THE URBAN ENVIRONMENT MANAGEMENT ACT--ARIZONA'S MUNICIPAL PLANNING ENABLING LEGISLATION

by

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PREFACE

From January through May 1973, I was a legislative aide to Sen. Scott Alexander, R-Tucson, in the Arizona State Senate. Alexander was chairman of the State, County and Municipal Affairs Committee.

As his intern, I worked on numerous bills assigned to the committee and covering such topics as Arizona's psychiatric commitment laws, no-fault divorce, drug laws, annexation and incorporation. However, much of my time was spent researching and attending meetings on the Urban Environment Management Act (SB 1026), planning enabling legislation for Arizona's incorporated cities and towns. I was one of 21 legislative aides from Arizona universities and colleges who worked during the first regular session of the 31st legislature.

I would like to thank lobbyists at the League of Arizona Cities and Towns and the planners at the Office of Economic Planning and Development for the valuable information they gave me. But mostly, I want to acknowledge my enlightened senator for his guidance and fearless example.

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ABSTRACT

The scope of municipal planning enabling legislation can either hinder or further efforts of localities to control land use and study the economic and social trends of their areas.

Until Arizona's Urban Environment Management Act became effective in 1974, the state's incorporated cities and towns had no planning enabling legislation. And despite the fact that the Act has some shortcomings which render it a limited guide for municipalities, these communities should strive for innovation using the planning powers granted to them, and encourage the passage of additional planning legislation to give them increased planning authorization. Charter cities, in particular, should attempt to clarify their home rule status under the planning law to determine how strictly they should follow the measure's provisions.

Although passage of the UEM Act fills an important gap in Arizona's planning framework, legislators and lobbyists should continue to evaluate and improve municipal planning laws and their relationship to regional and state planning controls.

INTRODUCTION

The passage of Arizona's Urban Environment Management Act in 1973 marked the end of a three-year battle.

The measure was drafted originally by lobbyists of the League of Arizona Cities and Towns and had extensive input from planners and other professionals, who adapted from California's local planning laws. According to League director Jack DeBolske, Arizona's planning bill was defeated every year by a bloc of home builders and sign manufacturers, who saw it as a threat to their interests.

In 1972, the measure almost passed, although coupled with the home builders' opposition were reluctant legislators who were not convinced that Arizona cities and towns needed planning enabling legislation. The bill, then Senate Bill 1116, passed the Senate and was defeated in the House. But also in the Senate was the state land use planning bill, Senate Bill 1319, which had not yet been passed. In an attempt to get both bills through, the Senate attached the local planning measure as a rider to the land use legislation and sent the measure to the House, where it was assigned to two committees--Governmental Operations and Rules. However, the committee assignment was made only four days before sine die or the end of the session, and the two-part planning measure subsequently died.

The Urban Environment Management bill was assigned in 1972 and 1973 to the Senate State, County and Municipal Affairs Committee, not only because the subject of local planning falls within the scope of that group, but also because Sen. Alexander was deeply interested in the legislation. Without this concern, the measure could have been assigned to the Natural Resources Committee, where it may have met a different fate under a less aggressive committee chairman.

As it was, Arizona needed and obtained local planning enabling legislation.

CHAPTER 1

THE NEED FOR THE LEGISLATION

The Urban Environment Management Act of 1973 should have far-reaching planning effects for Arizona's incorporated cities and towns.

The Act became effective in January 1974 as planning enabling legislation for these municipalities.[1]

Prior to its passage, municipalities had only minimal zoning powers, some fragmented subdivision authority, but no statutory planning guidelines.[2,3] In contrast, Arizona's 14 charter cities could plan under their home rule charters, and counties under their enabling legislation.[4,5] Although no comprehensive planning enabling legislation existed for the state's municipalities, data indicate that in 1971 over half of the state's 52 incorporated cities and towns had a planning budget, and ten had subdivision regulations.[6] These municipalities inferred planning authorization from the existing statutory power to zone for promotion of "the health, safety, morals or the general welfare." The power to zone included the authority to establish zoning districts and to plan their locations. The reference to the regulation of the use of "streets, alleys, avenues, sidewalks, parks and public grounds" was a basis for some planning authority.[7]

The zoning enabling statute, based on the Standard Zoning Enabling Act of 1926, stated that "cities . . . may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industrial, residential or other purposes, and may establish setback lines, and for such purposes may divide the municipality into districts of such number, shape and area as may be deemed best suited for such purposes."[8]

The UEM Act not only allows regulation, through zoning, of the height, area and use of buildings, but also includes control over signs, billboards, off-street parking, flood plain development, areas of natural or man-made hazards and historical locales.

Before the passage of the UEM Act, Arizona did not have a comprehensive subdivision control enabling act. For example, the Standard Planning Enabling Act requires that a plan of major streets be developed by the planning commission. After approval of such a plan, no plat of a subdivision of lands may be filed without the planning commission's approvel. Arizona cities and towns were not "expressly authorized to require plats of subdivisions, to require installation of utilities, to condition development permission upon prior completion of off-site improvements, to impose performance bonds or to require dedication of property for schools, parks or other purposes."[9] With the exception of streets and utility rights-of-way, the UEM Act still does

not authorize the dedication of lands, but only allows their reservation for a specified period of time until the local government can purchase the property. Previous to passage of the Act, approval for subdivision plats was specifically mentioned in the statutes, but reference was made to cities having minimum subdivision standards in a section on the subdivision of land within the three-mile corporate city limits. Owners intending to subdivide in this area were to give notice to the city and submit a plat if the city had minimum subdivision standards.[10]

The UEM Act has five articles--planning, zoning, subdivision regulations, open space and building permits. This report will discuss only the first four.

The Act authorizes, but does not require, a local legislative body to establish a planning agency, which may be a planning department, a planning commission, the legislative body itself or any combination of these. However, if and when such an agency is set up, it shall perform the duties outlined in the Act. These are the preparation of a general plan and any specific plans needed to implement it, the review of the municipality's capital improvement program and the performance of any other functions designated by the local governing body. Two general plan elements--land use and circulation--must be completed by all municipalities. Other elements or studies such as housing, conservation, transportation, public buildings and safety must be done by those municipalities having populations over 50,000.

The process of general plan adoption includes an important provision that the plan be submitted to the county in which the municipality is located, contiguous counties or municipalities, and the regional planning agency. Arizona's planning statute, unlike California's, does not state that failure to refer the plan or any element thereof prior to adoption shall not affect its validity. California law contains an invalidation clause for both municipalities and counties which says that a plan is valid regardless of whether neighboring jurisdictions have reviewed and commented on the document.[11] Whereas the UEM Act originally did not require referral, the language was stricken to force intergovernmental coordination. Therefore, the slightest non-compliance could lead to a legal challenge of a general plan.

The UEM Act repeals previous zoning statutes and expands local zoning authority. The Act requires that a zoning ordinance be adopted by the legislative body which would regulate the use of land or structures, according to the Act's provisions. In carrying out its zoning functions, the legislative body may establish flood plain zoning districts; special districts in areas lacking water, having a high water table or other natural or man-made hazards, or historical districts. The Act allows conditional uses which would require site plan review or follow other requirements. If a municipality has a general plan, the zoning ordinance must be consistent with it, but a municipality is not required to adopt a general plan prior to the adoption of a zoning ordinance.

The law provides for the establishment of the position of zoning administrator, who is charged with enforcement of the ordinance. This article also describes the powers of the board of adjustment, which may either be appointed by the legislative body or be the legislative body itself. The board of adjustment hears appeals from decisions of the zoning administrator and grants hardship variances.

The municipal planning law grants cities and towns the authority to adopt subdivision regulations by ordinance. This power includes the ability to require the preparation, submission and approval of a preliminary plat prior to submission of a final plat, and to establish procedures to be followed in doing preliminary and final plats. The local governing body may require the dedication of public streets and utility easements or rights-of-way, the establishment of minimum requirements for the installation of streets, sewers and water utilities; performance bonds and the reservation of land within a subdivision for parks, recreational facilities, school sites or other uses. It may also determine that certain lands either may not be subdivided because of adverse topography, lack of water, high water table or adverse soils, or control lot size, establish special drainage requirements or impose any other regulations necessary to protect the public's health and safety.

Under the planning, zoning and subdivision articles, municipalities are granted extraterritorial jurisdiction for

three miles outside their corporate limits in counties where any of the three regulations are lacking. Such control is designed to encourage jurisdictional coordination and to protect municipalities from the negative affects of neighboring areas.

The UEM Act authorizes the expenditure of public funds for open space and designates this as a public purpose. Open space is defined as an area characterized by great natural scenic beauty whose preservation would further conservation efforts. An identical authorization regarding open space has been passed for counties.

As has been pointed out, Arizona's charter cities were empowered to initiate planning under their home rule charters before the passage of the UEM Act. One reference has indicated, however, that an examination of ten charters showed that only Mesa's legislation made any reference to land planning or zoning.[12] But, Tucson's charter also mentioned planning and zoning, and Phoenix and Scottsdale have had these controls for several years. A source of contention during legislative debates was whether the UEM Act should state that charter cities could adopt additional or more stringent planning requirements as charter amendments than those outlined in the state law. This question will be discussed later in the paper.

CHAPTER 2

EVALUATION OF THE LAW

Part 1: Statements of Intent

The UEM Act fulfills Arizona's need for local planning enabling legislation; yet has some drawbacks which may have to be amended in the future. Planning techniques are constantly changing and legal flexibility is important to assure that planners have the tools needed to cope with Arizona's rapid population growth.

One weakness of the UEM Act is the failure of its authors to include statements of intent. These serve several purposes. They force drafters to relate regulations to defensible public purposes, serve as a guide to the courts and serve as a guide and a defense for local legislative bodies.[13] Well-prepared statements of intent may preclude court decisions that attack controls as being arbitrary, capricious or unreasonable.

Any statement of intent for the planning article of the UEM Act should necessarily comment on the purpose of the general plan. This plan is incompletely defined in the law as a "statement of land development policies, which may include maps, charts, graphs and text which set forth objectives, principles and standards for local growth and redevelopment . . . ." Ideally, the definition

should also include that this official document "must attempt to clarify the relationships between physical-development policies and social and economic goals."[14] Thus, the social and economic consequences of the plan must be recognized if communities choose the general plan approach. Language on the general plan process in the Standard Planning Enabling Act (SPEA) of 1928 could be updated and included in a statement of intent for the UEM Act's planning section.[15] The SPEA mentions that a plan should follow careful and comprehensive surveys and studies, and should then guide the "coordinated, adjusted and harmonious development of the municipality." The plan should consider present and future needs of the municipal population to promote the public health, safety and general welfare. Other language which could be added might outline plan purposes such as encouraging political and technical coordination in community development, allowing for long-range evaluation of problems, facilitating the democratic implementation and determination of community development policies through citizen participation, and preserving the cultural and architectural heritage of the locale.[16]

The zoning article should also be prefaced with a statement of intent. Again, the Standard Zoning Enabling Act (SZEA) affords a basis in its language on the purposes of zoning. It states that zoning shall be done "in accordance with the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote

health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."[17] A statement of intent for zoning should allow local governments more flexibility in following innovations such as planned unit developments, which require deviation from traditional lot-by-lot development controls. Courts might be more favorable to new zoning devices with an intent statement to refer to in state law.

California law contains another kind of intent statement preceding its zoning article. The statute states: "It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities. Except for Article 4 (open space zoning ordinance) of this chapter, the legislature declares that in enacting this chapter it is its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters."[18] The statutes add that localities may enact supplementary substantive, as well as procedural regulations not inconsistent with state law.[19] Such

statements enable localities to adapt zoning standards more closely to local needs.

The subdivision and open space articles of the UEM Act could also be prefaced by statements of intent to strengthen these parts of the law.

For example, the California legislature states in its finding and declaration that open space laws are necessary to preserve certain areas for economic and social reasons, to discourage urban sprawl by limiting premature development and to promote long-range comprehensive open space planning before population densities prevent such planning.[20] The statutes further state that the intent of open space legislation is "to assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved whenever possible; and to assure that every city and county will prepare and carry out open-space plans, which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program."[21] Similar sweeping language, including the statement that assessment practices must be designed to permit the continued availability of open space lands, is also contained in a statement of intent in California's constitution.[22]

Seemingly, the California legislature has indicated through its purpose clauses that the preservation of open space is important and that localities should follow statutory guidelines to carry out this goal.

Part 2: In Accordance with a Comprehensive Plan

The UEM Act authorizes each Arizona municipality to designate a planning agency, which must prepare and maintain a comprehensive general plan. The planning agency, to effectuate this plan, may also write a zoning ordinance. The Act does not clearly provide that the zoning ordinance be done in accordance with the general plan, an omission which is contrary to explanations given in the planning literature. In one place the law states that zoning ordinances and other regulations should be consistent with adopted general and specific plans.[23] But the law later says that a municipality is not required to adopt a general plan prior to the adoption of a zoning ordinance. Section 3 of the SZEA states that regulations controlling the "erection, construction, reconstruction, alteration, repair or use of buildings, structures or land" shall be made "in accordance with a comprehensive plan." This phrase is generally translated to mean that since zoning is a tool to implement the comprehensive or general plan, the zoning ordinance should follow its adoption. It's usually stated that general planning is where you want to go and zoning is how you get there. Zoning that does not follow a comprehensive plan could encounter trouble in the courts, according to some authors.[24,25] Others, such as John W. Reps and Charles Haar, disagree by saying the courts have often interpreted the term "comprehensive plan" in the SZEA as meaning the zoning ordinance itself and not the general plan.[26,27] Haar indicates

that he does not respect this court interpretation. He says, "Insofar as the present legislation of any state fails to recognize this connection between the general city . . . plan and the city . . . zoning plan . . . the legislation should be revised, rewritten or supplemented so as to reflect this concept of the land-use or zone plan as a part of the process of comprehensive planning." Zoning without planning fails to consider as a whole the complex relationships between controls exercised for the general welfare, he says.[28]

Unfortunately, in Arizona and elsewhere, zoning has often preceded the adoption of general plans, and state legislators have used this fact tojustify the UEM Act provision, which protects the ordinances already completed.

Several other factors in the general plan-zoning ordinance controversy include the effectiveness of general or comprehensive plans, and the translation of their provisions into accurate zoning guidelines.[29] Most general plans consist of written material and a land use map, whereas the zoning ordinance contains a written section and a zoning map. The general plan comments generally on areas of high, medium and low density and on future land uses; the zoning ordinance stresses individual dwelling units and is site specific. Some planners criticize general plans as being too long range and opt for more incremental planning and policy statements to replace land use maps. Whether policies would be concrete enough to provide guidance for zoning decision-making is dubious. The problem of translation still remains.

Overshadowing these conflicts is the problem of defining the word "comprehensive." Planners such as T. J. Kent explain the term in depth, but there is seemingly no concensus on its meaning. In short, there are inconsistencies in the phrase "in accordance with a comprehensive plan," but zoning without planning is still piecemeal and undesirable.

Assuming that communities choose to draw up general plans and that these plans and zoning ordinances should track more closely, an issue is raised of placing deadline provisions into the UEM Act. Much of the language in the law is permissive, ostensibly to preserve local autonomy in planning. There are no sanctions for those municipalities which don't plan and obviously no provisions for forcing plans and zoning ordinances to be in accord. In contrast, California requires that local legislative bodies "shall develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans. Such guidelines shall consider geographic, demographic and other relevant characteristics among the various cities and counties." Guidelines must have been adopted by September 1, 1973.[30]

Also passed by the California legislature in 1972 was a time limit section for the preparation and adoption of general plan elements. That section orders cities and counties to have the seismic safety element, the noise element, the scenic highway element and any other mandatory elements included in their general

plans no later than one year following the adoption of guidelines prepared for such elements.[31] The conservation element must have been completed by December 31, 1973, along with an open space plan and conforming open space zoning ordinance. A Council on Intergovernmental Relations may have, in cases of extreme hardship, extended the date for element adoption for a reasonable period of time.[32] Obviously, California's earthquake tolls have influenced the legislature to demand that certain elements be completed for communities' protection.

Another action-forcing provision in California's laws is a section which requires city and county zoning ordinances to have been consistent with their general plans by January 1, 1974. However, this is only required if the locality has a general plan, and other statutory provisions have made this mandatory. Another stipulation for accordance is that land uses authorized by the ordinance be compatible with the objectives, policies, general land uses and programs specified in such a plan. The penalty for zoning ordinance non-compliance with the general plan is the allowance that any property owner or resident may bring suit in superior court to enforce compliance. This action must have been taken within six months of January 1974 or may be taken within 90 days of the enactment of a new zoning ordinance or the amendment of any existing ordinance. The statutes further state that if a zoning ordinance becomes inconsistent with a general plan by reason of a general plan amendment, or to any element of

the plan, the zoning ordinance must be amended within a reasonable time to conform to the general plan.[33]

Charter cities must have general plans and adopt the mandatory elements, but they are not subject to any deadlines and all other statutory matters relating to planning and zoning do not apply to them unless they choose to adopt provisions by charter or local ordinance.[34] It has been acknowledged that zoning does not have to be in accord with a general plan in California's charter cities.[35]

Part 3: Charter Cities

One of the most heated arguments on the UEM bill concentrated on the issue of whether charter cities have the authority to implement stricter planning regulations than those outlined in state law.

In April 1973, Scottsdale residents passed seven charter amendments, by a seven-to-one margin, which broadened that city's planning powers. However, legislators, lobbyists and Scottsdale officials questioned whether a section in the UEM bill would have invalidated the charter amendments because they might have been in conflict with the measure's provisions. This concern, following the Scottsdale election, was the catalyst which forced the planning bill's passage after the objectionable section was stricken. Scottsdale's charter amendments, which were strongly opposed by the Central Arizona Home Builders' Association (CAHBA) and other developers, include the following:

1. Scottsdale can require land developers to provide school sites, park land, sewer and water facilities, dedication and improvement of public rights-of-way, bike paths and other needed transportation, drainage, flood control and any other public facilities necessary for the inhabitants of a new development. Fees-in-lieu of providing the extra services would be acceptable.
2. Non-conforming signs can be amortized as determined by ordinance.
3. Architectural and site plan review and approval are required prior to the development, construction, reconstruction or conversion of any building or structure other than a detached single-family dwelling.

None of these planning requirements are contained in the UEM Act. While Scottsdale mayor Bud Tims stressed that his community's residents had a right to pass more stringent planning regulations to improve the locale's environment, CAHBA's executive manager disagreed. Richard Mettler said, for instance, that the amendment requiring dedication of subdivision lands or payment of fees-in-lieu was a "stop growth" measure that would lead to "higher taxes for present residents."[36] Mettler also stated that the added costs of land dedication would be passed on to the home buyer.

Even before the Scottsdale election question arose, there was debate in the State Senate on planning within charter cities.

Lobbyists from the League of Arizona Cities and Towns maintained that the UEM Act should be a "minimum measure." In other words, charter cities should adhere to its provisions, yet be able to pass charter amendments and subsequently adopt ordinances that would impose stricter planning, zoning and subdivision regulations. Home builders' representatives stated that the Act should be a "maximum" law, and charter cities should follow it and not be allowed to pass their own more stringent guidelines.

In Arizona, each city having a population over 3,500 may frame its own charter, a document serving as a local constitution or organic law. The concept of home rule, or charter, government merely means local self government, and its objective has been to allow municipalities to control their own local affairs with little or no legislative interference.[37] Arizona's constitution does limit the contents of charters to the extent that they shall be consistent with, and subject to, the constitution and the laws of the state relating to exercise of the initiative and referendum and other general laws not relating to cities.[38]

Therefore, a key restriction on the self-governing powers found in a charter is that it contain matters purely of "local concern." The state still maintains control over subjects of "state-wide concern," and in a contest between charter provisions and state statutes, what is of purely local concern and what is of state-wide concern is decided by state courts.[39] However, municipalities may under certain circumstances act with power over

state issues if the legislature has not appropriated the field, and directly or by necessary implication established a rule beyond which cities may not go.[40] Arizona has innumerable court cases, which have tried to resolve conflicts over the boundaries of the charter power.

In the introduced version of the UEM Act, the charter cities section stated:

> The provisions of this article and articles 6.1 and 6.2 of this chapter are applicable to charter cities upon election if such provisions are not in conflict with applicable charter provisions. In such cases provisions of local charter or ordinance, or both, shall prevail.

This wording exempted charter cities from adhering to the Act on items they had included in their charters, since these could be in "conflict" with the new law. Presumably, the language also allowed charter cities to enact local laws more stringent than state laws if the people voted for them. In the state senate, this section was stricken and words added to a grandfather clause at the end of the measure which protected adopted plans, ordinances, resolutions, rules or regulations previously adopted pursuant to a charter, statute or other provision of law not in conflict with the UEM Act. The phrase "which are not in conflict with this act" concerned Tims since he and others believed Scottsdale's new charter amendments might be considered to conflict with the planning law and therefore be held invalid by the courts. No legislator could explain adequately what the term "conflict" meant. The Scottsdale mayor accused House Majority Leader Burton

Barr, R-Phoenix, of siding with the home builders and trying to keep the section in the bill so Scottsdale's amendments could be challenged. The resulting angry verbal exchanges between Mettler, Barr and Tims over the UEM bill were widely publicized by the press.

The League subsequently offered an amendment, which failed, asking that the provisions of the proposed law be applicable to charter cities, "except that additional or more stringent requirements for the development of land and land uses as provided in this chapter, may be adopted by such charter cities as provisions of or amendments to their respective charters conditioned upon a vote of the qualified electors . . . ." Such provisions are contained in California statutes.[41] City lobbyists argued that charter cities needed this provision since communities should have local autonomy--that was the philosophy behind "home rule." They also contended that citizens should be able to vote for more stringent charter amendments to determine their urban environment.

In opposing city lobbyists, developers' representatives cited court decisions, particularly City of Scottsdale v. Superior Court, 103 Ariz. 204, 439 P.2d 290 at 293 (1968), to support their contention that Arizona had pre-empted the area of zoning, and thus planning. Therefore cities must follow state legislation. The court said in its ruling:

> . . . it is a well established general rule that when the legislature grants to a municipal corporation the power to do any act and prescribes the manner in which the power shall

> be exercised, the power must be exercised in the manner stated in the grant and not otherwise. Further, it is fundamental that a municipal corporation has no inherent police power and hence municipal power of zoning must exist by virtue of a delegated state power.

The home builders' lobbyists also cited a more recent Arizona Supreme Court case, Committee for Neighborhood Preservation v. Graham, 14 Ariz. App. 457, 484 P.2d 226 at 227 (1971). The court's opinion was dicta and stated, "It is clear the Arizona legislature has pre-empted the field of zoning legislation setting forth the guidelines for cities . . . and for counties." Although both court cases only mentioned zoning, the home builders inferred the state had also pre-empted the area of planning, even though no planning enabling legislation existed for municipalities before the passage of the UEM Act. The home builders believed the state must curtail, rather than enlarge, the planning and zoning powers granted to cities and counties, especially to further effective state land use planning.

The city lobbyists still contended that the statutes allow city charters to prevail in matters of local concern when there is a conflict. They cited City of Tucson v. Arizona Alpha of Sigma Alpha Epsilon, 67 Ariz. 330, 195 P.2d 562 (1948). The case involved a conflict between a statutory provision that required cities to have public advertising prior to the sale or disposition of city property and a Tucson charter provision that allowed an exchange of city property without public advertising. Because there was a question over whether the city could deed the land

to the plaintiffs, the plaintiffs were prevented from getting title insurance. Sigma Alpha Epsilon therefore sued the city of Tucson and the Tucson Title Insurance Company and asked the court for a declaratory judgment. The Arizona Supreme Court determined that the charter provision allowing the land deal without prior public advertising was valid and ruled in Tucson's favor.

The case discussion pointed out that an Arizona constitutional amendment states that "in case of conflict the charter provisions shall prevail over existing laws and operate as a repeal or suspension of laws to the extent of such conflict . . . ."[42]

In addition, City of Phoenix v. Breuninger, 50 Ariz. 372, 72 P.2d 580 at 582 (1937), said:

> Briefly, the rule is where the legislature enacts a law of stateside concern and when it is apparent that the legislature has appropriated the field and declared the rule, its declarations are binding throughout the state, and all cities and municipalities, including charter cities, are precluded from legislating upon the same subject matter though they are not precluded from enacting provisions on the same subject matter which go beyond and are more stringent or restrictive than those provided for in the state statutes.

The court continued that there is a "twilight zone" where it is difficult to determine what issues are of statewide or of local concern.

The charter cities debate was the last roadblock to the UEM Act's passage and finally, to avoid confusion, the legislature struck all language on charter cities contained in the grandfather clause. In fact, they also cut out the grandfather clause, believing the courts would resolve any subsequent problems.

Since the measure contains no intent statements, it is difficult to determine if charter cities such as Scottsdale can pass stricter planning provisions, or if planning were intended to be a matter of local concern. The amendment on sign amortization is already being challenged by a merchants' association.

The question of whether the Act is a minimum or maximum grant of power is still unanswered, and eventually may have to be determined by the courts.

CHAPTER 3

FAVORABLE ASPECTS OF THE ACT

During the formulation of a general plan, the planning agency "shall seek maximum feasible public participation from all geographic, ethnic and economic areas of the municipality" and consult and advise with a broad range of officials and agencies.[43] Citizen participation has been recognized as a valuable part of the comprehensive planning process. Although no specific citizen participation process has been prescribed by law, each municipality can best determine how to get citizen input to meet its needs.

The UEM Act is largely permissive legislation, which some planners have interpreted as a lack of commitment by the legislature to planning. Whereas, planners seem to support mandatory planning, groups such as the American Law Institute (ALI) argue that the adoption of local plans and regulations should be optional. During debate in May 1974 on six articles of the ALI's Model Land Development Code, intended to eventually replace the 1928 SPEA, ALI members noted that the "uniqueness and variability of jurisdictional resources and abilities to plan precluded making planning mandatory." Planners disagreed and said land is an important resource which must be planned and regulated to achieve environmental,

social and economic objectives. They pointed out that states such as California are requiring all local governments to adopt comprehensive plans.[44]

Although the UEM Act's permissiveness can be a drawback, it can also be termed an asset. For instance, the definition of planning agency states that it may be a planning department, planning commission, the legislative body or any combination. This would presumably allow the restructuring of local planning mechanisms that could lead, for instance, to the formation of a professional central administrative agency. The Douglas Commission Report of 1968 proposes that a single agency administer unified development codes, prepared by each locality and containing all development regulations. This change would allow the planning and zoning commission to become a citizens' advisory body, that would present alternatives and information on the long-term effects of different planning decisions to the local governing body.

Presently, the planning task is divided among professional planners, inexpert planning commissioners and local politicians. The Douglas Commission notes that the functions carried out by a planning and zoning commission can span three areas--the administrative functions of reviewing subdivision plats and site plans, and approving or making recommendations on special exceptions, variances and rezonings; preparing plans and policies for community development and serving as advisors concerning a locale's planning problems. The Commission states that the first function should be

done by paid professionals in the administrative agency, who would be directly responsible to elected officials. This would eliminate some governmental fragmentation, red tape and expense. The second function of the planning and zoning commission amounts to making political decisions, which the local legislative body should make with direct input from the planning director and his staff. Thus, the commission should assume merely an advisory role.[45]

The composition of local planning and zoning commissions is not prescribed by statute; there are no uniform standards. This results in the appointment of lawyers, real estate persons, architects and other professionals besides planners to the commission, which usually meets infrequently to handle planning business. Minorities and low-income people are rarely on the commission--they can't afford to be, either.[46]

The formation of a central agency to assume many of the tasks now carried out by a planning and zoning commission also has been suggested in the ASPO Connecticut Report (1967) and the ALI's Model Land Development Code (1968).[47] These sources indicate that the agency would have responsibility for administering subdivision regulations, reviewing site plans, preparing plans and ordinances, and granting minor zoning map changes. The local legislative body would approve more important rezoning matters. Seemingly a board of adjustment could be carved from the agency and a zoning administrator could determine compliance with the

zoning ordinance, a function done in many cities by the building inspector. The zoning administrator's duties are not specifically outlined in the UEM Act. He enforces the zoning ordinance and appeals from his decisions are made to the board of adjustment.

The planning, zoning and subdivision articles of the UEM Act are adequate, although not innovative. For instance, the ALI Model Land Development Code sets out three types of ordinances which may be adopted to regulate development:

> . . . a general development ordinance, which lists development permitted as of right (resembles zoning).
> . . . a special development ordinance, which contains criteria which call for special discretion by the legislative body (i.e., subdivision control).
> . . . legislative development permission, which encompasses actions which license a certain development on a particular site (i.e., floating zones).[48]

The obvious benefits of getting away from Euclidian zoning or lot-by-lot development is to encourage planned unit developments, activity centers or other forms which encourage mixing residential, commercial and industrial uses after a site plan review process. Such development will help to solve commuter transportation problems and generally arrest sprawl. Again, assuming that charter cities can adopt more stringent guidelines, they should strive for more innovative techniques than those outlined in state law.

The UEM Act does recognize some dilemmas such as the coordination of capital improvements with plans for community growth and development, the need for the reservation of park and

school sites by developers, the need for flood plain development restrictions and for historic preservation.

The law allows municipalities to use public funds to acquire open space for a public purpose, and although the Act only contains two paragraphs on open space, it is assumed municipalities will draft local legislation in this area. Arizona, unlike California, has little legislation controlling foothill subdivision or protecting environmental quality.[49]

CHAPTER 4

THE LEGISLATIVE EXPERIENCE

When I went to Phoenix as a legislative aide to Sen. Scott Alexander, I had completed only one semester in the University of Arizona's planning program, unlike other students who usually take their internships later.

Arizona's planning enabling act was one bill I worked on during the entire session. Because I was in planning, I was believed to have valuable input. The SCM Committee had the heaviest load of bills assigned to it, and I worked on legislation covering no-fault divorce, the Uniform Controlled Substances Act (drugs), Arizona's psychiatric commitment laws, the bill to restore capital punishment and numerous bills on urban and rural problems such as incorporation and annexation.

Besides doing research on this legislation, I wrote amendments for the UEM Act, notified groups of committee meetings and supplied committee members with material they might need. I was responsible to Alexander, who gave me most of my assignments. Besides my input, the nine-member committee conducted some research with help from other interns. However, the majority of information on the legislation was submitted by lobbyists. These included the League of Arizona Cities and Towns, headed by Jack DeBolske;

the Southern Arizona Home Builders Association, represented by Clague Van Slyke; the Central Arizona Home Builders Association, represented by its executive director Richard Mettler and his attorney Ron Carmichael; Combined Communications Corporation (Eller Outdoor Advertising Company), represented by vice president and assistant secretary Stuart B. Schoenburg; and Barbara A. Stribling, a concerned citizen from the Citizens' Corps. In addition, there was attorney Joe Ralston, who represented scattered developers such as McCulloch Properties. Sporadically, planners from the Phoenix planning department came to meetings. They worked closely with the League. However, planners had little direct input. Even though Tucson planning director Frank Sortelli helped write the original UEM Act, neither he or any other Tucson planners had comments on the 1973 bill. However, Tucson's legislative liaison Bill Sheldon did follow the bill's progress.

The two most influential lobbying groups were the League and the home builders. Both have the financial backing to influence the outcome of legislative decisions. The home builders, in particular, reportedly contribute heavily to state legislative campaigns. In fact, home builder lobbyist Ralston was one of a three-man committee to challenge a 1974 Common Cause initiative that would require public officials and candidates to make full financial disclosure. Ralston contended that financial reporting could keep good citizens from serving on boards and commissions.[50] Such a political reform could also be embarrassing to some campaign

contributors and recipients. California has already passed a financial disclosure measure to control big spenders and lobbyists.[51]

Undoubtedly, in Arizona, political tolerance for the home builders is also present at local levels of government, where they may give money to the campaigns of mayors, councilmen and other elected officials. This financial backing makes the League's job more difficult, since local politicians can be reluctant to push for strong legislation that might antagonize their campaign contributors. Consequently, the League must take more initiative if guidance is lacking from those they represent.

It is not unusual for Arizona legislators to rely strongly on lobbyists, who submit reams of amendments and information. Legislators, in the case of the UEM Act, lacked the expertise to adequately evaluate Arizona's planning needs, and they lacked the time and sometimes the interest to do outside reading on the topic. There were too many bills and meetings which demanded their attention; they were underpaid, so many legislators worked to make extra money during the session. Besides this, many legislators such as SCM Committee member Bob Stump saw no need for planning legislation. Stump, a wealthy Tolleson farmer, was the Democratic whip. He and several other legislators saw many aspects of the regulation of private lands through planning and zoning as a taking, the extensive control of land without compensation. This viewpoint particularly emerged during discussion on

the law's open space article, which in the introduced bill was several pages long and allowed a local government to purchase open space or open space easements through condemnation. The amended article merely defines open space and states that its acquisition is a public purpose for which public funds may be spent.

There is no lengthy discussion of the tools a government might use to preserve open space lands. Actually, the League lobbyists allowed legislators such as Stump to strike most of the article because they believed municipalities could still use a method such as condemnation, since public funds would merely be paid as compensation to the property owner.

The taking issue was also debated during committee hearings on nonconforming uses and their possible amortization. As a result of the strong sentiment against governmental interference with nonconforming uses, Arizona's law still protects them.

A comment on Senate staff structure is necessary. It must be noted that the Senate had 12 Democrats and 18 Republicans. The Democrats shared one intern; the GOPs had eight. Six Republican aides had committee assignments and two worked for the Republican leadership--the president and majority leader. Having a committee assignment meant one worked for the chairman. The Democratic intern worked mostly for the minority leader, but also did work for the other legislators. The Senate also had permanent staff members who worked for committees and individual

legislators. For instance, the SCM Committee was assigned one lawyer, who also was responsible for doing legal research for two other committees. The legislature generally lacked professional staff who had expertise to work in certain areas. An exception were staff members with advanced degrees in sociology who researched bills on topics such as prison reform and drug laws. Interns, although usually not experts, at least fulfilled the need for manpower at the legislature. But most interns gained considerable knowledge by the end of the session so their contributions were more valuable. The need for becoming too specialized at the legislature is doubtful since one must be flexible enough to research a broad range of issues. And I was glad there were many issues to study since I felt my planning background so minimal that I could hardly have coped with only that topic. For example, not having had zoning, I knew very little about what zoning was, nor about what subdivision regulations were or about how these controls were related to the general plan. Fortunately, I knew where to go for information, but I still did not feel confident enough about my knowledge to criticize the planning bill while I was working on it. Therefore, in my case, I feel I may have benefited more if I had waited until my second year in planning to do my internship. Being a legislative aide was an extremely valuable experience--the experience goes beyond the scope of this paper. Having worked in journalism I was often struck by the similarity of legislators to reporters in that both

professionals have to be "instant experts" in their jobs. They must quickly size up the issues and do enough reading or research to either write a story or, in the case of the legislator, carry on a debate or defend a piece of legislation. Thus, legislators often know a little about a lot and a lot about no one subject since the issues are always changing.

Underlying the stimulating atmosphere of the legislature there was a depressing theme. No matter how much research and work went into any bill, the legislative process necessarily bred mediocrity. The very democratic process which allows so much input from different sources also assures that legislation will never be as good as it could be. Each bill mirrors philosophical biases from each contributor, and after the deals are made and the compromises completed, the final product is usually less than optimal. Thus, much legislation that is passed often has to be amended and supplemented during subsequent legislative sessions. The legislative process is slow. However, I can offer no solutions.

Planners should realize the impact legislation has on their profession and, indeed, everyone should know how state laws affect one's daily life. The sole regret I have is that planners did not lobby more for the UEM Act. One suggestion for the improvement of planner input to the legislature would be to establish a planners' rollcall in Arizona similar to that conducted by the American Institute of Planners (AIP) on the national level. The rollcall would perform a state legislative monitoring function.

The rollcall could have an Arizona AIP director who would collect the names of planners from each section who would be willing to contact state legislators about the effects of state law on local areas or about any planning issues. The planners would testify at hearings and inform committee staffs. AIP participants would in turn receive summaries of pending planning legislation. Such input by planners could considerably improve the quality of Arizona planning laws.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

It is difficult to access the impact of the UEM Act on Arizona municipalities. Planning sophistication varies broadly between localities depending on the size and skills of the planning staff and the local governmental structure. These are affected by the municipal population size and attitudes, and tax base. In Tucson's case, the law will guide the city's Comprehensive Planning Process, which includes a major revision of the zoning ordinance. This will cost some $60,000. Additional funding will be needed to hire professional staff such as a zoning administrator.[52] Budgetary effects will certainly be felt by other municipal planning agencies.

This internship paper has examined some of the problems and positive aspects of the UEM Act. Its shortcomings are the failure to include statements of intent, deadline provisions for general plan adoption and adherence to a zoning ordinance, and clarification of charter cities' adherence to the law. The inclusion of these would indicate a stronger state commitment to planning and prevent parochial planning efforts.

Favorable aspects of the Act include permissive language which, while rendering the law vague, allows municipalities

flexibility to interpret the law in their favor. For instance, the planning and zoning commission's duties could be modified under the law. The allowance for the establishment of the position of zoning administrator should more closely align zoning with planning and relieve the work burden of the building inspector. The law's provision for the purchase of open space lets local governments buy areas for conservation purposes. This power is important since Arizona is developing rapidly and certain lands should be saved from development or held until their best uses can be determined.

Concerning the legislative process and planning legislation, more input is needed by planners from not only Tucson and Phoenix, but from other areas of the state. Planners are most informed about Arizona's planning problems and could possibly have influenced the legislature to strengthen parts of the UEM Act. One way of getting increased planner participation in legislative matters might be to establish an AIP statewide planners' rollcall. Those on the rollcall would contact legislators, speak at hearings, and keep informed on planning legislation under consideration.

Even though the UEM Act's passage was imperative for Arizona planning, other planning measures are needed to supplement it. As Examples:

Arizona should consider mandating that municipalities prepare open space plans and zoning for the "comprehensive

and long-range preservation of open space lands."[53] This, combined with incentives such as statutory provisions for preferential taxation of open space lands, would assure that open space planning would be carried out. Both Tucson and Phoenix should worry about protecting their foothills from subdivisions that mar the landscape. Adherence to an open space plan would preclude the approval of tentative and final plats.

The state should provide for regional and state planning to forestall further haphazard land development.[54] Local governments--counties, municipalities, special districts and school districts--tend to plan within their boundaries. There is a lack of uniformity of codes, ordinances and policies.[55] However, most planning problems have no boundaries and create spillovers, which can only be controlled through regulations at regional and state levels.

The passage of legislation on these issues would increase the value of the UEM Act. Arizona should take advantage of its relatively low population densities and vacant land to plan innovatively. Municipalities should become more aggressive and use the Act's guidelines to more effectively manage their communities through planning.

FOOTNOTES

1. Arizona Revised Statutes Sec. 9-461, et seq., Laws 1973, ch. 178.

2. A.R.S. Sec. 9-474 (Supp. 1974).

3. A.R.S. Sec. 9-461 to 9-466.

4. Avondale, Chandler, Flagstaff, Glendale, Mesa, Nogales, Phoenix, Prescott, Scottsdale, Tempe, Tombstone, Tucson, Winslow and Yuma.

5. A.R.S. Sec. 11-801 to 11-830.

6. Arizona Office of Economic Planning and Development, Status of Planning in Arizona, 1971. 17, 18, 21-24.

7. A.R.S. Sec. 9-276.

8. A.R.S. Sec. 9-461.

9. Arizona Office of Economic Planning and Development. The Public Control of Private Land in Arizona. July 1973. 5.

10. A.R.S. Sec. 9-474.

11. Calif. Gov't Code Sec. 65305 and 65306. California has a referral statute, but the sections are directory, not mandatory. Failure to refer general plans before their adoption does not render them invalid. Referrals are generally unnecessary when two areas see it as their best interest to cooperate, and ineffective when they don't (Supp. 1974).

12. Arizona Office of Economic Planning and Development. Public Control of Private Land in Arizona, 24.

13. Bair, Frederick H., Planning Cities. 1970. 356.

14. Kent, T. J., Jr., The Urban General Plan. 1964. 18.

15. American Law Institute, A Model Land Development Code (tent. draft 1, 1968), Standard Planning Enabling Act, Sec. 7, 236-237.

16. Adapted from Kent, 25-26.

17. American Law Institute, A Model Land Development Code, Standard Zoning Enabling Act, Sec. 3, 214-215.

18. Calif. Gov't Code Sec. 65800 (Supp. 1974).

19. Ibid., Sec. 65804.

20. Ibid., Sec. 65561.

21. Ibid., Sec. 65562.

22. California Constitution, Article XXVIII, Sec. 1.

23. A.R.S. Sec. 9-462.

24. Bair, Frederick H., Planning Cities, 1970, 289.

25. Freund, Eric C. and William I. Goodman, Principles and Practice of Urban Planning, 1968, 350.

26. Reps, John W., "Pomeroy Memorial Lecture: Requiem for Zoning," ASPO Planning, 1964, 61.

27. Haar, Charles, "In Accordance with a Comprehensive Plan," 68 Harvard Law Review, 1955, 1157.

28. Ibid., 1173.

29. Mandelker, Daniel R., The Zoning Dilemma, St. Louis, Missouri, 1971, 58.

30. Calif. Gov't Code, Sec. 34211.1.

31. Ibid., Sec. 65302. Other mandatory elements are land use, circulation, housing, conservation and open space. The conservation element must have been completed by December 31, 1973, along with an open space plan and conforming open space zoning ordinance.

32. Ibid., Sec. 65302.2.

33. Ibid., Sec. 65860.

34. Ibid., Sec. 65700 and 65803.

35. Senate Journal--Legislative Counsel of California, 5:8014, December 1, 1972.

36. The Arizona Republic, "Charges Traded in Scottsdale Amendment Issue," April 24, 1973, 5A.

37. Bingham, David A., Constitutional Municipal Home Rule in Arizona, Tucson, Arizona (November 1960), 2.

38. Arizona Constitution, Article XIII, Sec. 2.

39. Bingham, 3, 35.

40. City of Tucson v. Tucson Sunshine Climate Club, 64 Ariz. 1, 164 P.2d 598.

41. Calif. Gov't Code, Sec. 65700 and 65800.

42. Arizona Constitution (1939), Sec. 16-303, which supplements Article 13, Sec. 2.

43. A.R.S., Sec. 9-461.05E.

44. The American Institute of Planners (AIP) Newsletter, Vol. 9, No. 6, June 1974, 12.

45. The National Commission on Urban Problems, Building the American City, Washington, D.C., December 12, 1968, Part III, 238-239.

46. Goldfarb, Steven H., "Parochialism on the Bay: An Analysis of Land Use Planning in the San Francisco Bay Area," 55 California Law Review 845 (1967).

47. Heeter, David, "Toward a More Effective Land-Use Guidance System: A Summary and Analysis of Five Major Reports," ASPO PAS Report No. 250 (September/October 1969), 33.

48. Ibid., 105.

49. Keeler, Robert B., "Recent California Planning Statutes and Mountain Area Subdivisions: The Need for Regional Land Use Control," Ecology Law Quarterly, 3:1 (1973).

50. The Arizona Daily Star, "Campaign Initiative Attacked," July 16, 1974, 4A.

51. Ibid., "California's Proposition 9," July 16, 1974, 20B.

52. Memorandum from Frank Sortelli, Tucson Planning Director, to Bill Sheldon, City Legislative Liaison Officer, November 13, 1973.

53. Calif. Gov't Code, Sec. 65563.

54. Larson, Ronald F., "Needed in Arizona: A State Land Planning Agency," Law and the Social Order, 1972, 607.

55. Arizona Office of Economic Planning and Development, Status of Planning in Arizona, 1971, 108.

SELECTED REFERENCES

American Law Institute. A Standard Planning Enabling Act (SPEA). A Model Land Development Code, tent. draft no. 1, 1968. Section 7, 1928.

American Law Institute. A Standard Zoning Enabling Act (SZEA). A Model Land Development Code, tent. draft no. 1, 1968. Section 3, 1926.

Arizona Constitution. Article XIII, Section 2.

Arizona Revised Statutes, Title 9 (Sec. 9-461 to 9-467); Title 11 (Sec. 11-801 to 11-861).

Bair, Frederick H., Jr. Planning Cities. Chicago, 1970.

Bingham, David A. Constitutional Municipal Home Rule in Arizona. Tucson, Arizona (November 1960).

California Government Code, Title 7 (Sec. 65000 to 65912).

City of Tucson v. Arizona Alpha of Sigma Alpha Epsilon, 67 Ariz. 330, 195 P.2d 562.

Clark, Joe. "Annexation--Key to Arizona's Regional and Local Planning Problems." Law and the Social Order, 1972, 645-665.

Coffee, Thomas. "Tucson's Authority for Land Use Control." December 20, 1973.

Cunningham, Roger A. "Land-Use Control--The State and Local Programs." Iowa Law Review, Vol. 50, No. 2 (Winter 1965) 367-413.

Goldfarb, Steven H., "Parochialism on the Bay: An Analysis of Land Use Planning in the San Francisco Bay Area." 55 California Law Review 836, 1967.

Haar, Charles. "In Accordance with a Comprehensive Plan." 68 Harvard Law Review 1154, 1955.

Heeter, David. Toward a More Effective Land Use Guidance System: Summary and Analysis of Five Major Reports. PAS Report No.250 (September/October 1969).

Freund, Eric C. and William I. Goodman. Principles and Practice of Urban Planning. Washington, D.C., 1968.

Hagman, Donald G. Public Planning and Control of Urban and Land Development. St. Paul, Minnesota, 1973.

Heyman, I. M. "Legal Assaults on Municipal Land Use Regulations." Urban Law, 5:1 (Winter 1973).

Keeler, Robert B. "Recent California Planning Statutes and Mountain Area Subdivisions: The Need for Regional Land Use Control." Ecology Law Quarterly, Vol. 3, No. 1 (Winter 1973), 107-144.

Kent, T. J., Jr. The Urban General Plan. San Francisco, 1964.

Kiefer, Louis, Jr. "Comprehensive Plan Requirement in Zoning." 12 Syracuse Law Review 342 (Spring 1961).

Larson, Ronald F. "Needed in Arizona: A State Land Planning Agency." Law and the Social Order (1972), 605-625.

Mandelker, Daniel R. The Zoning Dilemma. St. Louis, Missouri, 1971.

Perry, Alan R. "The Local 'General Plan' In California." 9 San Diego Law Review 1 (1971).

Planning Division--Arizona Office of Economic Planning and Development. Status of Planning in Arizona. Phoenix (June 1971).

Reps, John W. "Pomeroy Memorial Lecture: Requiem for Zoning." ASPO Planning (1964).

Schroeder, Milton R. The Public Control of Private Land in Arizona. Arizona Office of Economic Planning and Development (July 1973).

Senate Journal--Legislative Counsel of California, 5:8014, Sacramento, December 1, 1972.

The American Institute of Planners (AIP) Newsletter, Vol. 9, No. 6, June 1974.

The Arizona Daily Star. "California's Proposition 9." July 16, 1974, 20B.

The Arizona Daily Star. "Campaign Initiative Attacked." July 16, 1974, 4A.

The Arizona Republic. "Charges Traded in Scottsdale Amendment Issue." April 24, 1973, 5A.

The National Commission on Urban Problems. Building the American City. Washington, D.C., December 12, 1968.