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Growth Management Tools and Practices: the Role of Planning
Tools in Implementing Growth Management Strategies

by

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A masters report submitted in partial fulfillment
of the requirements for the degree of

Master of Science

University of Arizona

August 13, 1997

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Table of Contents

	Page
List of Tables	ii
Chapter 1: History and Creation of the American Growth Ethos	1
Growth of the American Frontier	2
Modern Implications	6
Chapter 2: The Role of Growth Management	8
Defining Growth Management	8
Regional Implications of Growth	9
Evolution of Growth Management Programs	10
Growth Management Strategies	11
Types of Growth Management Programs	12
Objectives of Growth Management	16
Chapter 3: Growth Management Tools	18
The Use of Tools	18
Tool Descriptions	19
Chapter 4: The Oregon Experience	32
Background of Current System	32
Program Components	33
How the System Works	34
Use of Growth Management Tools	37
Chapter 5: Conclusions	42
References	44

List of Tables

	Page
Table 2-1. State Comprehensive Growth Legislation	14
Table 2-2. Intergovernmental Structures of State/Regional Growth Policies	16
Table 4-1. Oregon's Statewide Planning Goals	35

Chapter 1

History and Creation of the American Growth Ethos

"This great pressure of a people moving always to new frontiers, in search of new lands, new power, the full freedom of a virgin world, has ruled our course and formed our policies like a fate." - Woodrow Wilson 1902

Growth management is widely considered a necessary response to urban sprawl and its resulting environmental degradation. Concern that unplanned and uncontrolled growth can threaten our fragile natural environment and undermine the quality of public life has caused "growth management fever" to sweep the land, as state after state enacts growth management legislation. But in order to understand why we need to manage our growth, it is first necessary to look at why we grow. This chapter will consider the historical conditions and events which have shaped our current situation.

The planning literature is rife with the standard historical explanations of urban sprawl. It is widely accepted that the earliest example of sprawl can be traced to the first wave of suburbanization in the late 1800's. This mass exodus was caused by overcrowding in cities, combined with the availability of relatively cheap land in the suburbs and transportation improvements like the trolley. In the early 1900's the use of automobiles, rising incomes, and government policies all combined to yield the second wave of suburbanization. Automobiles were being mass produced in factories, and as average wages increased there was a corresponding increase in demand for leisure, travel, and vacations outside of cities. This led to government policies such as the Road Act of 1916 (revised in 1921) that gave grants to states that organized highway departments. The Bureau of Public Roads planned a highway network to connect cities of 50,000 population or more and by the 1930's the National Highway System was in place (Esparza, 1995).

The "Great Depression" was only a temporary delay on our quest for growth. "New Deal" programs instituted in the 1930's created various work and housing administrations

and acts that refueled our nation's development. Federal loan organizations changed their policies and refinanced over a million short-term loans with longer 20-30 year structures; allowing many more people to afford mortgages (Esparza, 1995).

The most drastic wave of suburbanization however, came after W.W.II when returning soldiers were treated to low interest housing loans by the federal government's GI Bill; spurring the largest era of suburban growth in American history. The suburban population of the 20 largest metropolitan areas grew by 45% during the 1950's, compared to only .1% for the actual central cities (Esparza, 1995). The Interstate Highway Act of 1952 began freeway building and allowed people to live greater distances from city centers. Moving out of the city center was no longer only for the wealthy as the baby boomer generation was raised in trendy new suburbs. Sam Levitt created his infamous "Levittown" in New Jersey, signifying the birth of the modern subdivision (Esparza, 1995). The American dream of having your own house with surrounding property and two cars was consistently emphasized in television and print media. It was a glorious and happy time to be an American. It was only natural to keep spreading out and claim your piece of the dream.

There is no doubting that these factors contributed to or even created urban sprawl. But what is the real force driving our desire to spread out and expand? Are affluent, car loving Americans just out there leap-frogging over their neighbors because they can afford to, or is there a greater ethos at work? To really understand the roots of our behavior, it is necessary to trace farther back in our history.

Growth of the American Frontier

The expansionist foundation of our country was originally based of the concept of natural law. Origins of natural law can be traced all the way back to the Greeks who interpreted it as those things that are right "by nature" and can be recognized by every rational being as being so (Lovejoy, 1935). Roman law subsequently conceived of

“natural rights” as being among the truths inherent in natural law; still later, Christianity harmonized these ideas of paganism with its own theology by regarding natural law as the “expression of the eternal reason of God.” (Weinberg, 1963). Successive schools of political-legal thought used the concept of natural right to justify rights of property, civil liberties, and, with the rise of democratic thought, rights of popular sovereignty. In fact, as English assertion of taxing power provoked irritation national resistance, colonialists opposed the actions of Parliament not only with legal considerations but with the argument from the law of nature (Weinberg, 1963). Thomas Paine (1776, p. 3) took this to its next logical step, when in his tract *Common Sense* he penned, “A government of our own is our natural right.” When the Declaration of Independence states: “We hold these truths to be self evident, that all men are created equal: that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness.”, it is speaking of these same natural rights.

It was from this interpretation of natural law that expansionism, and in turn, manifest destiny developed. The transition from human rights of existence to the domination of land and nature is no small leap of faith, but was done with surprising speed and lack of forethought by our founding fathers. For expansion was so rationalized that it seemed from the beginning to be a right; a manifest destiny (Weinberg, 1963). The concept of manifest destiny, then, was not only a process, it was a God given ideology. We were put here to settle and claim what was rightfully ours. We owned the land from the Atlantic to the Pacific Ocean and by the grace of God and country we had a right and a responsibility to spread out across and conquer it. Our government encouraged the rapid migration west to lock up our claim and dominate the land. It is this cultural legacy of manifest destiny that pervades our psyche as a nation and has fueled our domination of land.

Throughout the first half of the Nineteenth Century as the population of the United States grew and moved westward, our government, through conquest or purchase, had continually acquired new lands which were sold at market price from the public domain

(Walsh, 1981). This allowed intermediaries like the speculator and the moneylender to influence the speed and shape of economic growth through their control of development capital. If the government had insisted on democratic distribution, then it would have impeded free enterprise. Growth might have been slower, but a more equitable distribution of wealth and more careful use of nonrenewable resources might have ensued.

The Land Ordinance of 1785 formed the basis of how public domain land was acquired and disposed of (Walsh, 1981). When the Indian title had been cleared and the land surveyed, it was to be sold at an auction to the highest bidder. A minimum price per acre and size of purchase unit was to be established. The open market system was not questioned and public control was never seriously considered. The government did not wish to monitor land usage. It was only late in the Nineteenth Century, following official classification and appraisal of public lands, that the government reluctantly bowed to the pressure of scientists and conservationists to reserve land for national use and enjoyment (Walsh, 1981).

The free enterprise system allowed for various options. The government could either give or sell land to individuals, companies, or institutions. Land was either donated in lieu of payment for services rendered, or as an incentive to encourage development. When it was sold, it provided a source of income for the treasury, but the price could influence the shape and speed of settlement. Yielding both to democratic and western pressures for cheaper land, the minimum purchase area was reduced. Then, in 1841, the general recognition of "squatting" ahead of the official survey gave other would be settlers the opportunity to buy their quarter section of 160 acres at the minimum price by applying capital accrued through improvements made before they obtained title to the land. The Graduation Act of 1854 scaled down the price of land according to the length of time it had been on the market. Meanwhile donations were granted to special groups like veterans or pioneers moving to remote areas like Florida or Oregon. Large portions of the

west were settled under the Homestead Act of 1862 when it became possible to acquire 160 acres for free in certain western regions (Walsh, 1981).

A policy of economic generosity was designed to encourage development. Huge land grants were given to railroad corporations to construct networks and to state governments to support education (Walsh, 1981). These intermediaries then sorted out high and low quality lands which they sold at "real" market prices. Efforts to make the public domain a source of revenue and withhold it so that settlement might be compact, were in vain. John Quincy Adams was obliged to confess: "My own system of administration, which was to make the national domain the inexhaustible fund for progressive and unceasing internal development, has failed." (Faragher, 1994, p. 50). The changes and contradictions in land policy during the Nineteenth Century demonstrate the governmental indecision about national objectives. It also shows the strength of pressure groups in what was a democratic society; a trend that would be repeated in modern times.

It was not long before the majority of land in the public domain was divided up. The U.S. Census Bureau in 1890 prematurely claimed that the land rush was over (Faragher, 1994). This inspired a young scholar, Frederick Jackson Turner to write a paper in 1893 detailing the national consequences of the end of America's frontier period. Turner's "Frontier Thesis", as it became known, soon swept through the academic and political circles, and became a rallying cry for nationalism. In it, Turner describes how our nation's history, and our very existence, has always been based on the availability of cheap lands and a rich resource base. Now that the west had been settled all the way to the Pacific, he reasoned that our very identity was threatened. "The existence of an area of free land, its continuous recession, and the advance of American settlement westward explain American development" was Turner's famous quote in 1893 (Faragher, p. x).

Modern Implications

Turners theory was a valid explanation in 1893, and is still telling today. America's past has always been based on this practice of settling new lands and expanding our borders. The only difference today is that the expanses are less vast and the land is more expensive. Instead of moving from our established cities to new plains and wildernesses, we move out to the suburbs and new "Edge Cities". This process is described well by Joel Garreau (1991, p. 4)

Our new city centers are tied together not by locomotives and subways, but by jetways, freeways, and rooftop satellite dishes thirty feet across. Their characteristic monument is not a horse-mounted hero, but the atria reaching for the sun and shielding trees perpetually in leaf at the cores of corporate headquarters, fitness centers, and shopping plazas. These new urban areas are marked not by the penthouses of the old urban rich or the tenements of the old urban poor. Instead, their landmark structure is the celebrated single-family detached dwelling, the suburban home with grass all around that made America the best-housed civilization the world has ever known.

I have come to call these new urban centers Edge Cities. Cities, because they contain all the functions a city ever has, albeit in a spread-out form that few have come to recognize for what it is. Edge, because they are a vigorous world of pioneers and immigrants, rising far from the old downtowns, where little save villages or farmland lay only thirty years before.

In the wake of our movement to suburban territory, the nation's environmentally pristine areas have been consumed and limited natural resources have been threatened. Yet, despite these profound impacts of unguided growth, the federal government has never adopted a comprehensive national growth plan or land use policy to balance economic growth and environmental conservation. In addition, no national administration has addressed the question of what type of metropolitan development patterns are compatible with national goals (Richmond, 1996). As a result, the question of how America should develop has been left almost exclusively to the states, the repositories of

legislative power under this nation's federal system. In the 1920s, state legislatures authorized local governments to regulate the use of land through zoning. This right was upheld by the Supreme Court in the 1926 case, *The Village of Euclid vs. Ambler Realty Company*. These state enabling statutes were exceedingly broad and essentially delegated the states' inherent authority to regulate land development to individual county, city, or local municipalities (Levy, 1994).

Today, however, local comprehensive zoning regulations are ineffective to prevent the negative impacts of growth. While the municipal recipients of comprehensive zoning power initially were relatively isolated and compact cities, today there exist 86,692 units of local government in the United States that exercise this land use authority (Kincaid, 1993, p. 19). These municipalities no longer exist in isolation but are interconnected and interdependent, sharing many of the negative effects of sprawling development. The local authority to regulate land use, however, extends only to its individual political boundaries. Today's governmental units are incapable of independently protecting such diverse interests as environmental protection, affordable housing, economic growth, and the preservation of agricultural lands. Because these interests transcend the boundaries of the municipality, they require regional solutions. Indeed, zoning's historic function was to separate land uses and to control the neighborhood impacts of development, not to shape regional development patterns over time. In order to address the problems facing modern communities, it is necessary to look beyond the traditional local land use approaches and focus on successful statewide and regional frameworks.

Chapter 2

The Role of Growth Management

The suburbanization of our country has happened at such a rapid rate that we are only now seeing its true consequences. One result of this type of growth has been the expansion of the land coverage of metropolitan regions in gross disproportion to the expansion of their resident populations. For example, in the past twenty years, the land used for development in the New York metropolitan region has increased by 65%, while its population increased by only 8%. Similarly, from 1970 to 1990, the amount of land committed to development in Seattle increased 87%, while the area's population increased only 38%. During this same twenty years, the density of urban population in the United States decreased by 23%, while more than 30,000 square miles (19 million acres) of once rural lands in the United States became urban, as classified by the U.S. Census Bureau (Associated Press, 1991). This inefficient use of land is recognizable all over our country. It is endless miles of strip malls, fast food restaurants, and subdivisions parading out from what was once a confined urban core. It is the swallowing up of acres of once productive farmland that once surrounded the urban fringe, under a sea of pavement. It is the addition of miles and miles of freeways that seem to increase traffic instead of reducing it. It is also the loss of identifying with unique and distinctive communities that used to look different from one another and now just seem to be interchangeable highway exits.

Defining Growth Management

Growth management, as a concept, seeks to solve these problems of urban sprawl by going to the root of the problem, namely growth itself. Growth management is different from general growth controls; which refer to policies designed to slow or even halt the population growth of an area. Examples of growth controls may include a moratorium on construction of new housing, limits on the number of building permits each year, or

zoning to such low densities that little new development is possible (O'Toole, 1996). Growth management, on the other hand, refers to policies that accept population growth as a given and merely attempt to channel that growth in certain directions. Growth management has been defined by DeGrove (1991, p. xiii) as a "calculated effort by a local government, region, or state to achieve a balance between natural systems - land, air, and water - and residential, commercial, and industrial development". DeGrove and Stroud (1987, p. 4) have also given this more detailed description of growth management:

A broadly based concern for balancing growth to protect natural systems, to ensure that needed infrastructure such as roads are in place at the time growth has its impact, and to improve the regulatory process to ensure certainty and a reasonable timeliness in permitting and related processes.

Growth management then, seeks to be a balanced approach that allows development to occur, but in a coordinated and rational manner. It is concerned not only with the physical aspects of growth, but with the underlying economic, environmental, and social aspects as well. In order to do this, growth management programs must be comprehensive and coordinated, spreading across the regional impact areas of growth. This however, goes against the traditional land use decision making structure.

Regional Implications of Growth

As stated in the last chapter, the right to make land use decisions has historically been at the local level where the power to zone has been granted by the states. That has worked relatively well when the impacts of growth have remained local, but nowadays the problems associated with sprawling growth are truly regional in scope. Local communities are constantly confronted with regional issues such as economic development, environmental quality, social equity, and provision of services. It is difficult and sometimes self-defeating for independent municipalities to work together when the benefits of growth occur locally, but the costs are spread regionally. It has become more difficult to address growth related problems from the perspective of the independent local

governments, "as urban systems grow more interdependent" (Godschalk, p. 337).

Parker (1975, p. 285) states that "regional interests occur whenever there are significant external impacts - or externalities- caused by the actions of one jurisdiction, and borne by other jurisdictions." Externalities can be either positive (a nature preserve or park), or negative (generation of traffic congestion). Jurisdictional interdependencies can also produce "regional interests" when problems that are too widespread or complex for any one jurisdiction to handle, such as air pollution, arise. An action by a single community may also have significant impacts beyond its boundaries. An example being a waste water treatment plant which could affect water quality far beyond the reaches of the municipality in which it was located.

With regard to the management of growth, Branch (1988, p. 104) observes that a "city's or county's decision to limit growth usually forces another part of the region to pay the price - in greater densities, higher prices, and more sprawl". Growth related problems usually arise at the regional level, while political configurations lend themselves to developing at the local level. For growth management, the task becomes how to find a way to reconcile the differences between common regional problems and diverse local jurisdictions. This requires a new hierarchy of land use decision making power and control.

Evolution of Growth Management Programs

There have been several different descriptions of the evolution of growth management forwarded by the leading authors on the subject. Most seem to agree that the growth management movement of the 1970's stemmed in part from the emerging environmentalism of that decade. DeGrove (1989, p. 23) states that the environmental movement was the "driving force" for the interest in growth management in the 1970's. Original regulations were aimed at a single problem or issue, often ignoring the possibility of side effects. DeGrove (1991, '92) and Bollens (1992) observe that in the

1980's growth management matured to become more comprehensive and inclusive. Whereas the term was often synonymous with stringent regulatory programs in the 1970's, the concept has evolved away from rigid no-growth or slow-growth control programs and strategies.

Goldschalk (1992) suggests that balance is a key feature of growth management. Among other things, there has been a shift in the application of growth management to include strategies for non-residential land uses, especially office development. Other concerns, along with environmental protection, are being addressed, including infrastructure and facility needs, economic development, and mixed use development. DeGrove (1991, p. 41) also points out that the latest wave of growth management strategies can also be distinguished by "a change in the allocation of authority and responsibility vertically" and by "new coordination requirements horizontally between and among . . . cities and counties." The vertical relationships that DeGrove refers to is the interaction between the state and individual municipalities; specifically the switch from total local control of land use decisions to a stronger state role. The horizontal relationships are between the neighboring localities and the share holders involved, such as farmers, developers, and environmental groups.

Growth Management Strategies

Growth management programs have taken various forms throughout the country. Some programs have been integrated into existing state and local plans and policies, while others have been based on their own stand alone enabling legislation. It is important to realize however, that growth management is not just a compendium of various tools and techniques (see Chapter 3), but a systematic planning strategy in which land use actions are analyzed and developed for the unique and specific situations of a region (Piro, 1993, p. 54). That said, there have been several attempts to classify and analyze the various approaches and strategies of growth management.

Burrows (1978) identified three basic groups of growth management strategies. The first group involved growth regulation, which included some of the more elementary forms of growth control such as moratoria, limitations on the issuance of building permits, and limitations on the amount of development allowed, including the designation of urban growth or service boundaries. The second group of strategies involved controlling the availability of land. This approach used techniques like agricultural zoning and farmland preservation, open space designation and acquisition, and restrictions on annexation. Burrow's third category was focused on growth guidance and included techniques related to facility adequacy and location.

Building on the work of Burrows, Deakin (1989, 1991) has identified five major groups of growth management measures. The first group contains regulations on the amount of growth and the timing of new development, such as limitations on the number of housing units allowed, and other development reduction strategies. The second group includes limitations on the supply of land, as well as restrictions on the location of certain development. Examples of these strategies include the designation of urban growth boundaries, establishment of permanent greenbelts in and around urbanized areas, and the designation of agricultural preserves. A third group of growth tools include fiscal strategies such as development exactions and impact fees. A fourth group includes design and performance standards. These strategies are aimed at forming and shaping the very character and nature of urban growth and include techniques such as performance zoning, contractual zoning, and transfer of development rights. The final grouping of growth strategies limits the intensity of development. This includes techniques such as subdivision controls and zoning.

Types of Growth Management Programs

State governments have recognized that the only way to solve the regional problems associated with growth, is to reclaim some of the land use power it bestowed on local

governments. Since 1970, ten state governments have independently established comprehensive growth programs applicable statewide. Table 2-1 shows the individual state laws that have been passed in order of their original implementation. These are the states who have set goals and objectives that apply on a state-wide basis, not only to some sub-area. Many of these states have updated their plans at some point after starting with smaller scale legislation. In addition, there have been several states that have passed growth management acts that are regional in scope, applying only to specific natural areas like New York's Adirondack Park Agency Act of 1971 and Massachusetts' Cape Cod Commission Act of 1989. Twenty-four states have also passed some type of coastal management program under the federal Coastal Zone Management Act of 1972, which sets state standards and procedures for local land use and environmental planning in designated coastal areas. (Kaiser, 1995).

The breakdown of different state growth management plans into the above groupings is by no means universally accepted. I have merely listed the ten states that I feel have true state mandated growth management in place based on the state wide application nature of their enabling legislation. Some leading growth management authors have their own systems for classify different programs. For example, Gale (1992) has developed a classification scheme for state growth management programs which identifies four distinct paradigms. These include: (1) state dominant strategies, (2) regional-local cooperative programs, (3) state-local negotiated approaches, and (4) a fusion paradigm.

In the state dominant strategies, the states themselves are obliged to prepare a state level growth management plan or to develop state planning goals and objectives. Gale gives examples of this technique being used in Oregon, Florida, Maine, and Rhode Island. The regional-local cooperative programs place the responsibility at the local level of government to develop growth management strategies and programs. Gale offers Vermont and Georgia as examples. The state-local negotiated approach is one in which state and local plans are developed and reconciled in phases. New Jersey is the lone

example of this type program with its cross-acceptance planning effort. The fusion

Table 2-1: State Comprehensive Growth Legislation

STATE	LEGISLATION
Hawaii	Hawaii State Plan, 1978. Hawaii Department of Planning and Economic Development. Adopted by legislature as Act 100. Hawaiian Land Use Law, 1961 (Hawaii Revised Statutes Chapter 205).
Vermont	Amendments to Chapter 117 (Act 280), 1990. Growth Management Act (Act 200), 1988 (24 Vermont Statutes Chapter 117). Environmental Control Act (Act 250), 1970 (10 Vermont Statutes Chapter 151).
Florida	Omnibus Growth Management Act - Local Government Comprehensive Planning and Land Development Regulation Act, 1985 (FL Statutes 163.3161-.3215). - State Comprehensive Plan, 1985 (FL Statute 187.201). - State and Regional Planning Act, 1984 (FL Statutes 186.001-.911). Environmental Land and Water Management Act, 1972 (FL Statutes 380 et seq.).
Oregon	Land Conservation and Development Act, 1973 (SB 100; Oregon Statutes 197).
New Jersey	State Planning Act, 1985 (NJSA 52: 18A-196 et seq.). State Pinelands Protection Act, 1979 (NJ Revised Statutes 13-18A).
Maine	Comprehensive Planning and Land Use Regulation Act, 1988 (30 M.R.S.A. Section 4960).
Rhode Island	Comprehensive Planning and Land Use Regulation Act, 1988 (Chapter 45-22.1 of the Rhode Island General Laws).
Georgia	Coordinated Planning Legislation, 1989 (O.C.G.A. 50-8-1 et seq.).
Washington	Amendments to the 1990 Growth Management Act, 1991 (ReSHB 1025). Growth Management Act, 1990 (Sub. House Bill 2929).
Maryland	Economic Growth, Resource Protection, and Planning Act, 1992 (House Bill 1195. Chapter 437 of the laws of Maryland).
* States are listed in order of original growth management act implementation date.	
* Regional acts are listed only for states that also have state-wide plans.	

Source: Bollens (1992, p.455)

paradigm mixes features of all the previous approaches. Gale cites the Washington State Growth Management Act as a fusion approach because the primary burden is on local

governments to develop growth management plans, although there are features that require certification by other levels of government.

Another classification scheme has been developed by Bollens (1992), which he calls "Intergovernmental Frameworks" (p. 456). Bollens classifies twenty-one state and sub-state growth management programs from thirteen different states according to intergovernmental structures created by their statutes and administrative regulations (see Table 2-2). He develops three distinct "structural arrangements" in his classification typology: (1) "preemptive/regulatory", (2) "conjoint/planning", and (3) "cooperative/planning" (p. 457).

The preemptive/regulatory strategies involve state or substate intervention into local authority concerning land use decisions which are determined to be of "more-than-local-importance" (p. 457). Preemptive authority can be used to repeal power that local governments exercise in growth and development decisions. According to Bollens (1992) this strategy characterizes the planning programs in Lake Tahoe, Adirondack Park, and Cape Cod, as well as the initial growth management legislation in Hawaii, Vermont, and Florida.

Conjoint/planning approaches include state mandated planning which is implemented at the local level. Often there are state requirements; goals and/or objectives which local governments must consider in developing their plans. Jurisdictions which don't comply are subject to penalties. Examples of this type of program are in Oregon, Rhode Island, Washington, and Chesapeake Bay.

Cooperative/planning strategies are similar to the conjoint/planning approach in that state goals and standards provide the direction for local planning efforts. Bollens makes the distinction, however, that cooperative strategies are more "voluntary" (p. 457) in character and rely on incentives to achieve compliance. Examples of this type of program are in New Jersey, Vermont, Georgia, and Maryland.

Table 2-2: Intergovernmental Structures of State/Regional Growth Policies

Intergovernmental Structure	Characteristics	State Programs
Preemptive/Regulatory	Direct state/regional preemption of local authority and/or repeal power over local decisions dealings with developments deemed of more-than-local importance.	Vermont (1970) Florida (1972) Hawaii (1961) Lake Tahoe (1969) Adirondack Park (1971) California (1972) Martha's Vineyard (1974) Cape Cod (1989)
Conjoint/Planning	Local implementation, through required plan making, of state/regional goals and standards. Penalties and mandates primary means of assuring local plan consistency with non-local goals.	Oregon (1973) Florida (1985) Adirondack Park (1971) California (1976) Hawaii (1978) NJ Pinelands (1979) Chesapeake Bay (1984) Rhode Island (1988) Maine (1988) Washington (1990)
Cooperative/Planning	Local implementation, through voluntary plan making, of state/regional goals and standards. Incentives primary method of assuring local plan consistency with non-local goals.	New Jersey (1985) Vermont (1988) Georgia (1989) Cape Cod (1989) Maryland (1992)

Source: Bollens (1992, p. 457)

Objectives of Growth Management

Growth management techniques that developed in the 1970's typically were limited in scope. Many communities operated with a single objective in mind (stop or slow growth) and sought to control growth by limiting housing, without taking into account the effects of such decisions. Henig (1985) asserts that more often than not communities have had discriminatory and exclusionary agendas operating under the pretense of growth management. Also, early programs did not look at adverse effects on neighboring

communities. As programs matured, however, so did their scopes.

DeGrove and Stroud (1987) identified four major objectives of growth management: (1) protection of the environment, particularly natural systems, (2) adequacy and availability of infrastructure, (3) streamlining of the permitting process by establishing predictability, and (4) providing consistency, both vertically among levels of government and horizontally across neighboring jurisdictions. Consistency is identified as the “key to holding the system together” (p. 5). Deakin (1989) adds two additional objectives to DeGrove and Stroud: cost-effectiveness and efficiency.

Meltzer (1984, p. 24), in discussing growth management, has stated that “our management capacity is profoundly challenged by our inability to exercise control and to rationalize the system.” Not only is it necessary to identify the “carrying capacity” of a region for dealing with issues of air and water pollution, traffic congestion, and waste treatment, it is also necessary to have the “governing capacity” to channel and direct development in appropriate ways.

Parker (1975) points out that environmental challenges and concerns also confront urban regions with the necessity of identifying and preserving urban ecosystems, especially when resource quality is threatened by unconstrained local action. He argues that developmental guidance and controls may protect areas of environmental concern, and may directly or indirectly help a region achieve air and water quality objectives.

Growth management affects people’s lives; the kinds of places where they live and work, and their social and economic opportunities. As Chamberlin (1975, p. 491) states, “the environment is social and economic as well as physical, with the elements standing interdependent.” Growth and development also confront the urban region with moral and ethical issues, so growth strategies must be developed with consideration for social equity so that impacts do not unfairly burden only certain segments of the population. In order to ensure this, each state must be clear in what its goals are and diligently pursue their objectives so that both the costs and benefits of growth management are spread equitably.

Chapter 3

Growth Management Tools

The preceding chapter demonstrated the diverse design and scope of growth management programs throughout the country. This review demonstrated that there is no standard model of American growth management programs. Different states and regions have distinct goals that they wish to achieve through growth management policies. In addition, each of these states and regions have their own unique conditions which influence what methods of implementing growth management policies will work best. These conditions include not only physical, social, and environmental concerns, but also issues of governmental control; specifically, what level of government has land use decision making power.

The Use of Tools

Regardless of the issues surrounding the need to incorporate growth management in various states and regions, there are specific mechanisms used to implement growth management policies. These mechanisms are the tools that make growth management work. Most of these tools are taken from the general planning profession and applied in some combination to implement growth management policies. The following list and descriptions are cultivated from the planning literature and from states that have some form of growth management program in place, whether it be a state or regional type plan. Not all tools are used in all programs, in fact some are used quite rarely, and not all tools are applicable in all areas or for all types of programs. This list is not meant to suggest any specific combination or number of tools to use for success, but instead to provide an overview of what is out there being used in the field successfully.

Tool Descriptions

ADEQUATE PUBLIC FACILITIES REQUIREMENTS (APFRs): This tool requires that certain public facilities, mainly utilities and roads, must “be in place, planned for, or provided as a precondition of development permission” (ECONorthwest, 1995, p. 2.6). In other words, APFRs prohibit development in areas that lack adequate existing or planned levels of primary public services. This tool enables jurisdictions to control development by controlling access to public facilities and infrastructure extensions and hookups. APFRs function as a timing control by regulating access to such public facilities as a sewer or water line, or by limiting curb cuts to a street or highway.

APFRs are based on the concept of concurrency, which means that public facilities must be provided at the same time (concurrently) as the impacts of new development. Oregon state law (ORS 197.752) already requires that land for urban development be available concurrently with the provision of key public facilities and urban services. Defining “at the same time” can be tricky. Some jurisdictions require that adequate levels of service must be in place upon completion of the project. Others only require that improvements to facilities are planned to bring service up to required levels within a specified period of time. For example, a development might be approved if the developer shows that the necessary public facilities will be in place within two years of the completion of the development. (ECONorthwest, 1995).

ANNEXATION: Annexation is a tool that allows a municipality to expand its borders by adopting surrounding land areas through a form of public vote or election. Typically, annexation and growth management laws do not work well together because annexation usually creates piecemeal development, resulting in sprawl. Oregon’s annexation law (SB 122) that passed in 1993, actually makes annexation a viable growth management tool. SB 122 allows local governments (including special districts), to set an effective date up to ten years in the future and recognizes the legality of contracts to consent to annex. In

addition, SB 122 allows annexation plans that are a coordinated effort between service providers that focus on sorting out difficult fiscal and territorial issues.

Annexation laws in Oregon have an important feature that affects taxes. The laws provide that during the first ten full fiscal years after annexation takes effect, the rate of taxation in the annexed area may be phased in. This is to lessen the disincentive of higher city taxes that are often the main objections of newly annexed residents. It also allows for phasing in a full range of city services. (Eco Northwest, 1995).

CLUSTER DEVELOPMENT: A development pattern in which uses are grouped or “clustered” through a density transfer rather than spread evenly throughout a parcel as in conventional lot-by-lot development. The area equal to the total reduction in the normally required lot remains as open space. This tool allows the preservation of substantial blocks of open space while lowering development costs by reducing the amount of infrastructure per house. This tool is relatively new but offers great possibilities for growth management programs because it can be used successfully through zoning mechanisms instead of tools like urban growth boundaries, which are harder to implement.

CRITICAL AREAS PROTECTION: This tool uses policies and ordinances to control development in environmentally critical areas such as riparian corridors, wetlands, steep slopes, liquefaction and landslide prone areas, and wildlife habitats. While still evolving, the critical area concept has become an accepted tool for growth management, especially in coastal states. By requiring communities and developers to clearly define necessary environmental impact mitigation measures in specific critical areas, it moves the professional debate beyond general environment/development conflicts to exact analysis of expected impacts, and consensus on proposed technical solutions. (Duncan, 1988).

DESIGN REVIEW: This is the review of development proposals to determine their

compliance with community design objectives. Design review seeks to promote the orderly and harmonious growth of a community in a manner that reflects public determination of what the city or county should look like in the future. This tool allows communities to regulate the form, function, and appearance of permitted uses so that development is agreeable to public goals. (Schiffman, 1989).

DEVELOPMENT AGREEMENTS: This tool allows municipal governments to enter in contracts (development agreements) with developers that essentially bypass the existing zoning, but not the goals of the comprehensive plan. The developer benefits by having a contractual guarantee that changes in zoning and land use policy will not affect their project during its development process, while the municipality benefits by requiring things of the developer as a condition for signing the contract. See **EXACTIONS** below.

DOWN ZONING: Down zoning is a change in the zoning classification of land to a classification permitting development that is less dense or intensive, such as from multi-family to single family or from commercial or industrial to residential. As a growth management tool, down zoning is used, for example, to prevent development that is out of scale with an adjacent neighborhood.

ENVIRONMENTAL REVIEW: Environmental review, or environmental impact analysis, is "a study of the probable changes in the various socioeconomic and biophysical characteristics of the environment which may result from a proposed or impending action." (Jain, 1977, p. 3). Normally, the enabling legislation for allowing environmental review or impact analysis on a local level is the State Environmental Policy Act (SEPA) which is modeled after the National Environmental Policy Act (NEPA). An environmental review requires that the community look at all the potential environmental impacts of the proposed development. This tool is basically the equivalent

of doing an environmental impact statement (EIS) or an environmental assessment (EA) as required under NEPA for federal projects.

EXACTIONS: This is the transfer of property (or cash payments) from private to public ownership. Subdivision regulations have traditionally required developers to build streets and utility lines to specifications and then dedicate them to the public. Over time, requirements have been extended to include land for open space and for schools. Dedication of such property increasingly is required as a condition of subdivision plat approval. As a general rule, exactions are charged to pay for the costs that the development imposes on the community. As such, exactions are usually required to bear a reasonable and/or rational connection (nexus) to the impact that the development causes.

A form of development exactions is **LINKAGE**, which requires nonresidential development projects to contribute to the funding of affordable housing and other social programs, the need for which can be “linked” to the new development. Linkage works by requiring that a portion of the value created by private investments and development activity be redirected to provide affordable housing, day care facilities, or job training opportunities.

FEE SIMPLE ACQUISITION: With this tool, jurisdictions can outright purchase land and/or buildings that can be used to preserve things such as sensitive natural areas or cultural resources. **LESS THAN FEE SIMPLE ACQUISITION** is used to purchase development rights, easements, and rights-of-way for the same types of purposes.

FOCUSED PUBLIC INVESTMENT PLANS : A focused public improvement plan (FPIP) shows the location and timing of planned public facilities improvements. This is similar to a capital improvement plan (CIP), except that FPIPs identify specific areas called public investment areas (PIA) to focus improvements. The idea is to coordinate

and concentrate investments for urban services (such as sewer, streets, and parks) to provide full serviced land for development. Inside these PIAs, local agencies take responsibility for providing all off-site public facilities. For example, a city might provide the major extension of sewer and water service or improvements to major streets. Developers would provide all on site improvements needed to connect to the public system. (ECONorthwest, 1995).

IMPACT FEES: This is a fee or a tax imposed on developers to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new improvements without resorting to, or at least reducing, deficit financing. These charges are a further extension of efforts to make developments pay for their impact on a community's financial ability that have been pursued through subdivision exactions or mandatory dedications. Impact fees may also involve some effort to predict the total cost to the community of servicing the new development in light of the tax revenues that will be produced by the development once it is completed. (Meshenberg, 1976)

INCLUSIONARY ZONING: This tool is a state or regional approach to allocating the responsibility of providing and maintaining affordable housing among jurisdictions within the state. It "defines housing market regions for the state; estimates the present and prospective need for low and moderate income housing for the state, regions, and municipalities; and monitors and enforces the allocations of that need." (State of New Jersey, 1988, p.11). This tool seeks to balance out some of the inequities that are inherent in growth management programs; for example, the rise in housing prices that occurs due to limits on housing starts or the use of urban growth boundaries. The state of Massachusetts for example, requires that municipalities meet housing quotas as defined by "the following statutory minimum production of low and moderate income housing: a)

10% of a towns housing units are subsidized for low or moderate income persons, or b) such housing exists in the community on sites constituting 1.5% of the total land area, excluding public land.” (Sternlieb, 1980, p. 343). This tool is similar to BONUS or INCENTIVE ZONING which can have the same goals (providing affordable housing) as deficit financing, but do it in a discretionary manner; that is, they will allow a developer to increase building density in return for building a certain amount of affordable housing (Levy, 1994).

INFILL AND REDEVELOPMENT STRATEGIES: Infill and redevelopment strategies seek to influence development within urban areas by using a range of policies. Generally, the strategies encourage development of vacant or semi-vacant lands in urban areas which have the desired effect of relieving growth pressures inside urban growth boundaries (UGB) that might otherwise force expansion of the UGB. The strategies fall into three categories: (1) changing regulations to reduce barriers and provide incentives for infill and redevelopment, (2) reducing costs to developers, and (3) improving the market for higher density development. Infill strategies seek to make properties that are vacant or underdeveloped become attractive for new development. Redevelopment strategies seek to change uses to meet changing market conditions in specific areas. (ECO Northwest, 1995).

INTERIM DEVELOPMENT STANDARDS: Interim development standards are intended to facilitate future development of fringe areas at planned densities. Low density development that is less than the planned density in the urban growth area (UGA) can create obstacles to the future infill development needed to achieve those planned densities. The purpose of interim development standards is to reduce those obstacles. Standards range from regulations that prohibit low density development to those that encourage the siting of buildings and public facilities to allow for easier future infill

development. (ECO Northwest, 1995).

LOCAL IMPROVEMENT DISTRICTS: This tool taxes property owners in a particular district to support specific improvements in that district. The use of special assessments and the creation of assessment districts (Local Improvement Districts) is usually enabled by state legislation where specific public improvements benefit identifiable properties. This mechanism is most commonly used for street, sidewalk, and utility improvements, and more recently, funding improvements in central business districts (**BUSINESS IMPROVEMENT DISTRICTS**) for such things as pedestrian malls and parking facilities.

MINIMUM DENSITY ZONING: Minimum density zoning (MDZ) is a tool that ensures that development occurs at densities that are consistent with comprehensive plans. Basically, MDZ requires development densities to stay above a certain level. Residential development often occurs at densities lower than what is called for in a comprehensive plan. MDZ is an attempt to use land more efficiently by requiring development to be at or near planned densities.

PERFORMANCE ZONING: This is a form of zoning in which the criteria for establishing districts and regulating land uses within districts are based primarily on performance rather than on use or design specifications. In other words, a performance zone is defined by a list of permitted impacts as opposed to a list of permitted uses. It attempts to achieve the same goals as conventional zoning but in a more flexible manner.

This tool is often used in conjunction with Floor Area Ratio (FAR). FAR is the ratio of floor area permitted on a zoning lot in relation to the size of the lot. Thus a permitted floor area ratio of 5.0 on a 10,000 square foot lot would allow a building whose total floor area is 50,000 square feet. FAR gives developers great flexibility in deciding whether to build a low building covering most of the lot, or a higher structure with greater setbacks.

PERMIT LIMITATION SYSTEMS: This tool limits the rate of residential, commercial, or industrial development that can occur in a planning area. It can be applied to a whole city or a district within it. The rate is controlled by limiting the number of development (building) permits that are issued in a single year, over a period of years, or on average. Both absolute amounts of growth (e.g., 500,000 square feet per year) and rates of growth (e.g., 2%) have been controlled using this tool. (Pivo, 1990)

PLANNED UNIT DEVELOPMENT (PUD): A device that allows a development to be planned and built as a unit, and that as a result permits variation in many of the traditional controls related to density, land use, setbacks, open space, and other design elements, and the timing and sequencing of the development. An integral part of PUD is **CLUSTER DEVELOPMENT** (see above). It offers greater opportunities for providing lower-cost housing with conventional housing and usually contains a greater mix of uses than normal ordinances. The approval of a PUD often requires some negotiation between the planning staff and the developer.

POPULATION CAPS OR CARRYING CAPACITY LIMITATIONS: This tool attempts to regulate growth by controlling the absolute number of persons allowed to reside in an area. These limits are typically set on current and future available infrastructure and public service capacity. "The term "carrying capacity" is from the environmental sciences and refers to the maximum amount of life that an area can support; in this case, the maximum amount of population a region can support. Carrying capacity, or the amount of development which is allowed to take place, depends on: 1) the area's natural characteristics that limit development, 2) the perceptions and values of area residents as expressed in their preferences for life-style and environment, and 3) the ability of the area's governing body and management agencies to provide the services and impose the

controls necessary to insure that the desired quality of life is maintained.” (Godshalk, 1974, pp. 1-2).

PREFERENTIAL TAXATION: In order to encourage certain kinds of development, to discourage premature development, or to compensate for regulations preventing change of use, some states have permitted local governments to establish various preferential tax incentives. The most widespread form of tax incentives now in use are those used for preserving open space and keeping land in forests, agriculture or horticulture uses, especially in urban fringe area where development pressures are most severe.

PREFERENTIAL ASSESSMENT, the more common approach to the problem, provides that land actively farmed or predominantly open, shall be assessed only for its agricultural use value, not taking into account alternative development values. Many communities use the threat of retroactive back tax payments for changing to land uses. Preferential taxation has been applied as well to other than open space, forest, or agricultural land uses by dividing uses into classes, each of which is assessed at differing percentages of market value according to current use or according to uses permitted in the zoning district in which the land falls. (Patterson, 1988)

REGIONAL URBAN SERVICE STANDARDS: This tool is intended to address differences in the size and location of streets, pipes, and schools as areas grow. Establishing regional standards is the first step toward addressing problems with infrastructure, such as service gaps, uncoordinated extensions, and funding shortfalls. Regional standards are meant to improve planning for growth and foster cooperation among service providers. They can reduce the cost of infrastructure extensions and justify system development charges. The standards also address how to fund those improvements so that levels of service are consistent throughout the region. (ECONorthwest, 1995).

SPECIFIC DEVELOPMENT PLANS: Specific development plans (also called **SPECIFIC AREA PLANS**) describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zoning map, or public facilities plan. Also, the area contained in a specific development plan can contain multiple parcels and land owners. These plans can be used to guide development in urbanizable areas as well as infill and redevelopment of urban areas. (ECONorthwest, 1995).

SUBDIVISION REGULATIONS: Subdivision regulation ordinances regulate the conversion of raw land into building lots for residential or other purposes. These regulations establish requirements for streets, utilities, site design, and procedures for dedicating land for open space or other public purposes to local government or for fees in lieu of dedication, and prescribe procedures for plan review and payment of fees. Subdivision regulations which govern the land conversion process, and zoning ordinances which establish permitted land uses, have been local governments' primary development and land use control tools.

TAX BASE SHARING: Since cost/benefit ratios are generally higher for commercial or industrial uses, municipalities tend to compete fiercely to include such development in their local tax base. Tax-base sharing involves redistributing the tax base without necessarily changing jurisdictional boundaries or government organization. A portion of the growth in property tax base is pooled and redistributed back to the taxing districts via a formula which favors those districts with below average per capita assessed property values. All jurisdictions thus share in the economic development of the region, regardless of where development occurs. (Duncan, 1988). Tax sharing is often utilized to protect agricultural or sensitive environmental areas from development pressure without

inhibiting a municipality where these conditions exist from collecting sufficient tax revenue to provide public services. It also reduces the incentive for exclusionary zoning practices.

TAX INCREMENT FINANCING: Tax increment financing (TIF) may be used to provide front end funds in an area where large scale redevelopment is feasible. A district around the proposed development is designated with a tax base equivalent to the values of all the property within the area. The tax revenues paid to taxing units are computed on the initially established tax base during the redevelopment period, which is usually the expected life of the project. The area is then redeveloped with funds from the sale of tax increment bonds. These bonds are sold by the municipality or a specially created taxing district for acquisition, relocation, demolition, administration, and site improvements. Because of the higher value of the newly developed property in the district, more tax revenue is collected and the tax “increment” above the initially established level goes into a fund to retire the bonds. After the development is completed and the bonds are retired, the tax revenues from the enhanced tax base are distributed normally (So, 1979).

TRAVEL DEMAND MANAGEMENT (TDM): This tool establishes policies, programs, and actions designed to increase the use of high occupancy vehicles (public transit and carpooling), cycling and walking; to encourage commuting outside congested time periods; and to encourage tele-commuting as an alternative to driving. TDM attempts to reduce or mitigate the impact of automobile trips generated by a development by recognizing the connection between transportation and land use.

TRANSFER OF DEVELOPMENT RIGHTS: Under the provisions of this tool the development rights from a piece of property are allowed to be transfer to another parcel. The development rights represent the unused development potential of the property.

These rights can be used on additional properties of the owner or sold for use elsewhere. TDR represents an attempt to deal simultaneously with the dual problems of equity for landowners and of effectiveness in land use regulation. This tool attempts to concentrate development in areas where it's wanted, and restrict it in areas that it's not. Still in its infancy, the technique has been used to preserve historic buildings and save agricultural and environmentally sensitive land. (Schiffman, 1989; Levy, 1994).

URBAN GROWTH BOUNDARIES: Urban growth boundaries serve two related purposes: to promote compact and contiguous development patterns that can be efficiently served by public services, and to preserve open space, agricultural land and environmentally sensitive areas which are not currently suitable for urban development. At the most basic level, an urban growth boundary program consists of a perimeter drawn around an urban area, within which urban development is encouraged and outside of which urban development is discouraged. Urban growth boundary lines are generally designed so that projected growth over a specified future time period, typically 10 to 20 years, can be accommodated within the boundary. (Duncan, 1988). Urban growth boundaries are used around every city and county in Oregon.

ZERO-LOT-LINE DEVELOPMENT: A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning ordinances retain yard requirements; where zero-lot-line developments have been permitted, they have been handled through variances or planned unit development procedures, or other devices which allow for site plan review. (Meshenberg, 1976). This tool helps growth management programs implement infill housing and meet future housing needs by allowing a higher density on the land cover.

As stated in the beginning of this chapter, this list is only meant to show what tools are in the planning arsenal to implement and enforce growth management programs. Some of these tools meet with greater success than others depending on factors such as population, public attitudes towards growth, and political structure. The success of growth management relies on using the right tool in the right place for the right reasons. Again, this list is not a complete compendium of all tools available, only a broad but major sampling of successful ones. The next chapter work look at how some of these tools are used in specific situations with success.

Chapter 4

The Oregon Experience

Oregon is inarguably the crown jewel of the growth management movement. One of the first states to implement a statewide program in 1973, it is also widely accepted as being the most successful. No other state has achieved so much for so long. Oregon is considered a pioneer of the state mandated planning effort not only because it was one of the first, but because it is one of the few states that actually has true state level control over local land use decision making. As such, it has offered planners a long term opportunity to study the effects and successfulness of a "top down" growth management system. The unique structure of Oregon's system makes for an interesting case study on how specific growth management tools are used to meet the state planning goals. This chapter will briefly look at how Oregon went about forming its growth management program and describe its important elements. It will then look at how Oregon uses some of the growth management tools described in the last chapter to meet its mandated state goals.

Background of Current System

Oregon's growth management program, like many other states, originated from concerns about the natural environment. Oregon is blessed with a beautiful rugged coastline, picturesque mountains, forests, and rivers, and an abundance of fertile farmland. The state's residents have always been very protective of these features and state leaders have historically taken a proactive state role in mandating their protection through efforts such as coastal zone management planning and a state clean air act. Forestry and agriculture have served as the backbone of the state economy. The Willamette Valley holds some of the most productive farmland in the country, in addition to housing 75% of the state's population (Howe, 1993). The conflict over sprawling land

uses and the rapid swallowing up of farmland by urban development raised concerns of permanent loss of valuable resources to growth. This, combined with a fear of a statewide invasion of Californians fleeing their own overcrowded state, led then Governor Tom McCall to successfully lobby for a statewide planning program that eventually passed the Legislature as Senate Bill 100 (SB 100) on October 5, 1973.

The basic system from Senate Bill 100 still remains intact today, but there have been numerous adjustments made over the years. Examples include SB 237, The Marginal Lands Act, which in 1987 created provisions for counties to allow some residential development on less productive farm and forest lands (Oregon, 1986). In addition, SB 100 itself has come up for vote three separate times and passed. In 1977 (57% for, 43% against), 1978 (61% for, 39% against), and 1982 (55% for, 45% against) (Oregon, 1986). Not exactly rousing support, but over the years Oregon's planning program has evolved into a system that most can live with, while still meeting the original goals of protecting the state's natural resources and quality of life.

Program Components

The main policy making body of the state planning program in Oregon is the Land Conservation and Development Commission (LCDC). The LCDC is composed of seven members appointed by the governor and confirmed by the state senate for four year terms. Members receive no salary but are paid a per diem and reimbursed for expenses. The commission is responsible for establishing policy through the adoption or amendment of statewide goals. The LCDC also oversees the Department of Land Conservation and Development (DLCD), which is the state agency that administers the program and provides professional support.

Review of land use decisions are made by the Land Use Board of Appeals (LUBA), which was established in 1979 and consists of an independent three member tribunal that rules on land use matters. All appeals of local land use decisions and state goals and

policies must first go through LUBA, and then, if required, through the state court of appeals and finally to the state supreme court.

Oregon's program requires that all 242 cities and 36 counties adopt comprehensive plans and land use regulations that are in conformance with 19 statewide goals (see Table 4-1). All of the goals were formed through a statewide planning process that relied heavily on public participation. The first 14 goals were adopted by the LCDC in 1974, with the remaining goals coming in 1975 and 1976 (Oregon, 1986). These goals are mandatory, and in combination make up the state planning system.

Under SB 100, local governments remain the primary agencies responsible for land use planning in the state. The difficulty is that all local comprehensive plans must be consistent with the 19 listed state goals. This is a fundamental shift from standard planning practice, which places goal setting as part of the local planning process. The state of Oregon is careful to point out, however, that there is no "state land use plan". Instead, Oregon calls it a "mosaic of 278 local plans that covers the entire state" (Oregon, 1986, pg. 1).

How the System Works

Coordination is a key aspect under SB 100. Each local government must submit its plan to the county, and each county is responsible for insuring that the overall county plan and the plans of localities and service districts in its jurisdiction are in compliance with state goals in addition to being compatible with each other. Once coordinated, the county and city plans are then submitted to the LCDC for "acknowledgment of compliance" with state goals. Once approved, they are considered to be "acknowledged" and are subject to "periodic review" every 5 to 7 years when they are updated to reflect changes in state goals, administrative rules, and local needs. It is interesting to note that it took over ten years from the passage of SB 100 until all 242 cities and 36 counties in the state reached

the “acknowledgment” stage; much longer than originally anticipated.

Table 4-1: Oregon’s Statewide Planning Goals

1. *Citizen involvement*: To ensure the opportunity for citizens to be involved in all phases of the planning process.
2. *Land use planning*: To establish a land use planning process and policy framework that emphasizes an adequate factual basis for land use decisions.
3. *Agricultural lands*: To preserve and maintain agricultural lands.
4. *Forest lands*: To protect the state’s forest economy by the continuous growing and harvesting of forest tree species on forest land consistent with sound resource management and to provide for recreational opportunities and agriculture.
5. *Open spaces, scenic, and historic areas*: To conserve open space and protect natural and scenic resources.
6. *Air, water, and land resources quality*: To maintain and improve the quality of the air, water, and land resources of the state.
7. *Areas subject to natural disasters and hazards*: To protect life and property from natural disasters and hazards.
8. *Recreational needs*: To satisfy the recreational needs of residents and visitors and to provide for the siting of recreational facilities including destination resorts.
9. *Economic development*: To provide adequate opportunities for a variety of economic activities throughout the state.
10. *Housing*: To provide for the housing needs of citizens.
11. *Public facilities and services*: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services that serve as a framework for urban and rural development.
12. *Transportation*: To provide and encourage a safe, convenient, and economic transportation system.
13. *Energy conservation*: To conserve energy.
14. *Urbanization*: To provide for an orderly and efficient transition from rural to urban land use.
15. *Willamette River Greenway*: To protect and conserve the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River.
16. *Estuarine resources*: To recognize, protect, and, where appropriate, develop, maintain, and restore the unique environmental, economic, and social values of estuaries and associated wetlands.
17. *Coastal shore lands*: To conserve, protect, and, where appropriate, develop and/or restore the resources and benefits of all coastal shore lands.
18. *Beaches and dunes*: To conserve, protect, and, where appropriate, develop and/or restore the resources and benefits of coastal beach and dune areas.
19. *Ocean resources*: To conserve the long-term values, benefits, and natural resources of the near-shore ocean and the continental shelf.

Source: Adapted from the LCDC (1990).

There are two main incentives for counties to have their plans acknowledged by LCDC. The first is that it is required under state law (ORS 197.175). The second is that plans that are acknowledged no longer have to consider state goals, because the goals are embedded in the plan itself. What this means is that the local plan can now concentrate on local issues, making it more predictable. Cities whose plans are not acknowledged, must

review all land use decisions based not only on their local plans, but also against statewide goals as well. This leaves a locality subject to more costly and time consuming legal challenges than they would otherwise face.

A key component of Oregon's SB 100 is the requirement that all cities and counties define an urban growth boundary (UGB) which encompasses enough land to meet the city's projected needs for the next 20 years. The authority for using UGB's comes from Statewide Planning Goal 14, *Urbanization*. All 240 cities in Oregon have UGB's in place and many are reaching the end of their 20 year planning horizon. New 20 year plans are being formulated but it is interesting to note that many of these new plans have not required the expansion of the UGB. This is due mostly to the fact that the original boundaries were larger than necessary due to an unexpected recession in the eighties. Some cities have even shrunk their UGB's.

Undeveloped land contained within the boundary is designated as "urbanizable land" or "growth areas". This land is called the Urban Growth Area (UGA) and is where future development is expected to take place. This land is outside the developed city core but inside the UGB. The setup is best described by picturing concentric circles with the inner-most one containing intensely developed urban lands, or the existing city; the next circle being the UGA; and the outer-most circle being the UGB. The comprehensive plan must include policies governing the conversion of the UGA to avoid premature development that would hinder the efficient and cost effective provision of water, sewer, and transportation services (Howe, 1993).

Outside the UGB, the dominant land classifications are "exclusive farm use" (EFU) and "forest land". The basis for these classifications comes from Statewide Planning Goals 3 and 4 respectively; *Agricultural Lands* and *Forest Lands*. Some 16 million acres have been zoned as EFU and 9 million acres as forest land. The reasoning for this is both environmental and economic. The DLCD's "Farm and Forest Research Product" in 1991 found that agriculture provides some \$11 billion and the forestry products industry adds

another \$13.6 billion a year in product sales and multipliers. These two sectors make up about 40% to 45% of Oregon's economy (p. 1). Counties must consider for EFU zoning all land that is classified by the Soil Conservation Service as predominately Class I-IV in western Oregon, and Class I-VI in eastern Oregon. Forest land zoning is used to protect all existing or potential commercial forests as well as soil, air, water, and fish resources. (Howe, 1993).

Use of Growth Management Tools

In June of 1995, the Oregon State Land Conservation and Development Commission (LCDC) released a study prepared by ECONorthwest entitled, "Evaluation of Policies Recommended by the Urban Growth Management Task Group". Most of the following information and data is adapted from this report.

As previously discussed, Oregon uses urban growth boundaries as one its primary tools in its growth management program. The use of this tool is essential for stopping sprawl development and managing where future growth will take place in the state. However, the use of UGB's as a stand alone tool is not very effective. UGB's do provide a definitive boundary to contain where certain types of develop must not cross, but UGB's on their own do not control what goes on inside their borders. This is where it is necessary to use a complementary package of tools to attain the desired result. An especially successful combination of tools has been the use of infill and redevelopment strategies with minimum density zoning to control the scope and scale of growth inside UGB's.

Infill and redevelopment contributes to a more compact form of development, which is less consumptive of land and resources and reduces the amount of land developed at the urban fringe. As described in Chapter 3, infill and redevelopment tools use a set of strategies and policies to increase the amount of development that can occur inside a UGB. These include:

- *discouraging or restricting development in other areas.* If cheaper, more readily

developable land is available on the urban fringe, then that is where development will occur. Policies must strive to reduce the amount of land available on the urban fringe in addition to strengthening the market for infill development inside the urban core. This is an important consideration when UGB's are drawn or updated. Specific policies include using urban service boundaries, greenbelts, impact fees, and APFR's and FPIP's (described in chapter 3). Also included is the fee simple purchase of land or the purchase of development rights in the urban fringe.

- *reducing the cost to developers for building in areas targeted for infill and redevelopment.* Policies to achieve this strategy include construction subsidies, guaranteed loans to developers, public-private partnerships, tax exemptions and deferrals. It is important to remember that developers build where their profit margin is greatest and so every opportunity must be made to provide for profit potential in infill and redevelopment. Oregon also provides technical assistance through its *Smart Development Program* which serves as a clearinghouse of information about effective compact development plans.
- *improving key neighborhood characteristics and reducing neighborhood opposition.* Many areas where there are available lots for infill development are also sites of urban decay surrounded by high crime rates and dilapidated buildings. These problems are usually well beyond the ability of an individual developer to solve and so must be addressed by the city ahead of time. In addition, opposition to infill projects is often strong in established neighborhoods where residents view an increase in density as a threat to their quality of life. This is addressed by a strong public relations effort by the city as well as quality design standards to protect existing neighborhood character.
- *streamlining the approval process.* Developers incorporate the costs of permitting and approval into their fiscal analysis. If a project faces a litany of regulations, then most likely it will not be built. Cities can streamline the approval process for infill projects so that developers know ahead of time what they are getting into. This can mean

negotiating with local residents in advance to reduce the likelihood of costly complaints and lawsuits.

In order to implement these strategies, the Urban Growth Management Task Group has recommended some activities that local jurisdictions should take. The first is to identify specific areas for infill and redevelopment. This requires identifying target areas that are most appropriate for this type of development and devising a strategy to accomplish infill. Various criteria may be used for targeting an area such as: low neighborhood resistance, relatively strong existing market, and excess capacity in public facilities.

Another recommendation is to identify constraints on infill and redevelopment in these areas. Possible constraints include: regulatory constraints such as large-lot zoning, neighborhood opposition, inadequate public facilities, fragmented land ownership, or a weak market for higher intensity development. A decision would then have to be made to either try to rectify these constraints through policies and regulations, or either move on to a new location or wait for market conditions to change.

Another growth management tool that works well in combination with urban growth boundaries and infill and redevelopment strategies is minimum-density zoning. Minimum-density zoning (MDZ) is a provision that requires development densities to stay above a certain level. Traditional zoning typically sets a ceiling, or maximum allowable density for development; MDZ adds in the lower end of the density range.

Minimum-density zoning is an important growth management tool because it allows planners more control over what type and scale of development will take place. This is especially important inside UGB's because without MDZ, developers are free to build on as large a lot as they want. The upper price range of housing is usually built on larger sized lots, and left up to market demand, many single family residences will be built on one acre and up size lots. This is detrimental to the use of UGB's and growth management programs because land is used up quicker, resulting in increased

infrastructure and public service costs and possibly reducing the life span of the UGB.

Implementing minimum-density zoning requires amending residential zoning ordinances to include the condition that either average or individual lot densities do not fall below a specified level. If used as an average, MDZ can be applied to an entire development or neighborhood. If used for individual lots, MDZ may be equivalent to a maximum lot size requirement. For example, a single family residential zone may call for lots to be at least 5,000 square feet. The MDZ provision would add a requirement that lots be not more than 7,000 square feet. Typically, with single family designations, MDZ is usually thought of in terms of dwelling units per acre.

The strongest rationale for using minimum-density zoning is creating an efficient investment in public facilities. If roads, water lines, and schools have been sized and developed to accommodate a level of demand consistent with the designated zoning, then development at significantly lower densities can offset the benefits of those investments. In other words, if public facilities and infrastructure are planned out based on the zoned 10 units per acre, then every density level below that 10 units is in essence, wasted service potential. MDZ encourages development to take advantage of the level of public services that have been budgeted and planned for in addition to delaying the need for expanding the UGB.

Using minimum-density zoning as a growth management tool encourages the more efficient use of developable lands. The comparatively low price of land in the urban fringe encourages larger lot development. The use of MDZ can decrease lot sizes and increase development densities to more efficiently use this land. MDZ also encourages more efficient use of public services by encouraging higher densities that lower the per-unit cost of providing services.

Growth management tools are meant to be used in combination to achieve the best results. Certain tools naturally work better together than others to achieve growth management goals. As described in the latter part of this chapter, the use of urban growth

boundaries combined with infill and redevelopment strategies and minimum density zoning is one such successful combination. It is by no means the only successful match. Different states and localities may each find their own variation of tools that is most successful for them.

Chapter 5

Conclusions

Growth management programs have developed in direct response to problems associated with urban sprawl. The inefficient and rapid use of land by low density leap-frog development has threatened our country's natural resources and quality of life as we have come to know it. Every region in the country has seen the effects of urban sprawl in some form or another, and many have turned to growth management programs and techniques to solve their problems.

Growth management was defined earlier as a broadly based concern for balancing growth to protect natural systems, to ensure that needed infrastructure is in place at the time growth has its impact, and to improve the regulatory process to ensure certainty and a reasonable timeliness in permitting and related processes. It is this comprehensiveness that typifies most growth management approaches. By considering all aspects and impacts of growth, growth management programs go beyond simple growth controls that to only limit growth itself.

Growth management then, seeks to be a balanced approach that allows development to occur, but in a coordinated and rational manner. It is concerned not only with the physical aspects of growth, but with the underlying economic, environmental, and social aspects as well. In fact, many programs were started in response to indirect environmental concerns that were accelerated by rapid growth, as opposed to growth itself.

In addition, growth management programs typically address growth at the regional or state level. By recognizing that issues associated with growth are not limited to the local arena, successful programs seek regional solutions that are most often mandated at the state level. This makes coordination among various levels of government essential as cities that are possibly competing for the economic benefits of growth, have to work together to solve the negative impacts of growth. This may require that states, like Oregon

has done, reclaim some of the land use power that has traditionally been bestowed on local governments. The challenge is to not remove too much home rule and yet still be able accomplish state goals.

Regardless of the issues surrounding the need to incorporate growth management in various states and regions, there are specific mechanisms used to implement growth management policies. These mechanisms are the tools that make growth management work. Chapter 3 described the wide range of tools that are used throughout the country. The majority of these tools are already used in the planning profession in one form or another and are adapted in combination for use in growth management programs. It is the challenge of specific programs to find which tools are most effective in their region while being politically acceptable at the same time.

Oregon has probably had the most success of any growth management program in the country. This is due mostly to the “top down” management approach it employs using broad goals as a form of a statewide plan. Oregon’s program has been in place for over twenty years and has given planners and others the opportunity to study what tools are successful in implementing Oregon’s goals. Oregon’s use of urban growth boundaries around all cities and counties has been very successful in containing urban development into predetermined borders. However, in order to efficiently control growth within these borders, Oregon has used a combination of tools such as infill and redevelopment strategies and minimum density zoning.

The success of any growth management program requires the proper combination of governmental control and the availability of an arsenal of growth management tools. This report has provided an overview of the types of programs that are in place throughout the country, in addition to describing the relevant planning tools that can be used to implement these programs with success.

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