

Ballot Box Planning



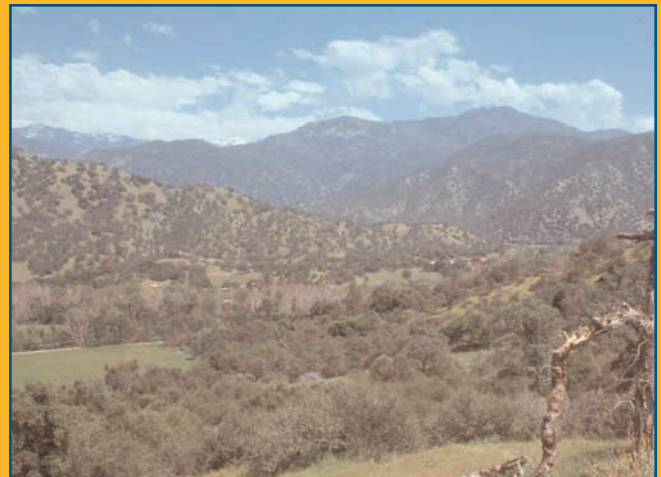
and Growth Management



Produced by
Local Government Commission

Based on a report by
Solimar Research Group
Principal Author • William Fulton

Funding by
The William and Flora Hewlett Foundation
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Introduction

In the next 40 years, California's population is expected to grow by 24 million, the current population of Texas and New York combined. Even conservative projections anticipate a significant increase in our state's population for the foreseeable future. Over 65% of that population growth will be the result of natural increase, not immigration from abroad or other states. How we shape and manage that growth will be crucial to the future livability of our communities and our regions.

This guidebook addresses some of the issues that local governments and community activists need to consider when pursuing "ballot box zoning" or other techniques to manage growth.

Unfortunately, there are no quick or easy fixes to managing growth. The techniques used are complex and their impacts can

often run counter to their original intent of managing growth and creating a more livable community.

This guidebook is based on research conducted by California planning expert William Fulton and the Solimar Research Group. Their full 75-page report and other useful information on growth management techniques are available on the Local Government Commission web site (www.lgc.org).

Two recent reports, *Ballot Box Planning: Understanding Land Use Initiatives in California* by the League of California Cities' Institute for Local Self-Government (www.ilsg.org) and the *Guide to Local Growth Control Initiatives* by the Planning and Conservation League (www.pcl.org), are also useful resources.

Overview

The concept of “ballot-box zoning” is more deeply embedded in California than it is in any other state. Over the past 30 years, at least 1,000 different development, growth, and land use measures have appeared on local ballots around the state. Virtually all of these measures have called on local governments to engage in some form of “growth management” – to impose additional planning policies that focus on the *timing* and geographical *sequencing* of growth within a community.

The impact of growth management ballot measures in California has been widely debated – and litigated – over the past 20 years. Builders have often argued that ballot-box zoning slows growth by subjecting development approvals to expensive and unpredictable political campaigns. Planners

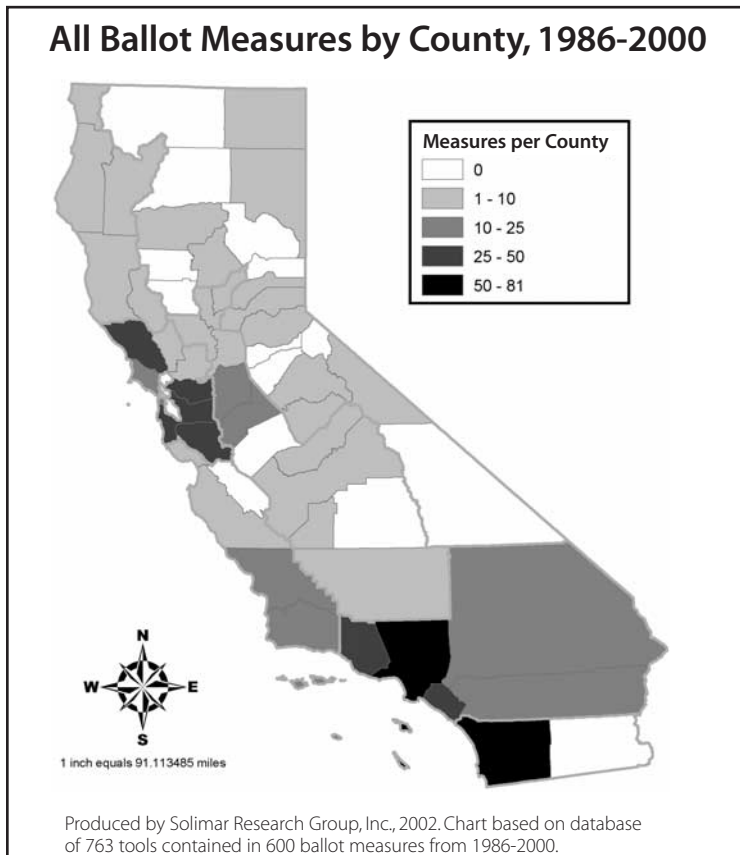
have often argued that ballot-box zoning undermines comprehensive community planning by de-coupling specific development decisions from the overall planning processes. Even environmentalists have split on the question of ballot-box zoning. Though they generally favor “direct democracy,” some environmentalists have pointed out that ballot-box zoning can exacerbate sprawl by lowering densities.

The Solimar Research Group’s report concludes that growth management techniques proposed and adopted via the ballot do not – in and of themselves – encourage or discourage “Smart Growth.” Rather, the impact of ballot-box zoning on community growth patterns in California depends on circumstances and especially on the way these measures are subsequently implemented by cities and counties.

Ballot-box zoning can be used to defeat Smart Growth, either by builders who want to continue sprawl or by citizens who want to lower densities. But ballot-box zoning can also be used to promote Smart Growth if it is used to combine enhanced public involvement with thoughtful consideration of the growth choices faced by most communities.

Some of the report’s most important findings include:

- Ballot-box zoning remains geographically concentrated in a relatively small number of coastal metropolitan counties around the state, mostly in Southern California and the Bay Area. Use of the ballot migrated from the Bay Area to coastal Southern California in the early-to mid-1980s and this geographical pattern has not shifted dramatically since.



- Citizen activists and elected officials who use the ballot as an alternative to traditional planning processes do not use different growth management tools. The growth management toolbox used on the ballot is virtually identical to the toolbox used by cities and counties in regular planning processes. Most specifically, it consists of seven broad tools:
 - 1 Housing and population caps
 - 2 Commercial and industrial caps
 - 3 Infrastructure adequacy ordinances
 - 4 Alterations in zoning
 - 5 Urban growth boundaries
 - 6 Voter approval requirements
 - 7 Broad and general growth management techniques.
- Though the same tools are used, the overall approach at the ballot box in the Bay Area appears to differ from that in Southern California. Bay Area voters are much more likely to use urban growth boundaries and housing and population caps to manage growth. Southern California voters are much more likely to use downzoning and voter approval requirements – which could be a recipe for more sprawl.
- Voters appear to be able to parse the difference between ballot-box growth management tools designed to promote growth and those tools designed to manage growth. So-called “slow-growth measures” pass much more frequently and, when Smart Growth tools such as urban growth boundaries are on the ballot, they pass far more frequently when they are associated with a growth management campaign rather than a “pro-growth” campaign.
- During the 1990s, there was a significant shift from traditional techniques that restrict the overall amount of growth

What is Smart Growth?

The term “Smart Growth” has caught on in recent years to describe a way in which our communities can achieve some of the benefits of growth and development without some of its negative consequences. The term was initially used by the state of Maryland to characterize a program there that provided incentives for compact, contiguous development and penalized sprawling, unconnected, low-density growth.

In California, the Ahwahnee Principles, adopted in 1991 by the Local Government Commission, incorporated many of the key concepts of Smart Growth. Since then, more than 130 local jurisdictions have adopted all or parts of the Ahwahnee Principles. Numerous organizations – ranging from the American Planning Association to the National Governors Association to the League of California Cities – have also adopted Smart Growth policies.

While these different organizations have emphasized different aspects of Smart Growth and the Ahwahnee Principles, they all share common themes:

- Use land efficiently by filling and reusing older, bypassed land before spreading out.
- Build new neighborhoods in areas that are contiguous to existing development and in a more compact way.
- Build and revitalize communities with a mix of commercial, retail and residential uses that are well-connected and in close proximity to one another.
- Support walking, bicycling and transit use throughout the community with good facilities and supportive urban design and land use planning.
- Preserve open space and agricultural land.
- Address these issues at the community and at the regional level.
- Engage residents in the planning process.

For more details about the Ahwahnee Principles for More Livable Communities, visit the Local Government Commission website at www.lgc.org/ahwahnee/principles.html.



(housing and population caps) to techniques more consistent with Smart Growth concepts, such as constraining geographical expansion of urban growth (urban growth boundaries).

- At the same time, the 1990s also saw a dramatic rise in subsequent voter approval measures, which require voters to approve future changes in General Plans, urban growth boundaries, or densities and can inhibit efforts by local governments to plan for growth in a rational and predictable manner.
- Ballot-box growth management – like jurisdictional-level growth management of any kind – often fails to take into account the larger regional implications of constraining or directing growth on a local level. Since growth results in numerous regional impacts, managing it at the local level can undermine Smart Growth approaches.
- Whatever growth management tools are adopted by voters, it's still up to the local government to implement those tools. How they are implemented can encourage or discourage the use of Smart Growth principles.

Some of these trends are encouraging, some are not. But they do suggest that, if approached strategically, growth man-

agement ballot measures can be used to encourage the use of Smart Growth principles in some of the fastest-growing and most crowded parts of California precisely when those principles are most needed. The key is to focus on growth management tools, such as urban growth boundaries, that encourage more compact, infill development.

Perhaps the most important recent trends are the decline in housing and population caps, and the rise in urban growth boundaries and subsequent voter approval requirements. Urban growth boundaries (UGB) are a staple of Smart Growth because they discourage geographical expansion of urban areas and therefore encourage revitalization and infill development in already urbanized areas.

However, the mere passage of a UGB does not ensure such a pattern. Indeed, a poorly constructed UGB program will sometimes encourage leapfrog development to the other side of the UGB or to more distant towns or cities.

UGBs must be accompanied by a strong policy statement that development inside the boundary is encouraged and by a series of code revisions that will facilitate growth in infill locations that are friendly to transit and other alternative forms of transportation.

UGB ballot measures should facilitate Smart Growth by taking the extra step of directing the local government to alter its existing codes to facilitate infill and compact, mixed-use development patterns, rather than simply outlawing sprawl.

Similarly, subsequent voter approval requirements can cut both ways. Subsequent voter approval measures come in two basic packages. The first involves voter approval to permit the geographical expansion of urban growth (a UGB); the second involves voter approval to increase densities inside

the urban boundary (essentially, any General Plan Amendment).

A subsequent voter approval requirement for UGBs can promote a “Smart Growth” result. Future expansions of the UGB also require voter approval, which means that landowners and developers of “greenfield” sites outside the UGB must make the case to voters that expanding the urban boundary is good for the community.

But a subsequent voter approval requirement for density increases or for individual projects inside the boundary can hinder a “Smart Growth” result by giving infill opponents more political power. It is not uncommon for voters to support both a UGB and a restriction on densities inside the boundary. If the combination of these two restrictions suppresses growth below market levels, then two unfortunate consequences will result.

First, compact development will never be achieved inside the boundary, thus limiting the possibility of transit and other alternative forms of transportation and growth. Second, more of the growth will leapfrog over the boundary to another jurisdiction – often one that encourages lower densities.

Therefore, ballot-box zoning must be strategically crafted to promote Smart Growth rather than undermine it, and it must take place in the context of a regional growth consensus that encourages Smart Growth in all communities.

Ballot-box zoning is one of the most powerful tools available to California citizens in shaping the future of their own communities. Both citizen activists and elected officials can use it wisely to promote Smart Growth – if they understand the opportunities and pitfalls of the campaign-driven planning processes that emerge from the passage of growth management ballot measures.



Harnessing Growth to Build More Livable Communities

Prior to resorting to growth management measures, community leaders should examine more closely what it is they are trying to accomplish and if there are other ways to tackle the problem. Most residents are not concerned with growth per se, but with its impacts and the feeling that growth will result in diminished quality of life.

However, communities should consider ways in which growth can be harnessed to improve their quality of life. Building housing in infill or bypassed locations, for example, can help revitalize declining neighborhoods. Some communities are considering ways to accommodate new residents by converting old vacant shopping centers or abandoned industrial sites into active, livable new neighborhoods.

Building more compact housing and allowing existing homes to add accessory units can support efforts to expand transportation options while providing a mix of housing types. Allowing new mixed-use development – housing over shops, for example – in neighborhood or town centers can support local businesses while creating vibrant walkable centers.

For ideas on how to build more livable communities, visit the LGC’s online bookstore (www.lgc.org/bookstore) for documents on infill and transit-oriented development, walkable neighborhoods and street design, and public participation in the planning process.

Growth Management Tools Commonly Used in California

Over the past 20 years, growth management has come to mean many things to different people. To builders and developers, it can mean providing the infrastructure required to support new urban growth. To environmentalists, it can mean actually suppressing the overall amount of growth. To planners, it can mean directing growth into appropriate locations with appropriate conditions. However, among experts, there is considerable agreement about the spectrum of growth management tools and techniques in use in California.

More than a decade ago, UCLA researchers Madelyn Glickfeld and Ned Levine undertook two comprehensive surveys of more than 500 California local governments and their growth management techniques. Based on that survey, Glickfeld and Levine compiled a list of 17 different growth management techniques, later conflated into seven tools. Since that time, virtually all other California growth management researchers have used these seven tools.

Based on this literature and current knowledge of the field, we believe that the universe of growth management tools commonly used in California still consists of these seven general categories of tools. In current lexicon, they are:

- 1 Housing and population caps
- 2 Commercial and industrial caps
- 3 Urban growth boundaries
- 4 Infrastructure adequacy requirements
- 5 Zoning
- 6 General Controls
- 7 Voter Requirements



1 Housing and Population Caps

Population growth caps establish a population growth limit or restrict the level of population growth for a given time period. These are usually implemented by restricting the number of housing units permitted for construction. Housing permit limitations restrict the total number of residential building permits in a given period.

Population and housing controls, the “granddaddies” of California growth management, were first imposed in growing suburban communities in the 1970s to meter the rate of growth per year – either to prevent the community from being overwhelmed or to help calibrate new residential growth with infrastructure construction.

Although population growth caps purport to control the number of people in a community, both population and housing caps actually seek to manage growth by restricting and controlling the number of housing units. That’s because population caps limit housing construction through the use of

assumptions about how many people, on average, will live in each housing unit.

Population and housing caps were popular in the 1970s and 1980s but they have not spread to very many new communities in the last decade.

2 Commercial / Industrial Caps

Commercial and industrial caps come in two shapes:

- Measures that restrict the amount of square footage of commercial or industrial structures that can be built within a given time frame.
- Measures enacted within the last five years to restrict the permitted height of commercial buildings and thus the floor area that can be built on a given parcel (floor-area ratio).

These are the non-residential equivalents of population and housing controls. Implicitly, these types of measures restrict the built space available for employment and retail transactions, just as limiting housing construction restricts population. Although many California communities have adopted population and housing controls, relatively few have adopted restrictions on the amount of non-residential development, although many have adopted height limits.

The tool most often used to restrict non-residential growth is the floor-area ratio, which refers to the ratio of gross building floor area to the net lot area of the building site. The floor area ratio (FAR) was developed as a more refined and adaptable measure of intensity than building coverage. It expresses in one measure, instead of several, the mathematical relation between volume of building and unit of land. FAR, however, cannot replace more traditional bulk controls entirely. Often it is not a sufficient height control nor does it regulate the placement of the building on the site.



3 Urban Growth Boundaries

Boundaries that restrict growth come in two major types:

- A limit, inside of – and other than the boundaries of – the jurisdiction beyond which residential, commercial or industrial development is not currently permitted.
- Phased (or tiered) development areas where development approval is deferred until a certain time period or until existing developed areas are substantially developed.

Urban growth boundaries and related tools have become increasingly popular in the last 10 years, especially in certain Bay Area counties and along the coast. Simply put, these boundaries seek to limit urban growth to specific geographic areas through regulatory restrictions and/or limitations on infrastructure expansion.

Although these tools have become more important in recent years, there is great variation around the state in the definition of what is “urban” and what is “rural.” In some cases, non-urban land uses must involve parcels 40 to 320 acres in size – parcels for which farming, ranching, and other rural economic uses are viable. In other cases, non-urban land uses can be as small as one



acre in size – that is, any use that does not require a sewer and water hookup.

In the simplest case, a phased development system prohibits development in areas that lack sewers or some other basic public service. In more sophisticated systems a combination of services must be available before development is permitted – and the local planning policies may lay out a system of geographically sequencing new development to conform with plans for infrastructure construction. Often developers may, at their own expense, supply services that are lacking.

The number of building permits issued may be subject to a quota, with preference given to proposals that meet public goals by providing good design, open space, energy efficiency, public amenities or low-cost housing.

Some uses, such as non-residential development or housing for the elderly, may be exempt from the controls.

Phased development controls can slow growth to allow municipalities to budget expenditures for expansion of municipal services to developing areas over a longer period. Slower growth can prevent the overburdening of existing facilities while

new ones are being constructed. Phasing can also encourage growth near existing built-up areas, helping to reduce sprawl.

4 Infrastructure Adequacy

Efforts to relate growth to adequate levels of infrastructure rely on:

- Measures that specifically require adequate service levels (i.e. road capacity or traffic congestion) or service capacity (i.e. water or sewer service capacity) prior to or as a condition of residential development approval or of commercial/industrial development approval.

These measures also go by many other names: Adequate Public Facilities Ordinances (APFOs), Level of Service (LOS) requirements, or Concurrency requirements. (The term “concurrency” is derived from the Florida Growth Management Act and is not widely used in California.) These measures typically prohibit the construction of new development unless the public infrastructure is in place to support it. In general, infrastructure adequacy is measured by predicting the impact on “levels of service” – specific standards for virtually all public infrastructure, including roads (congestion levels), schools (capacity and crowding), parks (acres per person), and police and fire services (response times).

5 Zoning

Changes to the zoning code are also used to manage growth either through the downzoning or rezoning of land. These techniques include:

- Measures to reduce the permitted residential density by general plan amendment or ordinance.
- Measures to rezone or redesignate land previously zoned for residential use to agriculture, open space, or other less intense uses.

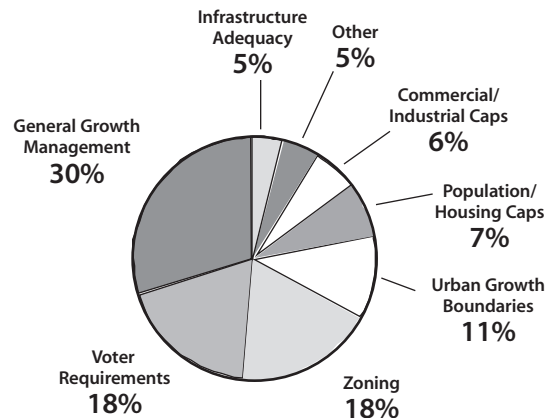
- Measures to rezone or redesignate land previously zoned for commercial use to residential, agriculture, open space or other less intense uses.

Zoning is, of course, the most basic land use regulatory tool. All jurisdictions in California are required to have zoning ordinances, and zoning must be “comprehensive” – that is, it must apply to all parcels in the jurisdiction. Zoning typically dictates the uses permitted on each parcel, the size and massing of the buildings permitted, and other requirements such as the number of parking spaces.

One of the most common tools in California growth management is simply to alter the zoning (and usually the land use designation in the General Plan as well) to permit only less intense uses. For example, commercial land is rezoned to residential use or residential property is “downzoned” so that it can accommodate fewer units per acre than it could before.



Statewide Frequency of Tools, 1986-2000



6 General Controls

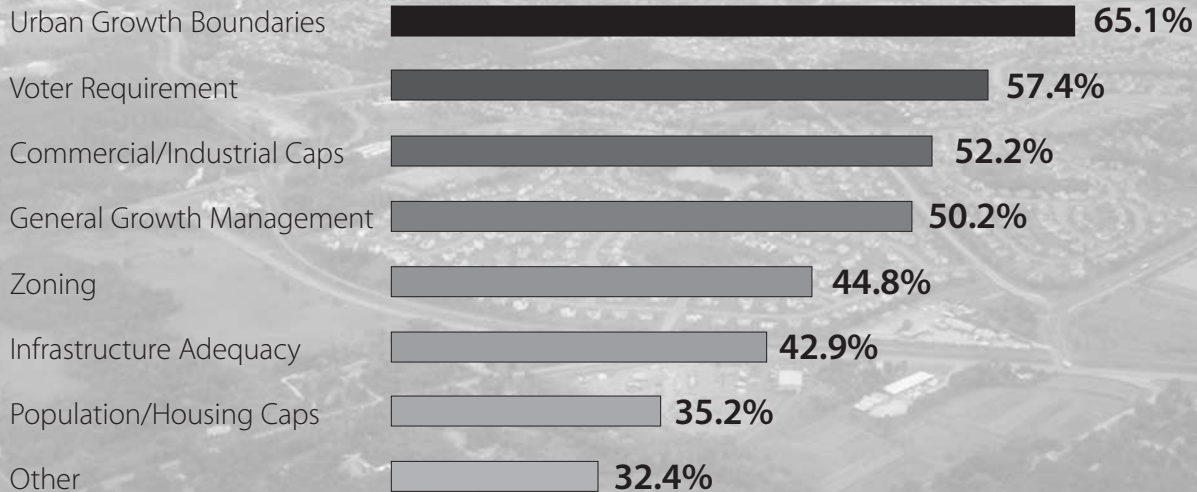
This category includes the following variety of miscellaneous approaches to managing growth in California communities:

- A comprehensive plan to address growth issues within the context of the General Plan.
- Measures that restrict the total number of new subdivided lots that can be created in a given time frame.
- Other measures to control the rate, intensity, type or distribution of development (such as infill and redevelopment strategies).

The Growth Management Element has become increasingly popular in the last 20 years as a way to incorporate the community’s growth management goals into the comprehensive context of the General Plan. The element can contain a wide range of tools within it, but most often it contains some kind of long-term restriction on the amount of housing and non-residential space, along with some kind of infrastructure finance and monitoring plan.

How Do California Growth Management Tools Fare at the Ballot Box?

[Percentage of ballot measures that pass]



Percentages based on Solimar Research database of 763 tools contained in 600 ballot measures from 1986-2000.

7 Voter Requirements

The two primary voter requirements meant to manage growth are:

- Measures to require voter approval for certain kinds of changes to the zoning ordinance and the general plan land use designations, including an increase in residential densities and a change on specific parcels from open space or agricultural use to residential or other urban uses.
- Measures to require that some or all general plan and zoning ordinance amendments that allow increased residential densities or other increases in urbanization be approved by a greater than simple majority of the governing board of local jurisdictions.

So-called “subsequent voter approval” requirements have been growing in popularity in recent years. These are typically enacted by ballot measure and have the effect of “locking in” the current zoning or general plan land use designation. Most often, they have been used to discourage “upzonings” and rezoning of property from agricultural use or open space to urban use. Obviously, they foster a culture of ballot-box planning in communities: once the voter requirement has been instituted, it is a virtual guarantee that future issues will be decided at the ballot box.

Impacts and Implementation Issues Associated with Growth Management Tools in California

The impacts of growth management techniques are difficult to measure and therefore the source of much debate. This is especially true given the wide-ranging nature of growth management tools. For example, urban growth boundaries, housing caps, adequate infrastructure requirements, and voter requirements are all designed to perform fundamentally different tasks.

Many jurisdictions have adopted several growth management tools, often “layering” one on top of another over time. For example, many jurisdictions that adopted housing and population caps in the 1970s and 1980s subsequently adopted urban growth boundaries in the 1990s. In these situations, it is very difficult to disentangle the impact of one tool from the impact of another.

The impact of growth management tools also depends a great deal on how the tools are used and implemented by the jurisdictions that adopt them. For example, some tools – such as housing and population caps – explicitly seek to limit the overall amount of growth in a jurisdiction. Whether they actually do limit growth, however, depends on implementation, because some communities set the “caps” high while others set them low. The same is true for urban growth boundaries, which can be either tight or loose. (Case studies in the Solimar report document some of these implementation issues in more detail.)

Furthermore, scholarly research on these impacts is incomplete and expert opinion varies widely. So it is impossible to say with



certainty what effect a given growth management tool is likely to have – especially considering how different local community situations can be. Also, research has not always distinguished between different types of growth management. Rather, researchers have often lumped “growth management” into a single category.

Nevertheless, it is possible to pose the same fundamental set of questions for almost all of these growth management tools – and examine the answers to these questions to the extent that they are available.

These questions include:

1. Impact on Amount of Growth Locally: Is the tool effective in controlling the overall amount of growth within the jurisdiction where it is adopted, or are other factors more influential (e.g., general economic conditions)?
2. Impact on Amount of Growth Regionally: Does the tool suppress the overall amount

of growth within the metropolitan region or in the state as a whole?

3. Impact on Density and Sprawl: Does development become denser or more sprawling as a result of this tool's use?

4. Impact on Housing Cost: Does the tool directly or indirectly increase the cost of development, in particular housing costs?



5. Impact on Specific Population and Economic Groups: Does the tool's use have the effect of excluding certain ethnic or income groups from the community where it is adopted?

6. Impact on Jurisdiction's Fiscal Well-Being: Does use of the tool exert a fiscal impact on the jurisdiction that adopted the tool, or create a disparity between existing development and new development with respect to assessments or levels of service?

7. Impact on Geographical Sequencing of Growth Locally: Does use of the tool have the effect of spatially and temporally directing growth within the jurisdiction adopting it?

8. Impact of Geographical Sequencing of Growth Regionally ("Bounce Effect"): Does growth "bounce" out of the jurisdiction adopting the tool into other jurisdictions as a result of the tool's use.

9. Impact on Rate of Growth: Does the use of this tool have an impact on the rate of growth over time?

10. Impact on Decision-Making Process: Does this tool's use change the decision-making process for new development?

Analyses of Growth Management Overall

Much of the research on growth management impacts has dealt not with individual growth management tools but rather with the combined impact of a growth management regime, or with a comparison among different communities that have adopted different types of regimes. Studies conducted in the late 1980s and 1990s found that:

- Enactment of local growth management measures did not have an impact on the amount of construction at the state, metropolitan, or county levels. (Glickfeld and Levine, 1992)
- Growth management by individual jurisdictions in California created a "bounce effect," usually to the edge of the metropolis rather than into adjacent jurisdictions. (Glickfeld and Levine, 1992)
- During the 1980s, more than 500,000 housing units in California were either not produced or displaced to another jurisdiction as a result of growth management policies, although the researcher acknowledged a great deal of variability in the possible results of his model and recognized that this figure might be high. (Levine, 1999)

The tools with the greatest impact on reducing housing construction were not urban containment policies, but rather policies that reduced the size or density of allowable construction. Neither urban growth boundaries nor



adequate public facilities ordinances played an important role.

- Many growth management tools – most obviously “low-density-only zoning” – tend to skew communities toward detached housing, according to a survey of 1,100 jurisdictions in the nation’s 25 largest metropolitan areas. The study, which examined the impact of growth management tools on the communities’ housing and socioeconomic characteristics, found that an agglomeration of growth management tools does have an impact. “With each new control it uses, a community reduces its growth, shifts its housing stock toward single-family dominance, reduces the local proportion of renters, lowers its rental affordability, lowers the growth of black residents, and reduces balance.” (Pendall, 1995)
- Residential controls did not stifle housing construction, one group of researchers found, in a comparison of Santa Barbara, Santa Monica and Riverside. (Warner and Molotch, 2000)



Caps on Housing, Population and Commerce/Industry

While housing and population caps are not widely used, they have been the subject of considerable research attention. This is probably because they are high profile and controversial; because they were the first major growth management tools used in California; and because they would seem on their face to overtly suppress growth. Commercial and industrial caps have not been widely analyzed.

As with so many growth management tools, the impact of housing and population caps appears to depend a great deal on how the caps are crafted and implemented. The best-known empirical research (Landis, 1992) compared seven California cities that have growth management tools in place (five had housing or population caps) with seven comparable cities that did not have those tools in place at the time they were analyzed. That study concluded:

- The local amount of growth did not seem to be reduced by the presence of growth management tools such as housing caps. Of the five housing cap cities analyzed, three grew faster than their counterparts and two grew more slowly.
- The impact on regional growth was inconclusive.
- Regarding housing cost, the study found that “median single-family home prices did not rise any faster or to higher levels in the seven case-study communities than in their counterpart pro-growth cities.”
- Regarding fiscal impact to cities, the study found that the cities using growth management tools had a slight advantage in the balance of revenues and

expenditures than the control cities, but that both groups of cities were in good financial shape.

The Landis study's most important conclusion was that housing caps were neither created nor implemented in a way that constrained growth significantly (at least not relative to the control cities).

First, he found that housing caps were adopted during or immediately after a housing construction boom. For this reason, the caps were set at a high level, and subsequent housing development proposals did not reach the cap.

Second, implementation techniques (including exemptions and carryover of units from one year to the next) created more "give" in the regulatory system. And third, Landis hypothesized that the control cities managed growth in a similar fashion but on an ad-hoc basis (for example, by reducing the number of units on each project in front of the planning commission rather than restricting the overall quantity as a matter of policy).



Urban Growth Boundaries and Infrastructure Adequacy

Urban Growth Boundaries and Infrastructure Adequacy fall into a particular category of growth management tool. They do not overtly seek to suppress or redistrib-

ute the overall amount of growth; rather, they seek to subject growth to certain requirements. As Pendall (1995) put it, these tools are "protective without intrinsically seeking to slow growth." However, they are often perceived as tools that can be used to suppress growth, because they bind it geographically and/or potentially increase the cost.

Urban Growth Boundaries

Urban Growth Boundaries (UGBs) are among the most researched of all growth management tools. In policy terms, they are based on a theoretical relationship between supply and demand for land. The price of land inside a boundary should rise, thus providing urban developers with motivation to develop at higher densities. Outside the boundary, the price of land should decline, thus ensuring the economic viability of resource-based activities that usually cannot compete in land markets with urbanization.

One study concluded that "urban growth boundaries raise land prices, and the longer they are in effect and the more tightly they are drawn around existing development, the more severe this inflationary effect. When the boundaries encompass sufficient land to accommodate future growth – or even, as in the Oregon case, are accompanied by increased developable areas – they may not have this inflationary effect." (Pendall et al, 2002)

Most of the research on the relationship between UGBs and the cost of housing and other development has been focused on Portland, Oregon, which has had a metropolitan UGB, pursuant to the state's growth management law, for more than 20 years. In general, this research suggests that, in and of itself, the UGB has not increased housing prices substantially – in part because it was drawn expansively to begin with and

because the Portland economy was depressed throughout much of the 1980s and 1990s, after the boundary was put into effect (Nelson, Pendall, Dawkins, and Knaap 2001.)

On the plus side, there is evidence that urban containment policies do increase densities and also in some cases increase multi-family construction. Recent Portland data shows that the trend toward higher density continued during the economic boom of the 1990s, with average lot sizes falling 13.5% in Clackamas and 20% in Multnomah County (Phillips and Goodstein 2000, 336; citing data by Mildner, Deuker, and Rufolo 1996). But the overall impact of these changes on the metropolis depends on the way that containment policies work together and the level to which they direct growth into specific areas.

California's experience with UGBs is somewhat different than Oregon's. First and most important, California UGBs are enacted by local option, rather than pursuant to a state law. In Oregon, cities are required to base their UGB on an analysis of a 20-year demand for urbanized land, and metropolitan regions such as Portland are required to reassess their UGB every five years based on a similar analysis. In California, no such analysis is required, and UGBs are most often implemented at the level of the individual jurisdiction rather than the regional metropolis.

Thus, the impact of UGBs in California depends more on how they are implemented locally. One study found that California jurisdictions adopt two distinctly different types of UGBs – tight “perimeter control lines” and much looser and more flexible “orderly expansion lines” (Glickfeld, Levine, and Fulton, 1996). Perimeter control lines are more likely to be adopted by coastal municipalities, and therefore are more likely the model for most UGBs

adopted by ballot measure in California. Orderly expansion lines are more likely to be adopted by inland counties, especially those in the Central Valley seeking to maintain an orderly transition from agricultural land to urban growth.

Glickfeld et al also found that, in many cases, the impact of UGBs was diminished by land use policies outside the line – while limiting growth to “rural” land uses – permitting low-density residential suburbanization, usually through one-acre residential zoning.



photo: American Farmland Trust

UGBs may have the effect of suppressing growth in specific jurisdictions that adopt them and causing it to “bounce” to other jurisdictions. If so, this is likely because the UGBs are used in combination with other tools that might have such an impact, especially housing and population caps. Many of the jurisdictions that have adopted UGBs via ballot measure – especially in the Bay Area and Ventura County – have done so only after putting housing and population caps into place.

Furthermore, no matter what the policies of a jurisdiction are, slow-growth politics may intervene to suppress growth inside the boundary on a case-by-case basis. A 1990 Portland study found that densities con-

tained in actual project approvals did not come anywhere close to planned densities. A more recent study found similar results in Ventura County (Fulton, Williamson, Mallory, and Jones, 2001). Analyzing 126 individual project approvals between 1996 and 2001, it found that, on average, residential development was approved at 80% of zoning capacity and 54% of the capacity delineated in the jurisdiction's General Plan. As in the Portland study, multi-family housing was approved at much closer-to-planned densities.



Infrastructure Adequacy

The tool of infrastructure adequacy can take several forms, which can be used either to suppress or encourage growth. In its purest form, it can simply be a linkage requirement stating that private development cannot move forward unless adequate public infrastructure – especially roads, sewer, and water – is available to accommodate it.

Variations can include: (1) an impact fee system requiring private developers to pay for all or a certain portion of infrastructure requirement for new development; and/or (2) a phasing system in which infrastructure is constructed in a specific geographical sequence, thus controlling the geographical sequencing of development itself.

There is little question that infrastructure requirements, however they are devised, tend to increase densities, largely because it is cheaper to provide new development with public services at higher densities. Indeed, one study found that counties with infrastructure requirements were much less likely to lose density than counties with UGBs (Pendall, 1999).

Depending on how they are implemented, however, the impact of infrastructure requirements on the geographical location of new development can vary dramatically. In Florida, for example, there is little question that the infrastructure adequacy requirement (known as concurrency) has, in many cases, driven development to or beyond the metropolitan fringe. (Nelson and Duncan, 1995; Nicholas and Steiner, 2000.) In the absence of major state funding for infrastructure upgrades, which was part of the original legislative deal for the state's growth management law, developers looked for excess road capacity, which existed principally on the fringe.

The impact of infrastructure adequacy systems that rely on geographical sequencing can also vary dramatically, depending on how they are implemented. The two most studied systems of this sort are the metropolitan urban service area in Minneapolis-St. Paul and the tiering system in the City of San Diego. In the Minneapolis-St. Paul case, the urban service area was ample to begin with, has been amended more than 60 times, and appears to contain many times more land than is required for future urban development. Thus, the Minneapolis-St. Paul system appears to have exacerbated sprawl. (Poradek, 1997.)

By contrast, the San Diego system appears to have had the opposite effect. The system created three tiers (an urbanized tier, a planned urbanizing tier, and an urban reserve tier) and used infrastructure finance

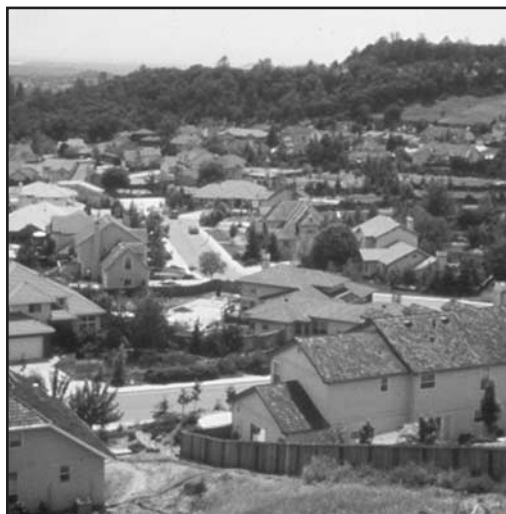
policy to encourage growth in the urbanized tier, where infrastructure already existed. The urbanized tier did, in fact, receive more development; but existing infrastructure was overwhelmed as a result. Also, residents in the planned urbanizing tier successfully opposed many development projects, thereby “underutilizing” that land and increasing pressure to expand the urban reserve. (Calavita, 1997; Mandelker, 1999.)

In short, infrastructure adequacy requirements can manage the geographical sequencing of growth, but they do so at substantial cost and with many side effects. They require clearly stated goals and implementation tools and constant monitoring.

Zoning Techniques

Zoning is, of course, the oldest tool for managing, restricting, or redirecting growth. As a growth management tool, zoning can be used to either increase or decrease the amount of development on a particular parcel and therefore affect development patterns.

The analysis associated with the 1988 and 1992 growth management surveys found that downzoning was a more common growth management strategy in Southern California than in the Bay Area, possibly contributing to the “bounce” factor of relo-



cating residential development to the edge (Glickfeld and Levine, 1992; Levine, Glickfeld, and Fulton, 1996).

In analyzing the results of his nationwide survey of 1,100 jurisdictions, Pendall (1995) found that low-density-only zoning had a significant impact on communities. Among other things, Pendall asked local jurisdictions to specify their maximum zoning. He then analyzed those communities with “low-density-only” single-family zoning. He found that low-density-only zoning led to the construction of less housing than otherwise would have been created in 1990.

He also found that, in addition to decreasing overall growth rates, low-density-only zoning produced a shift away from attached housing and renters toward detached housing and owner occupancy. Obviously, zoning can be used for any growth management purpose, including increasing overall density, decreasing overall density, and moving density around. Thus, the most important implementation issues associated with zoning as a growth management tool are:

- Does downzoning reduce the overall amount of growth in a community and thus encourage displacement or sprawl?
- Are zoning techniques – whether upzoning or downzoning – adopted in the context of an overall plan for growth management?

Voter Approval

The impact of voter approval requirements is one of the most heavily debated issues in the entire world of “ballot-box” zoning, but little empirical research has been done on it.

Voter approval requirements can take several forms, all of which have the potential to suppress growth. In some cases, General Plan Amendments that change the land

use designation of a particular parcel from a rural use to an urban use may be subject to a voter approval requirement. In other cases, General Plan Amendments calling for an increase in densities (or, in some cases, an increase in more than one “level” of density) require a vote. In still other cases, the extension of public infrastructure into certain geographical areas requires a vote.

During campaigns on voter approval requirements – and, often, in subsequent court cases as well – landowners and developers have argued that these requirements suppress growth. But this argument rests on two assumptions: First, that voters will be inclined to vote against development projects if they have the opportunity; and, second, that the vote requirement will have a “chilling” effect on the willingness of developers to move forward with projects. Courts have been unwilling to accept these arguments as sufficient reason to strike down voter requirements.

It is impossible to determine whether vote requirements have a chilling effect on development proposals. However, recent

anecdotal evidence provides some idea of how voters tend to deal with these issues when confronted with them on the ballot.

Subsequent voter approval requirements do raise a series of implementation issues. Obviously, small landowners or developers may be put at a disadvantage because of the cost of elections, especially in a county-wide race. But there are other implementation issues as well, including:

- How can or should communities plan for future land use in an integrated way when individual parcels are subject to separate votes?
- What is the relationship between the proposed development and the actual action being taken by the voters?
- What is the relationship between the vote requirement and the regular planning process? Should developers go through the planning process before or after the vote? Should a community be able to turn a project down after the developer has won a General Plan Amendment vote?

Conclusion

As this brief guidebook makes clear, managing growth at the local level in a way that supports the goals of Smart Growth is not an easy matter. However, we hope it has raised some of the issues that local governments and activists need to examine before proceeding with locally adopted or ballot-box measures. The key principle in making any of these growth management tools work effectively for the communities and region in which they are implemented is collaboration between local government officials and community advocates to find the right type of solution for problems they face.

Case studies in the Solimar Research Group’s full report document some of the implementation issues in more detail. For a copy of the report and other Smart Growth resources, visit the Local Government Commission’s web site (www.lgc.org).



Local Government Commission

A nonprofit, nonpartisan, membership organization, the Local Government Commission is composed of forward-thinking, locally elected officials, city/county staff, and other interested individuals. The LGC inspires and promotes the leadership of local elected officials to address the problems facing our communities by implementing innovative policies and programs that lead to efficient use of civic, environmental and economic resources.



The LGC has produced numerous guidebooks and other publications on topics related to land-use planning, infill and transit-oriented development, livable communities, street design and traffic calming, and related growth management issues.

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