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# Growth management attitudes and practices in smaller cities

Dennis Leroy Siders

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I am submitting herewith a thesis written by Dennis Leroy Siders entitled "Growth management attitudes and practices in smaller cities." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in .

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James Spencer Major Professor

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# GROWTH MANAGEMENT ATTITUDES AND PRACTICES IN SMALLER CITIES

A Thesis

Presented for the

Master of Science in Planning Degree

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Dennis Leroy Siders

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Most of all I would like to thank my wife and best friend Vickie, for her continued support, understanding, and loyalty. Without her emotional and financial support, this thesis would never have been written.

## ABSTRACT

This research is exploratory in nature and intended to identify what smaller cities are managing their growth, what factors influenced that decision, and what technique they are using to manage that growth. The study was done through a self-administered mail survey, sent to cities between 25,000 and 100,000 population in six selected states.

The findings of the study concluded that Planning Directors in the cities surveyed are concerned about uncontrolled growth for a variety of reasons. Neither the size of the city nor the distance from a major metropolitan area seemed to significantly affect attitudes about growth management. As expected, faster growing cities were more concerned about controlling growth than cities with declining or stagnant populations. Most cities used conventional methods such as zoning and subdivision regulations to control growth with a minority of communities applying more innovative techniques.

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# CHAPTER 1

# THE NEED FOR A STUDY OF GROWTH MANAGEMENT

## INTRODUCTION

The United States has traditionally been thought of as the great land of opportunity with unlimited land and resources. This was certainly true during the pioneering days of our early history. However, in recent years it has become increasingly clear that neither the land nor the resources are limitless. Problems have arisen in some cities due to growth in their populations and ensuing new developments. To cope with these problems, a growing number of cities have felt compelled to actively manage growth within their communities.

Most of the growth in the United States since World War II has taken place in the urban-rural fringes of major metropolitan areas. Middle income white families developed the economic capacity to move from the intercity to single family detached homes in the suburbs. The federal government encouraged this move by supplying low interest, low-down-payment home loans, and a super highway system to enter and exit the city. The out-migration of the upper and middle classes created a tremendous amount of growth in the suburbs. In addition to this move to the suburbs by commuters, industry discovered there was cheap land and a cheaper labor market in

smaller cities, beyond the urban fringes. Improved transportation and communication technology made a move to these areas possible.[1]

Suburban growth was often in the form of "urban sprawl". Urban sprawl is difficult to define and is addressed in Chapter 2. However urban sprawl is defined, it has consumed agricultural land at an alarming rate and has impacted more land than has been converted to urban uses. This expanding movement of people has resulted in the destruction of rural and open space, as well as creating a wasteful expenditure of energy, inefficiencies in the distribution of services, and unnecessarily high taxes.[2]

As urban sprawl became more widespread, and the results more disastrous, some communities began to recognize that something had to be done. Growth management systems began to appear within the context of local comprehensive plans. A local growth management system can be defined as "a conscious government program intended to influence the rate, amount, type, location, and/or quality of future development within a local jurisdiction"[3].

There have been several good books published on how to create a growth management plan and the techniques available

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[1] Callies, David L., and Robert H. Freilich, Cases and Materials on Land Use, West Publishing Co., St. Paul, MN, 1988, pg. 795.

[2] Callies, pg. 795.

[3] Callies, pg.797.

in implementing that plan. The most comprehensive of these is the three volume set published in 1975 by the Urban Land Institute titled, Management and Control of Growth. Another more compact version on the same theme is Managing Development in Small Towns, by David J. Brower, Candace Carraway, Thomas Pollard and C. Luther Propst. In addition there have been several Planning Advisory Service (PAS) publications which have addressed socio-economic, legal, economical, and environmental aspects of growth management systems.

There have also been case studies on individual communities which are helpful in studying growth management problems. Two of these case studies are Development Timing with the Adequate Public Facilities Ordinance: A Case Study of Three Counties in the Washington Metropolitan Area, by Thomas Durham and Growth Control with Development Timing in Ramapo, New York by Susan Adams. Both of the theses, covered the growth management plan for two communities in depth.

In the last twenty years there has been much written about the need for, the social implications resulting from, and the techniques used in growth management. However, there has been very little research concerning what is actually being done by planners, especially in smaller cities, to manage growth. How many smaller cities are actively trying to manage their growth? What factors within their communities have influenced them to attempt growth management? And, what techniques are these planners using to manage growth in their

communities?

## NEED FOR THE STUDY

The study of growth management systems in smaller cities is especially important for two reasons. First, the migration of people from larger to smaller cities is well documented and should continue into the future. Secondly, smaller cities have smaller planning staffs and budgets than their larger counterparts. They may not have the financial resources to hire an outside consulting firm to study their growth problems.

It would be especially helpful for planners in smaller cities to know the following:

1. What are some smaller cities that are actively attempting to manage growth?

2. What factors have influenced their decision to actively manage growth in their community?

3. What techniques are planners in small cities using to manage growth?

## METHODOLOGY

Conceptually this study will be exploratory in nature. A self-administered mail survey is the best method to study growth management attitudes and practices over a large geographical area. There are three main areas that will be researched. First, what are some smaller cities that are attempting to control growth within their communities?

Second, what factors have influenced planners to manage growth in their communities? And third, what techniques are being used to control growth in these cities.

Operationally, there is a need to define the following terms in order to obtain empirical observations which can be replicated in later studies.

**Smaller Cities:** For the purposes of this study, smaller cities are defined as those having populations between 25,000 and 100,000. These cut-off points correspond well with U.S. Census reports and can be used to relate the findings of this study to other data reported in the Statistical Abstract of the United States.

**Growth Management:** The definition that will be used throughout this study, including the cover letter which accompanied the questionnaire sent to small city planners, was "a conscious government program designed to influence the rate, amount, type, location and/or quality of future development within a local jurisdiction".[4] Generally this is recognized as a more comprehensive set of policies and regulations than a zoning ordinance and subdivision regulations.

The questionnaire was mailed to the Director of City Planning, in cities ranging from 25,000 to 100,000 population. The questionnaire was constructed so that it could be completed in a short amount of time, in order to encourage a

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[4] Callies, pg. 797.

high return rate. Although the questionnaire could have been mailed to other city officials which have opinions on growth, restricting it to planners resulted in less variables to identify and should be more replicable for future studies.

Each packet contained a questionnaire, a short cover letter explaining the purpose of the study, a list of definitions mentioned in the questionnaire, and a self-addressed stamped return envelope. Each questionnaire was sequentially numbered and that number was logged out when mailed and logged in when received back. Follow-up letters were scheduled to be sent to non-respondents if less than fifty percent of the total questionnaires were not returned. Questionnaires which were not returned are not reflected in the findings.

The questionnaire was sent to all cities, in the states selected, with a population between 25,000 and 100,000. Population figures for the year 1986, obtained from the County and City Data Book, 1988, were used in selecting cities. The following states were surveyed: Florida, Georgia, Missouri, North Carolina, Ohio, and Tennessee. The following table indicates some contrasts and similarities among these states.

| STATE | # OF CITIES | 1986 POP. | % GROWTH | STATE LEGISLATION |
|---|---|---|---|---|
| FLORIDA | 39 | 11,675,000 | 19.8 | YES |
| GEORGIA | 8 | 6,104,000 | 11.7 | YES |
| MISSOURI | 12 | 5,066,000 | 3.0 | NO |
| N. CAROLINA | 16 | 6,331,000 | 7.7 | NO |
| OHIO | 39 | 10,752,000 | -.3 | NO |
| TENNESSEE | 9 | 4,803,000 | 4.6 | NO |

Four independent variables were used to study what factors influenced attitudes about, and techniques used, in controlling growth. These four are:

1. **Population:** A city of 100,000 may have different attitudes concerning, and methods for managing growth, than a city of 25,000. Population, based on the 1990 census, was used to determine if there was a relationship between city size and attitudes about, and techniques used to control growth.

2. **Rate of growth between the 1980 and 1990 Census:** Cities with different rates of growth may have differing attitudes and methods of managing growth. This rate of growth was used to determine if there was any relationship between attitudes about, and techniques used by the city in their growth management approach.

3. **Distance from a large metropolitan area:** Some cities will be within a larger metropolitan area and some will be "free standing" regional centers, several miles from a large metropolitan area. This factor may influence the attitude of city planners concerning the need to control growth, and the techniques used in that growth management approach.

4. **State growth legislation:** States with mandatory growth management legislation may produce different findings than states without growth management legislation. A comparison of cities in states with growth management legislation, was made with cities in states that do not have

growth management legislation.

The data from the survey was compiled in a data base using dBASE III PLUS. This data was used for simple bivariate analysis. The elaboration model was used, when appropriate, to explain relationships between the four independent variables mentioned above, and the findings of the dependent variables from the survey.

## SCOPE AND LIMITATIONS OF THE STUDY

This study focused on only three aspects of the growth management question. First, which smaller cities are attempting to control growth within their communities? Second, what factors have influenced planners to manage growth in their communities? And third, what techniques are being used to control growth in these cities.

This study did not examine the socio-economic aspects of growth management policy. Some of these issues include the moral implications of excluding development, effects on the price of housing, and exclusionary implications for both income and race. It did not examine the success or failure of growth management systems, nor the costs or benefits of growth management programs.

Because of cost considerations, this study examined only six states. Since each state has slightly different enabling acts, and some have growth management legislation, the results cannot be transferred to other states without some possibility

of error. However, the six states were chosen with the hope that they would be representative of forces influencing growth management throughout the nation.

Since the survey was sent to cities with a population between 25,000 and 100,000, the findings only represent growth management in cities of that population range. Cities with larger or smaller population may, or may not, have similar growth management systems.

The survey was conducted during the Summer of 1991. Therefore the findings only represent the conditions which existed during that period of time.

This study was not an attempt to find a definitive cause which results in communities attempting to control growth. However,it has identified some of the factors which have an influence on that decision.

## CHAPTER 2

## THE NEED TO CONTROL GROWTH

## IN SMALLER CITIES

### MIGRATION PATTERNS

During the nineteenth century, America was basically a rural society. As of 1900, only 31% of the population of the United States lived in urban areas. However throughout the entire twentieth century there has been a steady migration of people from rural areas to the cities. As Figure 1 illustrates, this balance between urban and non-urban residents has increasingly been shifting toward the urban dweller (the Census bureau defines an urban area as one which contains 2500 people or more[5]). It is obvious that this trend must slow down eventually or by 2011 there will be no one left in the rural United States. However, it is also obvious that literally all growth is occurring in metropolitan areas.

During the last half of the twentieth century another migration trend has been occurring within the United States. There has been a steady decline in large cities with population above 250,000, while cities in the 10,000 to 250,000 population range have increased in size.

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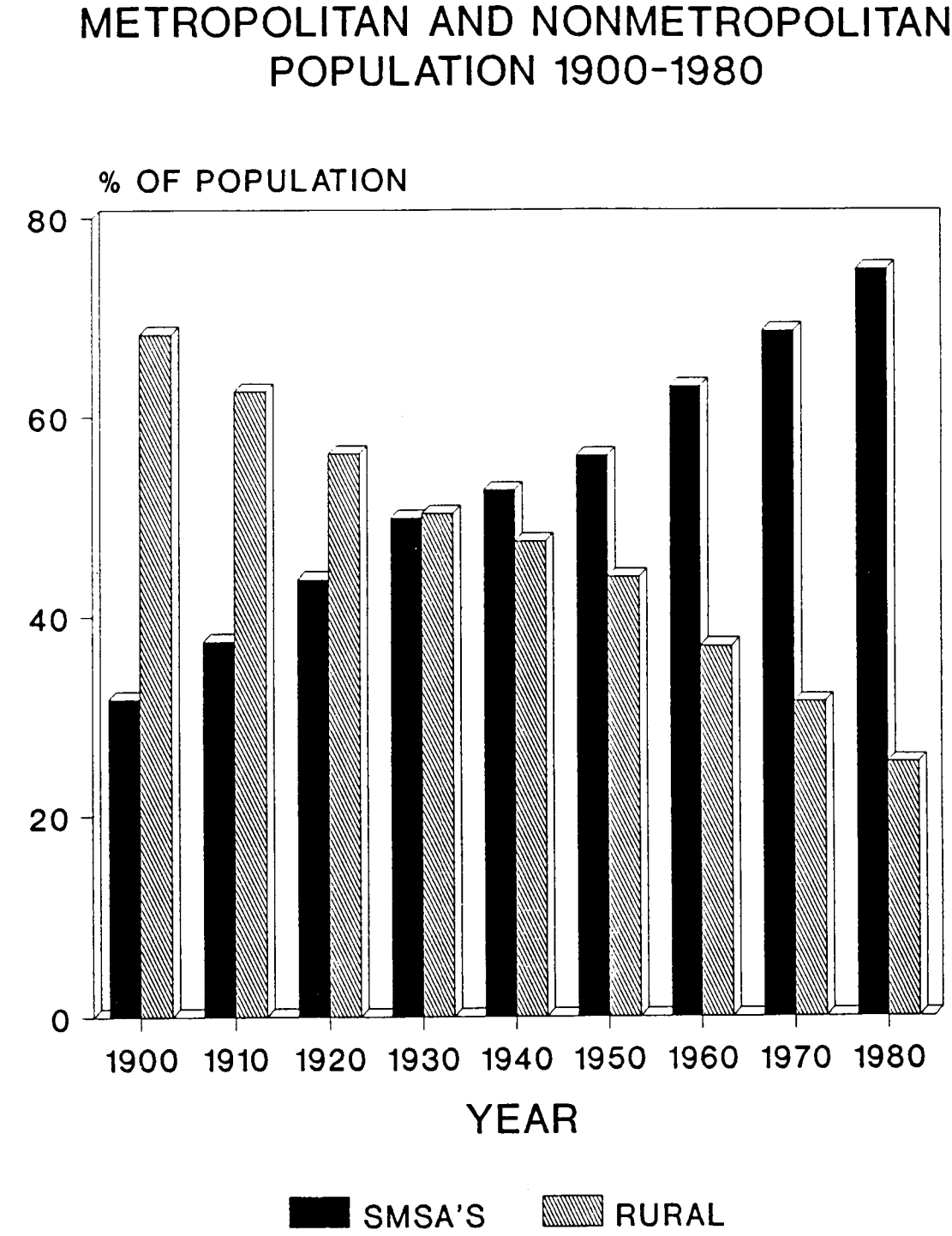
[5] Statistical Abstract of the United States, The United States Census Bureau, Washington D.C., 1987, pg. 31.




STATISTICAL ABSTRACT OF THE U.S.

FIGURE 1. MIGRATION PATTERNS

Between 1940 and 1980 there was a movement of people from larger to smaller cities. As Figure 2 indicates, the population has been steadily shifting toward smaller cities. Whether this is a two step migration ( from rural to central cities and then from the central cities to suburban communities), or simply a move from the rural areas to the suburban areas is not known. What is known is that rural and central cities lost populations while suburban and fringe cities grew rapidly.[6]

Most of this migration from larger to smaller cities began after World War II. There have been numerous reasons given for this migration. The two most compelling reasons seem to be improvements in transportation technology and low-interest, no-down payment home loans.

According to the 1950 census, there were 151 million Americans owning 48 million automobiles. That represented a 50% increase since 1940. Urban fringe areas had also increased 35% since 1940 with central city areas increasing only 13%.[7] Since World War II consumed the first half of the decade, most of this growth on the urban fringe took place in the latter half of the decade. Automobiles were built to travel faster, with greater reliability, and were inexpensive enough for most families to afford.

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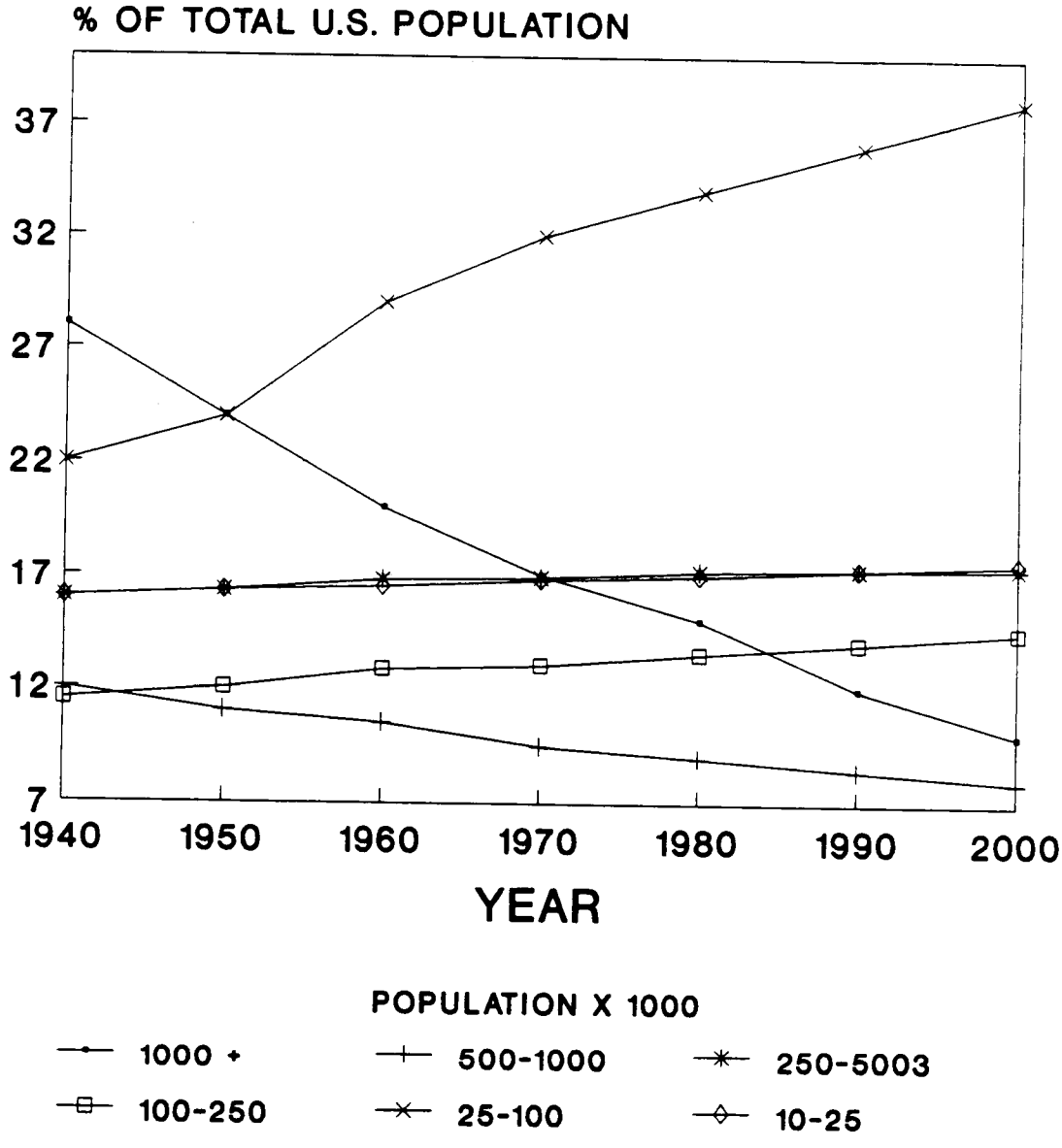
[6] Statistical Abstract of the United States, Pg. 31.

[7] So, Frank, The Practice of Local Government Planning, ICMA Training Institute, Washington D.C. ,1988, pg. 46.

# CITIES BY POPULATION SIZE
## 1940-2000




STATISTICAL ABSTRACT OF U.S.

FIGURE 2. POPULATION GROWTH BY CITY SIZE

During the 1950's and 60's, a new highway system was built to make it easier for people living on the urban fringe to commute to the cities. The Interstate Highway act of 1956 provided sixty billion dollars in highway construction programs to build the interstate and freeway systems.[8] This meant that a family could live in the "country" while the provider commuted to work in the city.

Between 1960 and 1980 the total United States population increased 26 percent. However the number of households and workers grew at twice that pace. The number of workers commuting to work also doubled and vehicle registration rose 137%.[9] This tremendous increase in commuters and automobiles was a direct result of people moving out of the cities, where mass transit was available, and into the suburb where the automobile was king.

Another important key for families migrating to the urban fringe was the affordability of housing in the suburbs. The framework for low interest loans had been set during the depression years, however the real impact of this was not felt until the 1950's. In the mid fifties the average home in a suburban subdivision was selling for $12,000 with an interest rate of 5.5% and little or no down payment. The monthly payment on a thirty-year self

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[8] So, pg. 46.

[9] Dunphy, Robert T., "Travel Trends and the Transportation Impact of New Projects", Urban Land, The Urban Land Institute, Washington D.C., July 1986, pg. 21.

amortizing loan was $68.13.[10] Louis Schlivek summed up the feeling of many home buyers when he wrote:

> We could find nothing that would meet our needs in any neighborhood we cared to live in at a price we could afford. Instead, what we did find, poring over the real estate pages of the paper, was ad after ad urging us to buy a house in the suburbs. We weren't interested in living in the suburbs, and had not planned on buying a home, but the terms made us rub our eyes in disbelief. It was impossible to resist at least going out to look. Imagine, a six-room house with a yard of its own which could be "carried"-- amortization, taxes, insurance-- for a monthly payment lower than the rent on our one room apartment.[11]

In a survey of developers in 1972, Dr Kenneth Kenney asked twenty-eight land developers to indicate which factors they thought were the most important to the home buyer. The most important factor was accessibility, closely followed by financial factors. [12] With increased accessibility through the highway system and lower interest loans through FHA, the move to the suburbs continued.

There were of course several other reasons for the loss of population from central cities, and gains in the suburbs. Some were economical, some social, and some were cultural. Whatever the reasons, these demographic changes affected the way cities felt about controlling growth.

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[10] Welfield, Irving, Where We Live: A social History of American Housing, Simon and Schuster, New York, 1988, p.55.

[11] Welfield, Irving, pg. 55.

[12] Kenney, Kenneth B., The Residential Land Developer And His Land Purchase Decision, Disertation, University of North Carolina, (Chapel Hill NC, 1972).

During the 1970's there was some revitalization of the cities and many planners felt that a "back to the city" movement had begun. However the 1980 census revealed that central cities were not gaining population and the flow of people from the central cities to the suburbs was continuing.[13]

A growing number of large corporations have also discovered the benefits of locating in smaller cities. Smaller cities offer many advantages for large companies including: lower operating costs, lower crime levels, and better technological integration. Small cities also have reduced commutes, better schools and a more dependent labor market, which can contribute to higher productivity.[14] If these characteristics continue, the growth of smaller cities will continue into the future.

URBAN SPRAWL

This migration to the urban fringe spawned a term known as "urban sprawl". Urban Sprawl is difficult to define properly. In fact, The Real Estate Research Corporation had difficulty defining the term in their 1975 book, The Costs of Sprawl. They said, "There is considerable difficulty in

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[13] Robey, Bryant, "Demographic Myths", Urban Land, The Urban Land Institute, Washington D.C., April 1984, pg. 33.

[14] Heenan, David A., "Is Big Business Heading for Small Town U.S.A.?", The Journal of Business Strategy, Warren, Gorham, and Lamont Publications, Boston, July/August 1989, Pg.4-9.

defining typical urban sprawl; while examples are abundant, national averages as to the characteristics of sprawl are unavailable and variations clearly enormous".[15]

The President's Task Force on Suburban Problems defined sprawl in the following way in their 1960 report:

> The result of the present development process is commonly called "urban sprawl". Urbanization spreads outward in a haphazard pattern, consuming more land than is necessary, and creating excessive public costs for municipal facilities and services. . .Instead of creating a series of well-organized communities with well-defined centers of high activity, sprawl spreads housing thinly and intermittently across the landscape with higher intensity uses. . .scattered separately and unevenly on sites that are left over. This, in turn, frustrates a rational transportation system. . . Perhaps the greatest casualty of "bad planning" and suburban sprawl is a "sense of community". Identity with community seems to be missing for the family that is part of the lonely crowd in the neat rows of houses in subdivisions surrounded by thousands of other similar houses and subdivisions.[16]

Just as there is no consensus on definition of sprawl, there is no consensus as to which problems created by sprawl are most dangerous. Criticism and opposition to sprawl are generally predicated on three threats.[17]

The first threat is to the environment. Urban sprawl damages the environment in two ways. It not only gobbles up

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[15] The Costs of Sprawl, The Real Estate Research Corporation, U.S. Government Printing Office, Washington D.C., 1974, pg.220.

[16] Harr, Charles M., The Presidents Task Force on Suburban Problems, Ballinger Publishing, Cambridge, MA, 1974, pg.34-35.

[17] Audirac, Ivonne, and Maria Zifou, Urban Development Issues: What is Controversial in Urban Sprawl?,, Council of Planning Librarians, Chicago, 1989, pg.2.

farmland, reducing vegetation, watershed and food producing abilities, it also creates a need to use more energy for transportation, which depletes resources and pollutes the air.[18]

The second threat is in the cost of providing services to far-reaching developments. By extending services such as roads, water lines, sewers, police and fire protection to developments which have "leap-frogged" in search of cheaper land, the cost of providing public services increase inefficiently.[19]

The third threat is the quality-of-life aspect. This is a personal value decision, but the argument has been made that the suburban lifestyle is lacking in community identity. Some sociologists feel that people would benefit socially from higher densities, similar to European and Northeastern American cities. Public transportation proponents claim that city living would generate fewer automobiles and less traffic congestion. And finally, some regard the suburban pattern as "faceless" and boring.[20]

Any amount of growth will make an impact on the environment, the cost to the municipality to service that development, and the quality of life within the community. The question is whether it is better to manage that growth

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[18] Audirac, pg.2.

[19] Audirac, pg.2.

[20] Audirac, pg.3.

or let the market ( which in many cases has resulted in urban sprawl) control the rate, amount, type, location and/or quality of future development. Controlling these aspects of growth is the essence of good growth management.

ENVIRONMENTAL ASPECTS

During the 1960's Americans became concerned with the environment, and the damage being done to it by new developments. As a result of this new awareness, congress passed the National Environmental Policy Act (NEPA) in 1969. This legislation directed all agencies of the Federal Government to "identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values are given appropriate consideration in decision-making along with economic and technical considerations". As a result of this act, the Council on Environmental Quality, has set guidelines for the preparation of required environmental statements which include the probable impact of the proposed action on the environment.[21]

Although this legislation applies mostly to federally funded projects, it encouraged states to pass similar

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[21] Leopold, Luna B., Frank E. Clarke, Bruce B. Hanshaw, and James R. Balsley, " Evaluating Environmental Impact: A Procedure", Management and Control of Growth, The Urban Land Institute, Washington, D.C., 1975, pg.167.

legislation for state funded projects. On the local level the same type of approach, on a scaled down version, has been used by some communities facing the destruction of fragile environments due to growth and new developments.[22]

Environmental impact assessments of development are very sophisticated and will obviously differ from one area to another. However it can be simply stated that low density urban sprawl displaces natural vegetation and injures the environmental status quo in four ways; air pollution, water pollution, water shortages, and erosion.

In a study done in 1975 by the Real Estate Research Corporation, it was found that unplanned, low-density sprawl was the most expensive form of residential development. One area that was particularly noticeable was the damage to the environment. Planned developments showed significant environmental advantages over sprawl. Some of these advantages were:

1. Twenty to thirty percent less air pollution resulting from reduced automobile travel.

2. Conservation of open space.

3. Preservation of significant wildlife and vegetation habitats.

4. Improved site design to minimize noise impacts.

5. Careful land use design so as to minimize the amount of soil disturbed and paved over( thus lowering

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[22] Mayo, Alan A., "A 300 year Water Supply Requirement: One County's Approach", Journal of the American Planning Association, American Planning Association, Chicago, Spring 1990, pg. 197-208.

slightly the volume of storm water run-off, sedimentation, and water pollution).[23]

Table 1 and Figure 3 represent the results of this study for a community development of 10,000 units.

Many local communities have designated fragile environments as "critical areas". This enables government to apply a range of growth management techniques to protect these areas from unwanted development. Critical area programs have been controversial. They are normally built around the principles of protecting the environment while encouraging economic development and therefore have been criticized by both environmentalists and developers.[24]

The critical area approach has been tried in Florida and Maryland. In Florida, a severe water shortage in 1972 led to the passage of the Environmental Land and Water Management Act. A diversified, often fragile, environment coupled with intense development pressures, has created problems. Florida has experimented with various regulatory approaches and has learned that a flexible process is necessary to resolve conflicts. That process requires leaders to use both "carrots and sticks", and all stakeholders be involved throughout.[25]

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[23] Real Estate Research Corporation, Costs of Sprawl, pg. 8-15.

[24] Godschalk, David R., "Balancing Growth with Critical Area Programs", Urban Land, The Urban Land Institute, Washington D.C., March 1987, pg. 16.

[25] Godschalk, pg.17.

COMMUNITY COST ANALYSIS
ENVIRONMENTAL AND PERSONAL EFFECTS
SUMMARY

# TABLE 1. URBAN SPRAWL AND THE ENVIRONMENT

| ENVIRONMENTAL EFFECTS | Community Development Pattern (10,000 Units) | | | | | |
|---|---|---|---|---|---|---|
| | I<br>Planned Mix | II<br>Combination Mix<br>50 Percent PUD,<br>50 Percent Sprawl | III<br>Sprawl Mix | IV<br>Low Density Planned | V<br>Low Density Sprawl | VI<br>High Density Planned |
| **Air Pollution** | | | | | | |
| Pollutants from Private Automobiles (CO, HC, $NO_x$) | 70% of emission levels in Community III; differences result from variation in auto use among development patterns. | 83% of emission levels in Community III. | CO: 3,628 pounds per day<br>HC: 437 pounds per day<br>$NO_x$: 427 pounds per day | 81% of emission levels in Community V. | CO: 4,040 pounds per day<br>HC: 487 pounds per day<br>$NO_x$: 475 pounds per day | 50% of emission levels in Community V. |
| Pollutants from Residential Natural Gas Consumption (Particulates, $SO_x$, CO, HC, $NO_x$) | 100% of emission levels in Community III; differences are a function of housing type, not development pattern. | 100% of emission levels in Community III. | Particulater: 104 pounds per day<br>$SO_x$: 4 pounds per day<br>CO: 2 pounds per day<br>HC: 231 pounds per day<br>$NO_x$: 693 pounds per day | 100% of emission levels in Community V. | Particulates: 143 pounds per day<br>$SO_x$: 5 pounds per day<br>CO: 3 pounds per day<br>HC: 317 pounds per day<br>$NO_x$: 951 pounds per day | 57% of emission levels in Community V; differences reflect housing mix and variation in energy use by housing type. |
| **Water Pollution and Erosion** | | | | | | |
| Volume of Sediment from Erosion (average annual) | Slightly greater than III due to land budget variation in developed acreage. | Virtually 100% of III. | 4,431 tons per year. | 89% of V; difference results from variation in developed acreage. | 6,170 tons per year. | 60% of V; difference results from variation in developed acreage. |
| Pollutants from Sewage Effluent (BOD, COD, N, P, S.S., FCB) | No variation by housing type or development pattern. Sewage volume is a function of population, and its resulting pollutants a function of treatment level. Sewage volume is approximately 4.5 billion liters per year. | Same as I. | Same as I. | Same as I. | Same as I. | Same as I. |
| Pollutants from Storm Run-Off (BOD, COD, N, P, S.S., FCB) | 99% of III; small difference results from more paved area (road length) in III. | Same as I. | Total run-off volume is approximately 7.8 billion liters per year. | 93% of V; difference results from variation in amount of paved area. | Run-off volume is approximately 9 billion liters per year. | Run-off and its resulting pollutants are the lowest in this community. Volume is approximately 7.1 billion liters per year. |
| Pollutants from Sanitary Landfill Leachate (BOD, N, P, FCB) | No variation by housing type or development pattern. Solid waste volume disposed of in landfills is a function of population; amount of pollutants is largely a function of soil characteristics and quality of operation. | Same as I. | Same as I. | Same as I. | Same as I. | Same as I. |
| **Noise** | Where open space buffer strips separate highways from residential areas and where careful planning locates dwellings only along minor streets, noise impact will be significantly less than in sprawl alternatives. | A less efficient traffic pattern is likely here as compared with I; some buffering of noise can be expected, although some homes may be located along busy arterials. | Where buffers and setbacks are absent, high level of noise irritation is likely. | Lower density means more auto use and hence more auto noise than in I. However, noise impacts are spread over a larger area. | Buffers more likely to be lacking than in III. Much higher total auto use than I means greater transportation noise, although spread over a larger area. | High density causes concentrated traffic flows which must be compensated for with buffers and setbacks. |
| **Vegetation and Wildlife** | Less species disruption where significant tracts of land are preserved as permanent open space. Degree of adverse effect depends on ability of species to adapt to human proximity. | Greater disruption than in I, as few large open areas can be retained. | Similar to I.. Leapfrog development pattern leaves only small pockets of undisturbed area. | Low density development decreases the amount of open land preserved in its natural condition. Careful planning can protect areas of special significance as species habitats - i.e., woodlands, swamps. | Virtually no land will be left totally undisturbed, thus eliminating habitats and causing a disruption in ecological balance. | Least adverse effect through careful planning to conserve special habitats and through high density development, which preserves large tracts of undisturbed land. |

Note: Abbreviations as follows: CO (carbon monoxide), HC (hydrocarbons), $NO_x$ (nitrogen oxides), $SO_x$ (sulfur oxides), B.O.D. (biological oxygen demand), COD (chemical oxygen demand), N (nitrogen compounds), P (phosphorus compounds), S.S. (suspended solids), FCB (fecal coliform bacteria).

Source: Real Estate Research Corporation.

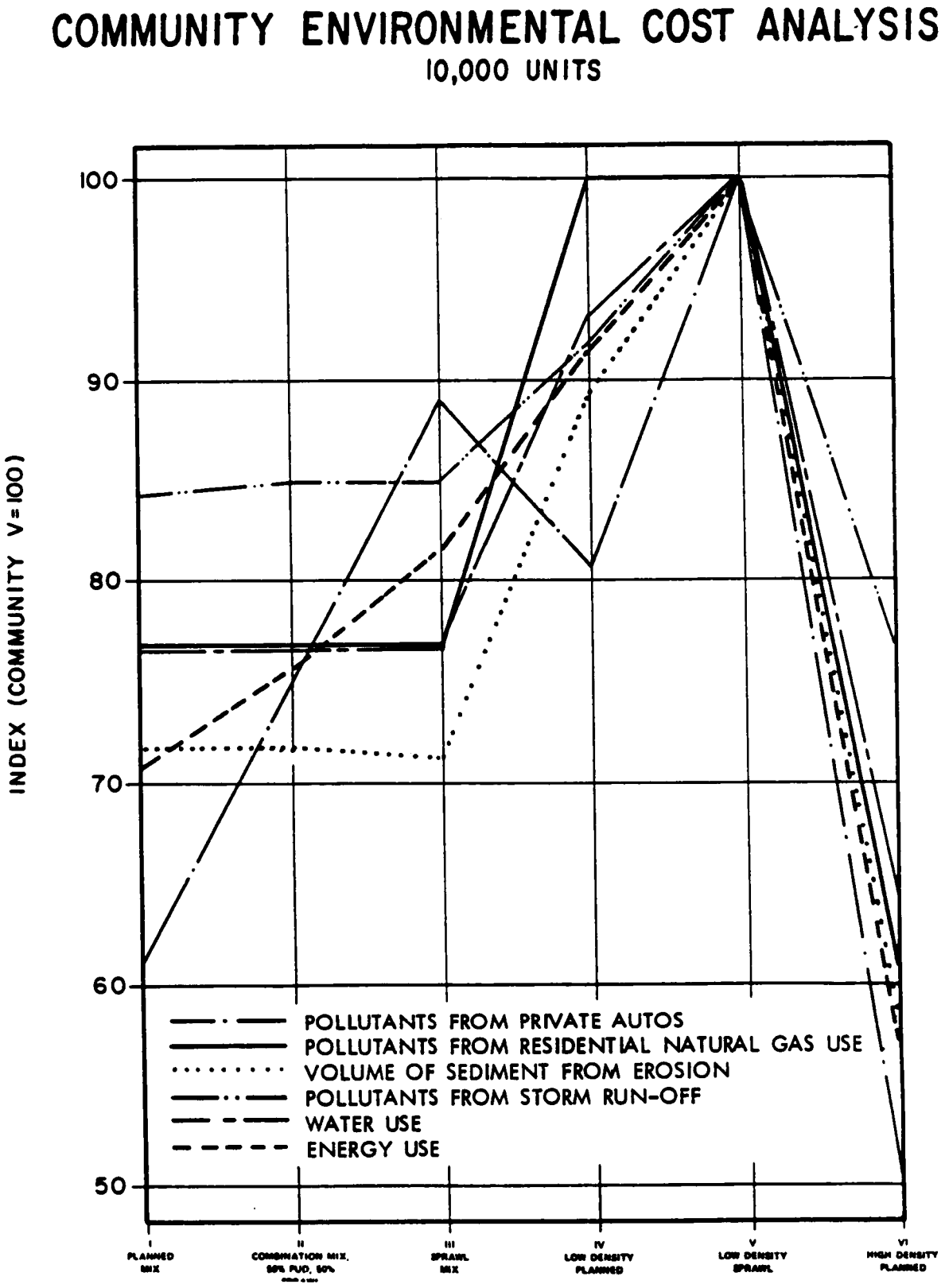


**FIGURE 3. URBAN SPRAWL AND THE ENVIRONMENT**

In Maryland, a 1983 study of Chesapeake Bay, by the Environmental Protection Agency, prompted a "Save the Bay" program. All land within 1,000 feet of tidal waters or tidal wetlands is defined as a "critical area". These critical areas have been classified into three categories depending on the intensity of existing development.

These categories are:

1. Intensely Developed Areas
2. Limited Development Areas
3. Resource Conservation Areas

Each is defined and regulated differently. Local government is responsible for developing critical area protection programs.[26]

Critical area management programs have been developed for three general types of critical areas:

1. Generic areas such as the North Carolina Coast or the Chesapeake Bay, where state regulations are applied to all similar areas.
2. Geographic areas such as Florida's four designated "areas of environmental concern," where special local regulations unique to each area are applied under state supervision.
3. Potential critical areas which if developed may

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[26] Godschalk, pg.18.

cause environmental problems in the future.[27]

The results of a study done in 1982 by the Continental Group Inc., showed that " The public desires both economic revitalization and environmental protection to be attained through a program of responsible growth".[28] This seems to indicate that there is political support among the public to protect the environment through responsible growth management systems.

FISCAL ASPECTS

Municipalities discovered very quickly that growth may be desirable, but it also carries a price tag. Several questions arise when considering the cost of growth. First, what costs actually exist? Secondly, In what manner should those costs be borne? Third, who should pay these costs? These are complex questions and cannot be adequately answered within the context of this paper. However, a successful growth management program must answer these questions and attach dollar amounts for the impact of new development.[29]

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[27] Godschalk, pg.16.

[28] Wrenn, Douglas M., "Environmental Protection: A Survey of Public Population", Urban Land, The Urban Land Institute, Washington D.C., August 1988, Pg. 36-37.

[29] Brower, David J., David R. Godschalk, and Douglas R. Porter, Understanding Growth Management: Critical Issues and a Research Agenda, The Urban Land Institute, Washington D.C., 1989, pg. 51.

One of the principal reasons governmental costs rise in order to service new developments in communities experiencing sprawl is "leap-frogging". This is a result of developers buying cheaper land on the urban fringe while there is considerable open space, albeit more expensive, between the end point of service and the new development. Providing service to this new development will be more costly to the municipality because of the distance between the last point of service and the new development. If a community does not have a comprehensive growth management policy which addresses when and how these services will be provided, a considerable share of the capital expense budget could be used to provide services for a small percentage of the residents.

Costs of Sprawl, by the Real Estate Research Corporation, compared the costs of providing service to low density sprawl developments and planned developments. Since the study was done in 1975, the following figures would need to be adjusted for inflation. However the results are still indicators of the problem.

1. With regard to total capital costs, planned community developments for 10,000 dwelling units saves $15.3 million over sprawl developments with the same mix. Approximately $11 million saved in roads and utilities and over $4 million in land costs due to more contiguous, compact development in the planned community.

2. Planned development is likely to decrease the total capital cost burden to local governments by as much as one-third because a larger proportion of land and facilities for open space, roads, and utilities is

likely to be provided by the developers.

3. The on-going operating and maintenance costs of most public or semi-public services such as education, recreation, sewage treatment, water supply, general government, police and fire protection are largely based on population size rather than development pattern or even housing type. For utilities (sewer, water, gas, electricity, and telephone) ongoing costs are largely based on consumption of resources and production of wastes. The savings between planned and sprawl development in operating costs borne by the government are five to six percent of total costs, or over $ 1 million in the tenth year of development.[30]

Table 2 represents the comparison between planned and sprawl development in capital costs. Table 3 represents those same comparisons as they relate to operating and maintenance costs. Figure 4 is a graphical representation of community costs for planned and sprawl developments. All tables and charts represent 10,000 unit developments in 1975 dollars.

In a 1984 study done by Richard Peiser, of a 7500 acre site near Houston Texas, it was found that planned growth developments cost less to produce the same level of benefits than unplanned developments. This study measured only land development costs, transportation costs, and social costs, but found a one to three percent savings in planned developments.[31]

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[30] Costs of Sprawl, pg.8.

[31] Peiser, Richard B., "Does it Pay to Plan Suburban Growth?", Journal of the American Planning Association, Chicago, Autumn 1984, pg. 419-433.

COMMUNITY COST ANALYSIS
CAPITAL COSTS
SUMMARY

# TABLE 2. URBAN SPRAWL AND CAPITAL COSTS

| | Community Development Pattern (10,000 Units) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | I | | II | | III | | IV | | V | | VI | |
| | Planned Mix | | Combination Mix 50 Percent PUD, 50 Percent Sprawl | | Sprawl Mix | | Low Density Planned | | Low Density Sprawl | | High Density Planned | |
| COST CATEGORY | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost |
| | (in thousands) | | | | | | | | | | | |
| Open Space/Recreation | $ 2,968 (111% of III) | 1% | $ 2,826 (105% of III) | 1% | $ 2,684 | 1% | $ 2,968 (111% of V) | 1% | $ 2,684 | 1% | $ 2,968 (111% of V) | 1% |
| Schools | $ 45,382 (100% of III) | 13% | $ 45,382 (100% of III) | 12% | $ 45,382 | 12% | $ 45,382 (100% of V) | 9% | $ 45,382 | 9% | $ 45,382 (100% of V) | 16% |
| Public Facilities | $ 16,216 (99% of III) | 5% | $ 16,441 (100% of III) | 4% | $ 16,453 | 4% | $ 16,259 (98% of V) | 3% | $ 16,615 | 3% | $ 16,304 (98% of V) | 6% |
| Transportation - Streets and Roads | $ 27,077 (84% of III) | 8% | $ 29,768 (92% of III) | 8% | $ 32,353 | 9% | $ 33,770 (89% of V) | 7% | $ 37,965 | 7% | $ 22,862 (60% of V) | 8% |
| Utilities | $ 33,227 (86% of III) | 9% | $ 36,042 (93% of III) | 10% | $ 38,684 | 10% | $ 47,444 (77% of V) | 10% | $ 61,974 | 12% | $ 22,432 (36% of V) | 8% |
| Subtotal | $124,870 (92% of III) | 35% | $130,459 (96% of III) | 35% | $135,556 | 36% | $145,823 (89% of V) | 30% | $164,620 | 32% | $109,948 (68% of V) | 38% |
| Residential | $214,172 (100% of III) | 60% | $214,172 (100% of III) | 58% | $214,172 | 57% | $318,291 (99% of V) | 65% | $320,400 | 62% | $160,300 (50% of V) | 56% |
| Total Exclusive of Land | $339,042 (97% of III) | 95% | $344,631 (99% of III) | 94% | $349,728 | 94% | $464,114 (97% of V) | 95% | $485,020 | 94% | $270,248 (56% of V) | 94% |
| Land (Developed Area and Vacant Improved) | $ 18,491 (80% of III) | 5% | $ 23,531 (102% of III) | 6% | $ 23,105 | 6% | $ 25,692 (87% of V) | 5% | $ 29,539 | 6% | $ 16,814 (57% of V) | 6% |
| Total Capital Cost | $357,533 (96% of III) | 100% | $368,162 (99% of III) | 100% | $372,833 | 100% | $489,806 (95% of V) | 100% | $514,559 | 100% | $287,062 (56% of V) | 100% |
| Present Value (exclusive of land) | | | | | | | | | | | | |
| Present Value at 5% | $270,173 | | $272,183 | | $277,261 | | $367,557 | | $377,325 | | $216,502 | |
| Present Value at 10% | $221,431 | | $221,191 | | $226,088 | | $299,528 | | $302,391 | | $178,311 | |
| (Comparison of Results at 10%) | (98% of III) | | (98% of III) | | | | (99% of V) | | | | (59% of V) | |
| Incidence of Cost | | | | | | | | | | | | |
| Government/Private (%/%) | 16%/84% | | 21%/79% | | 24%/76% | | 12%/88% | | 19%/81% | | 18%/82% | |
| Cost to the Household | | | | | | | | | | | | |
| Capital Cost/Service Charges/Taxes (%/%/%) | 47%/38%/15% | | 43%/37%/20% | | 41%/37%/22% | | 81%/ 7%/12% | | 75%/ 6%/19% | | 26%/56%/18% | |

Source: Real Estate Research Corporation.

COMMUNITY COST ANALYSIS
OPERATING AND MAINTENANCE COSTS
SUMMARY

# TABLE 3. URBAN SPRAWL AND OPERATING COSTS

| | Community Development Pattern (10,000 Units) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | I | | II | | III | | IV | | V | | VI | |
| | Planned Mix | | Combination Mix 50 Percent PUD, 50 Percent Sprawl | | Sprawl Mix | | Low Density Planned | | Low Density Sprawl | | High Density Planned | |
| | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost | Cost | Percent of Total Cost |
| COST CATEGORY | | | | | (in thousands) | | | | | | | |
| Open Space/Recreation | $ 380 (146% of III) | 2% | $ 320 (123% of III) | 2% | $ 260 | 1% | $ 380 (146% of V) | 2% | $ 260 | 1% | $ 380 (146% of V) | 2% |
| Schools | $ 9,643 (99% of III) | 50% | $ 9,652 (99% of III) | 49% | $ 9,737 | 50% | $ 9,643 (99% of V) | 47% | $ 9,737 | 46% | $ 9,643 (99% of V) | 51% |
| Public Services | $ 5,103 (94% of III) | 26% | $ 5,296 (98% of III) | 27% | $ 5,405 | 28% | $ 5,165 (95% of V) | 25% | $ 5,575 | 26% | $ 5,164 (93% of V) | 28% |
| Transportation - Streets and Roads | $ 260 (100% of III) | 1% | $ 260 (100% of III) | 1% | $ 261 | 1% | $ 354 (89% of V) | 2% | $ 396 | 2% | $ 209 (53% of V) | 1% |
| Utilities | $ 3,987 (100% of III) | 21% | $ 3,988 (100% of III) | 20% | $ 3,989 | 20% | $ 5,130 (100% of V) | 25% | $ 5,141 | 24% | $ 3,335 (65% of V) | 18% |
| Total Year Ten Operating Costs | $ 19,373 (99% of III) | 100% | $ 19,516 (99% of III) | 100% | $ 19,652 | 100% | $ 20,672 (98% of V) | 100% | $ 21,109 | 100% | $ 18,731 (89% of V) | 100% |
| Cumulative Ten Year Operating Costs | $125,265 | | $117,299 | | $109,489 | | $133,186 | | $116,827 | | $120,919 | |
| Present Value | | | | | | | | | | | | |
| Present Value at 5% | $ 95,526 | | $ 88,860 | | $ 82,377 | | $101,567 | | $ 87,804 | | $ 92,212 | |
| Present Value at 10% | $ 74,913 | | $ 69,210 | | $ 63,710 | | $ 79,651 | | $ 67,822 | | $ 72,315 | |
| (Comparison of Results at 10%) | (118% of III) | | (109% of III) | | | | (118% of V) | | | | (107% of V) | |
| Incidence of Cost - Year Ten | | | | | | | | | | | | |
| Government/Private (%/%) | 55%/45% | | 60%/40% | | 61%/39% | | 51%/49% | | 57%/43% | | 55%/45% | |
| Cost to the Household - Year Ten | | | | | | | | | | | | |
| Service Charges/Taxes (%/%) | 49%/51% | | 44%/56% | | 43%/57% | | 52%/48% | | 46%/54% | | 48%/52% | |

Note: Residential operating and maintenance costs are not estimated.

Source: Real Estate Research Corporation.

# COMMUNITY DIRECT COST ANALYSIS

10,000 UNITS

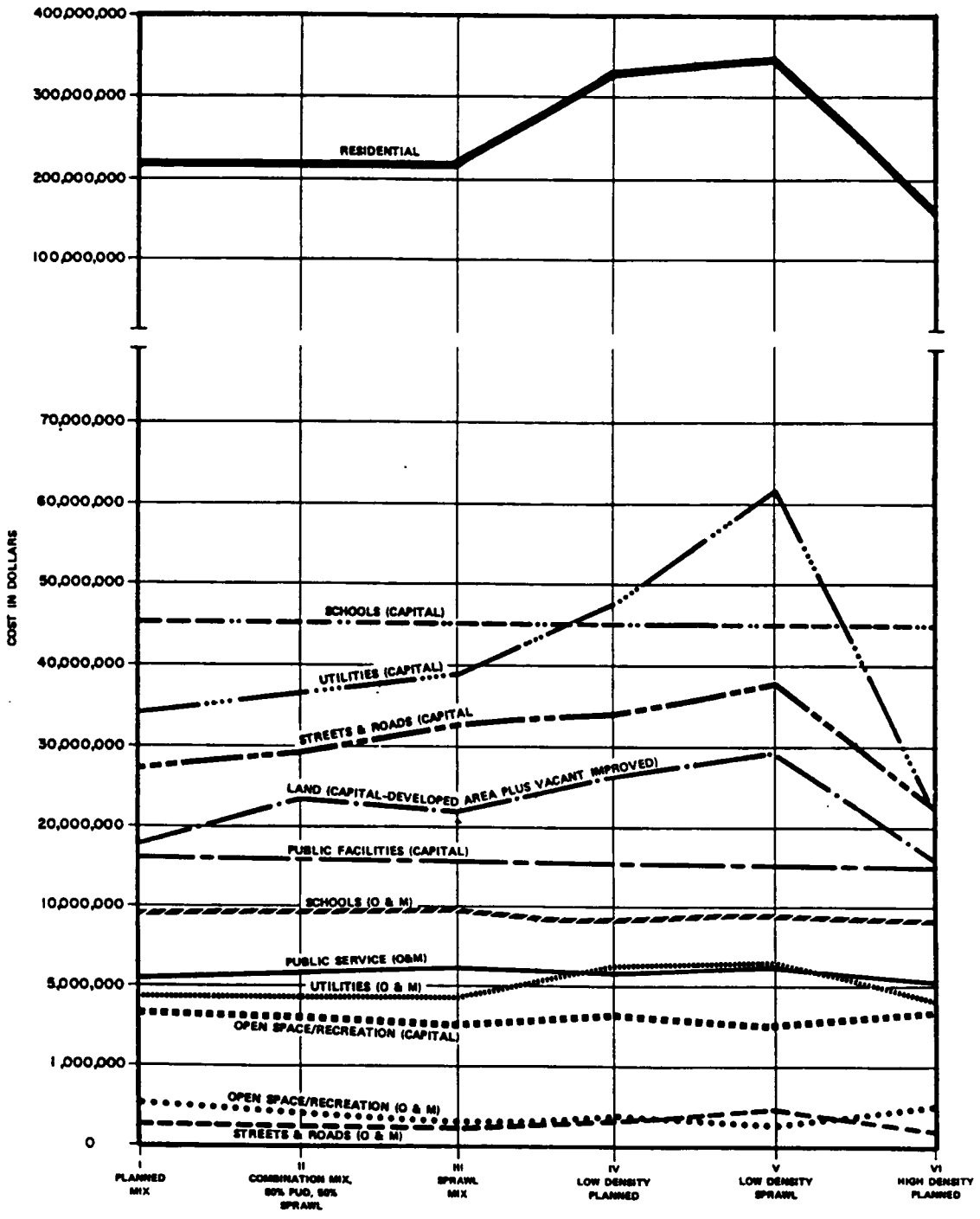


**FIGURE 4. COMMUNITY COSTS - PLANNED VERSUS SPRAWL**

QUALITY-OF-LIFE ASPECTS

Quality of life is a concept which is difficult to define but nevertheless is an important aspect of growth management. Residents protest that development trends degrade cherished quality of life in their communities. Business leaders advertize the communities's quality of life to perspective new industries and employees. Developers use the quality of life in the community as a selling point to home buyers.[32]

Citizens of a growing community will typically complain that developers are overrunning the carrying capacity of the area. Developers accuse the citizens of exhibiting a "drawbridge" mentality: the last one in wants to close the door on all new arrivals. A compromise between these two opinions is the realization that damage to the local quality of life is like killing the goose that lays the golden egg. When reason prevails, both groups realize that quality of life should be managed as an asset that could be damaged as a result of unmanaged growth.[33]

The term "quality of life" is vague and difficult to properly define. This vagueness permits distortion by some who might want to use the quality of life argument for their own particular political or financial gain. There are three definitions which are appropriate in discussing the quality

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[32] Brower, Understanding Growth Management, pg.87.

[33] Brower, pg. 87.

of life in a community as it pertains to growth management. These are:

1. Personal Well-being - Many people assume that quality of life is the personal well being that can be achieved by satisfaction within the community. However, in studies done to evaluate personal well being in areas such as satisfaction with marriage and family life, community level factors seem to have only minor importance.[34]

2. Community Livability - This is a concept of quality of life which rates the community on various criteria which can be used to compare one city to another. The Places Rated Almanac is one example of this approach to defining the quality of life within a community. Factors such as housing affordability, crime, education, etc. can be rated and compared. This definition is often used by business leaders, if the results are favorable, to convince industry to relocate to their community because the quality of life is better than some other community.[35]

3. Local Trends of Change Over Time - This definition favors a method of tracking change over time in a single place. The assumption is that local citizens are much more sensitive to changes in such things as traffic congestion or water quality. To find out what changes are most important,

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[34] Brower, pg. 88.

[35] Brower, pg. 89.

we simply need to ask them in a survey. [36]

Which ever definition is used, it is evident that quality of life is essential in any community. A favorable quality of life will attract both population and business with available jobs, promoting urban growth. That growth will either damage the quality of life in the community and eventually kill the goose that laid the golden egg, or actually improve some aspects of the quality or life in the community.[37]

Planning and growth management can determine whether the goose keeps producing golden eggs or dies. Effective planning can slow the rate in which the negative effects of growth impact the community. Many planning activities such as land development regulations, providing affordable housing, water and sewer provision, transportation, schools, parks, open space and urban design can improve the quality of life within the community while delaying the negative effects of growth.[38]

If a community is to be successful in managing it's growth; environmental, fiscal, and quality of life aspects must be addressed.

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[36] Brower, pg. 88.

[37] Brower, pg. 92.

[38] Brower, pg. 95.

# CHAPTER 3

# THE HISTORY AND EVOLUTION OF GROWTH MANAGEMENT

## THE BEGINNINGS OF GROWTH MANAGEMENT

The term "growth management" was popularized in the 1960's as a response to urban sprawl. It referred to a variety of land use regulations which were designed to control development, particularly residential development. The pressures of families moving from the cities to the suburbs created problems which were difficult to solve. Different communities came up with different solutions. Some used moratoriums, other chose growth limits, still others opted for a complex combination of regulations which frustrated developers and would-be residents.[39]

Unfortunately for the planning profession, growth management took on negative connotations because of the way some communities chose to solve their problems. Some of these negative impressions were expressed in a speech given by Paul Niebanck, at an Urban Land Institute-Lincoln Institute Seminar on growth management:

> At its dead-worst [growth management] has meant the denial of entry to all but the most affluent population groups, the delegation of local planning to the role of

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[39] Porter, Douglas R., "Growth Management: Requiem or Reprise?", Urban Land, The Urban Land Institute, Washington D.C., March 1986, pg.35-35.

> border guard, the conversion of the natural environment into an article of private consumption, and the abandonment of responsible membership in the larger society.[40]

One example of this type of growth management was evident in Boca Raton, Florida. In 1972 the residents of Boca Raton voted to place an absolute cap on growth by placing a moratorium on development, and the use of massive downzoning. Although this was eventually ruled unconstitutional by the courts, it nevertheless had the effect of increasing housing prices more than three times the rate of surrounding Broward and Palm Beach counties.[41]

Other communities such as Boulder Colorado, and Petaluma, California placed annual limits on building permits. San Diego, California and Montgomery County, Maryland implemented comprehensive and very sophisticated development controls. Ramapo, New York, introduced a development timing system which based new development on public spending for public services. Many of these growth management systems were tested in the courts and for the most part found to be valid.[42]

In the face of negative connotations and legal challenges, what factors have communities found important in creating growth management systems? The Conservation

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[40] Porter, pg.34.

[41] Porter, pg.34.

[42] Porter, pg.34-35.

Foundation has identified seven factors which they feel are essential if a community is to be successful in managing its growth. These are:

1. Successful communities build their land use planning around assets that make them distinctive.

2. Successful communities build their land use planning around a vision of what the community could be.

3. Successful communities go beyond environmental and economic considerations in their use of regulation and pay attention to aesthetic concerns.

4. Successful communities go beyond regulations to secure quality development.

5. Successful communities are spurred by "hometown heroes" --persistent individuals who spearheaded land use conservation and planning efforts.

6. Successful communities have quality-of-life lobbies that can ensure continuing positive government response.

7. Successful communities have savvy developers.[43]

Obviously the above list reflects opinion and is quite subjective. However it is evident that communities have learned from mistakes that they, or others have made in the last twenty years of managing growth.

According to an article by Douglas Porter, who writes extensively for Urban Land on growth control issues, most high-growth communities are now adopting specific techniques to address critical concerns. It seems that most communities have reverted back to simple provisions such as

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[43] "How Successful Communities Manage Growth" by the Conservation Foundation, Urban Land, The Urban Land Institute, Washington D.C., February 1988, pg.32-33.

downzoning ( the rezoning of a parcel, or parcels, to a more restrictive land use) or impact fees in addressing their problems.[44]

In many cases an old land use regulation, zoning, has taken on a new look, and is being used to growth control for environmental, fiscal, and aesthetic aspects. Zoning districts are being used to preserve agricultural land, protect aquifers and steep hillsides, and guide site and building design.[45]

Development fees have been more widely accepted by communities and developers and are being used to fund infrastructure improvement, thereby easing the fiscal burden of new development on the community. One community, Anne Arundel County, Maryland, has tried several techniques to control growth flowing from the Washington D.C. area. Their most recent attempt is the impact fee which is a keystone in their new comprehensive growth management plan.[46]

Another simple approach which seems to be making a comeback in growth management systems is the moratorium. Los Angeles has placed a moratorium on new development based on sewer capacity. The city reviews the sewer capacity

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[44] Porter, "Growth Management: Requiem or Reprise", pg.34-35.

[45] Porter, pg.34-35.

[46] Porter, Douglas R., "Impact Fees Come To Anne Arundel County", Urban Land, The Urban Land Institute, Washington D.C., July 1988, pg.34-35.

annually and issues connection permits if capacity is available. Others are put on a waiting list and that list is used to guide sewer construction budgets. In the past some infrastructure based moratoriums have been invalidated by the courts. However, this approach appears to be legal if; (1) the moratorium is limited to a finite, reasonable length of time, (2) it is necessary to protect public health and welfare, (3) if it can be shown that the treatment system is technically limited, and (4) if the sewage authority is taking steps to correct the problem.[47]

## GROWTH MANAGEMENT ON THE STATE LEVEL

Growth management began as a local phenomena with communities using different approaches to solve problems arising from uncontrolled growth. However, in recent years some states have seized upon the idea of controlling growth at the state level. This state legislation has basically come in two waves.

The first wave began in the mid 1970's with Vermont's Act 250, which listed specific criteria for new development. This was followed by the California and North Carolina coastal programs. At about the same time Florida began requiring local government planning, and Oregon adopted legislation which required all local governments to be

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[47] Salueson, David and Terry Jill Lasser, "L.A.'s Sewer Moratorium Curbs Growth", Urban Land, The Urban Land Institute, Washington D.C., August 1988. pg.36-37.

consistent with the State Comprehensive Land Use Plan. Several other states passed some form of growth management legislation but these were never implemented.[48]

The second wave of state growth management legislation began in 1985 with the "Florida Concurrency Plan". This legislation mandated the creation of a state-wide comprehensive plan. This was followed by the creation of regional plans consistent with the state plan, and finally local plans which were consistent with regional and state planning. The main part of the plan requires that development only be allowed if public infrastructures servicing it are available concurrently.[49]

New Jersey followed in 1986 with legislation which created a State Planning Commission. This commission is responsible for formulating a state development (and redevelopment) plan which will guide future capital facility funding. Maine, Vermont, and Rhode Island have all adopted legislation which requires local governments to adopt comprehensive plans which are consistent with state planning. And finally, Georgia has mandated all local governments to submit "development plans", which will be consolidated and formulated into regional plans. A Regional Development Center will oversee each region. Any local

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[48] Porter Douglas R., "The States are Coming, The States are Coming", Urban Land, The Urban Land Institute, Washington D.C., September 1989, pg. 16-20.

[49] Porter, pg. 16-20.

government which does not cooperate will be placed at the bottom of the priority list for state projects and funds.[50]

It is unclear at this time whether this trend in state growth management is in its beginning or ending stages. In most states, any control exerted over new development is still implemented at the local level.

There appears to be as many different state and local growth management systems in place as there are communities using them.

## EXAMPLES OF GROWTH MANAGEMENT

Cities have attempted to control their growth informally for centuries. However it was not until the early 1970's that formal growth management plans began to appear and the courts became actively involved. One of the most important judicial decisions in the development of American land use law was written when the highest court in New York tested the "phased growth" controls ordinance of the Township of Ramapo, New York. The court held that the Ramapo ordinance was constitutional and their system of growth management was legal.[51]

Within two years of the Ramapo decision, another case was heard before a federal District Court concerning the

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[50] Porter, pg. 16-20.

[51] Management & Control of Growth, Volume II, The Urban Land Institute. Washington D.C., 1975, pg.1.

legality of a growth management ordinance in the city of Petaluma, California. In this case, the lower court invalidated the local ordinance because it was a violation of the United States Constitution (this decision was later overturned by a higher court). Since those two cases there have been many attempts to manage growth. The following cases represent different approaches to basically the same problem.[52]

## THE RAMAPO, NEW YORK APPROACH

The town of Ramapo is located in Rockland County, New York State, approximately 30 miles northeast of New York City. At the time of the decision, the town consisted of six incorporated villages and an unincorporated area consisting of 48.6 square miles. In 1960 a major transportation route was completed, linking Ramapo to New York City. Between 1960 and 1966, the population of the unincorporated area increased 78.5%, a faster rate than any other unincorporated township in the state.[53]

The town began their planning process in 1964 with a 701 planning assistance grant. A master plan was completed and adopted in July 1966. A key fact brought out in the

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[52] Management & Control of Growth, Volume II, pg.121 and 147.

[53] Emanuel, Manuel S., "Ramapo's Managed Growth Program", Management & Control of Growth, Volume III, The Urban Land Institute, Washington D.C., 1975, pg.302.

planning study was that every existing parcel of property would be developed by 1979 unless some type of planning was implemented. The master plan contained two key development policies. They were:

> 1. The population provided for in the Town's Development Plan should be kept to a moderate level so that the existing rural, semirural, and suburban character in different parts of the Town can be maintained and so that the existing and projected public facilities will not be overburdened.
>
> 2. Provision should be made for adequate public facilities (e.g., transportation, circulation, education, recreation, etc.) consistent with the anticipated needs of a growing population.[54]

In order to implement these policies, a zoning ordinance was passed which created three residential zoning districts: low-density at a rate of one family per acre; medium-low density at one to two families per acre; and medium-density, designated for two to four families per acre.[55]

In addition to the zoning ordinance, The town prepared a list of capital improvements needed to support development according to the master plan, adopted an official map for the town, and prepared studies for drainage, sewer, and recreation needs. The town then created a capital budget which provided a firm commitment for the development of capital improvements needed for a period of six years. Upon completion of this capital budget, a capital plan was

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[54] Emanuel, pg.303.

[55] Emanuel, pg. 304.

created which provided for the location and sequence of capital improvements for the following 12 years. Thus, a capital plan was implemented which provided for capital improvements anticipated for full development of the town in accordance with the master plan.[56]

In 1967 the town passed the Development Easement Acquisition Law, which would set up a process by which a property owner could sell their development rights, for a five year period, to the town in exchange for a reduced assessed valuation for that parcel. This was attractive for property owners who did not expect to develop their land in the near future. The process was administered by a seven member board known as the Development Easement Acquisition Commission (DEACOM).

With the master plan and capital budget plan in place, the town took one more step toward accomplishing the goals established in the 1966 master plan. These goals were:

1. To economize on the costs of municipal facilities and services to carefully phase residential development with efficient provision of public improvements.

2. To establish and maintain municipal control over the eventual character of development.

3. To establish and maintain a desirable degree of balance among the various uses of the land.

4. To establish and maintain essential quality of community services and facilities.[57]

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[56] Emanuel, pg.304-305.

[57] Emanuel, pg.306.

In October of 1969, the town passed an ordinance which required a residential developer to obtain a special permit from the town board prior to the issuance of any building permit. A total of 15 development points were needed in five classes of facilities or services before a permit would be issued.[58] The points were computed in the following way:

SEWERS
- public sewers available.....5 points
- package sewer plants.....3 points
- approved septic system.....3 points
- all others.....0 points

DRAINAGE
- percentage of required drainage capacity available.
- 100% or more.....5 points
- 90% to 99%.....4 points
- 80% to 89%.....3 points
- 65% to 79%.....2 points
- 50% to 64%.....1 point
- less than 50%.....0 points

PUBLIC PARK OR RECREATIONAL FACILITY
- within 1/4 mile.....5 points
- within 1/2 mile.....3 points
- within 1 mile.....1 point
- further than 1 mile.....0 points

MAJOR, SECONDARY, OR COLLECTOR ROAD WITH SIDEWALKS
- direct access.....5 points
- within 1/2 mile.....3 points
- within 1 mile.....1 point
- further than 1 mile.....0 points

FIRE HOUSE
- within 1 mile.....5 points
- within 2 miles.....3 points
- further than 2 miles.....0 points

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[58] Callies, Cases and Materials on Land Use, pg. 826.

The ordinance contained four provisions which would relieve a residential subdivision owner of possible unreasonable restrictions for his property. These were:

> 1. Permits were issued if the proposed development would meet the required number of points assuming capital improvements would be completed within one year, as called for by the capital plan.
>
> 2. The developer could advance the date of authorization by agreeing to provide improvements which would bring the development within the number of development points required.
>
> 3. The developer could appeal to DEACOM for a reduction of the assessed valuation on the land if that valuation affected the temporary restriction.
>
> 4. The town board could grant a variance if it determined, in its legislative discretion, that such a variance or modification would be consistent with the towns comprehensive plan.[59]

Soon after the ordinance creating the special permits were implemented, a suit was filed by Golden Realty since they were denied a special permit because of insufficient development points. A special term court sustained the amendments and granted summary judgement. However, on appeal, the Appellate Division held that Golden was aggrieved and reversed.[60]

The Court of Appeals of New York heard the case in 1972. In a landmark decision, and by a five to two majority, the court stated "where it is clear that the

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[59] Emanuel, Ramapo's Managed Growth Program, pg.307.

[60] "Ramapo: The Case Decision", Management & Control of Growth, Volume II, The Urban Land Institute, Washington, D.C., 1975, pg.14.

existing physical and financial resources of the community are inadequate to furnish the essential services and facilities which a substantial increase in population requires, there is a rational basis for "phased growth" and hence, the challenged ordinance is not violative of the Federal and State Constitutions".[61]

Much has been written about the Ramapo case. It is obvious that the town was able to prove that a great amount of consistent and fair planning was involved in their growth management system. In its statement of the facts in the case the court pointed to the Town Master Plan whose "preparation included a four volume study of the existing land uses, public facilities, transportation, industry and commerce, housing needs, and projected trends. . . . Additional sewage district and drainage studies were undertaken which culminated in the adoption of a capital Budget". Therefore, the town could rely on a number of formal municipal actions, adoption of a master plan, a capital budget, zoning and subdivision ordinances, and could document each with a thorough and detailed planning study.[62]

In retrospect, the town of Ramapo was too successful with growth management. Development became so difficult under the point system that new development disappeared

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[61] "Ramapo: The Case Decision", pg.23.

[62] Callies, Cases and Materials on Land Use, pg.801.

completely. The ordinance was repealed in 1982 and the town of Ramapo is currently encouraging development.[63]

THE PETALUMA, CALIFORNIA, APPROACH

The city of Petaluma is located on U.S. highway 101, approximately 40 miles north of San Francisco. Prior to 1956 Petaluma was a sleepy, dairy farm community. In that year U.S. 101 was widened and upgraded to a limited access highway (freeway). With the completion of the freeway, Petaluma began to grow slowly, reaching a population of 17,000 in 1962. During this time the city actively recruited industry and annexed adjoining land for future expansion of it's industrial base.[64]

In 1962 the city completed a general plan which projected that the population would rise from its present number of 17,000 to 77,000 by 1985.[65] The city experienced steady growth through the remainder of the 1960's. However the growth increased rapidly in 1970, probably as a result of rapidly increasing land prices in Marin, Alameda and

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[63] Porter, Douglas R., "Growth Management: Requiem or Reprise", Urban Land, The Urban Land Institute, Washington D.C., March 1986, pg. 34-35.

[64] Gray, Frank B., "The City of Petaluma: Residential Development Control", Management & Control of Growth, Volume II, The Urban Land Institute, Washington D.C., 1975, pg. 149.

[65] Gray, pg. 149.

South Bay counties.[66]

Between 1964 and 1971 the following housing units were completed in Petaluma:[67]

| | | | |
|---|---|---|---|
| 1964 | 270 | 1968 | 379 |
| 1965 | 440 | 1969 | 358 |
| 1966 | 321 | 1970 | 591 |
| 1967 | 234 | 1971 | 891 |

In 1970 the City Manager became concerned about the capacity of the city to service future developments. Throughout the remainder of 1970 and early 1971 a series of informal meetings were held among city officials and developers to understand and solve the growth problem. These informal meetings culminated in the Petaluma Development Policy Conference, which took place in April 1971. The result of this conference was an official development policy which placed a moratorium on all development until the city had an opportunity develop a growth management system. The development policy was adopted by the Planning Commission and City Council in June 1971.[68]

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[66] Gruen, Claude, "The Economics of Petaluma: Unconstitutional Regional Socio-Economic Impacts", Management & Control of Growth, Volume II, The Urban Land Institute, Washington D.C., 1975, pg.173-185.

[67] "Petaluma: The Case Decision", United States District Court, N.D. California, Management & Control of Growth, Volume II, The Urban Land Institute, Washington, D.C., 1975, pg.135.

[68] Gray, "The City of Petaluma: Residential Development Control", pg.150-151.

During the next nine months the Planning Commission prepared an Environmental Design Plan. This plan basically outlined historical residential development and projected capacities of city infrastructures for a five year period. In March of 1972 the city council adopted this plan which included the following introduction:

> Five years is a suitable time period for strategic planning. It assumes that the city should and can control its short-range future since it can foresee with reasonable assurance what its problems are and how much growth it can accommodate while maintaining an adequate level of public service and a good environment. Since 500 dwelling units annually is pretty close to the city's average during the past decade, neither the adopted policy statement nor the Environmental Designs Plan actually will arrest Petaluma's growth. Nor do these plans really restrict the opportunity of private property owners to develop their land.[69]

The city council passed a resolution to approve 500 construction permits which had accumulated during the moratorium. In August of 1972, a Residential Development Control System was prepared by the Planning Commission and adopted by the City Council. The purpose of this plan was to curtail the speculative home building which increased rapidly in the early 1970's and to let developers compete for the right to build the best quality developments. The system established the Residential Development Evaluation Board, which would select the 500 units approved to receive permits each year. Approval was to be based on the following

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[69] Gray, " pg.152.

point system:[70]

UTILITIES AND PUBLIC SERVICES
1. water system capacity at development....0-5 points
2. sewer system capacity at development....0-5 points
3. drainage facilities at development.....0-5 points
4. fire protection response time.....0-5 points
5. capacity of existing schools in area....0-5 points
6. capacity of street linkage.....0-5 points

No development would be approved with fewer than 25 total points out of a possible 30 points.

QUALITY OF DESIGN AND CONTRIBUTION TO PUBLIC WELFARE AND AMENITY

1. harmony of proposed building in terms of size, height, color and location.....0-10 points
2. amount of landscaping and screening.....0-10 points
3. efficiency of traffic circulation.....0-10 points
4. public and/or private open space.....0-10 points
5. contributions to existing foot and bicycle paths or equestrian trails and green belt.....0-10 points
6. provision of needed public facilities....0-10 points
7. orderly and contiguous extension of development as opposed to "leap-frogging"...0-10 points
8. provision of low and moderate income dwelling units.....0-10 points

No development would be approved with fewer than 50 total points out of a possible 80 points.

Each development was required to receive the minimum number of points in each category in order to be considered for a permit. Developments of less than five units were exempted from the point system.[71]

In 1973 the city was sued over the issue of annual caps on new dwelling units. The District court invalidated the Residential Development Control System because it held that

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[70] Gray, pg.152-158.

[71] Gray, pg.156-159.

the "right to Travel" in terms of housing demand, had been restricted and was a violation of the U.S. Constitution. However, the appellate court overturned the decision and let the "Petaluma Plan" stand. In 1976, the Supreme Court of the United States refused to review the appellate court decision which ended the litigation.[72]

The city learned some valuable lessons from their experience in court, and in 1977, revised their Environmental Design Plan and Residential Development Control System. The basic change was to replace the 500 new permits per year with an annual population growth cap of 5%, which at the time equalled 500 units. Additional changes included exceptions for: low-income, elderly and handicapped housing, and ten unit developments or developments on infill properties less than 5 acres.[73]

Since 1977, the city has added a mandatory environmental review, and modified the system to focus more on design standards and less on utility and public service criteria. At the present time the review process takes between six and eighteen months and then, if approved, the developer must still apply for a building permit.[74]

The system has reduced the number of developers willing

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[72] Salmons, Warren, "Petaluma's Experiment in Growth Management", Urban Land, The Urban Land Institute, Washington D.C., September 1986, pg. 7-9.

[73] Salmons, pg. 7-9.

[74] Salmons, pg. 7-9.

to participate in the city's market and therefore has limited the variety of housing in the community. Petaluma averaged 2.5% annual growth between 1975 and 1985 which was only 4% faster than their nearest neighbor. The current population is about 37,000 which is 40,000 less than the 1962 general plan had projected.[75]

A survey was sent to Petaluma during the summer of 1991, identical to those sent to the six states in the study. They feel the three best methods for managing growth are:[76]

1. Growth management ordinance to limit the number of residences built each year.
2. Jobs-housing balance goals.
3. Strong environmental review of proposed projects.

## THE BOULDER, COLORADO APPROACH

Boulder Colorado is a city of 88,000 located approximately 25 miles from Denver. The citizens of Boulder have taken great pride through the years in their ability to control growth and keep the "quality of life" high in their city. One of the main concerns of Boulder citizens is the preservation of open space. Prior to 1959 growth was managed by controlling the physical expansion of water and

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[75] Salmons, pg 7-9.

[76] Results of survey sent to the Director of Planning, Petaluma California, on July 18, 1991.

sewer systems. However in 1959 a referendum was passed establishing the "blue line" around the city. This line was established at an elevation of 100 feet below the mean water level of the city's water reservoir. The reasoning was that it was silly pumping water uphill when water could be dispensed by gravity more efficiently. However, more importantly it established a non-development zone around a portion of the city.[77]

The blue line has lasted for 30 years and in that period of time only one development has been approved above it. Because the city sets on the eastern slope of the Rockies, the blue line effectively cut off all development on the western boundary. The city attempted to encourage development along three "spokes" which extended south, east, and northeast. It was thought that this would be an efficient method to keep infrastructure costs at a minimum. However the residents of Boulder did not only want efficient growth - they wanted open space around them.[78]

In 1967 the voters approved a one cent sales tax, 40 percent of which was earmarked for open space acquisition and the balance for road improvements. By using part of the money for roads and part for acquisition it satisfied both

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[77] Lewis, Sylvia, "The Town That Said No to Sprawl", Planning, American Planning Association, Chicago, Ill. April 1990, pg. 16.

[78] Cooper, Sandra, "Growth Control Evolves in Boulder", Urban Land, The Urban Land Institute, Washington D.C., March 1980, pg. 13-17.

developers and environmentalists. As of April 1990, Boulder has spent over $53 million to acquire 17,500 acres of open space. As if this plan was not aggressive enough, in November, 1989, the voters approved another one-third cent sales tax for more open space. The additional tax is expected to pay for another 8,000 acres in the next three years.[79]

A third tool Boulder used was the creation of the Boulder Valley Comprehensive Plan in 1978. This allowed the city and the surrounding county to coordinate planning and annexation. This agreement allowed the two governments to work in tandem: saving open space outside the city and controlling development within. Any changes to the comprehensive plan must be approved by the City Planning Board, City Council, County Commissioners, and the County Planning Commission. Since so many government bodies are involved, circumventing the plan is very difficult.[80]

Other growth management techniques have not worked quite as successfully as the acquisition program, the comprehensive plan, or the blue line. In 1976 the city lost a crucial lawsuit in the Colorado Supreme Court and was forced to extend water and sewer lines to a subdivision even though it was outside the city limits and refused to be annexed. The court ruled that a public utility could not

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[79] Lewis, "The Town that Said No to Sprawl", pg. 14-19.

[80] Lewis, pg. 14-19

refuse water and sewer service in the area of its jurisdiction merely because the proposed development would be inconsistent with the city's growth policy.[81]

Another growth management strategy which failed was the zero population referendum. In 1971 the voters turned down a measure which would have limited Boulder's population to 100,000. Even though the measure was defeated it was evident that Boulder was serious about controlling their growth.[82]

Boulder also uses an urban and rural service area designation. Ed Gawf, Director of Planning, describes it as the one-two-three plan. Area one covers 19 square miles and is now within the city limits. It has a full range of urban services, including fire and police protection, and sewer and water services. Area two covers 7.5 square miles and is targeted to be annexed and receive all services within 15 years. Area three covers 59 square miles and is not projected to receive services in the next 15 years.[83]

Infill development is encouraged in order to promote higher densities. Subdivision of single family lots, allowing a second unit to built at the back of a lot. The city also supports downtown retail, by refusing to allow suburban malls. This has made walking and bicycling common

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[81] Lewis, pg. 14-19.

[82] Lewis, pg. 14-19.

[83] Lewis, pg. 14-19.

transportation modes throughout the central shopping and business areas.[84]

Ed Gawf, Director of Planning in Boulder feels that the three best methods for managing growth are:[85]

1. Develop concerned citizens.

2. Have a clear and meaningful comprehensive plan.

3. Acquire open space.

Boulder has managed their growth through a number of aggressive techniques. Obviously all of these policies and techniques will not work for every city. However, Boulder is a good example of what can be done when the people want a controlled growth environment.

## THE GEORGETOWN, TEXAS APPROACH

Georgetown, Texas is a small but rapidly growing community about 25 miles north of Austin. In 1980 the population was less than 9500; today its over 17,000. The city prepared a comprehensive plan in 1983 and revised it in 1985, but the rapid growth made the plan obsolete before it had an impact. In 1986 the City Council adopted a development plan which covered land intensity, transportation, and utilities. This plan required that each new development be evaluated on the basis of proposed use

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[84] Lewis, pg. 14-19.

[85] Results of a survey completed by Ed Gawf, Director of Planning, Boulder, Colorado, on July 20, 1991.

and its impact on existing infrastructure systems.[86]

The development plan controls growth on the basis of an "intensity map". Each site is evaluated on its ultimate water supply, its programmed capacity to handle wastewater needs, and the proximity of adequate roads. The intensity map scores each parcel of land, from 1 to 6, in each of these three areas. Level 1 is for areas with the lowest demand for services (usually farmland). Level 2 would apply to large lot residential development, level 3 is reserved for higher density residential development, level 4 for apartment complexes, level 5 for commercial development, and level 6 for industry. These are not land uses or zoning districts. Rather, they only specify allowed demands.[87]

Two conditions must be met before any development is approved. The anticipated demand must be shown to be less than the maximum allowed for the parcel, and there must be enough water, wastewater capacity, and transportation. If either of these conditions are not met, the proposal must be revised or additional capacity must be planned. The capacity information is calculated through the cities geographical information system, and is available to developers along with suggestions on what improvements could

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[86] Kingma, Hildy L., "Zoning With Intensity", Planning, The American Planning Association, Chicago, October, 1990, pg.18.

[87] Kingma, pg.19.

be made to make the property suitable for development.[88]

Georgetown's development plan is similar to performance zoning. It recognized that traditional Euclidean zoning is not effective in controlling growth. However, unlike performance zoning it is not based on environmental and design criteria, but on impacts to the existing infrastructures. By adopting the development plan and impact analysis, Georgetown did not abandon its zoning or subdivision regulations, but is using it as an additional regulatory tool to manage their rapid growth.[89]

According to Edward Barry, Director of Planning for Georgetown traditional methods were not adequate to control growth:

> Our Community was finding it very difficult to plan for capital improvements using only a very generalized, non-adopted comprehensive plan and zoning ordinance. Our current comprehensive planning effort includes a development plan that requires new development to be consistent with an intensity map that designates allowable utility demands. New development must also be capable of being accommodated within the existing levels of utility capacity.
>
> Our growth management plan has enabled us to begin planning for improvements to the utilities system in a more effective and cost-efficient manner. It has provided more assurance to land owners and developers that utility capacities will actually be available when needed.[90]

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[88] Kingma, pg.19.

[89] Kingma, pg.18-21.

[90] Quote from Edward Barry, Director of Planning for Georgetown, Texas on a survey completed on July 18, 1991.

## THE AUSTIN, TEXAS APPROACH

Austin is the state capital of Texas, and is approximately equal distance from Dallas, Houston, and San Antonio. It is the home of the University of Texas (enrollment about 48,000) and has a very strong local economy. Austin has been projected to have the highest employment growth rate in the nation during the next decade and is the fastest growing area in Texas for high technology industries. This rapid economic growth has translated into a growth in population, and a need for housing. The Austin SMSA grew 34.9% during the sixties, 48.9% during the seventies, and 44.2% during the 1980's.[91]

Most of the growth in Austin has taken place within the city limits or has been annexed by the city. They have extraterritorial boundaries which extends five miles beyond the city limits for subdivision regulations and management of water resources. In 1979 Austin adopted a comprehensive plan which recommended strict development controls to protect environmentally sensitive lands. Policy directed development toward a "preferred growth corridor" which runs north-south through the heart of the city and along Interstate 35.[92]

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[91] Butler, Kent S., and Dowell Myers, "Boomtime in Austin Texas", The Journal of the American Planning Association, The American Planning Association, Chicago, Autumn 1984, pg. 447-458.

[92] Butler, pg.447-458.

This policy of directing growth worked well until the voters turned down several bond issues which would have extended water and sewer lines along the corridor. At the same time the Lower Colorado River Authority began to supply water to new developments outside of the preferred area and new on-site septic systems took the place of sewers. Therefore the city began to lose its influence in controlling growth by providing water and sewer service.[93]

In order to counter this problem Austin began using Municipal Utility Districts (MUDs). Under Texas law, developers may establish a MUD in advance of development. The advantages to the developer are very attractive. MUDs are authorized by the city to issue tax-exempt revenue bonds and general obligation bonds to provide for water and sewer systems, treatment plants, drainage improvements, fire fighting service, solid waste collection, and park and recreation facilities. It is also given the power to exercise eminent domain. Since all MUDs within the cities extraterritorial jurisdiction must have the cities approval, Austin began to have some influence on the rate and direction of growth.[94]

The city has 120 days in which to approve of a MUD development. If the city refuses to approve the MUD application it must begin providing services to that

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[93] Butler, pg.447-458.

[94] Butler, pg. 447-458.

development within six months. Austin has used that 120 day period to aggressively negotiate with the MUD developers. Some of the benefits which have been negotiated are sewer and water service for area wide residents, compliance with city codes, and provision of community facilities at a cost shared by the city and the MUDs.[95]

Because the city is so aggressive in its annexation policies, it is essential to make sure that all MUD developments conform to city standards. According to Richard Lillie, the former planning director:

> . . .in the 120 day negotiation period the city tries to get as much into the contract to benefit the city as it can, in mind of taking it over later. This would include timing of annexation, restrictions against the MUD, land use plans, thoroughfare plans, dedication of land for public sites, quality of the water and wastewater systems to be built, standards to be adhered to when building the system. . . All of those kinds of things that you can't get a developer to do outside the city limits through zoning, we try to get from the MUDs in a negotiating process.[96]

The negotiation approach taken by the City of Austin is not without its problems. It is still in the evolving stage and will probably develop further. It is however a practical solution to managing growth, especially as it relates to supplying infrastructures.

## THE EL PASO COUNTY, COLORADO APPROACH

El Paso County, Colorado, has experienced very rapid

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[95] Butler, pg. 447-458.

[96] Butler, pg.447-458.

growth since World War II. During that time the county's major city, Colorado Springs, has grown from 50,000 to over 263,000. The unincorporated section of the county currently has 40 urban-density land development projects proposed which would swell the population in the unincorporated area to over 300,000.[97]

One of the main problems the county faces because of it's rapid growth is a possible shortage of water. The city of Colorado Springs owns the water rights to 90,000 acre feet annually, which is more than enough to fill its needs into the next century. However, the city has a policy of not sharing their water with the county. The county must rely on over 30 independent municipal, quasi-municipal and private water companies to supply water service to residents outside of the Colorado Springs city limits.[98]

The Board of County Commissioners recognized that a dependable water supply would be a critical factor for any new development. Between 1984 and 1986 the county studied the problem. The result was a recommendation that all new subdivisions would be required to provide either a 300 year supply of bedrock ground water or renewable water.[99]

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[97] Mayo, Alan L., "A 300-Year Water Supply Requirement" The Journal of the American Planning Association, The American Planning Association, Chicago, Spring 1990, pg.197-207.

[98] Mayo, pg. 197-207.

[99] Mayo, pg. 197-207.

This policy has met stiff resistance from developers. The Home Builders Association and the Chamber of Commerce feel that the new regulation will stop growth and cause harm to business in the county. However, the city of Colorado Springs, other local municipalities, and the vocal public strongly supported the regulations.[100]

The new regulation was immediately challenged in water court and in district court by a coalition of land developers and water districts. The plaintiffs sued the county for $100 million in damages and asked that the regulation be set aside. The water court passed jurisdiction to the district court which found that state water and planning laws have equal standing. The court accepted the validity of the legislative action and found that the county had established a rational basis for their action. The Colorado Supreme Court refused to hear the case and the Colorado Appellate Court ruled in favor of the county.[101]

El Paso County took a conservative approach to managing their growth, which resulted in the 300 year water supply requirement. They reacted to a fragile environment and attempted to balance economic development with the desire to avoid an expensive water bailout by future generations.

All of the cities mentioned above reacted in different

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[100] Mayo, pg. 197-207.

[101] Mayo, pg. 197-207.

ways to manage their growth. Some reacted to environmental factors, some to fiscal concerns, and some to quality of life issues. They were all successful in varying degrees and have given the planning profession some good examples of what will and will not work in managing growth.

# CHAPTER 4

# TECHNIQUES FOR IMPLEMENTING A GROWTH MANAGEMENT PLAN

## INTRODUCTION

There are numerous techniques and tools which in one form or another have been used to control urban growth . In virtually every situation, a combination of these techniques are used. The exact mix of these techniques depend upon the goals and circumstances within each community. For the purpose of this paper, these techniques have been divided into four broad categories:[102]

1. Land acquisition methods
2. Public spending
3. Taxation
4. Regulations

Each of these categories will be examined, and each technique within the category will be defined and briefly discussed.

## LAND ACQUISITION METHODS

The easiest method of controlling growth within a community is for the community to own all of the land within

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[102] Brower, David J., Candace Carraway, Thomas Pollard, and C. Luther Propst, Managing Development in Small Towns, American Planning Association, Chicago, 1984, pg. 23-28.

its boundaries. In the United States this is not practical, or even preferable. However, some communities have used land acquisition techniques to obtain some land, or the rights to that land, within their jurisdictions for a variety of reasons. There are six basic methods of land acquisition.

**Fee Simple Acquisition:** Fee simple acquisition is the acquisition of full or absolute title to the property.[103] The authority of a local municipality to acquire title to property is granted by the state legislature. "Unless it is restrained by its charter or other statutes, a local government may purchase real property necessary to any specifically conferred power or essential to the purposes for which the unit of government was created".[104]

The acquisition of land for environmental purposes or creation of open spaces has been strengthened by the U.S. Supreme Court in Berman v. Parker. This case established that there are no federal prohibitions against a local municipality's use of eminent domain to acquire land for aesthetic or open space purposes.[105]

All governmental units can use fee simple acquisition, and most have over a period of time. However the expense of purchasing the land, loss of tax proceeds, and the

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[103] Brower, pg. 30.

[104] Brower, pg.31.

[105] Brower, pg.31.

politically volatile issue of using condemnation proceedings, have reduced the attractiveness of this method.

Communities have used two methods to reduce the initial costs of buying and maintaining land. First, it could buy the land, place a restriction on the deed stating what uses would not be permitted and sell the land to a user who would keep the property in an open use. Second, it could purchase the land and lease it with restrictions on its use.This is the approach being taken by Boulder, Colorado.[106]

Several local governments have used fee simple acquisition with reasonable success. The residents of Boulder feel strongly enough about preserving open space around their city that they are willing to fund a sales tax which maintains and adds to public lands. Other examples include; Boca Raton, Florida, which has spent more than 17 million for beach frontage, and Palo Alto, California, which concluded that it was cheaper for the city to buy surrounding foothills than to service future developments in those foothills. [107]

Land Acquisition for public uses has been a successful planning tool in Sweden for decades. The comprehensive

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[106] Coughlin, Robert E., and Thomas Plaut, The Use of Less-Than-Fee Acquisition for the Preservation of Open Space, Regional Science Research Institute, Philadelphia, RSRI Discussion Paper Series: No. 101, December 1977, pg.2.

[107] Brower, Managing Development in Small Towns, pg. 32.

plans for Swedish cities are required to identify properties which may need to be purchased by the community at some point in the future, in order to control urban growth.[108]

Most local government use fee simple acquisition to provide open spaces, recreational areas, or to protect environmentally fragile land. Although it is an expensive tool, it does give local government more control over development than any other technique available.[109]

**Less-Than-Fee-Simple Acquisition:** Whereas fee simple acquisition consists of purchasing all rights to a property, less-than-fee simple acquisition consists of the purchase of a portion of the rights pertaining to a certain piece of property. Ownership of land consists of a "bundle of Rights". One portion of that bundle is the right to develop that property. Less-than-fee acquisition purchases one or more of the rights in the "bundle".[110] One example is an easement. An easement conveys a specific set of legal rights over land, to a second party, while retaining the basic title and ownership with the first party.[111]

An easement can be affirmative or negative. An

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[108] Public Land Acquisition for the New Communities and the Control of Urban Growth: Alternative Strategies, Center for Urban Development Research, Cornell University, Ithaca, NY, 1973, pg.5.

[109] Brower, Managing Development in Small Towns, pg. 33.

[110] Coughlin, The Use of Less-Than-Fee Acquisition for the Preservation of Open Space, pg.2.

[111] Brower, Managing Development in Small Towns, pg. 33.

affirmative easement gives one party the right to use another party's land. For example, a community may wish to establish a hiking trail by purchasing an easement on a specific part of a property. A negative easement prevents the owner of a parcel of land from using it in a particular way. For instance, the local government could buy a negative easement which would prevent the owner from doing anything that would destroy the property's scenic value.[112]

Easements are also classified as "appurtenant" and "in gross". An appurtenant easement must be connected to the ownership of nearby land. One example would be an easement to cross a neighbors land to access one's own land. All other easements are considered "in gross". Once recorded, all easements are binding on future as well as present owners. However there is one important difference. Appurtenant easements can be transferred whereas easements in gross cannot always be transferred.[113]

Easements and other less-than-fee simple acquisitions have their origins in common law. Some states have passed legislation clarifying the rights of easement holders while others rely on the common law approach. The law governing easements varies widely from state to state.[114]

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[112] Brower, pg.33.

[113] Coughlin, The Use of Less-Than-Fee Acquisition for the Preservation of Open Space. pg.4.

[114] Brower, pg.34.

The viability of using easments is basically the same as fee simple acquisition. The disadvantage of this method over a fee simple acquisition technique, depend on money and expertise. If development pressure is great, the cost of acquiring an easement that restricts development may be nearly as much as the cost of acquiring the fee. Another drawback may be the cost of enforcing the easement if constant patrolling or court costs are involved. The land owners may not be familiar with a less-than-fee simple arrangement and be unwilling to sell an easement to the government.[115]

The advantages are that the land will remain on the tax roll whereas it would not under a fee simple acquisition. This helps the community in two ways. First, a property with a restricted easement may not require many services. Second, if there is a reduction of taxes on the property, the government can sometimes recover the difference through higher valuations on neighboring properties which will not be despoiled by development. Another advantage of using an easement is that the maintenance of the property remains with the property owner.[116]

The federal and state governments have used the acquisition of development rights or conservation easements

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[115] Brower, Managing Development in Small Towns, pg. 35.

[116] Coughlin, The Use of Less-Than-Fee Acquisition for the Preservation of Open Spaces, pg.6.

to maintain buffers around scenic parks or highways. On the local level, Ramapo, New York, has used short-term easements to supplement its timed development program. Boulder, Colorado, acquires development rights, along with their fee simple acquisition program, to expand their open space around the city.[117]

Most communities use the acquisition of easements to limit the development options on a particular site. This is done either through the acquisition of development rights which will prohibit development for a specific period of time, or a conservation easement which severely restricts the type of development. In many cases concerned citizens will donate their development rights and receive substantial tax savings, thus saving the community the cost of purchasing the property out-right or purchasing the development rights.[118]

**Advance Site Acquisition:** This is the purchase of land for public facilities in advance of actual need. It enables state and local governments to "beat" inflation and preempt private development from developing sites better suited for public use.[119]

The authority to acquire future sites for public

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[117] Brower, Managing Development in Small Towns, pg. 36.

[118] Coughlin, The Use of Less-Than-Fee Acquisition for the Preservation of Open Space, pg.12.

[119] Brower, Managing Development in Small Towns, pg.37.

facilities is covered by the same enabling legislation that covered fee simple acquisition.[120]

This technique involves the same considerations discussed in fee simple acquisitions. However, there are some risks involved. Expertise in planning is needed to determine exactly where a public facility will be needed, when it will need to be built, and how much land is necessary. Nevertheless, if growth is to be managed properly, these types of decisions need to be made far in advance.

Richmond, Virginia, has been very successful in acquiring land in anticipation of public projects. According to a HUD study, the program has produced a benefit-cost ratio of 2:1. Another study showed that the California Highway department saved over 320 million between 1952 and 1966 due to early land acquisition.[121]

The main focus of this technique is to reduce land costs in the future by acquiring land early. Another purpose is to influence the direction of future development by demonstrating to private developers where public facilities will locate.[122]

**Land Banking:** Land banking, as it relates to growth management, involves the public acquisition of land for the

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[120] Brower, pg.37.

[121] Brower, pg. 38.

[122] Brower, pg.39.

eventual use by the government or for resale to private developers with the purpose of influencing the timing or direction of future growth. The land bank acquires land in expectation of future development, and then attempts to influence that development by deciding when to sell that land, to whom, and what restrictions to place upon the use of that land.[123]

The general authorization for land banking is the same as that for fee simple acquisition. However, land banking faces certain statutory limitations because municipalities are creations of the states and derive all their power from the states. Since a municipalities express powers do not necessarily include permission to engage in land banking, some states have passed enabling legislation which initiates such programs.[124]

Growth management land banking will work successfully only if there is a high degree of sophisticated land use planning and real estate expertise. In addition to these limitations, a good land banking program takes considerable financial resources. One alternative is a land banking program of development rights. This would reduce the amount of cash needed to acquire land under fee simple acquisition,

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[123] Brower,David J., David W. Owens, Ronald Rosenberg, Ira Botvinick, and Michael Mandel, Urban Growth Management Through Development Timing, Praeger Publishing, New York, 1976, pg 67.

[124] Brower, Managing Development in Small Towns, pg. 39.

but still provide a say in the direction of future development.[125]

This approach has worked well in agricultural areas. The government, or a private organization, purchases the agricultural land and leases it to the farmer on a long term lease which prohibits or modifies development.[126]

Some communities have set up public purpose corporations. The advantages of these corporation are twofold. First, they are not restrained by constitutional limits on debt. Second, they are relatively autonomous because they have no direct voting constituency. The disadvantages are that they lack accountability to the public, and their primary legal responsibility is to their stockholders and not the public.[127]

Nantucket Island, twenty miles off the coast of Cape Cod, has instituted the first land banking program in the United States. A two percent tax on all real estate transactions is used to acquire "beaches, wetlands, aquifer recharge areas, moorlands, healthlands and any other land which help to shape the settlement pattern of the community by prompting a village concept rather than sprawl".[128]

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[125] Brower, pg 41.

[126] Callies, Cases and Materials on Land Use, pg. 899.

[127] Brower, Managing Development in SmallTowns, pg 41.

[128] Phillips, Patrick, "Nantucket's Land Bank: A new direction in Land Conservation", Urban Land, The Urban Land Institute, Washington D.C., December 1985, pg. 34-35.

In Saskatoon, Saskatchewan, land banking techniques have been responsible for keeping land prices lower than comparable Canadian cites, despite high population increases.[129]

**Transfer of Development Rights (TDR):** Under this system the government awards development rights to each parcel of land within the community based on acreage or the value of the land. However, the system is set up so that no land owner possesses enough development rights to develop all of their property without buying rights from some other property owner.[130]

Most states require enabling legislation as authority for a TDR system. A 1978 survey conducted by the North Carolina Law Review of state legislative commissions revealed that only five of the thirty three states which responded felt that TDR systems were legal without state enabling legislation.[131]

A successful TDR system requires a high degree of expertise in both design and administration. New York City has designed a TDR system to help preserve historic landmarks. The theory is, that historical structures could

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[129] Brower, Managing Development in Small Towns, pg. 41.

[130] Costonis, John J., "Development Rights Transfer: Description and Perspectives for a Critique", Urban Land, The Urban Land Institute, Washington D.C., January 1975, pg. 5-9.

[131] Brower, Managing Development in Small Towns, pg. 44.

sell their development rights to owners with parcels more appropriate for development, thereby maintaining stability in historical neighborhoods. Another example is the small town of St. George, Vermont. St. George purchased 48 acres of land on the outskirts of the village where it wants growth to occur. It is using a TDR system to force developers to buy development rights from landowners outside the village center. By controlling the development rights, the town can direct growth in the direction it feels is most efficient.[132]

The transfer of Development Rights works well when properly designed, administered, and used in a comprehensive program with other growth management techniques. However, ecologically sensitive sites will need to be protected and care will need to be taken to insulate TDR's from political intrusions. By controlling the amount and timing of development rights, a community can protect environmental or historical areas and encourage growth in a more appropriate location.[133]

**Compensable Regulation:** This is a system of insulating the community from future law suits resulting from overly restrictive regulations. This method is a "carrot" which attempts to compensate landowners for restricting or de-

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[132] Brower, pg. 45.

[133] Brower, pg 48.

valuing their property.[134]

A negative aspect of this system is the cost. It may take a considerable amount of money to keep landowners from filing legal suits for the "taking" of their property. Where development pressures are great, it may cost as much to compensate the land owner for regulatory action as it would to acquire an interest in the property.[135]

The State of Rhode Island has adopted legislation to compensate landowners for restrictive use of their wetlands. Dayton, Ohio has done the same thing to reduce lawsuits for property surrounding the city airport.[136]

In most cases all of the above techniques have been used in combination by communities which have been successful in controlling their growth.

PUBLIC SPENDING METHODS

Communities can control growth through it's expenditures for public purposes. The courts have maintained that "public purposes" are anything which is; (1) reasonably related to the operation of government, or (2) expenditures which promote the general welfare of the community. Through this definition municipalities can, and have, used their spending to assert control of the location

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[134] Brower, pg. 48.

[135] Brower, pg.49.

[136] Brower, pg.49.

and/or timing of development.[137]

**Capital Programming:** A capital program (sometimes called a capital improvement program), is a timetable which indicates the timing and level of services it intends to provide over a specific time period. It can be used by itself as a growth management technique by stating where and when it will provide services to certain locations. It can also be used in conjunction with the comprehensive plan as a sort of "enforcer" by either denying services to areas which the plan feels are not ripe for development, and providing better services to areas that are ripe for development. The town of Ramapo, New York, used their capital programming as a basis for providing services to developing areas. In this way Ramapo decided where and when development would occur.[138]

Using Capital programming to control growth has several advantages. First, it is usually less expensive than land acquisition policies. Secondly, by making serviced land more attractive than out-lying land without services, it reduces the need for some regulations. Third, it is less subject to change than zoning regulations. And finally, it is less prone to constitutional challenges than regulatory schemes.[139]

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[137] Brower, pg. 51.

[138] Callies, Cases and Materials on Land Use, pg. 823-839.

[139] Brower, Managing Development in Small Towns, pg. 52.

The success of a capital program depends on how restrictive it is, and the pressure from developers. It requires expertise from the planning staff and considerable long-range planning, both from revenue and expense projections, as well as demographic forecasts.

It has been used with success in Montgomery and Prince George Counties, Maryland, Ramapo, New York, and Boulder Colorado. In each of these instances, capital programming was used as part of an overall comprehensive system.[140]

Capital programming can be a very viable technique for controlling growth, especially when used in conjunction with other tools in a comprehensive growth management system. It can relieve not only the fiscal aspect of growth, but have a direct impact on the environmental and social aspects of growth through the timing and location of new services. It has also been validated by the courts as an appropriate way to manage growth.[141]

**Urban and Rural Service Area Designation:** A community may designate areas as urban or rural, depending upon the services being provided to that area. This technique is most often used in conjunction with capital programming and taxation policies. It provides a justification for not extending services to areas where growth is not wanted. By

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[140] Brower, Pg. 53.

[141] Callies, Cases and Materials on Land Use, pg. 823-839.

assessing the rural area at a reduced valuation, constitutional challenges can be avoided, if services are not extended according to the capital plan.

Nashville/Davidson County, has been using this system, and it has been upheld by the Tennessee Supreme Court. In this case Nashville divided it's area into a general service district and an urban service district, with a separate tax rate for each.[142]

Lexington Kentucky created an urban services area around the city in 1958. This area was estimated to accommodate over 200,000 potential inhabitants. Services were planned and taxes based upon the city providing services to the entire area but not to any locations outside the service area. The court ruled that this was an acceptable method for controlling growth.[143]

**Annexation:** By annexing surrounding areas, a community can exert more control in the areas of planning, land use controls, and governmental services. From a growth management perspective, this has been used as a negotiating tool with developers. For example, the city might agree to annex a proposed subdivision and provide services in exchange for certain provisions. These provisions could include, the paying of impact fees, dedication of land, adherence to zoning codes, design standards or density

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[142] Brower, Managing Development in Small Towns, pg. 57.

[143] Callies, Cases and Materials on Land Use, pg. 860.

requirements.[144]

Depending on state enabling legislation, the city has the final decision on whether to annex. In this situation, annexation gives the city a certain amount of choice over where and when it wants development. Depending on the negotiation process, it also can have some control over the quality of that development.

**Development Timing:** Development timing puts limits on the physical and demographic growth. Since all development requires certain public services (water, sewers, roads, etc.), a city can require these services to be in place before building permits are allowed. This technique virtually always is part of a comprehensive growth management plan, using a variety of other growth management techniques.[145]

Development timing ordinances establish standards relating to the quality of facilities and services to which new residential development must have access. This obviously will influence the timing, location and quality of development.

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[144] Schnidman, Frank, "Annexation Agreements", Urban Land, The Urban Land Institute, Washington D.C., June 1976, pg. 15-16.

[145] Brower, Managing Development in Small Towns, pg. 60.

TAXATION METHODS

Taxation is not primarily a land use control device, but it can have an effect on land use decisions. The U.S. Constitution has given the states the power to tax. However the power of the municipality to levy taxes is granted only through enabling legislation granted to it specifically by the state.[146]

The federal constitution imposes only minimal constraints on taxing powers of the states. The equal protection clause requires that taxable property not be classified arbitrarily and that rates within classes be uniform. Most states have interpreted this to mean that all property within the taxing jurisdiction is to be assessed at the same proportion to value, and is to be taxed at the same rate.[147]

**Special Assessments:** A special assessment is a charge imposed by a local government on property which benefits specifically from local public improvements. These usually consist of street improvements, sidewalks, sewers, drainage systems and beautification projects. The purpose of these assessments is to properly charge the properties benefitting from the improvements rather than spread the impact of the project over the entire community.

Special assessments are not used specifically to

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[146] Brower, pg. 69.

[147] Brower, pg. 69.

control growth. However they are useful in distributing the costs of new development to the property owners primarily involved.[148]

**Use Value Assessment Taxation:** This is a system which taxes a property based solely on its income-producing capacity. It has the effect of reducing taxes on property which cannot, or should not, be developed since the owner is taxed only on the present value of the land and not on the potential value. This allows property owners to resist pressure from development.[149]

Forty-seven states have passed some form of use value taxation, mostly intended to preserve farmland. Some legislation has been passed which defers a large portion of the taxes on a property until the property is sold and developed. This has the effect of retarding growth in areas that are not ripe. However it can keep development from occurring on infill properties where it would be more efficient.[150]

The major drawback for use value taxation is the loss of tax revenue. Critics feel that the loss of revenue does not correspond directly to better land use control. A study of the Williamson Act in California, found that under this

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[148] Brower, pg 72.

[149] Dawson, Alexandra D., Land-Use Planning and the Law, Garland STPM Press, New York, 1982, pg. 130-133.

[150] Brower, Managing Development in Small Towns, pg. 73.

taxation scheme assessments fell from $2.75 to $1.58 without any appreciable results.[151]

From a growth management standpoint, use value taxation gives the municipality a way to distribute their tax burdens in a more equitable fashion. By itself it is probably not effective, but with other techniques, it can be used to relieve some of the financial burden of holding restricted land.[152]

REGULATORY METHODS

Regulatory tools are used by local governments to guide and control growth in a more direct way than the techniques mentioned previously. All regulatory techniques, which are exercising local police powers, are derived through the state government through enabling legislation. During this century, land use regulations have been tested in the court and have produced a considerable amount of law. Five constitutional issues have been prevalent in cases involving growth management regulations. These five are: due process, equal protection, takings, right to travel, and adequate standards. These issues will differ greatly depending on the regulation and community circumstances. It is beyond the scope of this paper to discuss the legal aspects of each regulation. However, legal ramifications

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[151] Brower, pg.75.

[152] Dawson, Land-Use Planning and the Law, pg. 130-133.

need to be explored before creating a growth management system using development regulation techniques.

**Interim Development Moratoria:** This is an ordinance which puts a temporary freeze on development for a specific period of time. The purpose of the freeze on development is usually to give the planning process time to "catch-up" in rapidly growing areas.[153]

There are two general types of development moratoria. The first is a planning moratoria which is used to slow or stop development until a permanent solution can be found to manage that development. The second is an environmental moratoria, used to restrict development when pressures are being placed on a community resource. These moratoriums are normally implemented by placing a hold on all building permits.[154]

Interim development controls have been used in a variety of communities with varying degrees of success. The political viability of any moratorium depends upon its duration and comprehensiveness. The courts have generally upheld moratoriums which were imposed in good faith, but have invalidated other which were exclusionary, or had resulted because of the absence of planning. In the case of Almquist v. town of Marshan, the court held that a two year

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[153] Brower, Managing Development in Small Towns, pg. 87.

[154] Brower, pg. 87.

moratorium to study a comprehensive plan was not unreasonable.[155]

As a growth management technique, moratoriums are effective in slowing growth but cannot be substituted as a permanent solution.

**Conventional Zoning:** This is probably the most commonly used tool to guide growth at the local level. However, by itself it is not an effective growth management system. It controls uses of land as well as density, height, setbacks, and bulk of buildings. It is generally used to avoid undesirable side effects of development by segregating incompatible use and maintaining adequate standards for individual uses.[156]

Downzoning is a term which has been used extensively to describe ways that conventional zoning can be used as a growth management tool. By accepting the principle that zoning is an ongoing process, rather than a fixed condition; it follows that zoning changes may make a property's land use more restrictive rather than less restrictive. The process of making a parcel more restrictive, in order to control growth within that area, is downzoning. This process of downzoning usually meets stiff resistance from

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[155] Callies, Cases and Material on Land Use Law, pg. 801-812.

[156] Brower, Managing Development in Small Towns, pg. 90.

the land owner, and may not be politically acceptable.[157]

The Standard Zoning Enabling Act of 1928 was a guide for each state to create their own enabling legislation. Every state has adopted the Standard Act in one form or another. Because zoning has been in use in most communities for a long period of time, it is accepted as a valid method to control development. In theory zoning should be based on a well-designed comprehensive plan, but in reality this is seldom the case. It has been fairly effective in controlling density, type, and quality of development. However, it does not address the timing of development. In combination with other growth control devices, zoning is partially effective in controlling the amount, type, location and quality of new development.[158]

**Exclusive Agricultural or Nonresidential Zoning:** This is a zoning ordinance which restricts residential land uses. It is most commonly used as a holding zone to contain and restrict urban areas. There is a need to protect agricultural areas when property values begin to rise in expectation of future residential or commercial development. If the agricultural land is not protected by zoning, farmers may be forced to sell the land to developers, resulting in

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[157] Bosselman Fred P., "Downzoning", Urban Land, The Urban Land Institute, Washington D.C., November 1973, pg. 3-5.

[158] Brower, Managing Development in Small Towns, pg. 91.

scattered housing developments which are inefficient to service and incompatible to the surrounding agricultural uses.[159]

Land that is not suitable for agriculture cannot be designated for that use simply to prevent growth. The courts have struck down a number of such cases, and considered them "a taking" without just compensation, because it deprives the owner of any reasonable use of their land. This has also been an unpopular technique among landowners, sometimes resulting in lawsuits. Unless there is a viable market for agricultural products grown on the land. As of 1980, agricultural zoning had been adopted by 104 counties and 166 cities in 22 states.[160]

**Large Minimum Lot Size:** This is a device to protect agricultural land, preserve open space, protect the environment, or keep residential development at a low density. Most large minimum lot sizes are one acre or greater. This technique can produce an inefficient land use pattern, by scattering development, which is more costly to provide services and has a history of increasing housing costs by reducing the amount of development land.[161]

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[159] Callies, Cases and Material on Land Use Law, pg. 881-900.

[160] Coughlin, Robert E., and John C Keene, "Agricultural Zoning", Urban Land, The Urban Land Institute, Washington D.C., December 1983, pg. 11.

[161] Brower, Managing Development in Small Towns, pg. 95.

This type of zoning has been attacked by the court as being exclusionary because it raises the price of housing, thereby restricting low and moderate income people moving into the community. In a Pennsylvania case, the court held that "an owner of land may constitutionally make his property as large and as private or secluded or exclusive as he desires and his purse can afford".[162] This technique has been used to protect the environment and preserve open space, but is generally not the most efficient method. For instance, cluster housing could produce the same results with more efficiency in providing services.

**Maximum Lot Size:** This is the opposite of Minimum lot zoning. The theory is that if lots are kept small, it will encourage higher densities and low or moderate cost housing. This approach to inclusionary zoning for low income housing may be more politically appealing than mandatory low income housing ordinances. The best way to implement this technique is to include it into an existing subdivision ordinance. In that way each new subdivision would be required to include a certain percentage of small lots. The problem lies in the fact that there is no way to ensure that a low cost house will be built on the smaller lot.[163]

The Twin Cities area has recently established a "modest

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[162] Callies, Cases and Material on Land Use, pg. 549-555.

[163] Brower, Managing Development in Small Towns, pg. 134.

cost private housing advisory committee" which would investigate zoning ordinances that provide for minimum and maximum lot sizes and minimum and maximum square-foot areas in new residential developments. The committee is gathering information for future recommendations on lot and housing sizes.[164]

**Height Restrictions:** Height restrictions are an effective tool for controlling densities, ensure access to light and air, reduce the effects of traffic generated by high rises, and provide adequate fire protection. Height restrictions can be written as a part of the conventional zoning ordinance, or administered as an overlay zone. Like all other zoning restrictions, a height restriction must be reasonable under the circumstances of its application. The courts have held that maximum height regulations are valid but have ruled that minimum height restrictions are an invalid exercise of the police power.[165]

**Conditional or Contract Zoning:** This is a change in the zoning of a parcel in exchange for concessions from the developer or deed restrictions on the property. In most cases it is used as a negotiating tool to influence the type and quality of development. This type of zoning differs from special use permits in two ways. First, conditional or contract zoning decisions are applied on an individual basis

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[164] Brower, pg.134.

[165] Brower, pg.99.

and do not necessarily apply to all land owners within the zone. Second, unlike special permits, this type of zoning requires a concession or commitment from the developer.[166]

Conditional and contract zoning provide some flexibility in the development process and gives the community some control over development which is desired but for some reason is not eligible under normal zoning ordinances. Obviously this is a technique which could be used for unethical purposes. It demands good administrative oversight, technical expertise in estimating the impact of the project, and sound decision making. Nevertheless, used properly it is an important tool in the growth management package.[167]

**Special Exception Zoning:** The special exception, or special use permit, is similar to conditional zoning because it lends some flexibility to the standard zoning ordinance. However, special exceptions are spelled out in the zoning ordinance before the exception is allowed, and the special exceptions apply to all parcels in the zone equally.[168]

Special exceptions are appealing in regulating certain types of development whose locations would cause particular

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[166] Liebermann, Nancy H., "Contract and Conditional Rezoning: A judicial and Legislative Review", Urban Land, The Urban Land Institute, Washington D.C., November 1981, pg. 10-12.

[167] Brower, Managing Development in Small Towns, pg. 100.

[168] Brower, pg.102.

problems under a static zoning ordinance. Using the special exception as a negotiating tool increases the development options for a particular site, and when used in coordination with the comprehensive plan, can be used to achieve goals not possible under a standard zoning ordinance.

**Bonus or Incentive Zoning:** Under this system a municipality will allow developers to exceed limitations imposed by conventional zoning in exchange for other improvements which the community feels are important. This is another version of flexible zoning, however unlike conditional zoning approaches, bonus zoning is normally applied for limited uses that have been determined to be in the public interest. It differs from special exception zoning because it probably will not affect the majority of the landowners.[169]

One example of bonus or incentive zoning, which affects timing, can be seen in Clarkstown, New York. Developers are allowed to exceed density restrictions within their zones if they agree to sequence their developments over a specific time period.[170] New York City has allowed builders to exceed height restrictions in exchange for reserving lower floors for retail uses at reasonable rates, thus affecting the type of development. This was done by allowing extra floor area, which would have been prohibited by conventional zoning, in exchange for pedestrian circulation improvements

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[169] Brower, pg 104.

[170] Brower, pg.105.

that were provided by the developer.[171]

Like conditional, contract and special exception zoning, bonus and incentive zoning increases flexibility in managing growth. The community can trade-off zoning incentives for amenities that will improve the quality of the development and adhere to goals set in the comprehensive growth management plan.

**Floating Zones:** This is a zone in which the description and requirements meet specific criteria but have no official map location. It is usually used as an incentive to developers by providing flexibility in the city's zoning ordinances. It is typically used for shopping centers, industrial areas, mobile home parks, and multifamily housing developments. The zoning ordinance text verbally describes the conditions which must be met for the development, and when a parcel is found which meets those conditions, a map ammendment ordinance places that zone on the official map.[172]

This technique allows the community to set standards which are acceptable for certain land uses while being flexible in fixing their future location. New York City has used floating zones for multifamily developments of 10 acres or more, thus letting market conditions at different locations dictate where the development will eventually be

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[171] Callies, Cases and Materials on Land Use, pg. 695-699.

[172] Brower, Managing Development in Small Towns, pg. 107.

built.[173]

One of the main advantages of this method is that decisions regarding locations can be based on actual facts, rather than on abstract future needs. It requires less technical expertise when the zoning map is being constructed and adapts to future changes more easily. It is viable in smaller cities since it requires basic planning but does not demand exceptional technical expertise.[174]

**Performance Zoning:** This is a system which sets standards for each district, based on permissible effects of that development (noise, toxic emissions etc.). It can be used to protect environmentally fragile areas and maintain neighborhood quality and character. Performance zoning has been used successfully in controlling the effects of industrial areas. Recently it has been used for a broader range of uses, including residential development, by requiring standards based on sewage, roads and other public facilities.[175]

Bucks County, Pennsylvania uses performance zoning for environmental protection. Performance standards are determined for each parcel depending on the site's carrying capacity. One hundred year floodplain sites are not

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[173] Brower, pg.107.

[174] Brower, pg. 107.

[175] Kendig, Lane H., "Developers and Performance Zoning", Urban Land, The Urban Land Institute, Washington D.C., January 1982, Pg. 18-20.

eligible for development, and development on moderately steep slopes are restricted to 40% of the land area.[176]

Some communities have used this method to protect the environment by setting standards for permissible water runoff or aquifer recharging. All development would be permitted as long as it did not exceed the performance standards. El Paso County in Colorado has implemented a form of performance zoning in requiring a certain level of water needed by the development and the supply of water available.[177]

Sansibel Island, Florida, has adopted performance standards that are based on the characteristics of the island's natural ecological zones. Each development must prove that it will not interfere with the geology, hydrology, vegetation and wildlife in each zone.[178]

Performance zoning is most often used as an overlay zone to conventional zoning and gives a community a way to protect it's environment. It puts pressure on the developer to be innovative and meet the performance standards which

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[176] Phalen, Tam, "How Has Performance Zoning Performed?", Urban Land, The Urban Land Institute, Washington D.C., October 1987, pg. 16-21.

[177] Mayo, "A 300 year Water Supply Requirement: One County's Approach", pg. 197-208.

[178] Godschalk, David R., David J. Brower, Daniel C. Herr, and Barbara A Vestal, Responsible Growth Management: Cases and Materials, Center for Urban and Regional Studies, University of North Carolina, Chapel Hill NC, 1978, pg. XI-1 - XI-32.

the community have stated as being important.

**Average Density Zoning:** Sometimes known as Planned Unit Developments (PUD), density transfer, or cluster zoning. This is a combination of zoning and subdivision regulations which examines the entire development as a whole, rather than a lot-by-lot approach. It can provide flexibility in producing better quality developments because the actual design is a matter of negotiation between planning authorities and developers.[179]

In reality, most PUDs are large scale developments. A 100 acre tract under conventional zoning might be divided into 400 1/4 acre lots under conventional zoning, with little input, aside from meeting standard subdivision requirements, from community planners. However, under PUD zoning, densities, amenities, quality, and protection of the environment can be negotiated, and produce a better development for both the developer and the community.[180]

Average Density Zoning has been used in a number of communities. According to Dan Kelly of the Metropolitan Planning Commission of Knoxville, Tennessee, "most of the developers are applying for subdivision review under our planned residential zoning. It gives the developer more flexibility and gives us more control over the finished

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[179] Dawson, Land Use Planning and the Law, pg.63-69.

[180] Brower, Managing Development in Small Towns, pg. 113.

product".[181]

Planned Unit Developments or properly designed cluster developments benefit the community in two ways. In most cases it will cost less to service the development with public utilities and facilities, and it will create more open space and protect the environment better. Another advantage of a PUD is that it allows the community to have a say in the mix of uses, usually residential and commercial, for the development.[182]

**Traditional Subdivision Regulations:** This involves the regulation of development within the subdivision, including infrastructures, utilities, and lot boundaries. These regulations vary from city to city, but for the most part communities have required more improvements from developers through the years. Typical required improvements have included, lot boundaries and monuments, streets, utilities, sewers, drainage and occasionally sidewalks, curbs and gutters.[183]

Subdivision regulations have been in effect for many years and are widely accepted by city officials and developers alike. The Standard City Planning Enabling Act of 1928 gave the states a guide on which to pass legislation

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[181] Interview with Dan Kelly at the Metropolitan Planning Commission on April 5, 1991.

[182] Brower, Managing Development in Small Towns, pg. 115.

[183] Lecture from Professor James Spencer, March 6, 1991.

enabling communities to regulate subdivision development and every state has passed some form of enabling legislation.[184]

Subdivision regulation are second only to conventional zoning as the most widely used management tool. They will control the quality of improvements within the subdivision, but without the use of other growth management tools, it will not control the rate, amount, type, or location of growth.

**Impact Fees or Donation of Land from Subdivisions:** These are regulations which require developers to compensate the community for the impact of their development. They are often used to off-set the increased expense of city services needed to supply the new development. By demanding that developers go beyond the traditional subdivision requirements, a community recognizes that new growth needs more than is required from traditional subdivision regulations.[185]

A new development, especially a large one, will certainly impact the city water and sewer system, parks, schools, police and fire protection, as well as other services and facilities. This type of regulation is appealing to current city residents because it does not put

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[184] Callies, Cases and Materials on Land Use, pg. 315-317.

[185] Brower, Managing Development in Small Towns, pg. 119.

the burden of providing services upon them. It also has the effect of increasing the price of the new development, thereby raising property values throughout the community. On the other hand, developers can be expected to vigorously oppose impact fees or dedication of land.[186]

There are five major issues which are essential to consider when evaluating impact fees. These are:[187]

1. The appropriateness of the fees as a financing mechanism.
2. The method used to calculate the fees.
3. Procedures used to implement the assessment and collection of fees.
4. The legal foundation on which the impact fee ordinance is based.
5. The process of enacting the fee.

The extent to which developers are charged, varies from community to community. Brooklyn Park, Minnesota, has used impact fees to discourage development in an area of the city prone to flooding. The impact fee to construct a storm drain system in that area was so expensive that all developers have decided to build elsewhere.[188]

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[186] Brower, pg.120.

[187] Porter,Douglas R., " The Rights and Wrongs of Impact Fees", Urban Land, The Urban Land Institute, Washington D.C., July 1986, pg. 16-19.

[188] Brower, Managing Development in Small Towns, pg. 121.

The primary reason for impact fees or dedication of land, is to make growth pay for itself. The municipality can guide growth into areas that are more economical to service or more practical from an environmental standpoint. It can slow growth in areas that do not offer appropriate off-site facilities and make it more economical for developers to build in areas that are preferable to the city. It can also be an efficient way to protect a fragile environment, by making it too expensive for development in those areas.[189]

**Total Population Charter:** This is a numerical limit on the population or total housing units. It is a radical method to restrict growth to a static level. The biggest drawback to this technique seems to be that it is illegal. Boca Raton, Florida, which is one of the only communities to try this approach, was challenged on constitutional grounds. The Florida court held that there was no justification for such an ordinance and it violated the due process clause in both the federal and state constitutions.[190]

Besides being illegal, this technique is probably not politically attractive. Most communities need some form of growth in order to maintain a viable economy and a ceiling

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[189] Stegman, Michael A., "Development Fees in Theory and Practice", Urban Land, The Urban Land Institute, Washington D.C., April 1987, pg. 2-6.

[190] Brower, Managing Development in Small Towns, pg. 123.

on that growth will promote opposition from several sectors of the population.[191]

Although this is a very simple technique which requires almost no planning or technical expertise, it is not an efficient tool for growth management. It places a cap on the quantity of development but does nothing to control rate, location, type, or quality.

**Annual Building Permit Limits:** This is a pre-set ceiling on the number of building permits which can be issued in any one calendar year. It can be used to restrict the number of developments in a specific area or used as community wide limits. A similar approach to absolute limits is the placing of very restrictive conditions, which must be met before a permit is issued. These conditions could include providing certain infrastructures or building requirements for environmentally fragile areas.[192]

Legally and politically, a limit on building permits would only be acceptable if a situation existed within the community which would warrant such measures. Most communities which have used this approach successfully, have preceded it with several planning studies justifying the limits.[193]

Petaluma, California set a limit of 500 units per year.

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[191] Brower, pg.123.

[192] Brower, pg.124.

[193] Brower, pg. 124.

These limits were awarded on a point system based on services available, environmental protection, and design standards.[194] Pinellas County, Florida, temporarily limited building permits based on the capacity of the water system to provide service. However, when water resources became available, the county discontinued the allocation system.[195]

Annual building permit limits are probably only effective when used with other growth management techniques, in a comprehensive program. The primary goal of these limits are to slow the rate of growth, but unless there is a reasonable justification for that slowing of growth, it will be legally and politically unacceptable.

**Official Mapping:** This is a program which allows the city to locate streets, parks, and other facilities on an official map, thereby reserving those properties for future acquisition. The current owner keeps title to the land but cannot develop the property because the city will be acquiring the property in the future. The property owner is not compensated for the land until the community acquires it when needed. The purpose of this regulation is to keep property which will be need for public uses in the future

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[194] Salmons, Warren, "Petaluma's Experiment in Growth Management", Urban Land, The Urban Land Institute, Washington D.C., September 1986, pg. 7-9.

[195] Brower, Managing Development in Small Towns, pg. 124.

relatively free from development.[196]

Specific enabling legislation is necessary before using an official mapping technique and several states have such enabling legislation. The courts have been mixed on the legality of official mapping ordinances depending on the enabling legislation and the individual situation for which it was used. In a Wisconsin case, the court held that a community had the right to reserve property by denying building permits on land that it felt would soon be a dedicated street.[197]

Official mapping is a sound practice, and is particularly useful in smaller cities with rapid growth. The success of this method depends on the uses of the reserved land, size of the reserved area, number of years before acquisition and the relationship to the long range comprehensive plan. It is essential to tie the official map to the comprehensive plan for it to be both legal and creditable.[198]

**Mandatory Low-Income Housing Construction Ordinance:** This technique requires developers to include a minimum amount of subsidized or lower-income housing in their conventional projects. Although there are a variety of different

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[196] Callies, Cases and Materials on Land Use, pg. 352-358.

[197] Callies, pg. 352-358.

[198] Brower, Managing Development in Small Towns, pg. 127.

ordinances, they are usually similar in the following aspects:

1. The ordinances usually apply only to large developments (often 50 or more units).

2. The typical required percentage of low and moderate income units is fairly small (10 to 15 percent).

3. The ordinances attempt to make the requirement economically feasible by tying it to the availability of federal subsidies or by increasing allowable densities for development.[199]

Most mandatory housing ordinances have three purposes. First, they attempt to produce a supply of low and moderate housing to meet the needs of the community. Secondly, they guide the location of developments so that there is not a concentration of low and moderate housing in any one area. And third, it stimulates better quality construction and maintenance of subsidized housing.[200]

This type of ordinance will usually satisfy state and federal pressures to provide housing for the poor. However, developers will not welcome such intrusions into their plans unless they are rewarded financially or given concessions for other developments. If the market for new housing is weak, it will be much more difficult to persuade developers to include low and moderate housing in their developments. The ordinance will also be ineffective if the developer builds all of the conventional units first and reneges on

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[199] Brower, pg.128.

[200] Brower, pg. 128.

his obligation to build the low cost housing units. Developers should be forced to build the low income units first or at least concurrently.[201]

This technique is principally designed to affect the amount of housing, although some pressure could be applied to control the other aspects of growth management if there is a strong demand for low income housing and federal or state subsidies are available.

**Regional Fair Share Agreements:** This is an agreement among neighboring communities which specifies that each community will provide a certain amount of low-cost housing. This has the effect of equalizing the exclusionary nature of some communities. Since many land use and environmental regulations tend to have the effect, deliberate or not, of excluding low income and minority groups, the courts have occasionally invalidated some ordinances on the grounds that they were exclusionary.[202]

In a Regional Fair Share Agreement, several neighboring communities enter into voluntary agreements which assign each community a share of the housing needed to provide a supply of low cost housing for the entire region. From a growth management perspective, it sets goals for a specific type of housing (low income). Although there is no legal

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[201] Callies, Cases and Material on Land Use, pg. 623-627.

[202] Brower, Managing Development in Small Towns, pg. 132.

responsibility to provide the share of housing assigned, it can counter a claim by the court that the growth management system is exclusionary.[203]

**Building Inspection:** For growth management purposes, it is an active effort to control the quality of development within a community. Most cities and many counties are required to inspect new developments and enforce appropriate building codes. Compliance with local and state codes along with zoning and other land use regulations, should ensure that the new development is built according to community standards.[204] A restrictive building code and aggressive code enforcement will have an affect on the quality, and to some extent the amount, of new development.

Some smaller communities have combined their planning and building departments in order to lower operation costs and increase cooperation and communication between the two. In this way rezoning applications and building permit applications can all be handled in one department. The city of Cape Girardeau, Missouri has used this approach for the past three years. The director of the department feels it has some merit for smaller, slow growth communities, but would be impractical for larger, faster growing

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[203] Brower, pg.133.

[204] Brower, pg.135.

communities.[205]

**Regulation of Manufactured Housing (Mobile Homes):** These regulations might include; licensing, inspection, taxation and zoning. This is primarily used to direct the location and quality of mobile homes. Although it is illegal to prohibit all mobile homes within a community, some control can be maintained over their location.[206]

Since 1976 mobile homes have been regulated by a national building code. However, regardless of design and construction improvements, mobile homes are not widely accepted in traditional neighborhoods. Some of this resistance can be overcome by creating mobile home parks and requiring that all such dwellings locate in that area. In reality only 19% are currently in mobile home parks with 100 or more units, while 54% set in areas with six or fewer units. Any ordinance regulating mobile homes is in danger of being labeled as exclusionary and invalidated by the court.[207]

Mobile home ordinances normally have the effect of limiting the quantity of this type of housing. Another approach by some communities is to create standards within

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[205] Interview with Kent Bratton, Director of Planning and Building Services, for Cape Girardeau, Missouri, on June 17, 1991.

[206] Brower, Managing Development in Small Towns, pg. 136.

[207] Welfield, Where We Live: A Social History of American Housing, pg. 32-35.

the mobile home parks which raise the quality of the development and possibly change perceptions about the undesirability of mobile homes. However overly restrictive mobile home regulations may have the effect of depriving low-income residents of housing completely.[208]

**Municipal Enforcement of Restrictive Covenants:** This refers to the enforcement of private covenants or deed restriction other than on a complaint basis. Normally restrictive covenants create negative easements governing how the property is to be used. However, on a large scale, they can, and have, become a useful growth management tool. Restrictive covenants are sometimes used by subdivision developers to create controls within the neighborhood that are not specified by zoning or subdivision regulations.[209]

At this time there is only one state, Texas, which uses this technique on a large scale. The advantages, say some Texans, is that it eliminates the centralized decision-making of zoning, and places it at the neighborhood level. Critics claim that the community is forced to enforce covenants which are unequal, unethical and possibly illegal. The main question lies in what is reasonable and what is not reasonable. Most court decisions in this area are based upon the covenants reasonableness and the consistency of

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[208] Brower, Managing Development in Small Towns, pg. 138.

[209] Brower, pg. 138.

enforcement.[210] From a growth management standpoint, it would be difficult to coordinate all neighborhood covenants with the comprehensive plan.

Restrictive covenants are normally used to regulate the appearance and quality of a development. There are no provisions to control the amount or timing of growth.

**Local Environmental Impact Ordinances:** This regulation requires an Environmental Impact Statement (EIS) for development in certain areas. In some cases it is part of the subdivision or PUD review process. With the passage of the National Environmental Policy Act of 1970, Congress set up a policy requiring some developments to file an Environmental Impact Statement. Some states and local governments followed the federal example and passed similar legislation. Legislation varies from state to state concerning when and where an Environmental Impact Statement is needed.[211]

At the present time most local governments are not using this technique due to a lack of understanding about its flexibility and adaptability. There is still fear that the use of Environmental Impact Statements will add another layer of bureaucracy to the system and discourage all

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[210] Lawlor, James, D., "Suburban Covenants in the Courts", Urban Land, The Urban Land Institute, Washington D.C., September 1986, pg. 19-23.

[211] Brower, Managing Development in Small Towns, pg. 141.

developers.[212]

A community can use Environmental Impact Statements in three ways. First, it can engage a professional study of environmental impacts and carrying capacities to reform its zoning or subdivision regulations. Secondly, it can abolish old zoning laws and adopt performance zoning standards based on the impact statement. And third, it can require the developer to supply an Environmental Impact Statement for natural, social, and/or fiscal impacts.[213]

In order for this technique to be an effective growth management tool, a local municipality must have the technical expertise to evaluate and understand the impact statement. However communities could create an environmental assessment process which would not need to be as sophisticated as the more rigorous Environmental Impact Statement. Under this approach, a community could incorporate environmental considerations into an existing subdivision or planned unit development review process.[214]

SUMMARY OF TECHNIQUES

None of the techniques mentioned in this chapter will adequately control growth by itself. The key to an

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[212] Brower, pg.142.

[213] Dawson, Land Use Planning and the Law, pg. 60-63.

[214] Brower, Managing Development in Small Towns, pg. 142.

effective growth management system is using a combination of these as they apply to the individual community situation. Not every technique will be successful, nor popular, with the public or developers in the community. If a certain technique does not work in a particular community it should be modified or discarded and a new approach tried. The communities that have been successful in controlling their growth are the ones that are innovative, have the support of the political decision makers, and are not afraid to admit a technique is wrong and try another.

# CHAPTER 5

# FINDINGS OF A SURVEY ON GROWTH MANAGEMENT

## SUMMARY OF THE FINDINGS

In order to discover attitudes about, and practices used, to control growth; a survey was conducted in cities with a population between 25,000 and 100,000 in 6 selected states.[215] The states selected were Florida, Georgia, Missouri, North Carolina, Ohio, and Tennessee. The survey was mailed between July 8 and July 16, and were received back between July 13 and August 17.

It was determined that a self-administered mail questionnaire ( See appendix) was the best method to survey this subject. The questionnaire, along with a definition of terms (see appendix) was sent to the Planning Director of each city which met the population criteria in the states cited above. When possible, the name and address of the Planning Director was obtained through the 1990 American Planning Association Membership Directory.[216] If a name and address could not be located, the survey was addressed to the Planning Director and sent to City Hall.

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[215] U.S. Bureau of the Census, County and City Data Book, Pg. 731-795.

[216] American Planning Association Membership Directory, The American Planning Association, Chicago, 1990.

A total of 116 questionnaires were mailed and 75 were returned (65%). The 65% return rate was much better than expected. The primary reasons for such a high rate were probably the shortness of the questionnaire, the offer to send the results of the findings to anyone returning the questionnaire, and the professionalism of the planners surveyed.

Four independent variables were used to determine what factors influence attitudes about, and techniques used, to control growth in smaller cities. The four variables were:

1. The state in which the city was located.
2. The growth rate between 1980 and 1990.
3. The population of the cities.
4. The distance to a major metropolitan area.

Eighty nine percent (67 out of 75) of the cities had an adopted comprehensive plan in place. Cities with growing populations had the highest percentage. However, a very high percentage of smaller cities and cities with declining populations had a comprehensive plans. Distance from a metropolitan area did not seem to be a factor in whether the cities did, or did not have comprehensive plans.

In those cities with comprehensive plans, 76% (50 out of 67) addressed the control of growth within that plan. All of the respondent cities in Florida, North Carolina, and Tennessee had growth management provisions in their plans, while Georgia and Ohio were approximately 50%, and Missouri

had 20% which contained growth management provisions. Growing cities and suburban cities were more likely to address growth within their comprehensive plan. Population size did not seem to be a factor.

Planners were asked how important it was to control the rate, amount, type, location and/or quality of new development in their communities. Cities in Florida and North Carolina felt it was more important than cities in the other states. Planners in cities with growing populations thought that controlling growth was only slightly more important than those in stable and declining population cities. Population size and distance to a metropolitan area did not seem to be a factor in their responses.

Overall, Preserving the character of the community and controlling the costs of services were the most important reasons to control growth. Reducing traffic and overcrowding, protecting fragile environments, and preserving open space followed respectively. For the most part, cities with growing populations were more concerned about the above factors than stable or declining populations. Size of the cities and distance to a metropolitan area did not seem to affect the responses.

Planners were given a list of 35 methods that have been used to control growth, and asked to indicate those methods which were being used in their communities. These methods were divided into four categories: (1) land acquisition

methods, (2) public spending methods, (3) taxation, and (4) regulations.

Overall, the most widely used methods were conventional zoning (93%), traditional subdivision regulations (89%), capital improvement programs (84%), and building inspections (80%). Several innovative techniques such as impact fees, PUD regulations and a variety of flexible zoning methods were also used by many of the cities.

When asked to name the three best methods for controlling growth, planners gave a variety of answers. The top five were Capital programming, conventional zoning, a comprehensive plan, state mandated growth plans (Florida cities), and traditional subdivision regulations.

The final question on the survey asked planning directors why growth management was, or was not, necessary in their communities. A majority of responses indicated that growth management was necessary in their communities. Surprisingly a large number of cities with stable or declining populations were in favor of growth control for a variety of reasons.

In most cases the findings of the survey will be displayed in the elaboration model format. Under this format, one variable is listed on the left and read horizontally, by comparing differences in the percentages. The other variable is listed in columns and read vertically.

The vertical columns will always total 100% and the numerical figure below the total percentage reflects the number of cities within that category which responded to the survey.

RESPONSE TO THE SURVEY

The overall response rate for the survey was 64%. The response by state was:

| State | Sent | Returned | Response Rate |
|---|---|---|---|
| Florida | 37 | 25 | 68% |
| Georgia | 7 | 5 | 71% |
| Missouri | 13 | 10 | 77% |
| North Carolina | 12 | 7 | 58% |
| Ohio | 38 | 25 | 66% |
| Tennessee | 9 | 3 | 33% |
| TOTAL | 116 | 74 | 65% |

The average growth rate, between 1980 and 1990, for all respondents was 16%. The response by growth rate was:

| Type | Responses | Pct. |
|---|---|---|
| Growing Populations | 32 | 43% |
| Stable Populations | 27 | 36% |
| Declining Populations | 16 | 21% |
| TOTAL | 75 | 100% |

The average population for all respondents, according to 1990 census figures, was 46,983. Response by size was:

| Type | Responses | Pct. |
|---|---|---|
| 75,000-100,000 | 4 | 5% |
| 50,000-75,000 | 20 | 27% |
| 25,000-50,000 | 51 | 68% |
| TOTAL | 75 | 100% |

The average distance of all cities from a metropoitan area was 39 miles. The response by distance was:

| Type | Responses | Pct. |
|---|---|---|
| Suburbs | 32 | 43% |
| Fringe Cities | 25 | 33% |
| Regional Centers | 18 | 24% |
| TOTAL | 75 | 100% |

INDEPENDENT VARIABLES

Four independent variables were used to determine what factors may influence attitudes about, and techniques used, to control growth in smaller cities. These four variables are:

**State:** Two states, Florida and Georgia, currently have state growth legislation and both are growing at a rate greater than one percent per year. Three states, Missouri, North Carolina, and Tennessee do not have state growth legislation and are increasing at a population rate of less than one percent per year. Ohio does not have state growth legislation and it's population is declining. North Carolina had the highest percentage of growing cities with Ohio having the least. Missouri led the survey with the largest percentage of declining cities.

Except for the small number of responses from Georgia and Tennessee for mid-size cities, there does not seem to be an obvious relationship between state and size.

Florida was the only state with a majority of suburbs

responding. Most of these 13 suburbs were clustered around the Miami and Ft. Lauderdale areas. Missouri suburbs were clustered around the St. Louis and Kansas City metropolitan areas. Most Ohio suburbs were near Cleveland.

**Growth Rate:** The cities were divided into three groups, based on the change of population between the 1980 and 1990 census. Although it is difficult to determine exactly where the line between growth and stability should be drawn, the following divisions were established: Growth cities were those exceeding ten percent population growth between 1980 and 1990. Stable cities were those with 0-10 percent increases. Declining population cities were those with current populations less than the 1980 census. As expected, Florida had the highest number of growing cities with Ohio the largest percentage of stable and declining cities.

**Population:** The cities were further divided into three groups according to the 1990 census population data. Cities with a population between 75,000 and 100,000, populations between 50,000 and 75,000, and cities with a population between 25,000 and 50,000. Since only four large cites responded to the survey it is difficult to draw any conclusions based on this segment. Florida cities tended to be larger but there did not seem to be a significant relationship among the other states.

**Commuting Distance:** Cities were again divided into three groups. The distances were determined by mileage figures listed in the Rand McNally Road Atlas.[217] For this study, cities which are 0-20 miles from a major metropolitan area are considered "suburbs", cities 21-60 miles away are considered "fringe" cities, and cities more than 60 miles from a major metropolitan center are termed "Regional Centers".

There were no significant relationships between states and commuting distances. Each state seems to have its own pattern. Florida has a high number of suburbs clustered around Miami and Fort Lauderdale. Ohio and North Carolina have a large percentage of fringe cities. Georgia and Tennessee are primarily regional centers. Missouri seems to be a mix of all three.

Regional centers seemed to have a higher percentage of stable growth cities and a lower percentage of declining population cities.

## RESULTS OF THE SURVEY

**Question # 1: Does your city have a comprehensive or general long range plan?**

Eighty nine percent (67 out of 75) had a comprehensive or long range plan in effect. It was surprising to find

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[217] Rand McNally Road Atlas, Rand McNally Inc., New York, 1989.

such a high percentage of cities Missouri without a comprehensive plan,

| Comprehensive Plan | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|
| YES | 100% | 80% | 100% | 100% | 80% | 100% |
| NO | 11% | 20% | 0 | 0 | 20% | 0 |
| TOTAL | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | 25 | 5 | 10 | 7 | 25 | 3 |

It was expected that a large percentage of growing cities would have plans. What was not expected was the large percentage of declining populations with a comprehensive plan.

| Comprehensive Plan | Growing | Stable | Declining |
|---|---|---|---|
| YES | 97% | 77% | 94% |
| NO | 3% | 23% | 6% |
| TOTAL | 100% | 100% | 100% |
| 75 | 32 | 27 | 16 |

It was surprising to find a larger percentage of smaller cities with comprehensive plans than the other two categories. However, with only four larger cities responding, it is difficult to draw conclusions about the larger cities.

| Comprehensive Plan | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|
| YES | 75% | 80% | 94% |
| NO | 25% | 20% | 6% |
| TOTAL | 100% | 100% | 100% |
| 75 | 4 | 20 | 51 |

There did not appear to be a significant relationship between commuting distance and cities with comprehensive plans.

| Comprehensive Plan | Suburbs | Fringe | Regional |
|---|---|---|---|
| YES | 94% | 84% | 89% |
| NO | 6% | 16% | 11% |
| TOTAL | 100% | 100% | 100% |
| 75 | 32 | 25 | 18 |

**Question # 2: If your city has a general plan, does it contain a policy which addresses control of growth or development?**

Seventy-six percent (50 out of 67) communities, which have a general plan, addressed growth in that plan.

Florida, North Carolina, and Tennessee all had 100%, Georgia and Ohio were approximately 50%, and Missouri only had 20% of its cities with growth management provisions in the comprehensive plan.

| Growth Policy | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|
| YES | 100% | 50% | 20% | 100% | 61% | 100% |
| NO | 0% | 50% | 80% | 0% | 39% | 0% |
| TOTAL | 100% | 100% | 100% | 100% | 100% | 100% |
| 67 | 25 | 5 | 10 | 7 | 18 | 3 |

The growth rate, as expected, seemed to make a difference in how many comprehensive plans addressed growth.

| Growth Policy | Growing | Stable | Declining |
|---|---|---|---|
| YES | 90% | 65% | 60% |
| NO | 10% | 35% | 40% |
| TOTAL | 100% | 100% | 100% |
| 67 | 32 | 20 | 15 |

There did not seem to be any significant relationship between size and growth management policy within the comprehensive plan.

| Growth Policy | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|
| YES | 67% | 81% | 74% |
| NO | 33% | 19% | 26% |
| TOTAL | 100% | 100% | 100% |
| 67 | 3 | 16 | 48 |

The nearness to a large metropolitan area seems to have an effect on how growth is addressed within the comprehensive plan.

| Growth Policy | Suburb | Fringe | Regional |
|---|---|---|---|
| YES | 83% | 76% | 63% |
| NO | 17% | 24% | 37% |
| TOTAL | 100% | 100% | 100% |
| 67 | 30 | 21 | 16 |

**Question # 3: How would you depict the population growth or decline in your city within the last ten years (1980-1990).**

Planners were asked to circle a number between 1 and 7, with 1 representing rapid growth, 7 representing declining populations, and 4 representing no growth. This question was asked in order to understand what perception the planners had about growth in their community. The perception of growth, or non-growth, within the community is as important as the actual growth figures in trying to understand attitudes about the need to control growth. For

instance, in the table below, 31% of the planners in growing communities, 31% of the planners in stable growth communities, and 19% of planners in declining population communities all perceived their communities as having the same growth (#3).

| Perception of Growth | | Actual Growth | | |
|---|---|---|---|---|
| Response | | Growing | Stable | Declining |
| Rapid Growth | (1) | 19% | 0% | 0% |
| | (2) | 47% | 19% | 0% |
| | (3) | 31% | 31% | 19% |
| No Growth | (4) | 0% | 19% | 38% |
| | (5) | 0% | 27% | 25% |
| | (6) | 3% | 4% | 18% |
| Decline | (7) | 0% | 0% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 74 | | 32 | 26 | 16 |

**Question # 4: In your opinion, How important is it to control the rate, amount, type, location and/or quality of new development in your community?**

Respondents were asked to rate this question on a 1 to 7 scale, with 1 being very important and 7 not important. Some respondents commented that the question was too complicated and they felt each category ( amount, location etc.) would rate differently. There were also four respondents which, for reasons unknown, did not answer this question.

Florida and North Carolina seem to be the most concerned about controlling growth. Georgia is grouped

solidly in the middle of the scale, with the other states containing a variety of responses.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 61% | 0% | 40% | 50% | 9% | 0% |
| | (2) | 22% | 0% | 10% | 33% | 41% | 67% |
| | (3) | 4% | 60% | 30% | 0% | 22% | 0% |
| | (4) | 13% | 20% | 0% | 17% | 18% | 33% |
| | (5) | 0% | 20% | 10% | 0% | 5% | 0% |
| | (6) | 0% | 0% | 10% | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 0% | 0% | 5% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 71 | | 24 | 5 | 10 | 6 | 23 | 3 |

As expected, growing cities seem to be more concerned with controlling growth than declining cities. Cities with stable population growth were moderatly concerned about managing their growth.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 47% | 21% | 25% |
| | (2) | 27% | 29% | 25% |
| | (3) | 10% | 25% | 19% |
| | (4) | 13% | 21% | 6% |
| | (5) | 3% | 4% | 6% |
| | (6) | 0% | 0% | 6% |
| NOT IMPORTANT | (7) | 0% | 0% | 13% |
| TOTAL | | 100% | 100% | 100% |
| 71 | | 31 | 24 | 16 |

A majority of the mid-size cities think that controlling growth is very important. Larger and smaller cities are less concerned.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 25% | 53% | 26% |
| | (2) | 0% | 21% | 32% |
| | (3) | 25% | 16% | 17% |
| | (4) | 50% | 0% | 17% |
| | (5) | 0% | 0% | 6% |
| | (6) | 0% | 5% | 0% |
| NOT IMPORTANT | (7) | 0% | 5% | 2% |
| TOTAL | | 100% | 100% | 100% |
| 71 | | 4 | 19 | 48 |

The commuting distance did not seem to be a factor in the need to control growth.

| Importance | | Suburbs | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 30% | 38% | 31% |
| | (2) | 30% | 25% | 25% |
| | (3) | 13% | 13% | 31% |
| | (4) | 16% | 13% | 13% |
| | (5) | 6% | 4% | 0% |
| | (6) | 0% | 4% | 0% |
| NOT IMPORTANT | (7) | 3% | 4% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 71 | | 31 | 24 | 16 |

**Question # 5: How would you rate the following factors as a reason for a growth management program in your community?**

**A. Protect fragile environment**
**B. Preserve open space**
**C. Control cost of services**
**D. Reduce traffic or overcrowding**
**E. Preserve character of the community**

**NEED TO PROTECT FRAGILE ENVIRONMENT:**

Cities in Missouri and Ohio seemed to be less concerned about the environment than the other five states.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 36% | 40% | 10% | 29% | 8% | 0% |
| | (2) | 28% | 40% | 10% | 57% | 28% | 33% |
| | (3) | 20% | 20% | 20% | 14% | 24% | 33% |
| | (4) | 12% | 0% | 40% | 0% | 16% | 33% |
| | (5) | 0% | 0% | 0% | 0% | 4% | 0% |
| | (6) | 4% | 0% | 0% | 0% | 12% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 20% | 0% | 8% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | | 25 | 5 | 10 | 7 | 25 | 3 |

Growing cities seemed to be slightly more concerned about the environment, as a reason to control growth, than stable or declining cities.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 29% | 16% | 19% |
| | (2) | 29% | 36% | 19% |
| | (3) | 17% | 16% | 38% |
| | (4) | 19% | 12% | 19% |
| | (5) | 0% | 4% | 0% |
| | (6) | 3% | 8% | 0% |
| NOT IMPORTANT | (7) | 3% | 8% | 5% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 27 | 16 |

There did not seem to be a significant relationship between population size and a need to control growth to protect the environment.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 0% | 35% | 20% |
| | (2) | 25% | 25% | 31% |
| | (3) | 50% | 15% | 20% |
| | (4) | 0% | 15% | 19% |
| | (5) | 0% | 5% | 0% |
| | (6) | 25% | 0% | 4% |
| NOT IMPORTANT | (7) | 0% | 5% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 4 | 20 | 51 |

Regional cities were more concerned about controlling growth for environmental purposes than either the suburbs or the fringe cities.

| Importance | | Suburb | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 17% | 20% | 41% |
| | (2) | 29% | 24% | 35% |
| | (3) | 29% | 20% | 6% |
| | (4) | 22% | 12% | 12% |
| | (5) | 0% | 4% | 0% |
| | (6) | 3% | 8% | 0% |
| NOT IMPORTANT | (7) | 0% | 12% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 25 | 18 |

**NEED TO PRESERVE OPEN SPACE:**

Most states were spread along the upper part of this issue fairly evenly. Interestingly, only two states had cities which listed open space preservation as being a very important factor.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 20% | 0% | 0% | 28% | 0% | 0% |
| | (2) | 32% | 0% | 40% | 28% | 44% | 33% |
| | (3) | 24% | 80% | 20% | 28% | 20% | 33% |
| | (4) | 16% | 0% | 20% | 14% | 16% | 33% |
| | (5) | 4% | 20% | 10% | 0% | 12% | 0% |
| | (6) | 4% | 0% | 0% | 0% | 4% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 10% | 0% | 4% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | | 25 | 5 | 10 | 7 | 25 | 3 |

Growing cities were more concerned about preserving open space than stable or declining populations.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 19% | 4% | 0% |
| | (2) | 36% | 36% | 31% |
| | (3) | 29% | 24% | 31% |
| | (4) | 13% | 16% | 20% |
| | (5) | 3% | 12% | 6% |
| | (6) | 0% | 4% | 6% |
| VERY IMPORTANT | (7) | 0% | 4% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 27 | 16 |

The larger and mid-size population cities were more concerned with preserving open space than the cities with populations less than 25,000.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 0% | 10% | 10% |
| | (2) | 50% | 55% | 27% |
| | (3) | 50% | 20% | 29% |
| | (4) | 0% | 0% | 22% |
| | (5) | 0% | 5% | 8% |
| | (6) | 0% | 5% | 2% |
| NOT IMPORTANT | (7) | 0% | 5% | 2% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 4 | 20 | 51 |

There did not seem to be any significant relationship between the commuting distance to a large metropolitan area and the need to preserve open space. This is contrary to the results of the first part of the question where regional centers felt protecting a fragile environment was an important reason for controlling growth.

| Importance | | Suburb | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 6% | 16% | 12% |
| | (2) | 45% | 20% | 35% |
| | (3) | 29% | 24% | 29% |
| | (4) | 13% | 20% | 12% |
| | (5) | 7% | 8% | 6% |
| | (6) | 0% | 8% | 0% |
| NOT IMPORTANT | (7) | 0% | 4% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 25 | 18 |

**NEED TO CONTROL THE COST OF SERVICES**

The cities in Missouri seem to be less concerned with controlling growth in order to control the cost of services than the cities from other states.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 32% | 40% | 20% | 57% | 16% | 66% |
| | (2) | 32% | 20% | 20% | 14% | 36% | 33% |
| | (3) | 32% | 40% | 0% | 29% | 32% | 0% |
| | (4) | 4% | 0% | 20% | 0% | 16% | 0% |
| | (5) | 0% | 0% | 30% | 0% | 0% | 0% |
| | (6) | 0% | 0% | 0% | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 10% | 0% | 0% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | | 25 | 5 | 10 | 7 | 25 | 3 |

Growing cities were much more concerned with managing growth in order to control service costs.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 42% | 16% | 30% |
| | (2) | 35% | 28% | 13% |
| | (3) | 23% | 36% | 25% |
| | (4) | 0% | 16% | 13% |
| | (5) | 0% | 4% | 13% |
| | (6) | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 27 | 16 |

There did not seem to be any significant relationship between the population size of the city and their desire to control growth to lower the cost of services.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 0% | 30% | 35% |
| | (2) | 50% | 35% | 24% |
| | (3) | 50% | 20% | 27% |
| | (4) | 0% | 5% | 10% |
| | (5) | 0% | 5% | 4% |
| | (6) | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 5% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 4 | 20 | 51 |

There did not seem to be a significant relationship between commuting distance and the need to control growth in order to lower the costs of services.

| Importance | | Suburb | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 26% | 32% | 35% |
| | (2) | 32% | 20% | 35% |
| | (3) | 29% | 40% | 6% |
| | (4) | 3% | 8% | 18% |
| | (5) | 10% | 0% | 0% |
| | (6) | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 25 | 18 |

**NEED TO REDUCE TRAFFIC OR OVERCROWDING**

Florida cities seemed most concerned about this factor while Missouri cities thought it less important.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 56% | 0% | 0% | 29% | 16% | 0% |
| | (2) | 20% | 40% | 30% | 42% | 28% | 33% |
| | (3) | 16% | 60% | 20% | 29% | 40% | 67% |
| | (4) | 8% | 0% | 20% | 0% | 8% | 0% |
| | (5) | 0% | 0% | 20% | 0% | 4% | 0% |
| | (6) | 0% | 0% | 0% | 0% | 4% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 10% | 0% | 0% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | | 25 | 5 | 10 | 7 | 25 | 3 |

Growing cities were more concerned about controlling growth in order to reduce traffic and overcrowding than stable or declining cities.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 36% | 16% | 25% |
| | (2) | 29% | 24% | 31% |
| | (3) | 29% | 44% | 13% |
| | (4) | 6% | 16% | 0% |
| | (5) | 0% | 0% | 19% |
| | (6) | 0% | 0% | 6% |
| NOT IMPORTANT | (7) | 0% | 0% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 27 | 16 |

Population size did not affect the way cities felt about controlling growth in order to reduce traffic and overcrowding.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 25% | 28% | 26% |
| | (2) | 25% | 32% | 26% |
| | (3) | 50% | 24% | 32% |
| | (4) | 0% | 12% | 8% |
| | (5) | 0% | 0% | 6% |
| | (6) | 0% | 4% | 2% |
| NOT IMPORTANT | (7) | 0% | 0% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 4 | 20 | 51 |

There did not seem to be a significant relationship between commuting distance and the need to control growth to reduce traffic or overcrowding.

| Importance | | Suburb | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 26% | 32% | 18% |
| | (2) | 26% | 24% | 40% |
| | (3) | 29% | 42% | 18% |
| | (4) | 6% | 0% | 24% |
| | (5) | 10% | 0% | 0% |
| | (6) | 3% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 4% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 25 | 18 |

**NEED TO PRESERVE THE CHARACTER OF THE COMMUNITY**

All states had a majority of cities which felt it was important to control growth in order to preserve the character of the community. The Georgia and North Carolina cities felt more strongly about this than the other states.

| Importance | | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| VERY IMPORTANT | (1) | 40% | 40% | 40% | 42% | 20% | 33% |
| | (2) | 20% | 20% | 30% | 29% | 36% | 0% |
| | (3) | 28% | 40% | 0% | 29% | 24% | 0% |
| | (4) | 4% | 0% | 10% | 0% | 16% | 33% |
| | (5) | 0% | 0% | 0% | 0% | 4% | 33% |
| | (6) | 8% | 0% | 10% | 0% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 10% | 0% | 0% | 0% |
| TOTAL | | 100% | 100% | 100% | 100% | 100% | 100% |
| 75 | | 25 | 5 | 10 | 7 | 25 | 3 |

Cities with a declining population felt that control of growth in order to preserve the character of the community was more important than growing or stable populations.

Growing cities may be more concerned with other issues of growth and therefore do not concentrate as much on this factor.

| Importance | | Growing | Stable | Declining |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 31% | 32% | 44% |
| | (2) | 23% | 28% | 31% |
| | (3) | 23% | 28% | 13% |
| | (4) | 10% | 8% | 6% |
| | (5) | 3% | 4% | 0% |
| | (6) | 10% | 0% | 0% |
| NOT IMPORTANT | (7) | 0% | 0% | 6% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 27 | 16 |

There was not a significant relationship between population size and the need to control growth in order to preserve the character of the community. It would have been helpful to have a larger sample of cities in the 75,000-50,000 population range to determine if the 50% responding with "very important" was representative.

| Importance | | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 50% | 36% | 33% |
| | (2) | 25% | 24% | 29% |
| | (3) | 25% | 20% | 22% |
| | (4) | 0% | 5% | 10% |
| | (5) | 0% | 5% | 2% |
| | (6) | 0% | 5% | 4% |
| NOT IMPORTANT | (7) | 0% | 5% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 4 | 20 | 51 |

There did not seem to be a significant relationship between commuting distance and the need to control growth in order to preserve the character of the community.

| Importance | | Suburb | Fringe | Regional |
|---|---|---|---|---|
| VERY IMPORTANT | (1) | 42% | 28% | 29% |
| | (2) | 23% | 36% | 23% |
| | (3) | 23% | 24% | 18% |
| | (4) | 6% | 4% | 18% |
| | (5) | 0% | 4% | 6% |
| | (6) | 6% | 0% | 6% |
| NOT IMPORTANT | (7) | 0% | 4% | 0% |
| TOTAL | | 100% | 100% | 100% |
| 75 | | 32 | 25 | 18 |

The mean responses for all of the cities were:

| Reason for Growth Management | Importance |
|---|---|
| Need to Protect Fragile Environment | 2.8 |
| Need to Preserve Open Space | 3.0 |
| Need to Control Cost of Services | 2.4 |
| Need to Reduce Traffic or Overcrowding | 2.5 |
| Need to Preserve Character of the Community | 2.4 |
| Mean of All Responses | 2.6 |

The need to control the cost of services and the need to preserve the character of the community were more important than the other factors.

**Question # 6: What methods, if any, are you using to control the rate, amount, type, location, and/or quality of new development?**

The respondents were given the following list of techniques which could be used to control growth, and asked to circle any which applied to their community.

**LAND ACQUISITION METHODS**

1. Fee simple acquisition to redirect development.
2. Acquisition of less-than-fee interests.
3. Advance site acquisition.
4. Land banking program.
5. Transfer of development rights.
6. Compensable regulation for restrictive land uses.

**PUBLIC SPENDING METHODS**

7. Capital programming to provide municipal services.
8. Urban and rural service area designation
9. Annexation
10. Development timing

**TAXATION**

11. Special Assessments
12. Use value assessment taxation

**DEVELOPMENT REGULATIONS**

13. Interim development moratoria.
14. Conventional zoning.
15. Exclusive agricultural or nonresidential zoning.
16. Minimum lot size.
17. Maximum lot size.
18. Height restrictions.
19. Conditional or contract zoning.
20. Special exception zoning.
21. Bonus or incentive zoning.
22. Floating zones.
23. Performance zoning.
24. Average density zoning (PUDs)
25. Traditional subdivision regulations.
26. Impact fees or donation of land from subdivisions.
27. Total population charter provisions.
28. Annual building permit limits.
29. Official mapping legislation.
30. Mandatory low-income housing construction
31. Regional fair share agreements.
32. Building inspection.
33. Regulation of manufactured housing (mobile homes).
34. Municipal enforcement of restrictive covenants.
35. Local environmental impact ordinances.

The following list is arranged by state and corresponds to the growth management techniques given on page 135:

| Technique | TOTAL | FL | GA | MO | NC | OH | TN |
|---|---|---|---|---|---|---|---|
| LAND ACQUISITION | | | | | | | |
| 1. Fee Simple | 27% | 36% | 40% | 30% | 0% | 22% | 0% |
| 2. Less-Than-Fee | 19% | 16% | 40% | 40% | 14% | 26% | 0% |
| 3. Advance Site | 31% | 32% | 40% | 20% | 0 | 30% | 0% |
| 4. Land Banking | 16% | 8% | 20% | 0% | 0% | 35% | 0% |
| 5. TDRs | 11% | 20% | 0% | 0% | 14% | 9% | 0% |
| 6. Compensation | 4% | 4% | 0% | 0% | 14% | 4% | 0% |
| PUBLIC SPENDING | | | | | | | |
| 7. C.I.P. | 84% | 96% | 80% | 60% | 100% | 74% | 100% |
| 8. Service Area | 22% | 28% | 0% | 10% | 57% | 13% | 0% |
| 9. Annexation | 57% | 48% | 60% | 50% | 100% | 49% | 100% |
| 10. Dev. Timing | 22% | 44% | 0% | 10% | 28% | 9% | 0% |
| TAXATION | | | | | | | |
| 11. Sp. Assessments | 45% | 68% | 20% | 30% | 28% | 30% | 33% |
| 12. Use Value Tax | 5% | 4% | 0% | 10% | 14% | 0% | 0% |
| REGULATIONS | | | | | | | |
| 13. Temp. Moratoria | 8% | 12% | 20% | 10% | 14% | 4% | 0% |
| 14. Conv. Zoning | 93% | 92% | 100% | 100% | 100% | 87% | 100% |
| 15. Ag. Zoning | 22% | 12% | 0% | 20% | 57% | 26% | 0% |
| 16. Min. Lot Size | 76% | 88% | 80% | 70% | 71% | 70% | 33% |
| 17. Max. Lot Size | 22% | 40% | 0% | 10% | 28% | 9% | 0% |
| 18. Height | 76% | 88% | 40% | 70% | 86% | 70% | 67% |
| 19. Cond. Zoning | 39% | 24% | 40% | 50% | 57% | 48% | 0% |
| 20. Except. Zoning | 54% | 76% | 80% | 60% | 71% | 22% | 33% |
| 21. Bonus Zoning | 18% | 32% | 0% | 0% | 28% | 13% | 0% |
| 22. Floating Zones | 18% | 28% | 0% | 20% | 14% | 13% | 0% |
| 23. Perf. Zoning | 16% | 32% | 0% | 0% | 0% | 17% | 0% |
| 24. PUDs | 72% | 76% | 60% | 60% | 86% | 70% | 67% |
| 25. S.D. Regs. | 89% | 80% | 100% | 100% | 100% | 91% | 100% |
| 26. Impact Fees | 54% | 96% | 0% | 40% | 43% | 39% | 100% |
| 27. Total Pop. | 4% | 8% | 0% | 0% | 0% | 4% | 0% |
| 28. Permit Limit | 3% | 4% | 0% | 10% | 0% | 0% | 0% |
| 29. Official Map | 15% | 12% | 20% | 10% | 28% | 13% | 0% |
| 30. Mandatory L.I.H | 3% | 4% | 0% | 0% | 0% | 13% | 0% |
| 31. Fair Share | 4% | 0% | 0% | 0% | 0% | 13% | 0% |
| 32. Bldg. Insp. | 80% | 80% | 100% | 80% | 86% | 70% | 100% |
| 33. M.H. Regs. | 55% | 40% | 60% | 70% | 100% | 39% | 100% |
| 34. Covenant Enf. | 11% | 20% | 0% | 30% | 0% | 0% | 0% |
| 35. Env. Impact | 28% | 48% | 0% | 30% | 0% | 17% | 0% |
| TOTAL RESPONSES | 74 | 25 | 5 | 10 | 7 | 24 | 3 |

The following list is arranged by growth rate and corresponds to the growth management techniques given on page 135:

| Technique | TOTAL | Growing | Stable | Declining |
|---|---|---|---|---|
| LAND ACQUISITION | | | | |
| 1. Fee Simple | 27% | 22% | 42% | 13% |
| 2. Less-Than-Fee | 19% | 9% | 35% | 13% |
| 3. Advance Site | 31% | 28% | 31% | 38% |
| 4. Land Banking | 16% | 13% | 27% | 6% |
| 5. TDRs | 11% | 13% | 8% | 13% |
| 6. Compensation | 4% | 6% | 4% | 0% |
| PUBLIC SPENDING | | | | |
| 7. C.I.P. | 84% | 94% | 85% | 63% |
| 8. Service Area | 22% | 28% | 23% | 6% |
| 9. Annexation | 57% | 53% | 62% | 56% |
| 10. Dev. Timing | 22% | 28% | 19% | 13% |
| TAXATION | | | | |
| 11. Sp. Assessments | 45% | 47% | 46% | 38% |
| 12. Use Value Tax | 5% | 3% | 4% | 13% |
| REGULATIONS | | | | |
| 13. Temp. Moratoria | 8% | 13% | 4% | 6% |
| 14. Conv. Zoning | 93% | 91% | 96% | 94% |
| 15. Ag. Zoning | 22% | 19% | 27% | 19% |
| 16. Min. Lot Size | 76% | 75% | 77% | 75% |
| 17. Max. Lot Size | 22% | 25% | 23% | 13% |
| 18. Height | 76% | 75% | 73% | 81% |
| 19. Cond. Zoning | 39% | 38% | 42% | 38% |
| 20. Except. Zoning | 54% | 56% | 46% | 63% |
| 21. Bonus Zoning | 18% | 13% | 19% | 25% |
| 22. Floating Zones | 18% | 16% | 23% | 25% |
| 23. Perf. Zoning | 16% | 16% | 19% | 13% |
| 24. PUDs | 72% | 81% | 69% | 56% |
| 25. S.D. Regs. | 89% | 90% | 96% | 75% |
| 26. Impact Fees | 54% | 69% | 46% | 38% |
| 27. Total Pop. | 4% | 6% | 4% | 0% |
| 28. Permit Limit | 3% | 0% | 4% | 6% |
| 29. Official Map | 15% | 13% | 15% | 19% |
| 30. Mandatory L.I.H | 3% | 0% | 8% | 0% |
| 31. Fair Share | 4% | 3% | 8% | 0% |
| 32. Bldg. Insp. | 80% | 88% | 81% | 63% |
| 33. M.H. Regs. | 55% | 50% | 58% | 63% |
| 34. Covenant Enf. | 11% | 3% | 12% | 25% |
| 35. Env. Impact | 28% | 28% | 31% | 25% |
| TOTAL RESPONSES | 74 | 32 | 26 | 16 |

The following list is arranged by city population size and corresponds to the growth management techniques given on page 135:

| Technique | TOTAL | 75-100,000 | 50-75,000 | 25-50,000 |
|---|---|---|---|---|
| LAND ACQUISITION | | | | |
| 1. Fee Simple | 27% | 50% | 40% | 20% |
| 2. Less-Than-Fee | 19% | 0% | 20% | 20% |
| 3. Advance Site | 31% | 75% | 25% | 30% |
| 4. Land Banking | 16% | 25% | 15% | 16% |
| 5. TDRs | 11% | 25% | 10% | 10% |
| 6. Compensation | 4% | 0% | 10% | 2% |
| PUBLIC SPENDING | | | | |
| 7. C.I.P. | 84% | 75% | 85% | 84% |
| 8. Service Area | 22% | 25% | 30% | 18% |
| 9. Annexation | 57% | 25% | 60% | 58% |
| 10. Dev. Timing | 22% | 0% | 35% | 18% |
| TAXATION | | | | |
| 11. Sp. Assessments | 45% | 50% | 50% | 42% |
| 12. Use Value Tax | 5% | 0% | 5% | 6% |
| REGULATIONS | | | | |
| 13. Temp. Moratoria | 8% | 25% | 10% | 6% |
| 14. Conv. Zoning | 93% | 100% | 90% | 94% |
| 15. Ag. Zoning | 22% | 25% | 10% | 26% |
| 16. Min. Lot Size | 76% | 100% | 75% | 74% |
| 17. Max. Lot Size | 22% | 25% | 15% | 24% |
| 18. Height | 76% | 75% | 80% | 74% |
| 19. Cond. Zoning | 39% | 75% | 50% | 32% |
| 20. Except. Zoning | 54% | 25% | 55% | 56% |
| 21. Bonus Zoning | 18% | 25% | 15% | 18% |
| 22. Floating Zones | 18% | 25% | 30% | 12% |
| 23. Perf. Zoning | 16% | 50% | 25% | 10% |
| 24. PUDs | 72% | 50% | 65% | 76% |
| 25. S.D. Regs. | 89% | 75% | 95% | 88% |
| 26. Impact Fees | 54% | 50% | 60% | 52% |
| 27. Total Pop. | 4% | 0% | 5% | 4% |
| 28. Permit Limit | 3% | 0% | 5% | 2% |
| 29. Official Map | 15% | 25% | 10% | 16% |
| 30. Mandatory L.I.H | 3% | 0% | 5% | 2% |
| 31. Fair Share | 4% | 0% | 5% | 6% |
| 32. Bldg. Insp. | 80% | 75% | 85% | 78% |
| 33. M.H. Regs. | 55% | 50% | 5% | 56% |
| 34. Covenant Enf. | 11% | 25% | 10% | 10% |
| 35. Env. Impact | 28% | 25% | 30% | 28% |
| TOTAL RESPONSES | 74 | 4 | 20 | 50 |

The following list is arranged by city type, depending on the distance to a metropolitan area and corresponds to the growth management techniques given on page 135:

| Technique | TOTAL | SUBURBS | FRINGE | REGIONAL |
|---|---|---|---|---|
| LAND ACQUISITION | | | | |
| 1. Fee Simple | 27% | 23% | 24% | 39% |
| 2. Less-Than-Fee | 19% | 26% | 8% | 22% |
| 3. Advance Site | 31% | 32% | 24% | 39% |
| 4. Land Banking | 16% | 10% | 20% | 22% |
| 5. TDRs | 11% | 10% | 16% | 6% |
| 6. Compensation | 4% | 0% | 8% | 6% |
| PUBLIC SPENDING | | | | |
| 7. C.I.P. | 84% | 84% | 84% | 83% |
| 8. Service Area | 22% | 16% | 28% | 22% |
| 9. Annexation | 57% | 35% | 72% | 72% |
| 10. Dev. Timing | 22% | 19% | 24% | 22% |
| TAXATION | | | | |
| 11. Sp. Assessments | 45% | 45% | 52% | 33% |
| 12. Use Value Tax | 5% | 3% | 8% | 6% |
| REGULATIONS | | | | |
| 13. Temp. Moratoria | 8% | 16% | 0% | 6% |
| 14. Conv. Zoning | 93% | 90% | 96% | 94% |
| 15. Ag. Zoning | 22% | 19% | 32% | 11% |
| 16. Min. Lot Size | 76% | 81% | 72% | 72% |
| 17. Max. Lot Size | 22% | 29% | 16% | 17% |
| 18. Height | 76% | 81% | 76% | 67% |
| 19. Cond. Zoning | 39% | 35% | 52% | 28% |
| 20. Except. Zoning | 54% | 61% | 48% | 50% |
| 21. Bonus Zoning | 18% | 16% | 20% | 17% |
| 22. Floating Zones | 18% | 19% | 20% | 11% |
| 23. Perf. Zoning | 16% | 19% | 20% | 6% |
| 24. PUDs | 72% | 68% | 80% | 67% |
| 25. S.D. Regs. | 89% | 77% | 96% | 100% |
| 26. Impact Fees | 54% | 61% | 48% | 50% |
| 27. Total Pop. | 4% | 6% | 0% | 6% |
| 28. Permit Limit | 3% | 6% | 0% | 0% |
| 29. Official Map | 15% | 19% | 16% | 6% |
| 30. Mandatory L.I.H | 3% | 3% | 0% | 6% |
| 31. Fair Share | 4% | 10% | 0% | 0% |
| 32. Bldg. Insp. | 80% | 84% | 80% | 72% |
| 33. M.H. Regs. | 55% | 42% | 56% | 77% |
| 34. Covenant Enf. | 11% | 19% | 4% | 6% |
| 35. Env. Impact | 28% | 23% | 36% | 28% |
| TOTAL RESPONSES | 74 | 31 | 25 | 18 |

**Question # 7: In your opinion, what are the three best methods for managing growth in your community?**

This question was not answered on all questionnaires. The following is a summary of the responses:

| Best Method for Managing Growth | Number of Responses |
|---|---|
| 1. Capital Programming | 26 |
| 2. Conventional Zoning | 25 |
| 3. Comprehensive Plan | 21 |
| 4. State Mandated Growth Plan | 14 |
| 5. Traditional Subdivision Regulations | 11 |
| 6. Average Density Zoning (PUDs) | 8 |
| 7. Impact Fees | 8 |
| 8. Enforcement of the Comprehensive Plan | 7 |
| 9. Urban and Rural Service area designation | 5 |
| 10. Annexation | 5 |
| 11. Performance Zoning | 5 |
| 12. Update Comprehensive Plan | 3 |
| 13. Water and Sewer Policies | 3 |
| 14. Conditional Zoning | 2 |
| 15. Special Exception Zoning | 2 |
| 16. Building Inspection | 2 |
| 17. Financial Incentives | 2 |
| 18. Cooperation with Other Departments | 2 |
| 19. Overlay Districts | 2 |
| 20. Site Plan Review | 2 |
| 21. Fee Simple Acquisition | 1 |
| 22. Advance Site Acquisition | 1 |
| 23. Transfer of Development Rights | 1 |
| 24. Development Timing | 1 |
| 25. Special Assessments | 1 |
| 26. Use Value Assessment Taxation | 1 |
| 27. Minimum Lot Size | 1 |
| 28. Bonus or Incentive Zoning | 1 |
| 29. Total Population Charter Provisions | 1 |
| 30. Coordination of Infrastructure | 1 |
| 31. Sector Planning | 1 |
| 32. Limits on Traffic | 1 |
| 33. Preserve Residential Neighborhoods | 1 |
| 34. Historic Preservation Ordinance | 1 |
| 35. Occupancy Permits | 1 |
| 36. Public Growth Management Education | 1 |
| 37. Maximum Apartment Ordinance | 1 |
| 38. Maintenance Codes | 1 |

**Question # 8: Why do you feel it is, or is not, necessary for your community to have a growth management plan?**

Like question number seven, this was not answered by all respondents. Not all responses are included, however an attempt was made to include a representative sample. The following quotes from planning directors give some insight into why growth management is, or is not, important in their communities.

**Growth Management is important because. . .**

> Management of growth is best accomplished through provision of local land use controls and infrastructures. Our city encourages both growth and encouragement consistent with our ability to provide governmental services and a superior quality of life environment. This requires foresight and good planning. Growth management should not mean a reduction or slow rate of growth. It should mean that growth is balanced with the regions ability to support the growth and not devalue the standard of living.[218]

> To Provide a compatible flow and integration of zoning uses considering traffic, health, and other amenities that provide high standards of community and stabilize or protect character and property values.[219]

> Declining Population combined with new development have stretched public infrastructure and service funding to the limit. Controlled growth, coordinated with infrastructure development is critical for the city to match development needs. For this reason, a growth management plan would be useful. We are currently

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[218] Survey Response from St Peters Missouri. St. Peters had the highest rate of growth (194% since 1980) of any city in the survey.

[219] Survey Response from Ferguson Missouri

performing informally without an approved (adapted) growth management plan.[220]

Without it you've little else. Quantity and quality of growth are essential.[221]

Simply stated; growth management will enable Mentor to Shepherd rather than squander its developed land resources.[222]

A growth management plan is vital to the healthy expansion and attractiveness of a growing community. Without such a plan it is only a matter of time before traffic congestion, overtaxing of the sewer system, etc., becomes a reality. Proper planning can avoid this and at the same time mold the community into the kind of area that the residents are proud to live and work in. A realistic growth management plan is a must.[223]

It is the only way to stay competitive with other communities and regions of the country. Without a sensible growth management plan (or master plan) the community would drift in all phases of economic development. Goals and objectives, which are reasonable and obtainable, are a must for every community in promoting reasonable growth.[224]

Our city has aggressively sought growth through annexation and industrial recruitment. Growth management, per se, has not been in our repertoire of land use regulations. We tend to rely on the older, perhaps less innovative tools like zoning, FEMA regulations, and government ownership of green space to meet our needs. More and more, however, we are finding a need for innovation. As we annex into our huge

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[220] Survey response from Zanesville, Ohio.

[221] Survey response from Strongsville, Ohio

[222] Survey response from Mentor, Ohio.

[223] Survey response from Marion, Ohio.

[224] Survey response from Garfield Heights, Ohio.

hinterland, we come up against sizeable farms with special needs. Our issues seem to be more about accommodating these farmers and other newly annexed areas than they are about over building. Rather than trying to slow down growth, we find ourselves more concerned with project development. That is, steering location decisions when we can and always seeking the best site development practically and politically possible.[225]

It is important for the city to determine a growth management plan, so that the city can develop purposefully and not accidently. In our city the philosophy of private ownership rights has a higher priority than growth management, resulting in significant unplanned growth.[226]

In today's fiscal environment, it is imperative to have a handle on growth and thus the associated costs of growth (infrastructure, government services, etc.).[227]

The negative effects of relatively uncontrolled growth over the last 20 years are finally being noticed by the general public. Some form of growth management is needed to ensure a much higher quality development in this community.[228]

One of the prime reasons for growth management in our community is to protect the sanctity of residential districts. Keeping neighborhood and inner city residential areas free of encroachment from blighting conditions and random mixed use, keeps a city viable and strong. Retail areas do not decline as fast if the housing market keeps its value and people do not relocate to the "burbs". Controlling the type of industrial development helps produce a job mix consumerate with the skill and technological abilities of the population. The use of management tools to

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[225] Survey response from Johnson City, Tennessee.

[226] Survey response from Gastonia, North Carolina.

[227] Survey response from Burlington, North Carolina.

[228] Survey response from Columbia, Missouri.

discourage low-wage, low technology industry keeps wages and buying power above average. The nature of the job mix will partially determine the type of individual attracted to a community. Hence growth management is a form of population management.[229]

The growth experienced in this city, if not controlled, would be a nightmare for the city residents and provision of city services. Loss of residential neighborhoods would reduce the city's populations to a significant degree.[230]

Growth management in this community is important because zoning and subdivision regulations have not been strictly enforced. Therefore implementing a growth management plan will enhance development throughout the entire community.[231]

Growth management is necessary to: (1) Provide efficient public services. (2) Protect quality of life (to include adequate and affordable housing). (3) Economic Stability. (4) Protection and preservation of sensitive lands.[232]

Growth management is important for two reasons. First, it justifies all zoning and land development decisions made. This is important, especially in a city like ours, because of poor planning and growth management from years past. in order for our city to develop, some property owners will be burdened more than others. A comprehensive plan adds the necessary credence to justify all city zoning decisions. Secondly, because professional planning staffs turnover every 5-6 years, it is important to have a continuous plan in place in order to ensure the continued progress of the city's original plan.[233]

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[229] Survey response from Warner Robins, Georgia.

[230] Survey response from Marietta, Georgia.

[231] Survey response from Albany, Georgia.

[232] Survey response from Titusville, Florida.

[233] Survey response from North Miami Beach, Florida.

It's required by Florida state law.[234]

The primary benefit to providing and following a comprehensive plan is to ensure a sound fiscal basis for operating the local government. State statutes require that all local governments prepare and submit comprehensive plans for DCA review. All plans must be in compliance with adopted regional and state plans. By developing these plans, more accurate infrastructure assessment needs can be determined and monitored. This will make budget developments more accurate and thus allow for capital improvements and service improvements to be provided based on the ability of local governments to provide these services. State statue requires that all new development pass a concurrency test, meaning that no real development can be constructed unless adequate public facilities are able to serve the development. All local comprehensive plans have an adopted level of service standards by which the concurrency tests are applied. Sound growth management plans provide for sound financial planning of public facilities and should maintain or improve the quality of life for it's citizens.[235]

Our community is basically and "infill" area, with four other cities abutting ours. We are 95% built-out. We feel we do not want to prohibit growth in any way, but rather to make the most of the vacant land we have left, for example, aesthetic value, greenspace, good ingress/egress. We would also like to redevelop our older areas, such as the strip shopping centers.[236]

**Growth management is not necessary because. . .**

Our city is relatively small with a vast amount of vacant developable land. Densities are not excessive and the general attitude is quality development is best. This coupled with cost of development when services are not available makes developers tow the line. so growth management is not as critical as some

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[234] Survey response from Miami Beach, Florida.

[235] Survey response from Melbourne, Florida.

[236] Survey response from Margate, Florida.

other larger, attractive cities.[237]

Our community is mature, fully developed and surrounded on all sides by incorporated areas. Most development is either "infill" or redevelopment. Through the strict enforcement of the zoning ordinance, residential areas are protected. Commercial growth has no where to go except existing commercial districts.[238]

Since the city has experienced a 5.1% loss of population since the 1980 census, growth management planning, as a limit on population, is of less importance than attracting quality development and business retention (the classic case of flight to the suburbs from the older inner cities). From your definition, the location and quality of development are "growth management" issues, rather than restricting levels of new development, that many planners would consider to be growth management. I would agree that matters are of equal importance.[239]

A "full-blown" growth management plan is not warranted. To the extent necessary, and politically feasible, this issue can be addressed with tools at hand. Some ordinances need updating and revision.[240]

Community leaders are generally "pro-growth" and believe they are competing with other suburban communities within the metropolitan area for their economic survival. Growth management is generally viewed as anti-growth. Missouri courts have struck down attempts to impose impact fees and legislation requires voter approval of new user fees.[241]

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[237] Survey response rom Goldsboro, North Carolina.

[238] Survey response from Webster Groves, Missouri.

[239] Survey response from Sandusky, Ohio.

[240] Survey response from Cape Girardeau, Missouri.

[241] Survey response from Blue Springs, Missouri.

# CHAPTER 6

## SUMMARY AND CONCLUSIONS

In the 1950s and 1960s, a rapid growth in population, combined with migration from the central cities, forced a number of suburban communities to search for ways to control a flood of unplanned growth. The demand for services in these high growth communities soon began to exceed the ability to provide quality services and facilities. Crowded schools, congested highways, and overburdened sewer and water systems began to erode the quality of life.

Each community responded to the situation differently. Some altered their subdivision and zoning regulations to restrict the number of housing units that could be built. Others were more accommodating to development. Instead of restricting development, they expanded their requirements, requiring developers to provide such items as streets, sewers and parks. A few communities went further, pioneering controls that combined capital programming and finance with the timing of development approvals and made development contingent on the availability of needed

facilities and services.[242]

In the 1970s, concerns about urban sprawl, air pollution, loss of open space, increased traffic congestion, and the inability of the communities to provide an adequate level of services began to surface. Some municipalities made it almost impossible for development, while others established caps on the number of houses that could be built. Legal issues about the rights of a community to control it's growth dominated the planning literature during this time. Growth management took on negative connotations and battle lines were drawn between developers and planners. Developers won many of these political battles and many planners quietly put away their growth management systems.[243] During the 1980s growth management evolved quietly with planners and developers working together to provide quality developments that would enhance the community as a whole. Progressive communities such as Boulder, Colorado and Georgetown, Texas were written about in national planning publications concerning their approach to growth, but what were the vast majority of city and county governments doing to control their growth?

How many planners are actually concerned about controlling new development, why are they concerned, and what are they doing to address these concerns? These were

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[242] Brower, Understanding Growth Management, pg. 4.

[243] Brower, pg. 5.

the general questions asked in this thesis. The survey was an attempt to take the pulse of small city planners and their attitudes about growth management.

Planners are concerned about controlling growth in their communities. Very few of the planners, even in declining population cities, felt that managing growth was unimportant. On the contrary, an overwhelming majority felt that it was important to influence the rate, amount, type, location and/or quality of development in their community. Over two-thirds of the planners surveyed worked under comprehensive plans which addressed the control of new development.

This study did not attempt to evaluate how well these growth management systems were working and it is quite possible that some planners feel that growth management is necessary but do not have the ability or authority to actively manage that growth. The responses for each city is listed in appendix D and a careful examination of that list will tell more about how each planner feels about growth, and what their city is doing to control that growth.

The most important reason for managing growth were controlling cost of services and preserving the character of the community. Planners in growing area leaned more toward the cost of services, while planners in declining population areas tended to value preserving the character of the community more. These were followed closely by the desire

to reduce traffic and congestion, protect a fragile environment, and preserving open space.

Most planners still use the traditional methods to accomplish their growth management goals. Conventional zoning, traditional subdivision regulations, capital improvement programming, and building inspections were the most widely used. However a growing number of planners are using more sophisticated techniques such as PUD regulations, impact fees, flexible zoning options, land acquisition and taxation policies in their control of new development. When asked to list the best method to control growth, more planners opted for a capital improvement program over regulatory methods.

Further study is needed to determine more concerning the attitudes about, and techniques used, to control growth by planners in smaller cities. How does the political philosophy of community leaders affect the planners attitude about new development? One planner responded that he would like to control growth more aggressively but was prevented from doing so by a pro development city council. How much does the economic vitality of a community affect the planners attitude about growth? Several planners felt that growth management was necessary but could not afford to control growth because they were afraid of losing tax revenues to neighboring communities. How much does formal planning education affect the attitude a planner has toward

growth management? Some responses were very articulate and reflected a good knowledge of land use law and its implications, while others gave the impression of knowing very little about the subject. An examination of the list in appendix D could lead to a case study on why a certain community chose certain growth management techniques.

Growth management has evolved from its early days of restriction and exclusionary implications. Most planners now see growth management as a viable way to influence the future of their community and improve the quality of life for it's residents. A vast majority of the planners are concerned about growth patterns and feel strongly about controlling development in order to make their community a better place for present and future generations.

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# APPENDIXES

## APPENDIX A

June 20, 1991

Dear Director of Planning

I am graduate student at the University of Tennessee's Graduate School of Planning. I am doing research in growth management for a master's thesis in urban planning. Enclosed is a questionnaire concerning how your community manages, or does not manage, new development. I have attempted to make the questionnaire short, because I know your time is valuable. With your knowledge of the community, you should be able to complete this questionnaire in just a few minutes. Question number 8 (on the back page) will give you an opportunity to express how growth management relates to your community. Feel free to write as little or as much as you feel is appropriate. Please return it in the enclosed self-addressed, stamped envelope.

Since terms sometimes mean different things to different people, I have included a list of definitions so everyone will clearly understand each question. There is no need to return the list of definitions with your questionnaire.

If you would like a copy of the findings from this study, please indicate on the back page, and I will send you the results when completed.

Thank You,

Dennis Siders

**SURVEY ON GROWTH MANAGEMENT IN SMALLER CITIES**

**1. Does your city have a comprehensive or general long range plan?**

_____ YES _____ NO

**2. If your city has a general plan, does it contain a policy which addresses control of growth or development?**

_____ YES _____ NO

**3. How would you depict the population growth or decline in your city within the last ten years (1980-1990)? Please circle the most appropriate number.**

1 2 3 4 5 6 7
rapid growth no growth decline

**4. In your opinion, how important is it to control the rate, amount, type, location and/or quality of new development in your city? Please circle the most appropriate number.**

1 2 3 4 5 6 7
very important moderately important not important

**5. How would you rate the following factors as reasons for a growth management program in your community? Please circle the most appropriate number for each category.**

| | Degrees of Importance | | | | | | |
|---|---|---|---|---|---|---|---|
| Factor | very important | | | | | | not important |
| Protect Fragile Environment | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Preserve Open Space | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Control Cost of Services | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Reduce Traffic or Overcrowding | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Preserve Character of the Community | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

**6. What methods, if any, are you using to control the rate, amount, type, location, and/or quality new development? Please circle all responses which apply to your community.**

**LAND ACQUISITION METHODS**

1. Fee simple acquisition to restrict or redirect development.
2. Acquisition of less-than-fee interests.
3. Advance site acquisition.
4. Land banking program.
5. Transfer of development rights.
6. Compensable regulation for restrictive land uses.

**PUBLIC SPENDING METHODS**

7. Capital programming to provide municipal services.
8. Urban and rural service area designation
9. Annexation
10. Development timing

**TAXATION**

11. Special Assessments
12. Use value assessment taxation

**DEVELOPMENT REGULATIONS**

13. Interim development moratoria.
14. Conventional zoning.
15. Exclusive agricultural or nonresidential zoning.
16. Minimum lot size.
17. Maximum lot size.
18. Height restrictions.
19. Conditional or contract zoning.
20. Special exception zoning.
21. Bonus or incentive zoning.
22. Floating zones.
23. Performance zoning.
24. Average density zoning (PUDS).
25. Traditional subdivision regulations.
26. Impact fees or donation of land from subdivisions.
27. Total population charter provisions.
28. Annual building permit limits.
29. Official mapping legislation.
30. Mandatory low-income housing ordinance.
31. Regional fair share agreements.
32. Building inspection.
33. Regulation of manufactured housing (mobile homes).
34. Municipal enforcement of restrictive covenants.
35. Local environmental impact ordinances.

**7. In your opinion, what are the three best methods for managing growth in your community?**

**1.** _____

**2.** _____

**3.** _____

**8. Why do you feel it is, or is not, necessary for your community to have a growth management plan?**

**Please send me a copy of the study findings YES NO**

## APPENDIX B

## GROWTH MANAGEMENT DEFINITIONS

**GROWTH MANAGEMENT:** A conscious government program designed to influence the rate, amount, type, location and/or quality of future development within a local jurisdiction. Generally this is recognized as a more comprehensive set of policies and regulations than just a zoning ordinance and subdivision regulations.

### LAND ACQUISITION METHODS

**Fee Simple Acquisition:** The acquisition of full or absolute title to a property either by eminent domain or negotiation and purchase.

**Less-Than-Fee Simple Acquisition:** The acquisition of a portion of the rights to a property. Easements and development rights are the most common form.

**Advance Site Acquisition:** The purchase of land for public use in advance of actual need. Most often used to assure adequate public facilities in the future, or to influence future development.

**Land Banking Program:** The public acquisition of land for the purpose of reselling that land to private developers in the future. Used to influence growth by deciding when to sell parcels, to whom, and what restrictions to place on the use of those parcels.

**Transfer of Development Rights:** A system which establishes requirements for development rights in order to develop certain properties. In most cases development rights must be purchased from surrounding properties thereby giving government some control over density and open space.

**Compensable Regulation.** A system which provides compensation for landowners whose property values have decreased due to regulation. Usually used to avoid a "taking" when land use regulations are too restrictive.

## PUBLIC SPENDING METHODS

**Capital Programming:** A timetable by which a city indicates the timing and level of municipal services it intends to provide over a specified duration. Used to restrict development in areas not scheduled for services or require developers to pay for the installation of those services.

**Urban and Rural Area Service Designation:** A classification of property based on the services to be received from the city. Most often used to justify user fees to areas where services are being extended. Newly developed areas receiving services would pay higher user fees than established areas. Encourages infill.

**Annexation:** From a growth management standpoint, annexation would be used as a negotiating tool with developers. For example, the city would annex and provide services for a subdivision as long as certain provisions were met by the developer.

**Development Timing:** a limit set on the amount of development, based on the cities ability to provide services. Usually enforced by a limit on building permits and coordinated with the comprehensive plan to avoid constitutional challenges.

## TAXATION

**Special Assessments:** A tax on owners of property which benefit specifically from public improvements. Commonly used to finance new development and control the costs of growth.

**Use Value Assessment Taxation:** A system in which the tax assessment is based solely on its income-producing capacity. It has an effect of reducing taxes on property which cannot, or should not, be developed. Prime infill lands are taxed at a lower rate and therefore decreases the pressure to develop them.

## DEVELOPMENT REGULATIONS

**Interim Development Moratoria:** A temporary freeze on development. Normally for a specific period of time until planning can determine how to control current growth problems.

**Conventional Zoning:** For the purposes of growth management, this will be defined as regulations which control land uses and segregate those uses by district with the purpose of controlling development.

**Exclusive Agricultural or Nonresidential Zoning:** A zoning program which allows only agricultural use and/or no development. Most widely used as a holding zone to contain and restrict urban areas.

**Minimum Lot Size:** A zoning district which requires one acre or more for each residence. Used to protect agricultural land, preserve open space, or keep residential development at low density.

**Maximum Lot Size:** A zoning district which imposes a maximum permissible lot size. Usually used to increase density and encourage low or moderate cost housing. Sometimes included in subdivision regulations.

**Height Restrictions:** A limit on the height of buildings to influence density, type and location of development, traffic generation, and municipal services. This is beyond the scope of normal height regulations within the zoning ordinance.

**Conditional or Contract Zoning:** A change in the zoning of a parcel in exchange for concessions from the developer or deed restrictions on the property. Used as a negotiating tool to influence the type and quality of development.

**Special Exception:** A conditional use permit which allows development within a zoning district, as long as certain conditions are met. Usually used to control the type or quality of growth.

**Bonus or Incentive zoning:** a relaxation of the zoning code which allows development to exceed limitations as a trade-off for developer-supplied amenities. Most often used as a negotiating tool to influence the quality of development.

**Floating Zones:** A zone in which the description and requirements, meet specific criteria but have no official map location. Usually used as incentives to developers by providing flexibility in the cities zoning ordinances.

**Performance Zoning:** A system which sets standards for each district, based on permissible effects of that development (noise, toxic emissions etc.). Can be used to protect environmentally fragile areas and maintain neighborhood quality and character.

**Average Density Zoning:** Sometimes known as PUD or cluster zoning. A combination of zoning and subdivision regulations which examines the entire development as a whole, rather than a lot-by-lot approach. Can provide flexibility in producing better quality developments.

**Traditional Subdivision Regulations:** Regulation of development within the subdivision, including infrastructures, utilities, and lot boundaries.

**Impact Fees or Donation of Land from Subdivisions:** Regulations which require developers to compensate the community for the impact of their development. Used to off-set the increased expense of city services need to supply the new development.

**Total Population Charter:** A numerical limit on the population or total housing units. Radical method to restrict growth at a static level.

**Annual Building Permit Limits:** A pre-set ceiling on the number of building permits which can be issued in any one calendar year. Can be used to restrict the number of developments in a specific area.

**Official Mapping:** A program which allows the city to locate streets, parks, and other facilities on an official map, thereby reserving those properties for future acquisition. The current owner keeps title to the land but cannot develop the property.

**Mandatory Low-Income Housing Construction Ordinance:** Requires developers to include a minimum amount of subsidized or lower-income housing in their conventional projects.

**Regional Fair Share Agreements:** An agreement among neighboring communities which specifies that each community will provide a certain amount of low-cost housing. This has the effect of equalizing the exclusionary nature of some communities.

**Building Inspection:** For growth management purposes, it is an active effort to control the quality of development within a community.

**Regulation of Manufactured Housing (Mobile Homes):** Regulations might include; licensing, inspection, taxation and zoning. Primarily used to direct the location and quality of mobile homes.

**Municipal Enforcement of Restrictive Covenants:** The enforcement of private covenants or deed restriction other than on a complaint basis.

**Local Environmental Impact Ordinances:** Requirement of an environmental impact statement for development in certain areas. In some cases it is part of the subdivision or PUD review process.

## APPENDIX C

The following cities responded to survey. The numbers to the left of the city corresponds with the matrix in appendix D

FLORIDA
1. Boynton Beach
2. Cape Coral
3. Coral Gables
4. Coral Springs
5. Daytona Beach
6. Deerfield Beach
7. Delray Beach
8. Dunedin
9. Lakeland
10. Lake Worth
11. Largo
12. Margate
13. Melbourne
14. Miami Beach
15. Miramar
16. North Miami
17. North Miami Beach
18. Panama City
19. Pinellas Park
20. Plantation
21. Riviera Beach
22. Sarasota
23. Sunrise
24. Titusville
25. West Palm Beach

GEORGIA
26. Albany
27. Augusta
28. Marietta
29. Rome
30. Warner Robins

MISSOURI
31. Blue Springs
32. Cape Girardeau
33. Columbia
34. Ferguson
35. Florissant
36. Jefferson City
37. St. Joseph
38. St Peters
39. University City
40. Webster Groves

NORTH CAROLINA
41. Asheville
42. Burlington
43. Chapel Hill
44. Gastonia
45. Goldsboro
46. Greenville
47. Rocky Mount

TENNESSEE
48. Johnson City
49. Kingsport
50. Oak Ridge

OHIO
51. Bowling Green
52. Brunswick
53. Canton
54. Cuyahoga Falls
55. Fairborn
56. Findlay
57. Garfield Heights
58. Hamilton
59. Huber Heights
60. Kent
61. Ketterling
62. Lancaster
63. Lima
64. Lorain
65. Mansfield
66. Marion
67. Mentor
68. Newark
69. Sandusky
70. Shaker Heights
71. Springfield
72. Stow
73. Strongsville
74. Warren
75. Zanesville

## APPENDIX D

| RESPONSE | CITY BY NUMBER FROM APPENDIX C 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| COMP. PLAN | X | X | X | X | X | X | X | X | X |
| G.M. IN PLAN | X | X | X | X | X | X | X | X | X |
| PERCEIVED GROWTH | 2 | 1 | 3 | 1 | 3 | 3 | 2 | 2 | 2 |
| IMPORT. OF G.M. | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 2 | 2 |
| PROTECT ENV. | 2 | 1 | 3 | 3 | 1 | 1 | 3 | 1 | 3 |
| PRESERVE SPACE | 2 | 1 | 3 | 3 | 1 | 2 | 4 | 2 | 6 |
| CONTROL COST | 3 | 1 | 3 | 2 | 1 | 2 | 2 | 3 | 3 |
| REDUCE TRAFFIC | 2 | 1 | 1 | 1 | 1 | 1 | 3 | 3 | 2 |
| CHARACTER | 1 | 4 | 1 | 1 | 1 | 2 | 2 | 1 | 6 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | | | X | | X | | X |
| LESS-THAN-FEE | | | | | | | | X | |
| ADVANCED SITE | | X | X | X | X | | | | |
| LAND BANKING | | X | | | | | | | |
| TDR'S | X | X | | | | | X | | |
| COMPENSATION | | | | | | | | | |
| C.I.P. | | X | X | X | X | X | X | X | X |
| SERVICE AREAS | X | X | | | | X | X | | X |
| ANNEXATION | | | | | X | | X | X | |
| DEV. TIMING | | | X | | X | | X | | X |
| SP. ASSESSMENTS | X | | | | X | | X | | X |
| USE VALUE TAX | | | | | | | | | |
| MORATORIA | | | | | | | | | |
| CONV. ZONING | X | X | X | X | X | X | X | | X |
| AG. ZONING | | | | X | | | | | |
| MIN. LOT SIZE | X | X | X | X | X | X | X | | X |
| MAX. LOT SIZE | | | | | | | | X | |
| HEIGHT | X | X | X | | X | X | X | X | X |
| COND.ZONING | | | | | X | | | | X |
| SP. EX. ZONING | | X | X | | X | | X | X | X |
| BONUS ZONING | | X | X | | | | | | |
| FLOATING ZONES | | | | | X | X | X | | |
| PERF. ZONING | | | | X | X | | X | | |
| PUDS | X | X | X | | X | X | X | X | X |
| SD REGS | X | X | X | X | X | X | X | | X |
| IMPACT FEES | X | X | | X | X | X | X | X | X |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | | X | | | | | | | |
| LOW INCOME ORD. | X | | | | | | | | |
| REG. FAIR SHARE | | | | | | | | | |
| BLDG. INSP. | X | | X | X | X | X | X | X | X |
| MOBILE HOMES | | | | | X | | | X | X |
| COVENANTS | | | X | | | | | | |
| ENV. IMPACT | | | | | X | | X | | X |

X INDICATES A YES RESPONSE

| | CITY BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| COMP. PLAN | X | X | X | X | X | X | X | X | X |
| G.M. IN PLAN | X | X | X | X | X | X | X | X | X |
| PERCEIVED GROWTH | 3 | 3 | 3 | 2 | 6 | 1 | 3 | 4 | 4 |
| IMPORT. OF G.M. | 4 | 1 | 4 | 2 | 4 | - | 1 | 1 | 1 |
| PROTECT ENV. | 6 | 2 | 2 | 1 | 3 | 1 | 1 | 2 | 1 |
| PRESERVE SPACE | 5 | 2 | 2 | 3 | 2 | 1 | 1 | 4 | 1 |
| CONTROL COST | 3 | 3 | 2 | 2 | 3 | 1 | 1 | 1 | 2 |
| REDUCE TRAFFIC | 2 | 4 | 1 | 3 | 2 | 4 | 1 | 1 | 1 |
| CHARACTER | 2 | 3 | 3 | 3 | 1 | 6 | 1 | 3 | 1 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | | X | X | | | | X |
| LESS-THAN-FEE | X | | | X | | | | | |
| ADVANCED SITE | | | | X | | | | X | |
| LAND BANKING | | | | | | | | | |
| TDR'S | | X | | | X | | | | |
| COMPENSATION | | | | | | | | | |
| C.I.P. | | X | X | X | X | X | X | | X |
| SERVICE AREAS | | | | | | | | | |
| ANNEXATION | X | | | X | | | | | X |
| DEV. TIMING | X | | X | X | | | | | |
| SP. ASSESSMENTS | X | | X | X | X | X | X | | X |
| USE VALUE TAX | | | | | | | | | |
| MORATORIA | | | | X | X | | X | | |
| CONV. ZONING | X | | X | X | X | X | X | | X |
| AG. ZONING | | | | | | X | | | |
| MIN. LOT SIZE | X | X | | | X | X | X | | X |
| MAX. LOT SIZE | | | | | | X | | | X |
| HEIGHT | X | | | X | X | X | X | | X |
| COND.ZONING | | | | | X | | | | |
| SP. EX. ZONING | X | | X | | X | X | X | | X |
| BONUS ZONING | | | | | X | | X | | X |
| FLOATING ZONES | | | | | X | | | | |
| PERF. ZONING | | X | | | X | | | | |
| PUDS | X | | X | X | | X | X | | X |
| SD REGS | X | | X | X | | X | | | X |
| IMPACT FEES | X | X | X | X | X | X | X | | X |
| POP. CHARTERS | | | | X | | | X | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | X | | | | X | | | | |
| LOW INCOME ORD. | | | | | | | | | X |
| REG. FAIR SHARE | | | | | | | | | |
| BLDG. INSP. | X | X | | | | X | X | | |
| MOBILE HOMES | | | | X | X | | | | X |
| COVENANTS | | | | | X | | X | | X |
| ENV. IMPACT | | | | X | | X | X | | X |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| COMP. PLAN | X | X | X | X | X | X | X | X | X |
| G.M. IN PLAN | X | X | X | X | X | X | X | | X |
| PERCEIVED GROWTH | 2 | 2 | 3 | 3 | 1 | 3 | 2 | 5 | 5 |
| IMPORT. OF G.M. | 2 | 1 | - | 1 | 3 | 1 | 1 | 3 | 3 |
| PROTECT ENV. | 4 | 4 | 2 | 2 | 4 | 2 | 2 | 2 | 1 |
| PRESERVE SPACE | 4 | 2 | 4 | 2 | 3 | 3 | 2 | 3 | 3 |
| CONTROL COST | 4 | 2 | 1 | 3 | 1 | 1 | 2 | 2 | 1 |
| REDUCE TRAFFIC | 1 | 2 | 2 | 1 | 3 | 1 | 1 | 3 | 2 |
| CHARACTER | 3 | 1 | 3 | 1 | 2 | 2 | 1 | 3 | 2 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | | X | | | X | X | |
| LESS-THAN-FEE | | | | | | | X | | |
| ADVANCED SITE | | | | | X | | | | X |
| LAND BANKING | | | | | | | X | | |
| TDR'S | | | | | | | | | |
| COMPENSATION | | | | X | | | | | |
| C.I.P. | X | X | X | X | X | X | X | X | X |
| SERVICE AREAS | | | | X | | | | X | |
| ANNEXATION | X | | X | X | | X | X | | X |
| DEV. TIMING | X | | X | X | | | X | | |
| SP. ASSESSMENTS | X | X | | X | X | | X | X | |
| USE VALUE TAX | | | | | | | X | | |
| MORATORIA | | | | | | | | | |
| CONV. ZONING | X | X | X | X | X | X | X | X | X |
| AG. ZONING | | | | X | | | | | |
| MIN. LOT SIZE | X | X | X | X | X | X | X | X | X |
| MAX. LOT SIZE | X | X | | | X | X | X | X | |
| HEIGHT | X | X | X | X | X | X | X | X | X |
| COND.ZONING | | X | | X | | | X | X | X |
| SP. EX. ZONING | | X | X | X | X | | X | | X |
| BONUS ZONING | | | | X | | | X | | |
| FLOATING ZONES | | X | X | X | | | | | |
| PERF. ZONING | | | | X | | | | | |
| PUDS | X | X | X | | X | X | X | | X |
| SD REGS | X | X | X | X | X | X | X | X | X |
| IMPACT FEES | X | X | X | X | X | X | X | | |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | | | | | | | | | |
| LOW INCOME ORD. | | | | | | | | | |
| REG. FAIR SHARE | | | | | | | | | |
| BLDG. INSP. | X | X | X | X | X | X | X | X | X |
| MOBILE HOMES | X | | X | | | X | | X | X |
| COVENANTS | | | | X | | | | | |
| ENV. IMPACT | | | X | X | | X | X | X | |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| COMP. PLAN | X | | X | X | X | X | X | X | X |
| G.M. IN PLAN | X | | | | | | X | X | |
| PERCEIVED GROWTH | 2 | 4 | 3 | 2 | 3 | 2 | - | 5 | 3 |
| IMPORT. OF G.M. | 5 | 3 | 4 | 3 | 3 | 1 | 1 | 1 | 3 |
| PROTECT ENV. | 2 | 1 | 3 | 4 | 4 | 2 | 3 | 4 | 1 |
| PRESERVE SPACE | 3 | 5 | 3 | 5 | 4 | 2 | 2 | 3 | 2 |
| CONTROL COST | 1 | 3 | 3 | 2 | 4 | 2 | 1 | 5 | 4 |
| REDUCE TRAFFIC | 2 | 3 | 3 | 3 | 4 | 2 | 3 | 2 | 4 |
| CHARACTER | 1 | 1 | 3 | 6 | 4 | 2 | 1 | 1 | 2 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | X | X | | | X | X | X | |
| LESS-THAN-FEE | | X | X | | | | X | | |
| ADVANCED SITE | | | X | | X | | X | | |
| LAND BANKING | | X | | | | | | | |
| TDR'S | | | | | | | | | |
| COMPENSATION | | | | | | | | X | |
| C.I.P. | X | | X | X | X | | X | X | X |
| SERVICE AREAS | | | | | | | | | |
| ANNEXATION | X | | X | | X | | X | | X |
| DEV. TIMING | | | | | X | | | | |
| SP. ASSESSMENTS | X | | | | X | | X | | |
| USE VALUE TAX | | | | | | | X | | |
| MORATORIA | | | | X | | | | | |
| CONV. ZONING | X | X | X | X | X | X | X | X | X |
| AG. ZONING | | | | | | | X | | X |
| MIN. LOT SIZE | X | X | X | | X | | X | X | X |
| MAX. LOT SIZE | | | | | | | X | | |
| HEIGHT | | | X | | X | | X | X | X |
| COND.ZONING | X | | | | | | X | X | X |
| SP. EX. ZONING | X | | X | X | X | | X | X | X |
| BONUS ZONING | | | | | | | | | |
| FLOATING ZONES | | | | | X | | | | |
| PERF. ZONING | | | | | | | | | |
| PUDS | X | | X | | X | X | X | | X |
| SD REGS | X | X | X | X | X | X | X | X | X |
| IMPACT FEES | | | | | | | X | | X |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | X | |
| OFFICIAL MAP | | | X | | | | X | | |
| LOW INCOME ORD. | | | | | | | | X | |
| REG. FAIR SHARE | | | | | | | | | |
| BLDG. INSP. | X | X | X | X | X | X | X | X | X |
| MOBILE HOMES | | | X | | X | X | X | X | X |
| COVENANTS | | | | | | | | X | |
| ENV. IMPACT | | | | | | | X | X | |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 |
| COMP. PLAN | X | X | X | X | X | X | X | X | X |
| G.M. IN PLAN | | | | | X | X | X | X | X |
| PERCEIVED GROWTH | 6 | 1 | 4 | 4 | 3 | 3 | 1 | 3 | 2 |
| IMPORT. OF G.M. | 6 | 1 | 5 | 2 | 1 | 2 | 1 | 1 | 2 |
| PROTECT ENV. | 7 | 7 | 3 | 4 | 1 | 2 | 1 | 2 | 2 |
| PRESERVE SPACE | 7 | 2 | 3 | 4 | 2 | 3 | 1 | 2 | 1 |
| CONTROL COST | 7 | 1 | 5 | 5 | 1 | 3 | 3 | 2 | 1 |
| REDUCE TRAFFIC | 7 | 2 | 5 | 5 | 2 | 3 | 1 | 3 | 1 |
| CHARACTER | 7 | 1 | 2 | 1 | 2 | 2 | 1 | 3 | 1 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | | | | | | | |
| LESS-THAN-FEE | | | | | | X | | | |
| ADVANCED SITE | | | | | | | | | |
| LAND BANKING | | | | | | | | | |
| TDR'S | | | | | | X | | | |
| COMPENSATION | | | | | X | | | | |
| C.I.P. | | X | | | X | X | X | X | X |
| SERVICE AREAS | | | | | X | X | X | | |
| ANNEXATION | X | X | | | X | X | X | X | X |
| DEV. TIMING | | | | | | | X | X | |
| SP. ASSESSMENTS | | | X | | | X | | | X |
| USE VALUE TAX | | | | | | | X | | |
| MORATORIA | | | | | | | | X | |
| CONV. ZONING | X | X | X | X | X | X | X | X | X |
| AG. ZONING | | | | | | | X | X | X |
| MIN. LOT SIZE | | X | X | X | X | X | | X | X |
| MAX. LOT SIZE | | | | | | X | X | | |
| HEIGHT | | X | X | X | X | X | X | X | |
| COND.ZONING | | X | | X | | | X | X | X |
| SP. EX. ZONING | | | X | | | X | X | X | X |
| BONUS ZONING | | | | | | X | X | | |
| FLOATING ZONES | X | | | | | | | X | |
| PERF. ZONING | | | | | | | | | |
| PUDS | | X | | X | | X | X | X | X |
| SD REGS | X | X | X | X | X | X | X | X | X |
| IMPACT FEES | | X | | X | | | X | X | |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | | | | | | | X | X | |
| LOW INCOME ORD. | | | | | | | | | |
| REG. FAIR SHARE | | | | | | | | | |
| BLDG. INSP. | | X | X | X | X | X | X | X | |
| MOBILE HOMES | | X | X | X | X | X | X | X | X |
| COVENANTS | | | | | | | | | |
| ENV. IMPACT | | | | | | | | | |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 |
| COMP. PLAN | X | X | X | X | X | X | X | | X |
| G.M. IN PLAN | X | X | X | X | X | X | | | X |
| PERCEIVED GROWTH | 2 | 2 | 2 | 2 | - | 2 | 4 | 6 | 3 |
| IMPORT. OF G.M. | - | 4 | 4 | 2 | 2 | 2 | 3 | 4 | 2 |
| PROTECT ENV. | 2 | 3 | 3 | 4 | 2 | 7 | 5 | 6 | 2 |
| PRESERVE SPACE | 3 | 4 | 3 | 4 | 2 | 6 | 3 | 2 | 2 |
| CONTROL COST | 1 | 1 | 2 | 1 | 1 | 1 | 3 | 3 | 2 |
| REDUCE TRAFFIC | 2 | 2 | 2 | 3 | 3 | 3 | 2 | 3 | 5 |
| CHARACTER | 1 | 3 | 5 | 1 | 4 | 1 | 3 | 2 | 4 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | | | | | | | X |
| LESS-THAN-FEE | | | | | | | | | X |
| ADVANCED SITE | | | | X | X | | | X | X |
| LAND BANKING | | | | | | | | X | |
| TDR'S | | | | | | | | | |
| COMPENSATION | | | | | | | | | |
| C.I.P. | X | X | X | X | X | X | | | X |
| SERVICE AREAS | | X | | | | | | | X |
| ANNEXATION | X | X | X | X | X | X | X | X | |
| DEV. TIMING | | | | | | | | | |
| SP. ASSESSMENTS | | | | X | | | | | X |
| USE VALUE TAX | | | | | | | | | |
| MORATORIA | | | | | | | | | |
| CONV. ZONING | X | X | X | X | X | X | X | X | X |
| AG. ZONING | | X | | | | | | | |
| MIN. LOT SIZE | X | | X | | | X | X | X | X |
| MAX. LOT SIZE | | | | | | | | | |
| HEIGHT | X | X | X | | X | X | | X | X |
| COND.ZONING | | X | | | | | X | X | X |
| SP. EX. ZONING | X | | X | | | | | | |
| BONUS ZONING | | | | | | | | | |
| FLOATING ZONES | | | | | | | X | | |
| PERF. ZONING | | | | | | | | | |
| PUDS | X | X | X | | X | X | X | X | X |
| SD REGS | X | X | X | X | X | X | X | X | X |
| IMPACT FEES | X | | | | | | X | | X |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | | | | | | | | | |
| LOW INCOME ORD. | | | | | | | | | |
| REG. FAIR SHARE | | | | | | | | | X |
| BLDG. INSP. | X | X | X | X | X | X | X | X | X |
| MOBILE HOMES | X | X | X | X | X | X | | | |
| COVENANTS | | | | | | | | | |
| ENV. IMPACT | | | | | | | | | |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 |
| COMP. PLAN | X | X | X | | X | X | | | X |
| G.M. IN PLAN | | | X | | X | X | | | |
| PERCEIVED GROWTH | 2 | 4 | 5 | 4 | 2 | 3 | 4 | 4 | 5 |
| IMPORT. OF G.M. | 5 | 1 | 2 | - | 4 | 3 | 2 | 3 | 4 |
| PROTECT ENV. | 2 | 4 | 2 | 1 | 3 | 2 | 3 | 3 | 7 |
| PRESERVE SPACE | 3 | 4 | 2 | 2 | 2 | 4 | 2 | 4 | 7 |
| CONTROL COST | 2 | 1 | 1 | 4 | 3 | 3 | 3 | 2 | 4 |
| REDUCE TRAFFIC | 3 | 1 | 2 | 4 | 2 | 3 | 3 | 1 | 4 |
| CHARACTER | 3 | 1 | 2 | 3 | 3 | 2 | 1 | 2 | 4 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | X | | | | X | X | | | |
| LESS-THAN-FEE | | | | X | X | | | | |
| ADVANCED SITE | | | | | X | X | | | |
| LAND BANKING | | | X | | | X | | | |
| TDR'S | | | | | X | | | | |
| COMPENSATION | | | | | | | | | |
| C.I.P. | X | X | X | X | X | X | | X | X |
| SERVICE AREAS | | | | | X | | | | |
| ANNEXATION | | | | X | | X | | | X |
| DEV. TIMING | | | | | | | | | |
| SP. ASSESSMENTS | X | | | X | | | | | |
| USE VALUE TAX | | | | | | | | | |
| MORATORIA | | | X | | | | | | |
| CONV. ZONING | X | X | X | X | X | X | | X | X |
| AG. ZONING | | X | | | X | | | | X |
| MIN. LOT SIZE | | | | X | X | X | | X | |
| MAX. LOT SIZE | | | | | | X | | | |
| HEIGHT | | | | X | X | X | X | X | |
| COND.ZONING | | | | | | X | | | |
| SP. EX. ZONING | | | | | | | | | |
| BONUS ZONING | | | | | | | | | |
| FLOATING ZONES | | | | | X | | X | | |
| PERF. ZONING | | | | | | | X | | |
| PUDS | X | X | | X | X | | X | X | |
| SD REGS | X | X | | X | X | X | X | X | X |
| IMPACT FEES | X | | | | X | | | X | |
| POP. CHARTERS | | | X | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | X | | | | X | | | | |
| LOW INCOME ORD. | | | | | | | | | |
| REG. FAIR SHARE | | | | | | X | | | |
| BLDG. INSP. | | | | X | X | X | X | X | |
| MOBILE HOMES | | | | | X | | | X | |
| COVENANTS | | | | | | | | | |
| ENV. IMPACT | | | | | X | | | | |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| RESPONSE | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 |
| COMP. PLAN | | X | | X | X | X | | X | X |
| G.M. IN PLAN | | | | X | | X | | X | X |
| PERCEIVED GROWTH | 5 | 5 | 5 | 3 | 3 | 5 | 5 | 4 | 2 |
| IMPORT. OF G.M. | 3 | 7 | 2 | 1 | 2 | 2 | 3 | 3 | 2 |
| PROTECT ENV. | 5 | 1 | 2 | 4 | 2 | 2 | 4 | 3 | 3 |
| PRESERVE SPACE | 5 | 4 | 2 | 4 | 2 | 2 | 3 | 3 | 3 |
| CONTROL COST | 2 | 3 | 2 | 4 | 3 | 2 | 2 | 1 | 2 |
| REDUCE TRAFFIC | 3 | 3 | 2 | 1 | 2 | 3 | 6 | 2 | 2 |
| CHARACTER | 5 | 2 | 2 | 2 | 2 | 3 | 1 | 2 | 2 |
| TECHNIQUES---------- | | | | | | | | | |
| FEE SIMPLE | | | X | | | | X | | |
| LESS-THAN-FEE | | | X | | | | | | X |
| ADVANCED SITE | | | X | | | | X | | X |
| LAND BANKING | | X | X | | | X | | | |
| TDR'S | | | | | | | | | |
| COMPENSATION | | | | | | | | | |
| C.I.P. | X | X | X | | | X | | X | X |
| SERVICE AREAS | | | X | | | | | | |
| ANNEXATION | X | X | X | | | | | X | |
| DEV. TIMING | | | | | | | | | |
| SP. ASSESSMENTS | X | X | | | | X | | | |
| USE VALUE TAX | | X | | | | | | | |
| MORATORIA | | | | | | | | | |
| CONV. ZONING | X | X | X | X | | X | X | X | X |
| AG. ZONING | | X | | | | X | | | X |
| MIN. LOT SIZE | X | | | X | | X | X | X | X |
| MAX. LOT SIZE | | | | | | | | | X |
| HEIGHT | X | | | X | | X | X | X | X |
| COND.ZONING | X | | X | X | | | | | X |
| SP. EX. ZONING | | X | | | | X | | X | X |
| BONUS ZONING | | | | | | | | | X |
| FLOATING ZONES | | | | | | | | | |
| PERF. ZONING | | | X | | | X | | | X |
| PUDS | | | | X | | X | | X | X |
| SD REGS | X | | X | X | X | X | | X | X |
| IMPACT FEES | X | | X | | X | | | | X |
| POP. CHARTERS | | | | | | | | | |
| B.P. LIMITS | | | | | | | | | |
| OFFICIAL MAP | | X | | | | | | | |
| LOW INCOME ORD. | | | | | | | | | |
| REG. FAIR SHARE | | | | | | | | | X |
| BLDG. INSP. | X | X | X | | | X | | X | X |
| MOBILE HOMES | X | X | X | | | X | | X | X |
| COVENANTS | | | | | | | | | |
| ENV. IMPACT | | X | | | | | | | X |

X INDICATES A YES RESPONSE

| | CITIES BY NUMBER FROM APPENDIX C | | |
|---|---|---|---|
| RESPONSE | 73 | 74 | 75 |
| COMP. PLAN | X | X | X |
| G.M. IN PLAN | X | | X |
| PERCEIVED GROWTH | 3 | 6 | 5 |
| IMPORT. OF G.M. | 3 | 7 | 2 |
| PROTECT ENV. | 4 | 1 | 3 |
| PRESERVE SPACE | 3 | 2 | 5 |
| CONTROL COST | 3 | 2 | 2 |
| REDUCE TRAFFIC | 3 | 1 | 2 |
| CHARACTER | 4 | 1 | 3 |
| TECHNIQUES---------- | | | |
| FEE SIMPLE | | | |
| LESS-THAN-FEE | | | |
| ADVANCED SITE | X | | |
| LAND BANKING | X | | |
| TDR'S | | | X |
| COMPENSATION | X | | |
| C.I.P. | X | X | X |
| SERVICE AREAS | | | |
| ANNEXATION | | X | X |
| DEV. TIMING | X | X | |
| SP. ASSESSMENTS | | X | |
| USE VALUE TAX | | | |
| MORATORIA | | | |
| CONV. ZONING | | X | X |
| AG. ZONING | | | X |
| MIN. LOT SIZE | X | X | X |
| MAX. LOT SIZE | | | |
| HEIGHT | X | X | X |
| COND.ZONING | X | | X |
| SP. EX. ZONING | | X | X |
| BONUS ZONING | X | | X |
| FLOATING ZONES | | | |
| PERF. ZONING | | | |
| PUDS | X | X | X |
| SD REGS | X | X | X |
| IMPACT FEES | | | X |
| POP. CHARTERS | | | |
| B.P. LIMITS | | | |
| OFFICIAL MAP | X | | |
| LOW INCOME ORD. | | | |
| REG. FAIR SHARE | | | |
| BLDG. INSP. | X | X | X |
| MOBILE HOMES | | X | X |
| COVENANTS | | | |
| ENV. IMPACT | X | | X |

X INDICATES A YES RESPONSE

## VITA

Dennis Leroy Siders was born in Alhambra, California on December 12, 1946. He graduated from Garey High School in Pomona California in 1964 and completed two years of college at La Verne and Mt. San Antonio Colleges before being drafted into the Army. He served two years in the Army including a year in Vietnam where he worked as a helicopter medic and was awarded the Air Medal with 11 clusters, the Distinguished Flying Cross, and the Vietnamese Cross of Gallantry. Before leaving for Vietnam, he married Vickie Fling, to whom he is still happily married.

Dennis worked in Distribution and hospitality management for 22 years during which time he managed distribution center for Miller's Outpost, Domino's Pizza and a conference center for the Church of the Nazarene. He also built and managed his own retail/wholesale produce business.

A Bachelor of General Studies was finally earned at Southeast Missouri University in 1990. He plans to return to Missouri upon completion of a Masters of Science in Planning degree and work as a planner in the public sector.