



# LOCAL GOVERNMENT PLANNING TOOLS

## Executive Summary

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**REPORT PREPARATION:**

Dr. Gary Pivo, Director  
Norman Abbott AICP, Project Manager  
Kit Perkins, Research Assistant

**THE CLEARINGHOUSE IS FUNDED BY:**

The Northwest Area Foundation  
E-1201 First National Bank Building  
332 Minnesota Street  
St. Paul, Minnesota 55101-1373  
Telephone: (612) 224-9635

**THE CLEARINGHOUSE ADDRESS:**

Growth Management Planning and Research Clearinghouse  
Department of Urban Planning and Design  
410 Gould Hall, JO-40  
University of Washington  
Seattle, Washington 98195  
Telephone: (206) 543-5168  
Fax: (206) 543-2463

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### **Mission of the Clearinghouse**

The Growth Management Planning and Research Clearinghouse was founded in September, 1990, under a grant from the Northwest Area Foundation. The mission of the Clearinghouse is to help policy makers and the general public learn about and share information on effective and practical growth management techniques. In pursuit of this mission, the Clearinghouse set out three projects in its initial two year scope of work. The first was to improve access to growth management resources at the University of Washington. This project has resulted in various publications, including a directory of growth management resources, a pamphlet that identifies growth management course offerings, and a bibliography of faculty contributions to growth management research.

A second project of the Clearinghouse is to collect literature and summarize research related to the goals of Washington's growth management law adopted in 1990 and amended in 1991. The purpose of this project is to make the academic literature more accessible to professional and lay members of the community.

The third project in the initial work program is the subject of this report.

# EXECUTIVE SUMMARY

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This report was produced by the University of Washington's Growth Management Planning and Research Clearinghouse, under a grant from the Northwest Area Foundation. It covers the use and effectiveness of growth management tools, such as urban growth boundaries and subdivision controls, by local governments in the United States. The findings should be useful to local governments in states such as Washington that are developing planning mechanisms under new state growth management laws. The complete report and information on individual tools is available from the Clearinghouse.

The information for this report was provided by one hundred and ninety-one jurisdictions throughout the country. It was collected using a mail questionnaire filled out by a senior official in each jurisdiction and from U.S. census reports. Follow-up telephone interviews also were conducted with 100 of the questionnaire respondents. The sample was randomly drawn from a list of all counties, cities and towns in the U.S. Non-response bias was tested for and no systematic differences were found between those that did and did not return the questionnaire.

The major results are presented below. Most results are presented separately for towns and small counties with populations of less than 25,000, medium to large counties with populations over 25,000 and cities with populations over 25,000.

- Respondent Profile

Responses were received from towns, counties and cities with populations from 1,900 to 2,900,000 in thirty-eight of the fifty states. Their geographic distribution is shown on Exhibit A. About two-thirds gained population and one-third lost population between 1980 and 1990. 1980 census data showed their populations ranged from 30 to 99 percent white, had median ages from 19 to 52 years and had median household incomes from

\$11,057 to \$31,000. The size of their planning departments ranged from 0 to 248 employees with budgets of \$0 to \$13,060,000.

- Influence Groups in Local Planning

The media was the only group that is reportedly influential in a majority of all types of jurisdictions. Other influence groups are strong in some types of jurisdictions but not in others. Planning commissions are strong in most towns and small counties and in most cities but not in most medium to large counties. Business groups and neighborhood associations are influential in most cities but not in a majority of other jurisdictions. Courts, environmental groups, state and federal agencies, and universities do not have clout in a majority of jurisdiction of any type, although there certainly are instances where they are important.

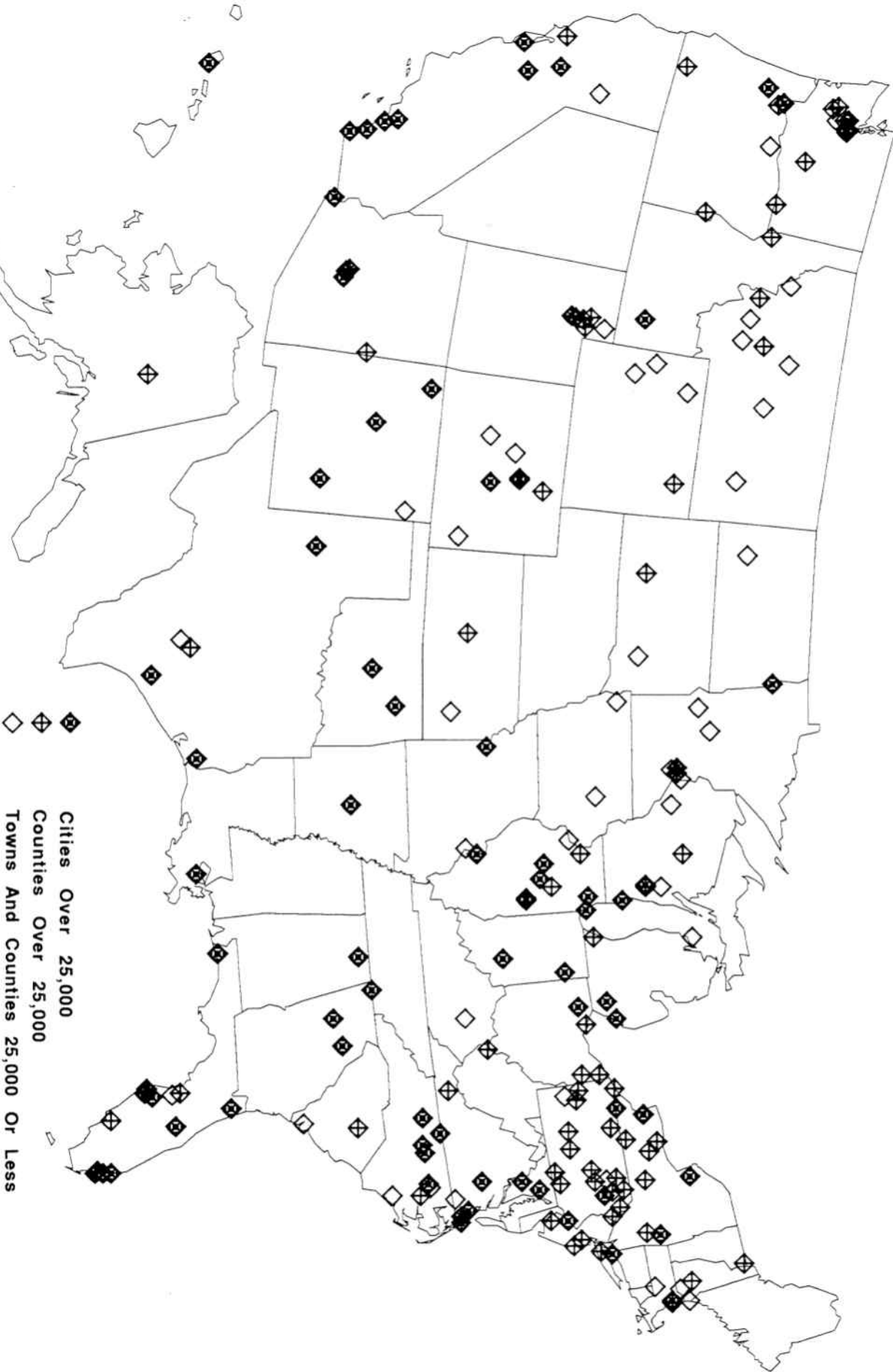
*Therefore, in practice the relative influence of the local media and other interest groups in the planning process should be anticipated .*

- Quality Of Life

Respondents were asked to rate the current and future quality of life in their jurisdictions using fourteen indicators on a five point scale (1=worst, 5=best). Their ratings for all of the current quality of life indicators averaged above midpoint on the scale suggesting that communities have a generally positive quality of life.

Most respondents also are upbeat about the future. However, some problems are seen as getting worse. The average rating for housing affordability and air quality is predicted to decline in all three types of jurisdictions, neighborhood quality and water quality are predicted to decline in small towns and counties and in cities, and traffic congestion is projected to worsen in towns and small coun-

# EXHIBIT A - RESPONDING JURISDICTIONS



ties and in medium to large counties.

*Therefore, in practice your community is probably below average if its quality of life in certain areas is below the mid-point on a scale of worst to best. In addition, housing affordability, neighborhood quality, air and water quality, and traffic congestion will be issues for many communities in the coming years.*

- Primary Growth Management Problems

There is no single leading growth management problem that is being experienced by a majority of all types of jurisdictions. However, certain issues are being faced by large numbers of communities. The most common leading problems in small towns and counties and in medium to large counties are economic opportunity and infrastructure. Other major issues include housing, traffic, sprawl and water quality. The most common leading problems in cities are traffic congestion and housing. Other major issues include economic opportunity, infrastructure, downtown vitality and neighborhood quality. These findings, together with those on eroding qualities of life, point to economic opportunity, air and water quality, housing, infrastructure, traffic and neighborhood quality as major growth management issues for the future.

*Although many of these problems are interrelated and their solutions can be complementary, not all communities recognize their common problems. Therefore, in practice it may be necessary to improve mutual understanding, particularly because cooperation is needed to solve many of these problems. With this understanding, solutions can be developed that will solve several interrelated problems at once.*

- Comprehensive Planning Programs

Nearly all communities have a comprehensive plan and most contain elements that are required by the state and adopted since 1975. However, the plans seem to be weak instruments. Most are advisory rather than compulsory, most communities do not have to make their development regulations or capital budgets conform with the plan and most plans do not have to be monitored or updated.

*Therefore, in practice your community is unusual if it doesn't have a comprehensive plan. However, even if it does, it is likely that your development regulations and capital improvement program are inconsistent with it and acting to impede its full implementation.*

- Tool Use

The percentage of communities that use various growth management tools is given in Exhibit B. Those tools used by over half the jurisdictions are shaded. The tools that were studied include government regulations, such as building height limits, and government taxing and spending policies, such as preferential taxation. A definition for each tool is given in the Appendix. The exclusion of any tool from the study should not be taken as an indication of its use or effectiveness.

We found a large range in the percentage of jurisdictions that use the various tools. The most used tool was height limits, which is used by 91% of the cities. The least used tool is required voter approval of rezonings or development, which is used by only 3% of the medium to large counties. The most popular tools, which are used by more than half of all jurisdictions, are adequate public facilities requirements, planned unit or cluster development and subdivision controls. Most tools are used by less than half the jurisdictions. The most used tools and the least used tools are similar across all types of jurisdictions, although cities tend to use tools more often than other types of jurisdictions.

Some of the more widely publicized growth control tools of the 1970s (e.g., population caps and permit limits) are used by very few jurisdictions today. Other innovative tools (e.g., PUD/cluster zoning and design review) are now used as frequently as more traditional devices (e.g., zoning conditions and subdivision regulations).

There is large amount of variety in both the number and mix of tools used by individual jurisdictions. There does not appear to be a common "formula" used by most communities.

*Therefore, in practice you may wish to look at whether the tools used by your community are commonly used by other places. If you're*

## EXHIBIT B - SUMMARY OF TOOL USE, EFFECTIVENESS, AND GOALS\*

PLANNING TOOLS	TOWN/SMALL COUNTIES			COUNTIES			CITIES		
	% USING TOOL	% RATED HIGHLY EFFECTIVE	GOALS CITED MOST FREQUENTLY	% USING TOOL	% RATED HIGHLY EFFECTIVE	GOALS CITED MOST FREQUENTLY	% USING TOOL	% RATED HIGHLY EFFECTIVE	GOALS CITED MOST FREQUENTLY
Access to Public Facilities	14%	33%	Econ. Opportunity, Open Space, Recreation, Neigh. Quality, Public Safety, Urban Sprawl, Infrastructure	18%	55%	Urban Sprawl, Infrastructure	20%	65%	Urban Sprawl, Infrastructure
Adequate Public Facilities	65%	68%	Public Safety, Infrastructure	57%	50%	Water Quality, Infrastructure	77%	62%	Traffic Mgt., Infrastructure
Critical Areas	47%	64%	Aesthetics, Open Space, Water Quality	56%	49%	Water Quality, Public Safety	59%	32%	Open Space
Dedication of Capital Facilities or Land	56%	54%	Open Space, Neighborhood Quality	32%	35%	Open Space, Recreation	49%	48%	Open Space, Recreation
Design Review	54%	44%	Aesthetics, Neighborhood Quality	49%	52%	Aesthetics, Neighborhood Quality	87%	42%	Aesthetics, Neighborhood Quality
Downzoning	16%	43%	Aesthetics, Neighborhood Quality, Infrastructure	25%	31%	Traffic Mgt., Open Space, Urban Sprawl, Infrastructure	58%	27%	Neighborhood Quality, Infrastructure
Environmental Review	51%	59%	Air Quality, Water Quality, Neigh. Quality, Public Safety	57%	42%	Water Quality, Public Safety	47%	25%	Neighborhood Quality, Infrastructure
Fair Share Housing	5%	0%	Econ. Opportunity, Housing	6%	0%	Housing, Neighborhood Quality, Urban Sprawl	18%	13%	Housing, Neighborhood Quality
Floor Area Ratio	67%	59%	Aesthetics, Neighborhood Quality	43%	48%	Aesthetics, Neighborhood Quality, Public Safety	89%	45%	Aesthetics, Neighborhood Quality
Fee Simple Acquisition	19%	63%	Open Space, Public Safety, Urban Sprawl, Infrastructure	27%	47%	Open Space, Recreation	52%	48%	Open Space, Recreation
Growth Boundary	16%	43%	Open Space, Urban Sprawl	37%	43%	Urban Sprawl, Infrastructure	24%	45%	Urban Sprawl, Infrastructure
Height Limitations	61%	62%	Aesthetics, Public Safety	41%	50%	Aesthetics, Neighborhood Quality, Public Safety	81%	43%	Aesthetics, Neighborhood Quality
Impact Fees	26%	55%	Public Safety, Infrastructure	21%	46%	Traffic Mgt., Infrastructure	34%	38%	Traffic Mgt., Infrastructure
Less than Fee Simple Acquisition	26%	46%	Open Space, Water Quality, Infrastructure	33%	14%	Open Space, Recreation	54%	37%	Open Space, Neighborhood Quality
Local Improvement Districts	40%	30%	Water Quality, Public Safety, Infrastructure	33%	62%	Neighborhood Quality, Public Safety, Infrastructure	62%	49%	Traffic Mgt., Infrastructure
Linkage Program	9%	0%	Housing, Recreation, Infrastructure	6%	0%	N/A	8%	29%	Housing, Infrastructure
Performance Zoning	14%	33%	Neighborhood Quality, Infrastructure	6%	0%	Econ. Opp., Aesthetics, Neighborhood Quality, Public Safety, Urban Sprawl, Infrastructure	19%	31%	Neighborhood Quality, Traffic Mgt.,
Permit Limits	5%	0%	Neighborhood Quality, Urban Sprawl, Infrastructure	8%	20%	Public Safety, Urban Sprawl, Infrastructure	8%	29%	Urban Sprawl, Infrastructure
Population Caps	5%	0%	N/A	11%	14%	Water Quality, Infrastructure	9%	38%	Urban Sprawl, Infrastructure
Preferential Taxation	30%	46%	Open Space, Neighborhood Quality	48%	27%	Economic Opportunity	25%	33%	Economic Opportunity, Open Space, Urban Sprawl
Planned Unit Development or Cluster	58%	32%	Open Space, Infrastructure	52%	21%	Housing, Urban Sprawl	87%	43%	Housing, Neighborhood Quality
Regional Tax Base Sharing	12%	40%	Economic Opportunity, Infrastructure	6%	0%	Economic Opportunity, Housing, Urban Sprawl, Infrastructure	6%	40%	Air Quality, Public Safety, Urban Sprawl, Infrastructure
Scenic View Protection	33%	41%	Aesthetics, Neighborhood Quality	13%	25%	Aesthetics, Open Space	32%	33%	Aesthetics, Neighborhood Quality
Subdivision Controls	65%	64%	Aesthetics, Neighborhood Quality, Public Safety, Infrastructure	75%	64%	Neighborhood Quality, Infrastructure	87%	70%	Neighborhood Quality, Infrastructure
Transportation Demand Management	23%	40%	Traffic Management, Public Safety	19%	25%	Traffic Management, Public Safety, Infrastructure	46%	15%	Traffic Management, Air Quality, Infrastructure
Transfer of Development Rights	7%	33%	Open Space, Recreation	11%	14%	Open Space, Urban Sprawl	12%	30%	Econ. Opportunity, Housing, Downtown Vitality, Water Quality
Tax Increment Financing	28%	25%	Economic Opportunity, Downtown Vitality	19%	33%	Economic Opportunity, Infrastructure	48%	39%	Economic Opportunity, Downtown Vitality

	Quality			Space, Urban Sprawl					
Taxation									
Planned Unit Development or Cluster	58%	32%	Open Space, Infrastructure	52%	21%	Housing, Urban Sprawl	87%	43%	Housing, Neighborhood Quality
Regional Tax Base Sharing	12%	40%	Economic Opportunity, Infrastructure	6%	0%	Economic Opportunity, Housing, Urban Sprawl, Infrastructure	6%	40%	Air Quality, Public Safety, Urban Sprawl, Infrastructure
Scenic View Protection	33%	41%	Aesthetics, Neighborhood Quality	13%	25%	Aesthetics, Open Space	32%	33%	Aesthetics, Neighborhood Quality
Subdivision Controls	65%	64%	Aesthetics, Neighborhood Quality, Public Safety, Infrastructure	75%	64%	Neighborhood Quality, Infrastructure	87%	70%	Neighborhood Quality, Infrastructure
Transportation Demand Management	23%	40%	Traffic Management, Public Safety	19%	25%	Traffic Management, Public Safety, Infrastructure	46%	15%	Traffic Management, Air Quality, Infrastructure
Transfer of Development Rights	7%	33%	Open Space, Recreation	11%	14%	Open Space, Urban Sprawl	12%	30%	Econ. Opportunity, Housing, Downtown Vitality, Water Quality
Tax Increment Financing	28%	25%	Economic Opportunity, Downtown Vitality	19%	33%	Economic Opportunity, Infrastructure	48%	39%	Economic Opportunity, Downtown Vitality
Voter Approval Required	14	17%	Economic Opportunity, Neigh. Quality	3%	50%	Economic Opportunity, Housing, Recreation, Neighborhood Quality	4%	33%	Economic Opportunity, Urban Sprawl
Zoning Bonuses	12%	40%	Aesthetics, Traffic Mgt., Open Space, Water Quality, Neigh. Quality, Urban Sprawl	18%	27%	Housing, Neighborhood Quality	41%	14%	Housing, Neighborhood Quality
Zoning Condition	56%	50%	Aesthetics, Neighborhood Quality	48%	57%	Aesth. Neigh. Quality, Infrastructure	84%	61%	Traffic Mgt., Neighborhood Quality
Zero Lot Line Development	32%	29%	Economic Opportunity, Housing, Downtown Vitality	35%	27%	Housing, Neighborhood Quality	77%	26%	Housing, Neighborhood Quality

\* NOTE: Use and effectiveness ratings are for tools used by respondents. Effectiveness was defined by the tool's ability to accomplish specified goals. Tools used and/or rated "highly effective" by over 50% of the respondents are shaded.



*relying on tools that are seldom used by others, you may wish to examine whether they're the best tools for your needs. Of course, not all communities are alike and you should be more concerned with being effective than with "keeping up with the Joneses".*

- **Goals The Tools Advance**

Exhibit B also shows the goals most frequently advanced by individual tools. Those reportedly advanced most often are "adequate infrastructure" and "neighborhood quality." This corresponds with two of the most important growth management problems identified above. However, other major problems that were mentioned above, such as air quality and downtown vitality, are not being advanced by the tools. This is cause for concern and other tools should be found that can address these problems.

*Therefore, in practice more work will be needed to develop growth management tools that can address those issues, like air quality and downtown vitality, that are not being addressed by our present set of tools. In addition, your community may wish to use Exhibit B to examine whether it's using the same tools others are using to accomplish its goals and if it's using its tools for the same goals as other communities. If you're not using the same tools that others use to accomplish your goals, you may wish to examine whether other tools might be more effective. If you're not using your tools for the same purposes as other communities, you may want to examine whether they're really the best tools to do the job for which they're being employed.*

- **Tool Effectiveness**

The respondents were asked to measure the effectiveness of the tools they use in terms of their ability to achieve the goals they are being used to accomplish. The percentage of respondents that rated each tool as "highly effective" is given in Exhibit B. A "highly effective" tool is one that was rated as 67-100% effective in advancing its goals. The tools were rated only by the communities that use them, which explains why in some cases the percentage of communities that rate a tool as highly effective is higher than the percentage that uses it. For example, 14% of the small towns and counties

regulate access to public facilities and 33% of those that use this tool rated it as highly effective.

Their ratings were both subjective, because they were based on opinions rather than objective evidence, and relative, because each respondent may have had a different benchmark in mind for measuring success. However, follow-up interviews found that the respondents felt their views on effectiveness are shared by most but not all other community groups.

The percentage of jurisdictions that rated a tool as "highly effective" ranged from 0% of the towns for fair share housing requirements, population caps, and permit limits to 70% of the cities for subdivision controls. The most highly rated tools, which were highly effective in a majority of at least two of the three types of jurisdictions, include regulating access to public facilities, requiring adequate public facilities, subdivision controls, and the use of zoning conditions. Some of the innovative tools of the last two decades such as PUD or cluster zoning, performance zoning and growth boundaries were judged to be highly effective in only a few places. This does not mean they should not be used, because some places are using them effectively. It means these tools should be employed with caution. Towns and small counties had the largest number of "highly effective" tools, suggesting it may be easier to successfully manage growth in these kinds of places.

There wasn't a strong correlation between the effectiveness and the use of tools. Some highly effective tools were used often and others were not. This creates two kinds of opportunities to improve growth management. We can increase the use of underutilized, highly effective tools, such as fee simple acquisition of land, and we can improve the effectiveness of heavily used, less effective tools, such as PUD/cluster zoning.

*Therefore, in practice your community may wish to evaluate the tools it's using if it's relying on tools that are seldom rated as highly effective. It also may wish to consider adopting the tools that it's not currently using which are often rated as highly effective.*

- Differences Between Communities With Above and Below Average Numbers of Tools and Tool Effectiveness

Jurisdictions with an above average number of tools are very different from those with a below average number. Communities with more tools typically grew by 12 to 14 percent during the 1980s compared to 1/2 to 6 percent for communities with fewer tools. The planning staffs of those with more tools are 2 to 3 times larger and they have more active and influential interest groups particularly business and real estate, neighborhood and environmental groups. Their quality of life was rated 7 to 32% higher in a variety of areas including aesthetics, economics, infrastructure, housing and recreation. They also have stronger comprehensive planning. Two to three times more of them must follow their plans, make their capital improvement programs consistent with their plans, monitor their plans, meet state goals and have their plans monitored for compliance with state requirements.

Also notable are the differences that were *not* found between communities with more and less growth management. The most widely stated critique of growth management is that it has a negative influence on housing affordability. However, no differences were found in the ratings given for current and future housing affordability between communities with more and less growth management tools. It is also sometimes said that growth management communities are elitist and trying to maintain their white, upper class character. However, no differences were found in the racial composition between communities with more and less growth management. Towns and small counties with an above average number of tools did have higher incomes than those with fewer tools, but no income differences were found for cities and medium to large counties.

Jurisdictions with an above average number of *highly effective* tools also are very different from other communities. They rate their economy, infrastructure, housing quality, public safety and water quality higher than other jurisdictions. They also have a stronger comprehensive planning program and more state requirements for local planning. A particularly large difference is the fact that

39% of these more effective communities have their plans monitored for conformance with state requirements compared with only 10% of the less effective communities. This suggests that strong comprehensive planning and state oversight of local planning are distinguishing characteristics of communities with highly effective growth management tools.

*Therefore, in practice if a community wants to have an above average number of tools, it should encourage a higher than average expenditure on planning and more involvement by interest groups. In addition, highly effective tools can be associated with a higher quality of life and one way to make your tools more effective is to back them up with a strong comprehensive plan and state involvement in local planning.*

- Factors That Make Tools Highly Effective

Telephone interviews were conducted with planners who reported having highly effective tools. There is general agreement among them on the factors that make their tools highly effective. They include securing public support and involvement, tailor making the tools to fit the community, ensuring the tool is legally defensible, having in place a staff that is capable of implementing the tool, and making sure the tool is applied fairly and predictably.

*Therefore, in practice it is important to put emphasis on these factors in order to facilitate an effective program.*

- Negative Side Effects From Highly Effective Tools

According to the telephone interviews, no particular negative side effect was experienced by the majority of jurisdictions with highly effective tools. The most common problems resulting from the tools were political controversy which occurred in 48% of the communities, technical or administrative problems which were faced by 42%, and increased real estate values which was reported by 38% of the respondents. Only 9% experienced the displacement of low income groups or business and 4% saw a decrease in new job creation.

*Therefore, in practice a community should anticipate that some problems may be gener-*

*ated by their highly effective tools but the problems are not unavoidable if steps are taken to reduce them.*

- **General Advice From Planners With Highly Effective Tools**

Planners with highly effective tools were asked what advice they would give to others who were thinking of using their tool. The most common advice they gave was to generate community and political support for the tool, educate the community on the need for the tool, and make sure the tool is tailor-made to fit your community.

*Therefore, in practice a community should include strong community outreach and education components in its planning and make sure its tools are well adapted to the needs of the community.*

A number of conclusions from the study are worth underscoring.

There are certain aspects of our quality of life, including housing affordability, air and water quality and traffic congestion, where there is general agreement that conditions will get worse in the future. Yet there are relatively few growth management tools that are available to address these problems. Only two of the highly effective tools address traffic congestion (adequate public facilities and zoning conditions), only one addresses air and water quality (environmental review), and none address housing opportunity. This seeming lack of capacity to deal with perceived worsening problems is alarming and serious attention is needed to develop effective tools in these areas.

Most communities are using some growth management tools and finding some success. Still, there is a good deal of room for improvement, particularly by increasing the use of highly effective but seldom used tools and by improving the effectiveness of less effective but frequently used tools.

Communities that use a larger number of tools and find a higher percentage of their tools to be highly effective are significantly different from other communities. They tend to spend more on planning, experience more growth, have interest groups that are active and influential in the planning process, have strong comprehensive

planning programs, and enjoy higher qualities of life, such as stronger economies, cleaner water and better infrastructure. This suggests that planning is an investment that generates effective tools and a higher quality of life.

Communities with more growth management tools are usually no different from others in their racial mix or household incomes. This should discourage the notion that only upper middle class white enclaves manage growth. The only difference that was found was a higher income in small towns and counties with more growth management tools, but no income difference was found in cities or medium to large counties with more tools.

It is particularly notable that state oversight of local planning is strongly associated with both the presence and effectiveness of local growth management tools. This reinforces the idea that effective local growth management is furthered by state government guidance, requirements and oversight. This also supports laws that are on the books in Washington, New Jersey, Vermont, Maine, Florida and Oregon that give the state a role in local planning. It suggests that the effectiveness of growth management in other states could be improved by giving the state a greater role in local growth management.

Effective growth management is not without its negative side effects, but they are not universal and some of the most worrisome ones, such as the loss of jobs and the displacement of low income groups, appear to be rare. Nevertheless, political controversy, technical problems and legal difficulties can come with the territory. Growth management is not an easy matter.

We found somewhat conflicting evidence on whether growth management increases housing prices. On the one hand, ratings for housing affordability were no different between communities with more and less growth management. On the other hand, about 38% of those interviewed that had highly effective tools indicated that the tools had increased real estate values. This could mean that it's the effectiveness and not simply the use of tools that affects housing prices and it could mean that price increases caused by growth management are not significant enough to change the affordability outlook.

Ultimately, effective growth management requires much more than the technical application of a

growth management prescription to a given ailment. Many planners who work with effective tools advise others to educate the community, build political support and tailor-make growth management tools to fit the needs and character of the community.

This is only the beginning of what should be a continuing study of growth management in local government. Many questions remain unanswered and many that were answered here deserve further study. Nevertheless, there is much here that should be carefully considered by local governments who are planning to manage their growth.

## **APPENDIX: TOOL DEFINITIONS**

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**ACCESS TO PUBLIC FACILITIES:** This tool enables jurisdictions to control development by controlling access to public facilities and infrastructure extensions and hook-ups. The tool functions as a timing control by regulating access to such public facilities as a sewer line or a water line, or by limiting curb cuts to a street or highway. This tool extends the concept of limited access highways to sewer and water systems passing thru areas that are not ready for development. Access frequently is tied to programmed capacity of treatment facilities. (Gleeson, p. 37).

**ADEQUATE PUBLIC FACILITIES:** This tool is an ordinance requiring that certain public facilities, mainly utilities and roads, must be in place, planned for, or provided as a precondition of development permission. (Meshenberg, p. 3).

**BUILDING HEIGHTS AND FAR:** Height development regulations are zoning regulations that limit the maximum height within particular zones. Height usually is measured from the highest point of a building, excluding chimneys, antennas and other appurtenances. One purpose of height regulation is aesthetic, e.g., to relieve feelings of congestion and to preserve views. Another purpose, used particularly in dense areas, is to permit sunlight to reach the ground. (Meshenberg, p. 18). Floor Area Ratio (FAR) is the ratio of floor area permitted on a zoning lot to the size of the lot. Thus a permitted floor area ratio of 6.0 on a 10,000 square foot lot would allow a building whose total floor area is 60,000 square feet. When used alone, FAR gives developers great flexibility in deciding whether to build a low building covering most of the lot or, in some places,

a combination of buildings, so long as the total allowed is not exceeded. (Meshenberg, p. 17).

**CRITICAL AREAS PROTECTION:** These policies and ordinances control development in environmentally critical areas such as riparian corridors, wetlands, steep slopes, liquefaction and landslide prone areas, and wildlife habitat. (Seattle Office of Long Range Planning). While still evolving, the critical area concept has become an accepted tool for planning, growth management and development review and permitting, especially in coastal states. By requiring public planners to clearly define necessary environmental impact mitigation measures in specific critical areas, it moves the professional debate beyond general environment/development conflicts to exact analysis of expected impacts, and consensus on proposed technical solutions. (Duncan, p. 39).

**DEDICATION OF LAND OR CAPITAL FACILITIES:** Under subdivision regulations, this is the transfer of property (or cash payments) from private to public ownership. Subdivision regulations have traditionally required developers to build streets and utility lines to specifications and then dedicate them to the public. Over time, requirements have been extended to include land for open space and for schools. Dedication of such property increasingly is required as a condition of subdivision plat approval. (Meshenberg, p. 12).

**DESIGN REVIEW:** This is the review of development proposals to determine their compliance with community design objectives. Design review seeks to promote the orderly and harmonious growth of a community in a manner that reflects public determination of what the city or county should look like in the future. (Schiffman, p.51).

**DOWN ZONING:** Downzoning is a change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multi-family to single family or from commercial or industrial to residential. (Meshenberg, p. 14).

**ENVIRONMENTAL REVIEW:** Environmental review or environmental impact analysis is "a study of the probable changes in the various socioeconomic and biophysical characteristics of the environment which may result from a proposed or impending action." (Jain, p.3). Normally, the enabling legislation for allowing environmental review or impact analysis on a local level is the State Environmental Policy Act (SEPA) which is modeled after the National Environmental Policy Act (NEPA), adopted January 1, 1970.

**FAIR SHARE HOUSING:** This tool is a state or regional approach to allocating the responsibility of providing and maintaining affordable housing among jurisdictions within the State. It "defines housing market regions for the state; estimates the present and prospective need for low and moderate income housing

for the state, regions and municipalities; and monitors and enforces the allocations of that need." (State of New Jersey, p.11). The State of Massachusetts, for example, requires that municipalities meet housing quotas as defined by "the following statutory minimum production of low- and moderate-income housing: a) 10 percent of a town's housing units are subsidized for low- or moderate-income persons, or b) such housing exists in the community on sites constituting 1.5 percent of the total land area, excluding public land." (Sternlieb, p. 343).

**FEE SIMPLE ACQUISITION:** With this tool, jurisdictions can outright purchase land and/or buildings to, for example, preserve sensitive natural areas or other cultural resources.

**IMPACT FEES:** This is a fee or tax imposed on developers to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new improvements without resorting to deficit financing. Judicial reaction to such efforts has been mixed. These charges are a further extension of efforts to make developments pay for their impact on a community's financial ability that have been pursued through subdivision exactions or mandatory dedications. Impact fees may also involve some effort to predict the total cost to the community of servicing the new development in light of the tax revenues that will be produced by the development once it is completed. (Meshenberg, p. 13).

**LESS THAN FEE SIMPLE ACQUISITION:** Jurisdictions use this tool to purchase development rights, easements and rights-of-way to, for example, preserve sensitive natural areas, public access, view corridors, etc.

**LINKAGE:** Linkage is a form of development exaction requiring nonresidential development projects to contribute to the funding of affordable housing and other social programs, the need for which can be "linked" to the new development. Linkage works by requiring that a portion of the value created by private investments and development activity be redirected to provide affordable housing, day care facilities or job training opportunities. (Duncan, p.53).

**LOCAL IMPROVEMENT DISTRICTS:** A form of the real property tax is the special assessment which may be levied where specific public improvements benefit identifiable properties. The use of special assessments and the creation of assessment districts [Local Improvement Districts] is enabled by state legislation or, more rarely, embodied in local government charters. This mechanism is most commonly used for street, sidewalk, and utility improvements, and more recently, for funding improvements in central business districts such as pedestrian malls and attendant parking facilities. (Patterson, p.161).

**PERFORMANCE ZONING:** This is a form of zoning in

which the criteria for establishing districts and regulating land uses within districts are based primarily on performance rather than on use or design specifications. In other words, a performance zone is defined by a list of permitted impacts as opposed to a list of permitted uses. (Schiffman, p.88).

**PERMIT LIMITATION SYSTEMS:** This tool limits the rate of residential, commercial, or industrial development that may occur in a planning area. It can be applied to a whole city or a district within it. The rate is controlled by limiting the number of development permits that are issued in a single year, over a period of years, or on average. Both absolute amounts of growth (e.g., 500,000 square feet per year) and rates of growth (e.g., 2 percent) have been controlled using this tool. (Pivo, p. 37).

**PLANNED UNIT OR CLUSTER DEVELOPMENT:**  
*Cluster:* A development pattern in which uses are grouped or "clustered" through a density transfer rather than spread evenly throughout a parcel as in conventional lot-by-lot development. The area equal to the total reduction in the normally required lot remains in open space. (Schiffman, p.42).  
*Planned Unit Development:* A device that allows a development to be planned and built as a unit and that as a result permits variation in many of the traditional controls related to density, land use, setbacks, open space, and other design elements, and the timing and sequencing of the development. An integral part of PUD is cluster development, under which housing units are grouped to allow for flexibility in site design, mixtures of neighborhood shopping centers, better design and arrangement of open space, and retention of such natural features as flood plains or steep slopes. It offers greater opportunities for providing lower-cost housing with conventional housing. The approval of a PUD often requires some negotiation between the planning staff and the developer. (Schiffman, p.93).

**POPULATION CAPS OR CARRYING CAPACITY LIMITATIONS:** This tool attempts to regulate growth by controlling the absolute number of persons allowed to reside in an area. These limits are typically set based on current and future available infrastructure and public service capacity. "The term 'carrying capacity' can be most clearly understood as an attempt to relate the demand and supply of resources to sustain life. Carrying capacity results from the interaction of environmental, socio-psychological, and institutional factors. Carrying capacity, or the amount of development which is allowed to take place, depends on: 1) the area's natural characteristics that limit development, 2) the perceptions and values of area residents as expressed in their preferences for life-style and environment, and 3) the ability of the area's governing body and management agencies to provide the services and impose the controls necessary to insure that the desired quality of life is maintained." (Godshalk, p.1-2).

Carrying capacity is a term borrowed from the ecological sciences that describes the upper limit of population growth that can be supported within and by a particular area. As used in planning, it is an approach directed at identifying the upper capacity limits of the natural and built environment of a defined geographic area. (Duncan, p.67).

**PREFERENTIAL TAXATION:** In order to encourage certain kinds of development, to discourage premature development, or to compensate for regulations preventing change of use, some states have permitted local governments to establish various preferential tax incentives. The most widespread form of tax incentives now in use are those directed to the purpose of preserving open space and keeping land in forest, agricultural or horticultural uses, especially in urban fringe areas where development pressures are most severe. Preferential assessment, the more common approach to the problem, provides that land actively farmed or predominantly open shall be assessed only for its agricultural use value not taking into account alternative development values. Preferential taxation has been applied as well to other than open space, forest or agricultural land uses by dividing uses into classes, each of which is assessed at differing percentages of market value according to current use or according to uses permitted in the zoning district in which the land falls. (Patterson, p.141).

**SCENIC VIEW PROTECTION:** These regulations protect the view of or from particular points, usually via height limitations. Some regulations, for example, might protect the view of a major historic or monumental structure like a state capitol by restricting building heights in surrounding areas. Similarly, a community might wish to afford many of its residents with a particularly scenic view by decreasing maximum heights. (Meshenberg, et.al., p. 36). Different programs which are used to protect scenic roadways are: "Designation of scenic roads, parkway design standards, land and easement acquisition, zoning and land use controls, traveler information programs, and transfer of development rights." (Mantell, p.93). Scenic vistas may "include views of many types of natural and cultural features, such as mountains, bluffs, farmland, state capitols, historic buildings and landmarks, city halls, monuments, urban skylines, and any variety of surface water." (Mantell, et.al., p.94).

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

land-use control tools. (Meshenberg, p. 33).

**TAX BASE SHARING:** Since benefit/cost ratios are generally higher for commercial or industrial uses, municipalities tend to compete fiercely to include such development in their local tax base. Tax-base sharing involves redistributing the tax base without necessarily changing jurisdictional boundaries or government organization. A portion of the growth in property tax base is pooled and redistributed back to the taxing districts via a formula which favors those districts with below average per capita assessed property values. All jurisdictions thus share in the economic development of the region, regardless of where development occurs. (Duncan, p. 16-17). Tax sharing is often utilized to protect rural agricultural or sensitive environmental areas from development pressure without inhibiting a municipality where these conditions exist from collecting sufficient tax revenue to provide public services. It also reduces the incentive for exclusionary zoning practices.

**TAX INCREMENT FINANCING:** Tax increment financing (TIF) may be used to provide front end funds in an area where large scale redevelopment is feasible. A district around the proposed development is designated with a tax base equivalent to the values of all the property within the area. The tax revenues paid to taxing units are computed on the initially established tax base during the redevelopment period, which is usually the expected life of the project. The area is then redeveloped with funds from the sale of tax increment bonds. These bonds are sold by the municipality or a specially created taxing district for acquisition, relocation, demolition, administration, and site improvements. Because of the higher value of the newly developed property in the district, more tax revenue is collected and the tax "increment" above the initially established level goes into a fund to retire the bonds. After the development is completed and the bonds are retired, the tax revenues from the enhanced tax base are distributed normally. (So, p.132).

**TRAVEL DEMAND MANAGEMENT (TDM):** This tool establishes policies, programs, and actions designed to increase the use of high occupancy vehicles (public transit, carpooling, and vanpooling), cycling and walking; to encourage commuting outside congested time periods; and to encourage telecommuting as an alternative to driving. (Transportation Research Board).

**TRANSFER OF DEVELOPMENT RIGHTS:** Under the provisions of this tool the development rights from a piece of property are allowed to be transfer to another parcel. The development rights represent the unused development potential of the property. These rights can be used on additional properties of the owner or sold for use elsewhere. TDR represents an attempt to deal simultaneously with the dual problems of equity for landowners and of effectiveness in land use regulation. Still in its infancy, the technique has been used to preserve historic buildings, save agricultural and

environmentally sensitive land, and as part of a community's general growth management program. (Schiffman, p.111).

**URBAN GROWTH BOUNDARIES:** Urban growth boundaries serve two related purposes—to promote compact and contiguous development patterns that can be efficiently served by public services and to preserve open space, agricultural land and environmentally sensitive areas which are not currently suitable for urban development. At the most basic level, an urban growth boundary program consists of a perimeter drawn around an urban area, within which urban development is encouraged and outside of which urban development is discouraged. Urban growth boundary lines are generally designed so that projected growth over a specified future time period, typically 10 to 20 years, can be accommodated within the boundary. (Duncan, p. 19).

**VOTER APPROVAL:** Jurisdictions may require voter approval for certain types of developments, upzonings or other controversial land use decisions.

**ZERO LOT LINE DEVELOPMENT:** A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning ordinances retain yard requirements; where zero lot line developments have been permitted, they have been handled through variances or planned unit development procedures, or other devices which allow for site plan review. (Meshenberg, p. 38).

**ZONING BONUSES:** This is a land use incentive technique by which a builder or developer agrees to provide certain amenities or other community benefits, such as public plazas or below market rate housing, in exchange for a bonus. The bonus is usually permission to build at a higher density or exemption from some parking requirements (Schiffman, p.48).

**ZONING CONDITIONS:** With this tool in place, jurisdictions may place conditions on zone change approvals and/or discretionary land use decisions that require applicants to mitigate the impacts of their developments.

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