisis: Diagnosis and Cure. New York: Simon and Schuster, 1964.

Hanford, L. D. The Real Estate Dollar. Chicago: Institute of Real Estate Management, 1969.

Heap, D. An Outline of Planning Law (1st ed.). London: Sweet and Maxwell, 1949.

_____. An Outline of Planning Law (5th ed.). London: Sweet and Maxwell, 1969. (Note: A more recent edition exists, but the Cayman Islands Development and Planning Law and Regulations were based on this edition.)

Hodges, A. A. "Accord advocated for developers, local officials," Washington Post, October 12, 1974.

International City Management Association. "The Permit Application Center: Time, Money Saved," Municipal Management Innovation, Series No. 25, Spring 1978.

_____. The Practice of Local Government Planning. Washington, D. C.: International City Management Association, 1979.

_____. Local Planning Administration. Washington, D. C.: International City Management Association, 1948.

Kendig, L. Performance Zoning. Chicago: American Planning Association Press, 1980.

Kenney, K. B. The Residential Land Developer and His Land Purchase Decision. PhD Thesis, The University of North Carolina at Chapel Hill, 1972.

Kolis, Annette, ed. Thirteen Perspectives on Regulatory Simplification. Research Report No. 29. Washington, D.C.: Urban Land Institute, 1979.

Krueckeberg, Donald A., ed. Introduction to Planning History in the United States. New Brunswick, NJ: Center for Urban Policy Research, 1985.

Lichfield, N. Economics of Planned Development. London: Estates Gazette, 1956.

Logan, C. J. Winning the Land-Use Game: A Guide for Developers and Citizen Protesters. New York: Praeger Publishers, 1982.

Lorimer, J. The Developers. Toronto: James Lorimer & Co. Publishers, 1978.

Mandelker, D. R. "Regulatory simplification: and overview," Thirteen Perspectives on Regulatory Simplification. Washington, D.C.: The Urban Land Institute, 1979.

Maudsley, R. H. and Burn E. H. Land Law: Cases and Materials. London: Butterworth's, 1975.

McClendon, Bruce W. "Reforming zoning regulations to encourage development: Beaumont, Texas," Urban Land, April 1982, pp. 3-7.

Megarry, Robert. The Law of Real Property. London: Stevens and Sons Limited, 1969.

Mumford, Lewis. The Culture of Cities. New York: Harcourt Brace Janovich, 1970.

_____. The City in History. New York: Harcourt, Brace & World.

Noble, J. H., et. al. (ed.) Groping Through the Maze; Foreign Experience Applied to the U.S. Problem of Coordinating Development Controls. Washington, D.C.: The Conservation Foundation, 1977.

Pearce, Barry. "Development Control and the Development Process: An Introductory Review," Planning Control: Philosophies, Prospects, and Practice. Harrison, M. L. and Mordel R. ed. London: Croom Helm, 1987.

Porter, Douglas R. Streamlining Your Local Development Process. Washington, D.C.: National League of Cities, 1981.

_____. "Helping your community streamline the development process," Urban Land, May 1982, pp. 18-25.

_____. "The form of reform," Urban Land, February 1984, pp. 32-33.

Reps, John W. The Making of Urban America. Princeton, N. J.: Princeton University Press, 1965.

Schwanke, Dean. "Overhauling development controls," Urban Land, Februray 1982, pp. 12-15.

Siemon, C. L., Larson, W. U., & Porter, D. R. Vested Rights: Balancing Public and Private Development Expectations. Washington, D. C.: Urban Land Institute, 1982.

Stewart, M. (Ed.) The City: Problems of Planning. Baltimore: Penguin Books Inc., 1972.

Tennebaum, Robert. "Developers are not the enemy," Practicing Planner, March 1979, pp. 45-61.

United Nations. U. S. Advisory Commission on Intergovernmental Relations. Governmental Structure, Organization, and Planning in Metropolitan Areas. Washington, D. C.: Government Printing Office, July 1961.

Vitt, Joseph E. "Developing in a cooperative environment," Urban land, November 1982, pp. 3-6.

Warner, Sam B. Jr. Streetcar Suburbs. Cambridge, MA: Harvard University Press and MIT Press.

Weaver, C. L. and Babcock R. F. City Zoning: The Once and Future Frontier. Chicago: American Planning Association, 1979.

Weimer, A. M. and Hoyt, Homer. Principals of Real Estate. New York: The Ronald Press Co., 1960.

Wickersham, Kirk. "A lot more than just an ordinance: the breckenridge development code," Urban Land, January 1979, pp. 9-13.

Williams, R. L. "The planner as development strategist: an argument for linking the planning and development processes," Practicing Planner, December 1977.

Winker, C. (ed.). The Cayman Islands Yearbook and Business Directory. Cayman Islands: Cayman Free Press Ltd., 1985.

UNPUBLISHED REPORTS

Graduate School of Planning, University of Tennessee, Knoxville:

Economic Development in the Cayman Islands. June 1986.

Cayman Islands Study: Grand Cayman, Volume I, Technical Studies. October, 1986.

Cayman Islands Study: Grand Cayman, Volume III, A Strategic Framework for Planning. October, 1986.

Cayman Island Study: Grand Cayman, Volume VI, Development Plan Alternatives. March 1987.

Cayman Island Study: Special Report: Land Use. October 1986.

Regulating Development on Grand Cayman Island. Winter 1987.

Cayman Islands Development and Planning Regulations: 1977, Commentary and Proposed Regulations. March 1987.

Cayman Islands Government:

Proposed Development Plan for the Cayman Islands, 1975. 1975.

The Development and Planning Law 1971: Report of the Appeals Tribunal into Objections and Representations Regarding the Proposed Development Plan 1975. April 1976.

Annual Report. 1985.

Statistical Abstract of the Cayman Islands Volume 2 - No. 5. 1984.

CAYMAN ISLANDS STATUTES

The Cayman Islands (Constitution) Order, 1972.

The Development Plan 1977.

The Development and Planning Law (Revised), 1978.

Development and Planning Regulations, 1977.

The Governor (Vesting of Lands) Law (Revised).

The Hotel Aids Law, 1976.

The Land Acquisition Law, 1963.

The Mosquito Research and Control Law (Revised).

The Roads Law.

The Public Health Law, 1974.

The Animals Law, 1976.

The Mining Law.

The Minerals (Vesting) Law.

The Petroleum (Production) Law.

Amendments to preceding laws through 1986.

INTERVIEWS

Arch, David. Personal Interview. November 8, 1986.

Bissell, William. Personal Interview. November 7, 1986.

Bodden, Robert. Personal Interview. November 13, 1986.

Butler, Brian. Personal Interview. November 11, 1986.

Crighton, Rex. Personal Interview. November 8, 1986.

Cullen, Maurice. Personal Interview. November 13, 1986.

Dice, Don. Notes from Personal Interview conducted by Mr. George Bowen. July, 1987.

Hawkins, Antonio. Personal Interview. November 17, 1986.

Joseph, Arek. Personal Interview. November 13, 1986.

McGlaughlin, Gordon. Personal Interview. November 12, 1986.

Powell, Jimmy. Personal Interview. November 17, 1986.

Proper, Henry. Personal Interview. November 7, 1986.

Rankin, Kent. Personal Interview. November 19, 1986.

Rutkowski, Conrad. Personal Interview. November 14, 1986.

Stephenson, Malcolm. Personal Interview. November 7, 1986.

Watler, Selkirk, Personal Interview. November 14, 1986.

Watler, R. Sibert. Personal Interview. November 12, 1986.

Wells, Joyce. Personal Interview. November 17, 1986.

APPENDICES

APPENDIX A

The Grand Cayman Development Community

THE GRAND CAYMEN DEVELOPMENT COMMUNITY

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Total
Occupation																			
Developer					x			x			x						x	x	5
Architect		x	x							x		x			x				5
Contractor	x					x			x				x	x		x			6
R E Agent				x			x												2
* CPA Member	x					x							x			x			4
Residency Status																			
Caymanian				x		x	x	x			x		x	x		x	x		9
Resident	x	x	x		x					x		x			x			x	8
Expatriot									x										1
Experience w/ Other Regs																			
Yes	x	x	x		x				x	x		x						x	8
No				x		x	x	x			x		x	x	x	x	x		10
Development Experience (years)																			
< 5															x				1
5 - 10			x			x		x											3
> 10	x	x		x	x		x		x	x	x	x	x	x		x	x	x	14
Familiarity w/ Caymanian Dev. Control																			
Good	x	x	x		x	x		x	x	x		x	x			x		x	12
Fair											x				x		x		2
Poor				x			x							x					4

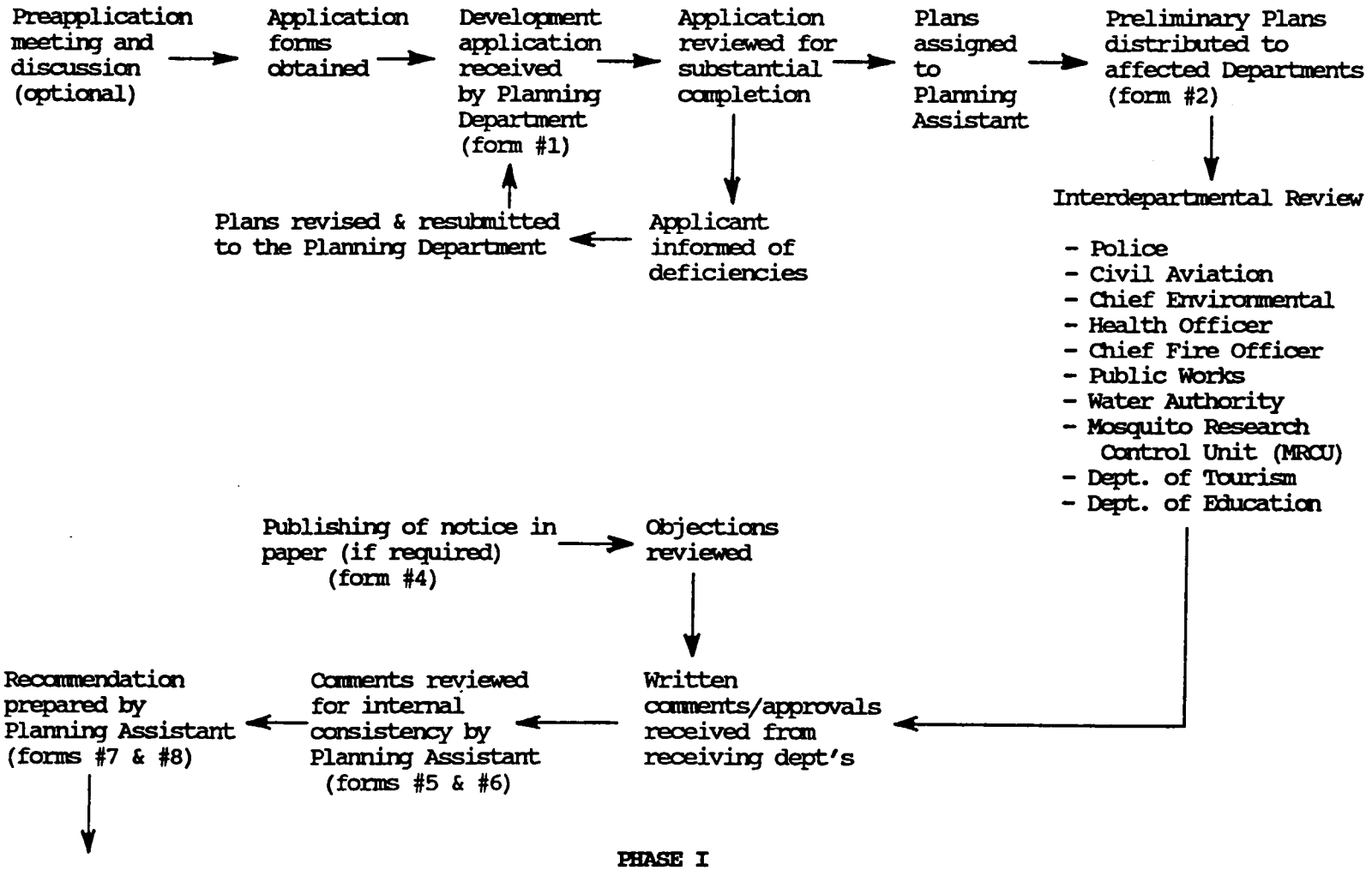
CATEGORIZED BY RESIDENCY STATUS

	Caymanian										Residents									Expatriots	
	4	6	7	8	11	13	14	16	17	Sub	1	2	3	5	10	12	15	18	Sub	9	Sub
Occupation																					
Developer				x	x				x	3				x				x	2		0
Architect										0		x	x		x	x	x		5		0
Contractor		x				x	x	x		4	x								1	x	1
R E Agent	x		x							2									0		0
Experience w/ Other Regs																					
Yes										0	x	x	x	x	x	x		x	7	x	1
No	x	x	x	x	x	x	x	x	x	9							x		1		0
Development Experience (years)																					
< 5										0							x		1		0
5 - 10		x		x						2			x						1		0
> 10	x		x		x	x	x	x	x	6	x	x		x	x	x		x	6	x	1
Familiarity w/ Caymanian Dev. Control																					
Good		x		x		x		x		4	x	x	x	x	x	x		x	7	x	1
Fair					x				x	1							x		1		0
Poor	x		x				x			4									0		0

APPENDIX B

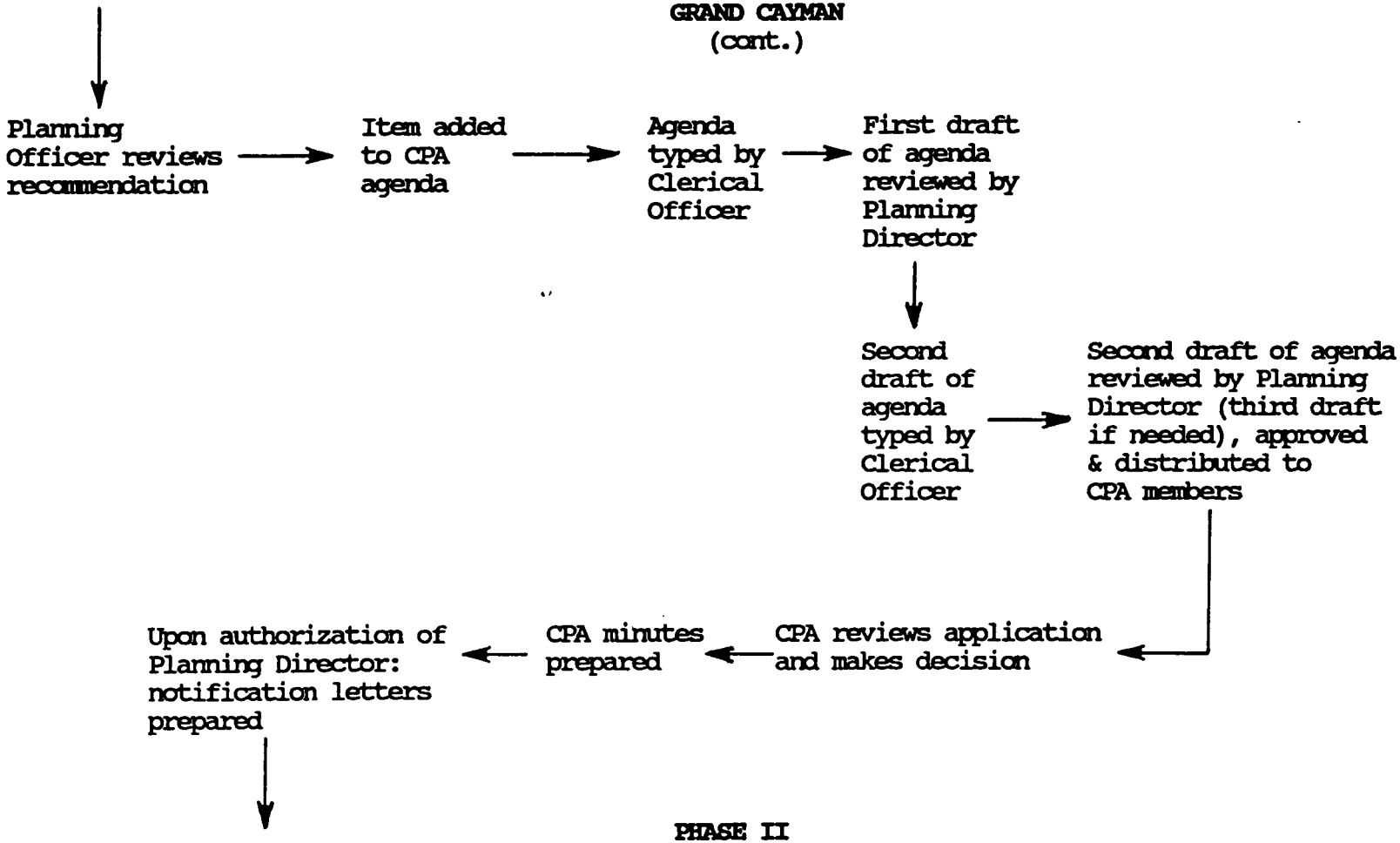
Existing Land Development Approval Process

EXISTING LAND
DEVELOPMENT APPROVAL PROCESS
GRAND CAYMAN

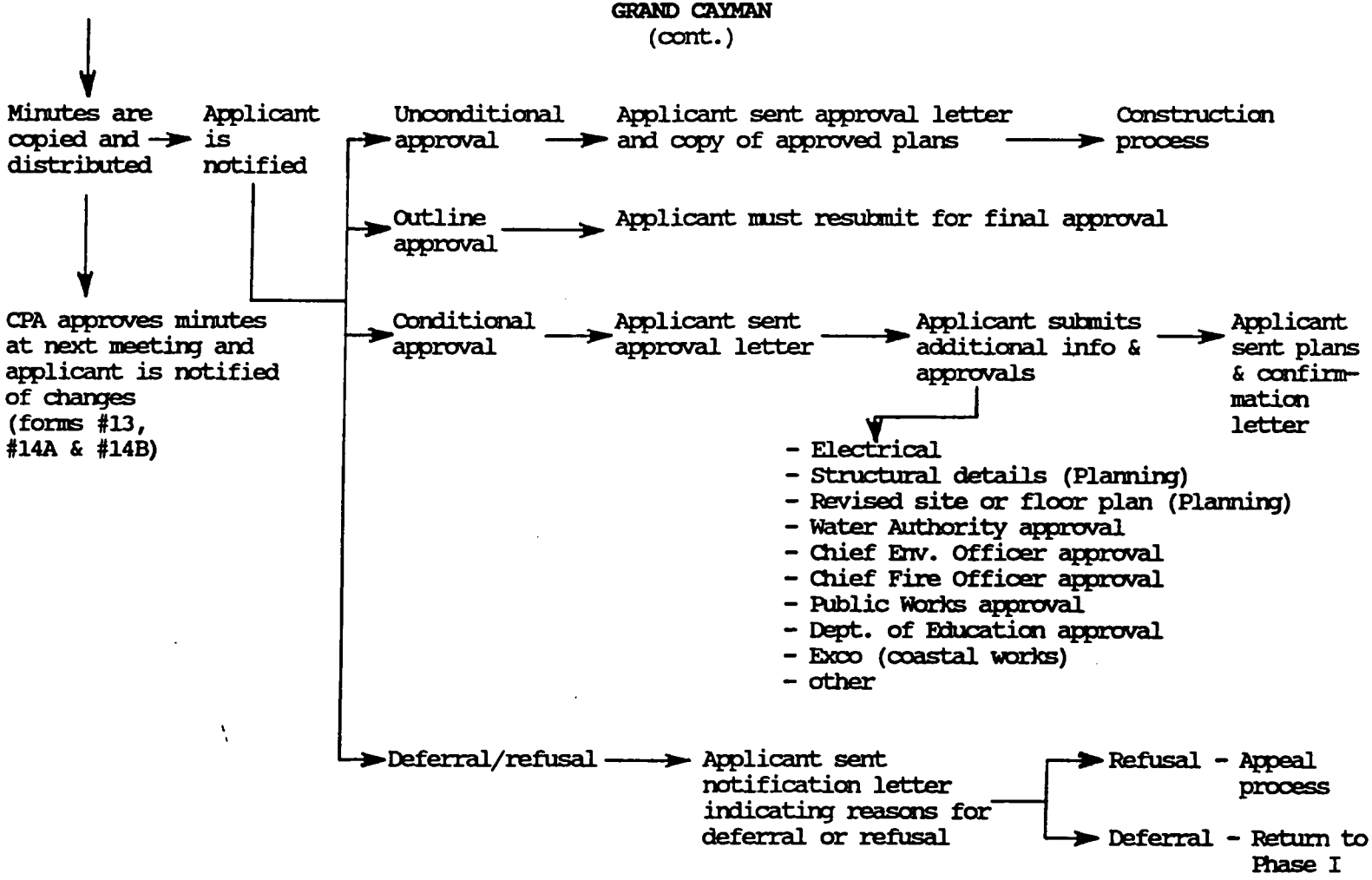


PHASE I

EXISTING LAND DEVELOPMENT APPROVAL PROCESS GRAND CAYMAN
(cont.)



EXISTING LAND
DEVELOPMENT APPROVAL PROCESS
GRAND CAYMAN
(cont.)



PHASE III

APPENDIX C

Categorization of Responses

PROBLEMS RELATED TO INSUFFICIENT CONTROL

The regulations are not strict enough.

Road standards are inadequate.

Offsite road improvements should be shared by Government and developer.

Offsite road improvements should be the responsibility of the developer.

Poor standards makes financing difficult to obtain.

The regulations should require more environmental preservation.

Regulations applicable to land reclamation are inadequate.

The regulations should require that stormwater be retained on-site.

Signs are inadequately controlled.

Setback requirements are inadequate.

Parking requirements are inadequate.

Residential use should not be allowed on the ground floor in high density areas.

PROBLEMS RELATED TO (OR CONCERN ABOUT POTENTIALLY) EXCESSIVE CONTROL

The regulations are too strict.

Offsite road improvements (those necessary to coordinate new development with existing) should be the responsibility of Government.

Subdivision road maintenance should be the responsibility of Government.

Regulations applicable to land reclamation are excessive.

Open space within a development should not be open to the public.

Open space requirements should be handled on a case by case basis; the uniform requirement for 5 % open space is arbitrary; some developments should be exempt from the open space requirement.

The location of open space should be up to the developer.

Developer should only be required to dedicate land for open space; Government should be responsible for improvement.

Open space should not be required.

Developers should not be responsible for the provision of schools.

Height limitations are excessive.

Parking requirements are excessive.

Small subdivisions should have lower standards (roads) than larger ones.

Phased approval of large developments would reduce the level of uncertainty, costs, delays.

Performance bonds are not necessary or feasible.

Tradeoffs may be acceptable, so long as limits are defined.

Design aesthetics should not be controlled.

PROBLEMS RELATED TO ADMINISTRATION
(continued on the next page)

The regulations are contradictory, ambiguous, inconsistent, nonspecific, unclear, etc.

Maintenance of open space should be defined statutorily.

Prefer payment-in-lieu of land dedication.

Parking requirements should be more flexible.

Does not think interdepartmental coordination works.

Review process takes more time than is necessary.

All subdivisions should be regulated (fees, standards, etc.) uniformly.

The government is unaware of development process (costs, time constraints, etc.).

There should be a different review for different types and sizes of development proposals.

Multi-level review would improve the review process.

The information requirements (# of drawings, etc.) are excessive.

Performance bonds are necessary or feasible.

Tradeoffs are unacceptable (potential for abuse and misuse).

The CPA takes too much discretion.

There should be a provision for variance under specified conditions.

The public notification requirements are poorly designed, unreasonable, inconsistent.

Fees for review of proposals are too high.

The fee schedule for review of proposals is poorly designed.

There should be statutory time limits on review.

Design standards are not uniformly administered.

Compliance with design standards is inadequately enforced.

PROBLEMS RELATED TO ADMINISTRATION (cont.)

Government personnel are inadequate.

Government needs to hire more Planning Department personnel.

Would participate on Development Community Review Committee.

Personalities play too much importance in the development control system.

Approves of joint meeting with various departments to resolve conflicts.

PROBLEMS RELATED TO INADEQUATE POLICY LINKAGE

The degree of regulation is not as important as is the direct relationship of the regulation to Caymanian needs.

Grand Cayman should not copy the laws of other areas.

The CPA should be given more discretion.

Grand Cayman needs more emphasis on policy planning.

CPA should publicize purpose of development control in order to educate Caymanians.

APPROVAL OF EXISTING SYSTEM

There is a general need for development control.

Have few problems with existing process.

Road standards are adequate.

Land dedication for schools is acceptable.

Setback requirements are acceptable.

Prefer central coordination of development proposals by the Planning Department.

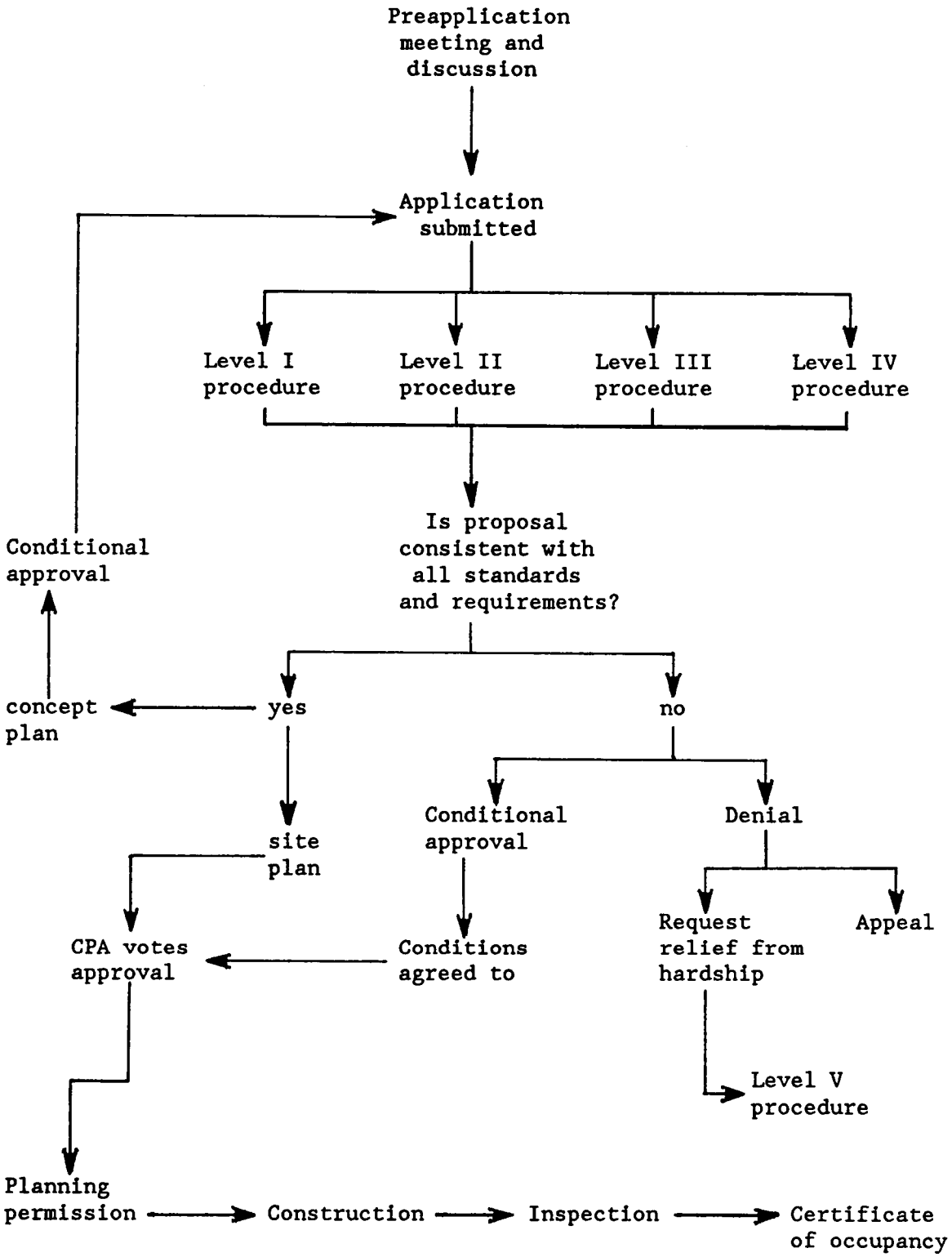
The CPA has adequate discretion.

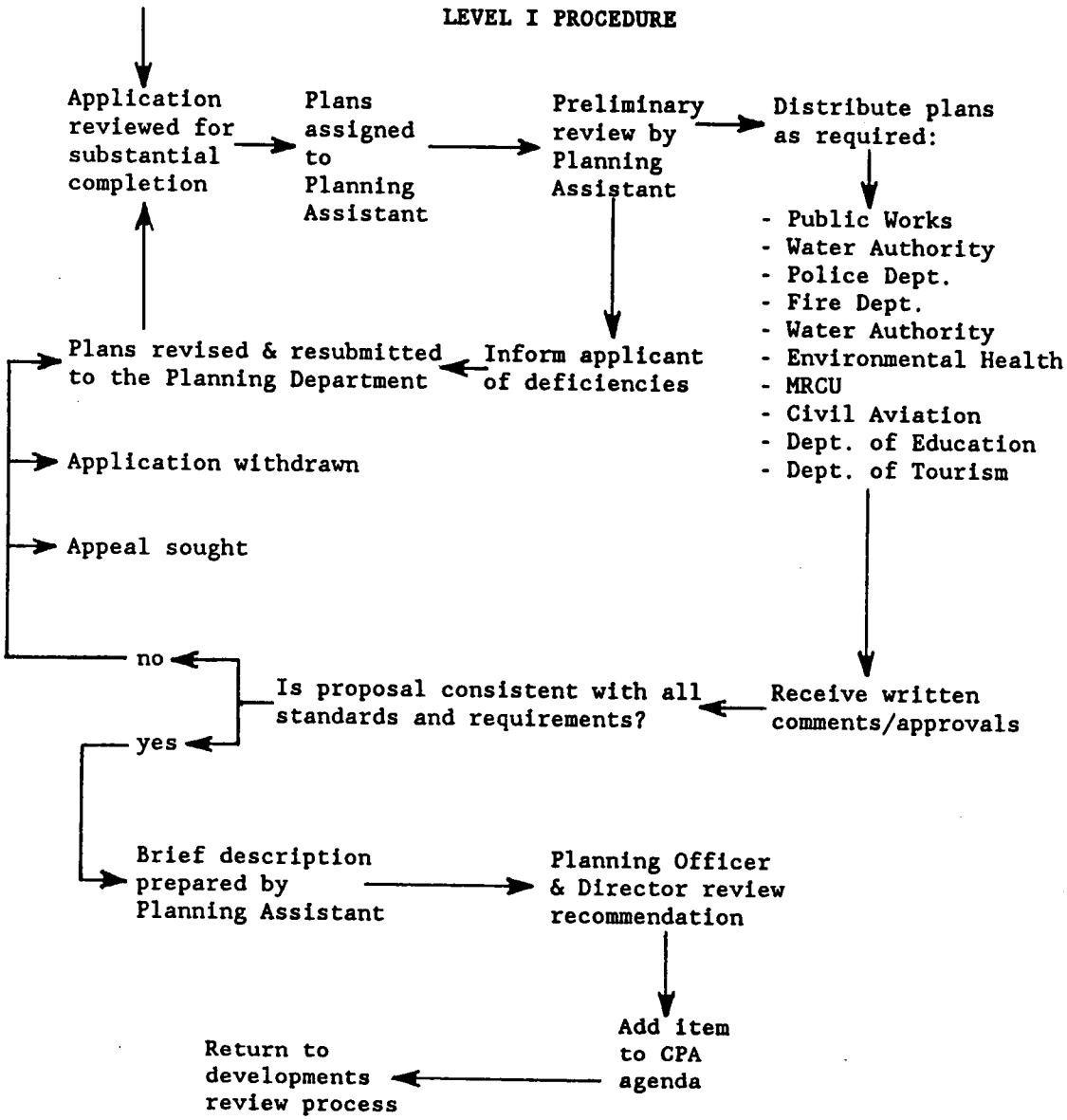
There should be no statutory time limits on review.

APPENDIX D

Proposed Land Development Approval Process

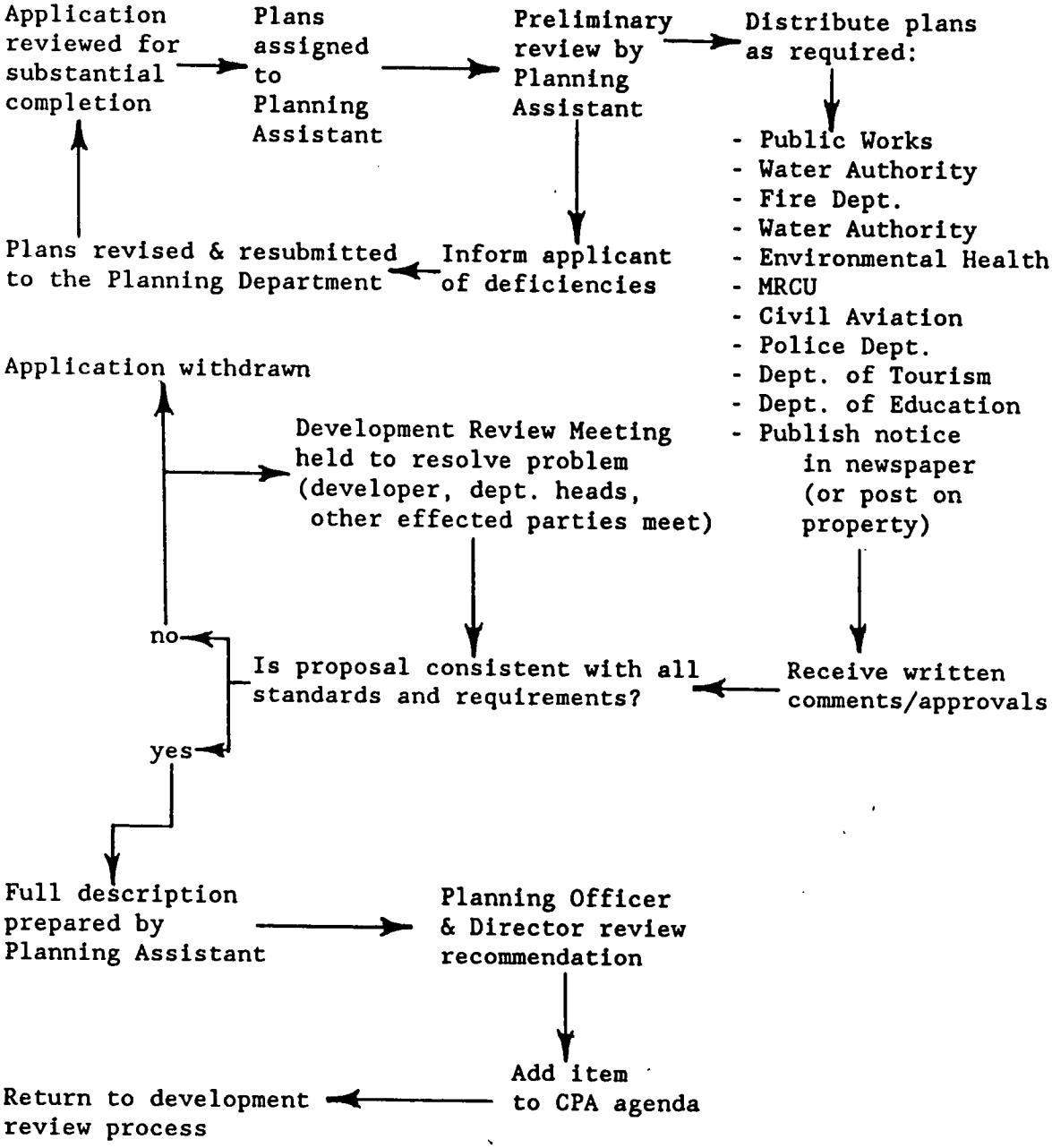
PROPOSED LAND DEVELOPMENT APPROVAL PROCESS
GRAND CAYMAN




LEVEL I PROCEDURE
Application reviewed for substantial completion
Plans assigned to Planning Assistant
Preliminary review by Planning Assistant
Distribute plans as required:
- Public Works
- Water Authority
- Police Dept.
- Fire Dept.
- Water Authority
- Environmental Health
- MRCU
- Civil Aviation
- Dept. of Education
- Dept. of Tourism
Inform applicant of deficiencies
Plans revised & resubmitted to the Planning Department
Application withdrawn
Appeal sought
Receive written comments/approvals
Is proposal consistent with all standards and requirements?
no
yes
Brief description prepared by Planning Assistant
Planning Officer & Director review recommendation
Add item to CPA agenda
Return to developments review process

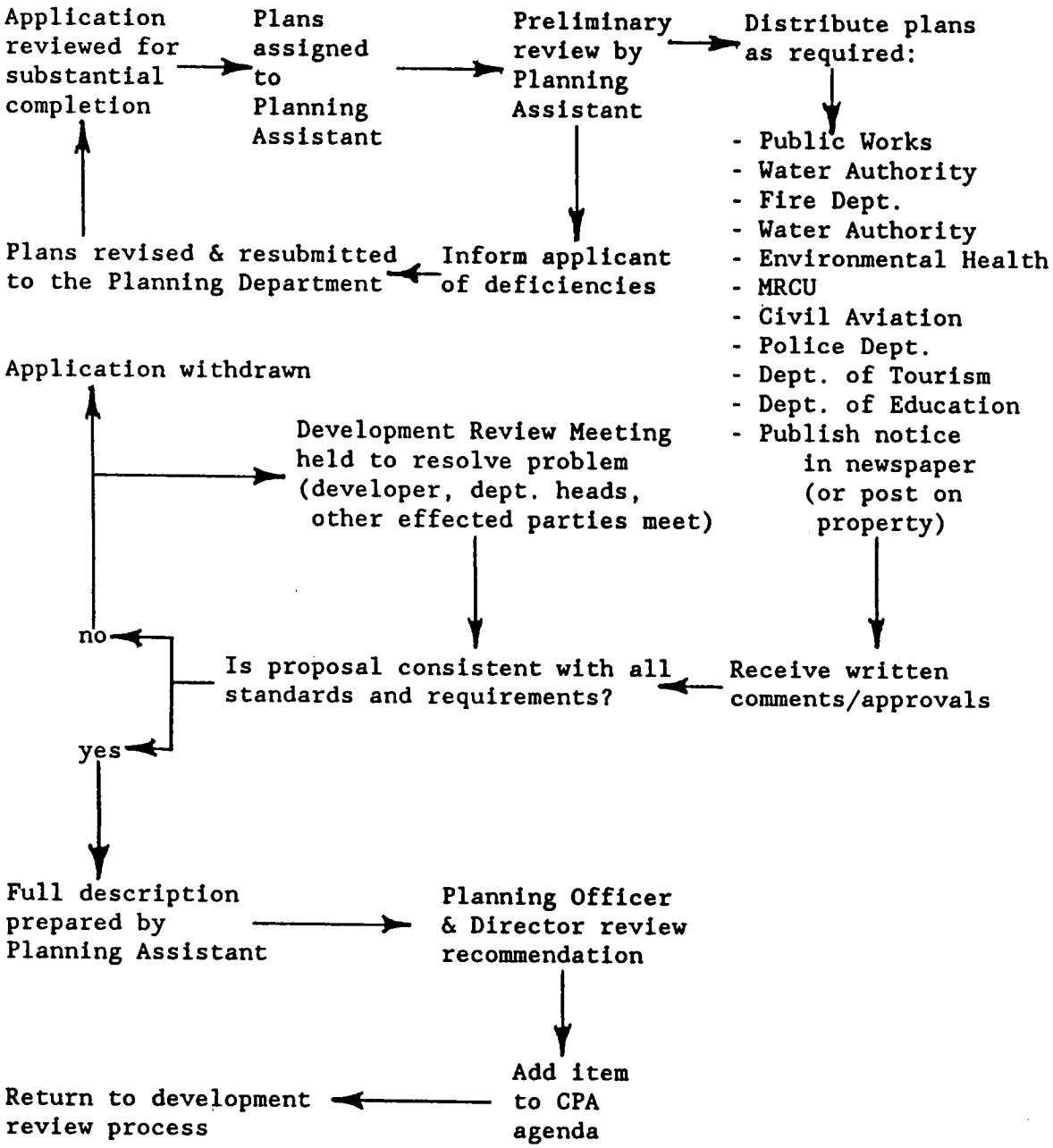
LEVEL II PROCEDURE

(same procedure used for Level III Procedure
for both Concept Plan Review & Site Plan Review)

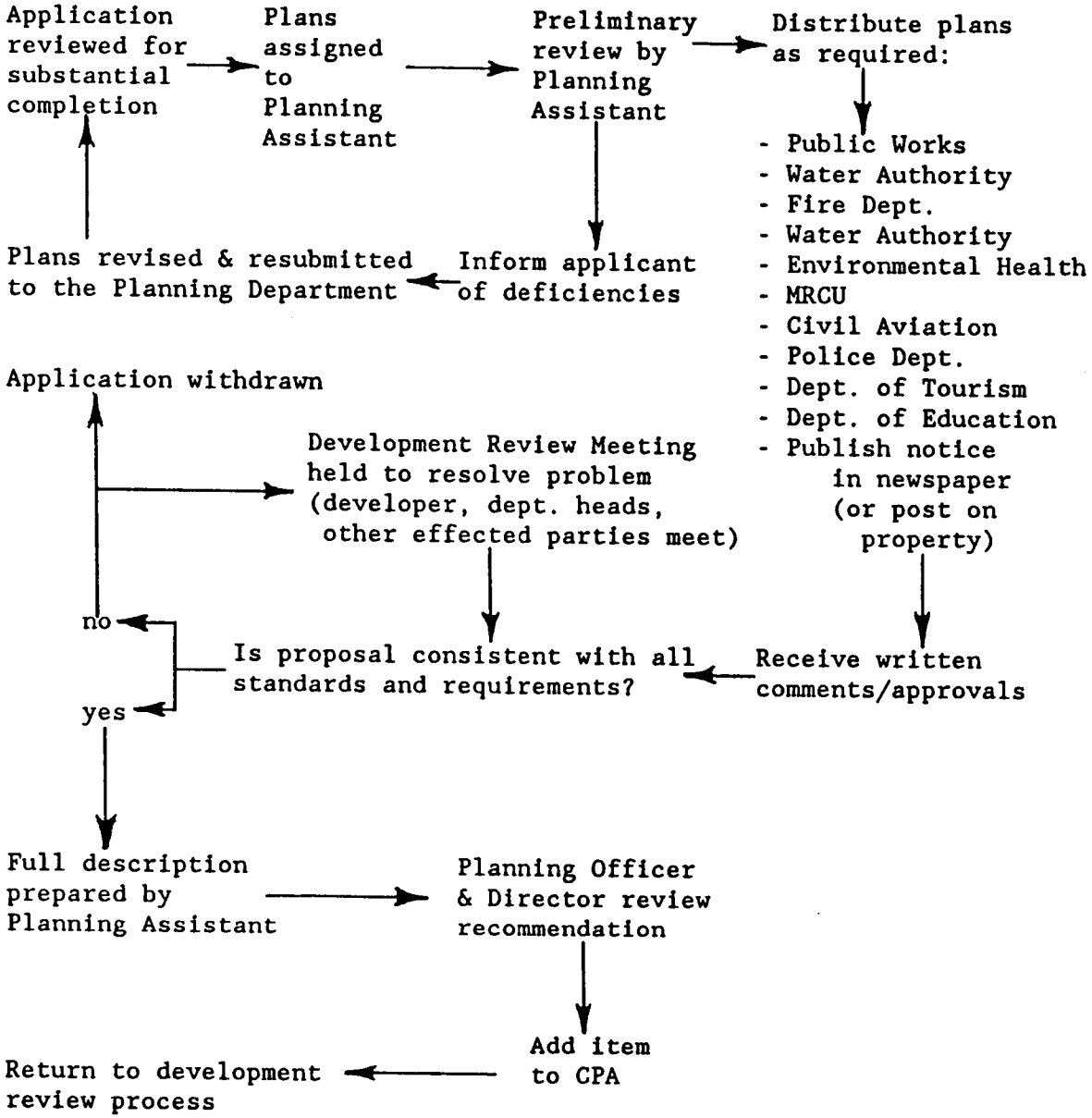


LEVEL III PROCEDURE

Concept Plan Review:

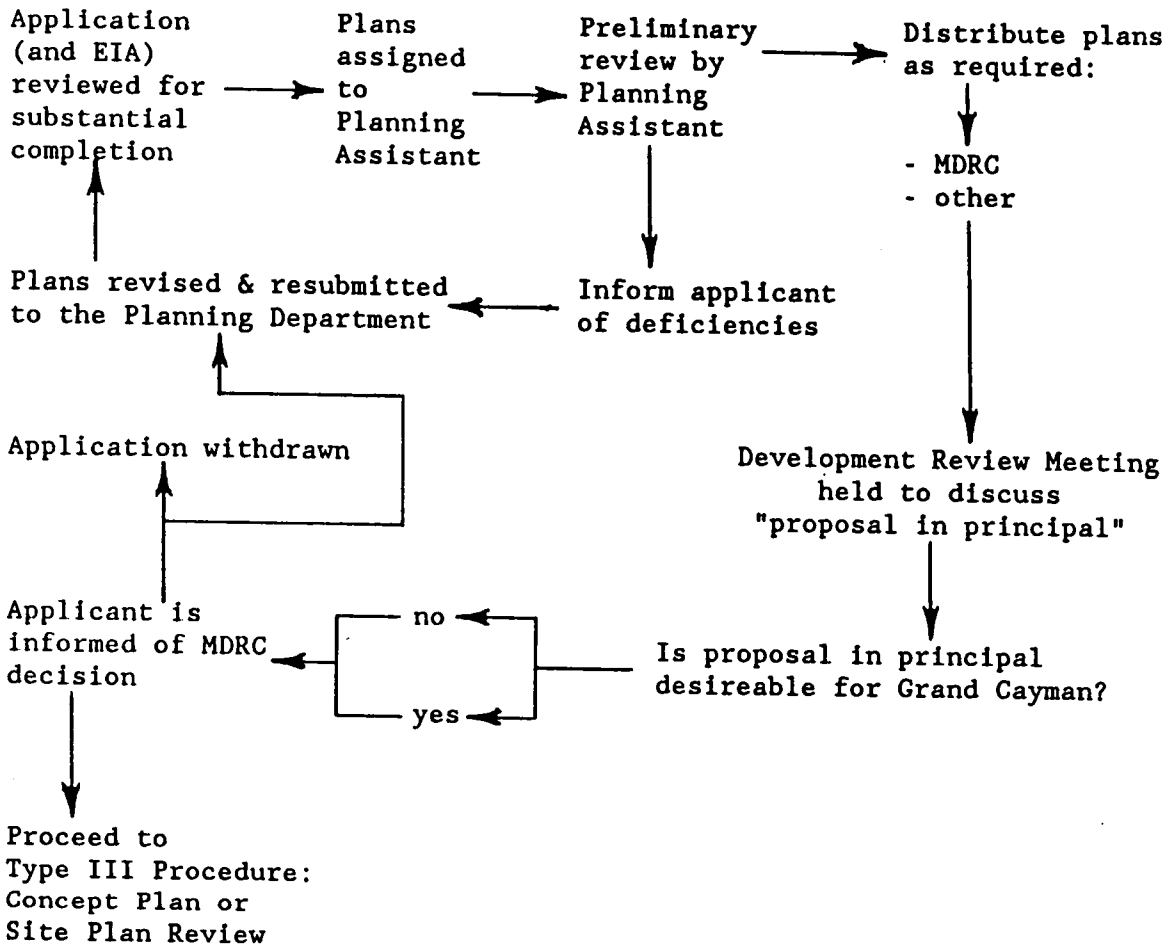


Site Plan Review:



LEVEL IV PROCEDURE

Policy Review:



EIA - Environmental Impact Assessment

PROPOSED CHANGES

A. Classification system

1. Use
   a. Uses permitted by right
   b. Uses permitted by discretion
   c. Uses permitted by performance review
   d. All uses in Large Development
2. Scale (level of impact)
   a. Small (site specific impact)
   b. Medium (community or regional impact)
   c. Large (island-wide impact)
3. Type
   a. Development
   b. Division of land
   c. Land clearing and reclamation
   d. Request for relief of physical hardship

B. Review levels

1. Administrative review only
2. Discretionary review - CPA
3. Policy Review - MDRC

C. Procedure (refer to flow charts)

1. General Procedure
2. Type I - small scale types & uses permitted by right
3. Type II - medium scale types & uses permitted by discretion
4. Type III - uses permitted by performance review
   a. Concept Plan Review
   b. Site Plan Review
5. Type IV - all large scale proposals (of size that will potentially cause island-wide impact, need to define size).
   a. Policy Review
   b. Concept Plan Review
   c. Site Plan Review

E. Regulations

1. Relief of hardship - Variance
2. Creation of Large Development Review Committee
3. Time limits
4. Comprehensive Development Code

VITA

Susan L. Roakes was born on February 7, 1958 in Bitburg, West Germany. She attended public school in Lynchburg, Virginia and graduated from E. C. Glass High School in 1976. In August of the same year, she began baccalaureate studies at Virginia Polytechnic Institute and State University in Blacksburg, Virginia. As an undergraduate, she participated in the cooperative education program, studied abroad in England, served as a member of Alpha Phi Omega, national service fraternity, and was elected a member of Phi Kappa Phi, national honor society. She graduated Cum Laude in 1981 with a B.A. in Urban Affairs.

Ms. Roakes was employed by the Mount Rogers Planning District Commission of Virginia. Serving as the Housing Planning, she provided technical assistance to several of the local governments in the region as well as planning assistance to the region as a whole.

In the fall of 1985, Ms. Roakes entered the Graduate School of Planning at The University of Tennessee, Knoxville. While in graduate school, she served as a member of the Collegiate Institute of Planners and was awarded a Fulbright Scholarship to study in New Zealand. She also received an Outstanding First Year Student Award and an Academic Achievement Award from the Graduate School of Planning.

Ms. Roakes intends to continue her education at The University of Wisconsin, Madison where she has been accepted to begin studies toward a Ph.D in Urban and Regional Planning in September 1987. She plans to begin her study in New Zealand in 1988.