

DAVID W. OWENS

School of Government
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University of North Carolina
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PROFESSIONAL EXPERIENCE:

Adjunct Professor of Public Law and Government, School of Government, University of North Carolina at Chapel Hill, June 2020 to present

Gladys H. Coates Distinguished Professor of Public Law and Government, School of Government, University of North Carolina at Chapel Hill, February 2007 to June 2020

Professor of Public Law and Government, School of Government, University of North Carolina at Chapel Hill, July 1997 to January 2007

Associate Professor of Public Law and Government, School of Government, University of North Carolina at Chapel Hill, February 1989 to June 1997

Director, Division of Coastal Management, North Carolina Department of Natural Resources and Community Development, January 1984 to February 1989

Assistant Director, Office of Coastal Management, N.C. Department of Natural Resources and Community Development, September 1980 to December 1983

Chief, Planning, Policy and Technical Services Section, Office of Coastal Management, N.C. Department of Natural Resources and Community Development, June 1978 to August 1980

Senior Planning Analyst/Attorney, Office of State Planning and Energy, Wisconsin Department of Administration, May 1975 to June 1978

UNC-CH TEACHING

School of Government:

- Planning and Development Regulation
- Zoning Practice
- Zoning Officials Certification
- Foundations in Planning and Development Regulation
- Planning Practice
- Essentials of Municipal and County Government
- Municipal and County Administration
- Land Use Law for Citizen Planners
- Community Development Academy
- Planning Board Workshops

Board of Adjustment Workshops

School of Law:

Land Use Law (LAW 290) (previously taught)

Masters in Public Administration

Law for Public Administration (PUBA 760) (previously taught)

Land Use and Environmental Law/Planning (PUBA 780) (previously taught)

Administrative Law (PUBA 223) (previously taught)

Department of City and Regional Planning

Coastal Management Policy (PLAN 237) (previously taught)

EDUCATION:

Legal --

Juris Doctor, University of North Carolina at Chapel Hill, 1975; Oxford University, Summer, 1974

Graduate --

Master of Regional Planning, University of North Carolina at Chapel Hill, 1974

Undergraduate --

Bachelor of Arts and Laws, University of North Carolina at Chapel Hill, 1972

SELECTED PUBLICATIONS AND PAPERS:

Books

Land Use Law in North Carolina (3rd ed., 2020) [956 pp]

Chapter 160D: A New Land Use Law for North Carolina (2019) [255 pp] (co-author)

Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions (2017) [168 pp.] (co-author)

Introduction to Zoning and Development Regulation (4th ed., 2013) [190 pp]

Land Use Law in North Carolina (2nd ed., 2011) [530 pp]

Introduction to Zoning (3rd ed., 2007) [198 pp]

Land Use Law in North Carolina (2006) [404 pp]

Planning Legislation in North Carolina (19th ed., 2002) [468 pp]

Introduction to Zoning (2nd ed., 2001) [184 pp]

North Carolina Legislation 1999 (1999) (editor and co-author) [282 pp]

Legislative Zoning Decisions: Legal Aspects (2nd ed., 1999) [435 pp]

Planning Legislation in North Carolina (18th ed., 1996) [386 pp]

Introduction to Zoning (1995) [120 pp]

Legislative Zoning Decisions: Legal Aspects (1993) [295 pp]

Planning Legislation in North Carolina (17th ed., 1991) [430 pp]

Conflicts of Interest in Land-Use Management Decisions (1990) [105 pp]

Managing Coastal Erosion (National Academy Press, 1990) (co-author, with William L. Wood, Robert G. Dean, Martin Jannereth, Judith T. Kildow, Stephen P. Leatherman, Bernard Le Mehaute, Rutherford H. Platt, and Robert L. Wiegel) [182 pp]

Urban Growth Management Through Development Timing (1976) (co-author, with David J. Brower, Ronald Rosenberg, Ira Botvinik, and Michael Mandel) [153 pp]

Public Use of Coastal Beaches (1976) (co-author, with David J. Brower) [356 pp]

Selected Book Chapters

"Chapel Hill and the University of North Carolina: A Collaborative Approach to Planning and Development," in Cynthia A. Baker and Patricia E. Salkin, eds., Town and Gown: Legal Strategies for Effective Collaboration (ABA Press, 2013) [21 pp.]

"Community Planning, Land Development, and Related Topics," in North Carolina Legislation (annually 1989-2007) [typically 15-30 pp]

"An Overview of Planning in North Carolina" and "Zoning," in The North Carolina Citizen Planner Training Program (1998)

"Land Use, Building Construction, and Environmental Regulation" in State and Local Government Relations in North Carolina (2nd ed. 1995) (co-author, with Milton S. Heath, Jr.) [17 pp]

"The Coastal Management Program in North Carolina: Establishing a Process for Managing Development in Hazard Areas and Preparing Coastal Land Use Plans," in Case Studies of Coastal Management: Experiences from the United States (1991) [12 pp]

"Introduction to State Coastal Zone Management Programs," in Evaluation of the National Coastal Zone Management Program (1991) [10 pp]

"Coastal Law," in B. Ragotskie, ed., Man and the Marine Environment (1983) [18 pp]

"The Law of Ownership and Use of Coastal Beaches," in D. Brower, ed., Access to the Nation's Beaches: Legal and Planning Perspectives (1978) [28 pp]

Selected Monographs

2018 Survey Report: Adoption and Administration of Local Development Regulations, Conditional Zoning, and Subdivision Administration (Chapel Hill: School of Government Planning and Zoning Law Bulletin No. 30, 2020) [49 pp.]

Planning Consistency Statements (Chapel Hill: School of Government Planning and Zoning Law Bulletin No. 27, 2018) [29 pp.]

Annual Legislative Summaries (Chapel Hill: School of Government Planning and Zoning Law Bulletins, 1989-2019) (co-author, with Richard Ducker and Adam Lovelady) (various pp.)

2012 Zoning Survey: Report: Zoning Adoption, Administration, and Provisions for Design Standards and Alternative Energy Facilities (Chapel Hill: School of Government Planning and Zoning Law Bulletin No. 21, 2012) [27 pp]

Development Moratoria: The Law and Practice in North Carolina (Chapel Hill: School of Government Special Series No. 26, 2009) [17 pp]

The Use of Development Agreements to Manage Large-Scale Development: The Law and Practice in North Carolina (Chapel Hill: School of Government Special Series No. 25, 2009) [28 pp]

Zoning Amendments in North Carolina (Chapel Hill: School of Government Special Series No. 24, 2008) [24 pp]

An Overview of Zoning Districts, Design Standards, and Traditional Neighborhood Design in North Carolina Zoning Ordinances (Chapel Hill: School of Government Special Series No. 23, 2007) (co-author with Andrew Stevenson) [12 pp]

Special Use Permits in North Carolina Zoning (Chapel Hill: School of Government Special Series No. 22, 2007) [28 pp]

An Inventory of Local Government Land Use Ordinances in North Carolina (Chapel Hill: School of Government Special Series No. 21, 2006) (co-author, with Nathan Branscome) [31 pp]

The North Carolina Experience with Municipal Extraterritorial Planning Jurisdiction (Chapel Hill: School of Government Special Series No. 20, 2006) [17 pp]

A Survey of Experience with Zoning Variances (Chapel Hill: School of Government Special Series No. 18, Feb. 2004) (co-author, with Adam Brueggemann) [35 pp]

Recent North Carolina Litigation Concerning Land Use and Development, (Chapel Hill: Institute of Government, Planning and Zoning Law Bulletin No. 12, June 2000) (co-author, with Richard D. Ducker) [12 pp]

Recent Developments Regarding Local Regulation of Sexually Oriented Businesses (Chapel Hill: Institute of Government, Planning and Zoning Bulletin No. 10, August 1998) [13 pp]

Land Use Regulation of Religious Land Uses (Chapel Hill: Institute of Government, Planning and Zoning Bulletin No. 8, October 1997) [14 pp]

Regulating Sexually Oriented Businesses (Chapel Hill: Institute of Government, Special Series No. 15, January 1997) [30 pp]

The Potential for Merger of Planning and Development Services in the City of Greensboro and Unincorporated Areas of Guilford County (Chapel Hill: Institute of Government, November 1994) (co-author, with Richard D. Ducker, Kurt J. Jenne, and Warren J. Wicker) [50 pp]

Charting a Course for Our Coast: Report of the Coastal Futures Committee (Raleigh, September 1994) (co-author) [106 pp]

A Compilation and Analysis of the Decisions of the North Carolina Coastal Resources Commission, 1974-1993, (Chapel Hill: Institute of Government, 1994) [62 pp]

Supreme Court Establishes Rule on Total Taking: Perspectives on the *Lucas* Case (Chapel Hill: Institute of Government, Planning and Zoning Bulletin No. 3, September 1992) (co-author, with Richard D. Ducker and Milton Heath, Jr.) [18 pp]

Florida's Coastal Management Program: An Independent Assessment (Boston: University of Massachusetts-Boston, 1991) (co-author, with Richard F. Delaney and James F. Ross) [32 pp]

Protecting Solar Access (April 1978) (co-author) [31 pp]

Nonregulatory Techniques for Urban Growth Management in Wisconsin (April 1978) (co-author, with Steve Schaeffer, Gail Kalson, and Victor Pol) [203 pp]

Wisconsin State Land Use Policies and Programs (April 1978) (co-author) [117 pp]

Land Use and Coastal Management in Wisconsin Coastal Municipalities (January 1978) (co-author, with Michelle Rothenberg) [41 pp]

An Inventory of Land Use Related Activities of Wisconsin State Agencies (October 1977) (co—author, with Steve Schaeffer, Yvette Hall, and Victor Pol) [115 pp]

Public Rights in Shoreline Recreation Areas (Council of Planning Librarians Exchange Bibliography No. 894, October 1975) [50 pp]

Selected Refereed Articles

"The Zoning Variance: Reappraisal and Recommendations for Reform of a Much-Maligned Tool," 29 Colum. J. Envtl. L. 279 (2004) [44 pp]

"Local Government Authority to Implement Smart Growth Programs: Dillon's Rule, Legislative Reform, and the Current State of Affairs in North Carolina," 35 Wake Forest L. Rev. 671 (2000) [35 pp]

"Coastal Management Law in North Carolina: 1974 -1994," 72 N. C. L. Rev. 1413 (1994) (co-author, with Milton S. Heath, Jr.) [39 pp]

"National Goals, State Flexibility, and Accountability in Coastal Management," 20 Coastal Management 143 (1992) [23 pp]

"Coastal Management in North Carolina: Building a Regional Consensus," 51 J. Am. Planning Assoc. 322 (1985) [8 pp]

"Land Acquisition and Coastal Resources Management: A Pragmatic Perspective," 24 Wm. & Mary L. Rev. 625 (1983) [43 pp]

"Public Participation in Local Land Use Planning: Concepts, Mechanisms, State Guidelines, and the Coastal Area Management Act," 53 N.C. L. Rev. 975 (1975) [30 pp]

Selected Other Articles

"A Smart Growth Toolbox for Local Governments," 66 Popular Government 29 (Fall 2000) (co-author) [13pp]

Editor and Director, Legislative Reporting Service, Institute of Government, UNC-CH, 1999-2000 (edit Daily Bulletin, North Carolina Legislation, and administrative duties)

"Zoning Hearings: Knowing Which Rules to Apply," 58 Popular Government 26 (Spring 1993) [10 pp]

"Growth Management: Alternatives, Innovations, and Land Use Planning," in North Carolina Ocean Outfall Forum (April 1993) [4 pp]

"Protecting Land Through Regulation," in Strands in the Web of Life: First National Greenways Conference (September 1992) [14 pp]

"Amortization: An Old Land-Use Controversy Heats Up," 57 Popular Government 20 (Fall 1991) [10 pp]

"Land Use and Development Moratoria," 56 Popular Government 31 (Fall 1990) [6 pp]

"Bias and Conflict of Interest in Land-use Management Decisions," 55 Popular Government 29 (Winter 1990) [8 pp]

"Where Erosion and Development Meet," 15 EPA Journal 44 (September/October 1989)

"Estuary Report: Albemarle-Pamlico Sounds," 13 EPA Journal 26 (July/August 1987) [2 pp]

"Erosion Rates and Hazard Mapping in Coastal Resource Management," in Managing High Risk Flood Areas (June 1984) [12 pp]

"Managing Development in Coastal Hazard Areas: State-Federal Relations," in Preventing Coastal Flood Disasters (May 1983) [10 pp]

“The Management of Oceanfront Development in North Carolina,” in Achievements of the ‘70s and Prospects for the ‘90s,” (October 1981) [10 pp]

"The Future of the Currituck Outer Banks," 6 Carolina Planning 44 (1980)

“Legal Issues of Beach Access and Use,” in Coping with the Coast (September 1978) [9 pp]

“Municipal Incorporation and Its Impact of the Local Regulation of Development in North Carolina,” in Carrying Capacity: A Basis for Coastal Planning? (June 1974) [7 pp]

E-Learning/On-line Modules

“160D: Context and Background” (SOG, Fall 2019)

“160D: Jurisdiction and Boards” (SOG, Fall 2019)

“160D: Legislative Land Use Decisions” (SOG, Fall 2019)

“160D: Quasi-Judicial Land Use Decisions” (SOG, Fall 2019)

“Conflicts of Interest” (SOG, June 2017)

“First Amendment and Regulation of Adult Uses” (January 2016)

“Land Use Regulation of Group Homes” (December 2015)

“Special Use Permits” (June 2015)

“Process for Ordinance Adoption and Amendment” (May 2015)

“Making a Quasi-Judicial Decision” (SOG, June 2014)

“Conducting an Evidentiary Hearing” (SOG, June 2014)

Selected Continuing Legal Education Publications

“Standing Issues in Zoning Cases,” (Raleigh, Joint Supreme Court and Court of Appeals Judicial Education Program, April 2019)

“Legislation and Litigation Update,” (Cary: N.C. Bar Foundation, April 2019)

“Legislation and Litigation Update,” (Cary: N.C. Bar Foundation, April 2018)

“Judicial Review of Land Use Cases,” Superior Court Judges Fall Conference (Chapel Hill: SOG, October 2017)

“Case Law and Legislative Update,” (Cary: N.C. Bar Foundation, April 2017)

“Legislative Update,” (Cary: N.C. Bar Foundation, March 2016)

“Land Use Law,” in Appellate Training: New and Emerging Issues (Raleigh: N.C. Judicial Center, January 2015)

“The Current Scope of Local Government Land-use Regulation Powers,” (Cary: N.C. Bar Foundation, March 2014)

“Retooling Annexation, Land use and Zoning,” in 2013 Legislative Reform Roundup (Cary: N.C. Bar Foundation, November 2013)

“What is a Quasi-Judicial Proceeding,” and “Case Law Update,” in Quasi-Judicial Proceedings: Understanding, Handling, and Litigating Cases (Cary: N.C. Bar Foundation, April 2013)

“Annexation and Extraterritorial Jurisdiction,” in Regulating the Regulators – New Legislative Restrictions on State and Local Governments (Cary: N.C. Bar Foundation, October 2011)

“Zoning Law,” N.C. Court of Appeals, N.C. Judicial Center, Dec. 8, 2010 [20 pp.]

“Aesthetics in Development Regulation,” N.C. Association of Municipal Attorneys, August 6, 2010 [20 pp.]

“2007-2008 Case Law Update,” in Stakes in the Ground: 2008 Hot Topics, Zoning, Planning and Land Use Section Annual Meeting, (Cary: N.C. Bar Foundation, April 2008) [18 pp]

“Administrative Appeals: Zoning Cases,” in Superior Court Judges’ Summer Conference (Asheville, June 2007) [19 pp]

“First Amendment Hot Topics: Religious Land Uses and RLUIPA,” in A Matter of Perspective: Hot Topics for Land Use and Government/Public Sector Attorneys (Cary: N.C. Bar Foundation, May 2007) [16 pp]

“Imposing Individualized Conditions on Development Approvals: The Law and Practice in North Carolina,” 2007 Festival of Legal Learning (Chapel Hill: UNC School of Law, February 2007) [15 pp]

“Land Use, Zoning,” in North Carolina Farms: Protecting a Natural Resource (Cary: N.C. Bar Foundation, September 2006) [9 pp]

“Legislative and Case Law Update in This Land is My Land, This Land is Not Your Land – Now What Do We Do About It?,” (Cary: N.C. Bar Foundation, March 2006) [19 pp]

“Case Law Update,” in Mud, Sludge, and Traffic Counts: Taking Zoning and Land Use Advocacy to the Next Level (Cary: N.C. Bar Foundation, April 2005) [43 pp]

“Land Development in North Carolina: Making Your Way Through the Maze,” (Cary: N.C. Bar Foundation, May 2004) [23 pp]

“Zoning for High Density, Mixed Uses, and Open Space,” in Smart Growth and Development: Integrating Land Use and Environmental Planning (Cary: N.C. Bar Foundation, February 2003)

“Overview of Quasi-Judicial Proceedings,” in Quasi-Judicial Proceedings (Cary: N.C. Bar Foundation, November 2001) [38 pp]

“Do North Carolina Local Governments Have the Legislative Tools to Manage Growth?,” in Land Use Regulation and Planning (Cary: N.C. Bar Foundation, October 2000) [20 pp]

“Statutory Update,” in Land Use Regulation and Planning (Cary: N.C. Bar Foundation, October 1997) [20 pp]

MISCELLANEOUS OTHER:

School Committees

Faculty Recruitment Committee, 1991-2015

MPA Policy Committee, 1995-2014

Dean’s Advisory Committee, 2012-17

Various Faculty Advisory Committees

 Trey Allen, 2013-2019 (chair)

 Adam Lovelady, 2012-2018 (chair)

 Tyler Mulligan, 2007-2013 (chair post-2010, promotion review 2018)

 Diane Juffras, 2001-2007, promotion review 2012 (chair)

 Kara Millonzi, 2006-2012 (chair)

 Jonathan Morgan, 2003-2010, promotion review 2019

 Richard Whisnant, 2007 promotion review (chair), 2017 post-tenure review (chair)

 Susan Flinspach, 1998-2001 (chair)

Various Ad Hoc Committees

Various MPA Capstone Committees

Various PhD Advisory Committees

University Committees

Chancellor’s Buildings and Grounds Committee, 1995-2020, chair 2004-2020

Campus Art Advisory Committee, 2001-2020

Facilities Planning Committee, 2004-2020

Carolina North Steering Committee, 2004-09

Carolina North Fiscal Impacts Study Oversight Committee, 2006-09

Faculty Nominating Committee, 2004-2020

Various Administrative Review Committees

Professional Organizations

State Bar of North Carolina (also admitted to the bar, Wisconsin, 1975)

North Carolina Bar Association

 Zoning, Planning, and Land Use Section; Section Council Member

American Bar Association

North Carolina Chapter, American Planning Association

 Chapter Development, Professional Development, and Executive Committees

North Carolina Association of Zoning Officials

 Executive Committee, Certification Committee

Nonprofit Organizations

Vice President, Board of Directors, Interchurch Council Housing Corporation, (Housing for low and moderate income residents in the Chapel Hill community) 1996 - present

Board of Directors, Community Housing Alternatives, Inc., (Housing for the elderly and handicapped in the Chapel Hill community) 1992 - 1998

Consultant to Board of Trustees, North Carolina Nature Conservancy, 1989 – 93

Coastal States Organization

Alternate Delegate, 1978-83

Governor's Delegate, 1984-89

Executive Committee, 1985-89

Treasurer, 1985-89

Governmental Advisory Committees

Member, Governor's Scientific Advisory Panel on Offshore Energy, 2009-11

Member, Technical Advisory Committee, Water Resources Research Institute, NCSU, 1992- 94

Member, Committee on Coastal Erosion Zone Management, Water Science and Technology Board, National Research Council-National Academy of Science, 1988-89

Member, Technical Committee, Albemarle-Pamlico Estuary Study, 1987-89