

URBAN GROWTH POLICIES:
PROBLEMS AND POTENTIAL

A THESIS

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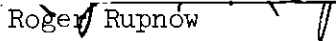
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PROBLEMS AND POTENTIAL

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SUMMARY

This thesis examines the recent emergence of policies to limit urban growth, for the purpose of recommending to local governments a framework for policy formulation and to evaluate alternative strategies for implementing such policy. Material for the thesis was gathered from current books, reports and articles and from letter inquiries to several cities that have enacted growth policies.

Chapter One describes how the attitude toward urban growth has changed in recent years, what has caused the change, and the questions and issues raised by it.

Chapter Two sets out the many ways in which this new growth attitude has become policy, and the many forms in which growth controls have emerged. The growth-management tools included are zoning, moratoria, special development permits, housing unit limits, geographical limits to growth, population limits, environment-related controls, development impact taxes, and other miscellaneous tools.

Chapter Three examines some of the issues raised by this new attitude. It specifically attempts to describe what the social, economic and governmental effects of limiting growth might be.

Chapter Four evaluates these new policies to control growth in light of some suggested goals for growth management and the effects described in Chapter Three. It also includes a discussion of the legal outlook for controlling growth.

Chapter Five contains general conclusions drawn from this work and recommendations for designing urban growth policies. The recommendations are divided into two sections: 1) a framework for designing urban growth policy, and 2) strategies for implementing urban growth policy. The chapter concludes with suggestions for further research.

CHAPTER I

THE EMERGENCE OF URBAN GROWTH POLICIES

Recent years have brought an extensive shift in the attitude toward growth in this country. Until recently, almost every city and state strove to attract people and industry. Now, however, many areas have begun to question the assumption that unlimited growth is desirable.

Out of this questioning of growth have come a number of urban growth policies. Designed by local governments, these policies seek to slow the rate of urban growth, and in some cases, stop it altogether, now or at some point in the future.

This chapter explores the causes of this emergence of urban growth policies -- how the attitude toward urban growth has changed, why it has changed, who is expressing it, and questions that have arisen regarding it.

A Changing Attitude Toward Urban Growth The Traditional Attitude: Growth Equals Prosperity

The traditional attitude toward growth in this country has been that growth is good. On national, state and local levels, growth was equated with prosperity.

Recounting this attitude, Fred Bosselman contends that the federal government has from its beginning encouraged migration and settlement throughout the country. Our national philosophy has not

been an absence of policy, he says, but "a positive policy -- a national policy of growth."²

This policy has been reflected at state and local levels in the competition that has been waged to attract growth. We find a department of community or industrial development in almost every state concerned with attracting new and more industry. And virtually every local Chamber of Commerce has conducted economic studies, published brochures and erected signs to attract new industries and residents.

David Stahl, executive vice president of the Urban Land Institute, discussed this attitude in a recent article. He points out that this attitude was based on a number of assumptions:

...we should first understand that, until recently, most urban or suburban jurisdictions actively pursued policies of growth and expansion. Most local chambers of commerce or business associations had aggressive programs of industrial and commercial recruitment. Community progress was often equated with increased rates of growth, new industries and the number of additional housing units built. Such figures were a source of local pride, from which local business drew confidence in the vitality of their area's economy.

A number of assumptions underpinned these attitudes and faith in growth:

- *New employment opportunities brought broader job choices and maintained a healthy wage level in the community.
- *More industrial and commercial establishments meant larger payrolls and subsequent growth of secondary services . . . thus greater expenditures throughout the local economy.
- *Continued growth encouraged a diversification of goods, services, and amenities--which in turn benefited the citizenry of an entire community.
- *Further development expanded the tax base of the community--providing a means by which necessary public expenditures could be spread comfortably without any special burden on individual property owners; and

Definitional Problems. The new attitude toward growth is expressed with a number of terms which require definition and/or clarification. The term "urban growth" will be used here to denote the growth of an urbanized area without regard to jurisdictional lines. This urban "growth" may occur in two ways: 1) an increase in the population of a given urban area; and 2) an increase in the acreage of land converted from rural to urban use in a given area.

It is important to realize that, under this definition, urban growth may occur when either or both of these changes is present. That is, urban growth may occur 1) when population increases without physical expansion of the urban area (i.e. density is increasing); 2) when the urbanized area expands physically (density is decreasing); or 3) when both population and area of urbanized land are increasing.

This definition is explicitly stated to help eliminate the current confusion over urban growth and urban growth policy. There is much confusion between the concept urban growth and economic growth. Many policies designed to attract "growth" are really aimed at economic growth. That is, they are designed to increase the real income of the population of a given area. Thus, urban growth may occur without economic growth, and economic growth may occur where population is decreasing.

There is also some doubt that the recent opposition to urban growth is actually concerned with increases in population or transformation of land from rural to urban use. This outcry may really be aimed at what is termed a deterioration in quality of life, and for which urban growth is blamed. In essence, people are not so much concerned

*Growth brought flexibility, mobility, and freedom of choice in jobs and housing types. It also provided opportunity for children, once grown remain in the community, and for women to find employment opportunities as well.²

Most of these factors still hold true to some degree today, Stahl says, but only if the community "anticipates and plans wisely for its growth needs."³

The New Attitude: Questioning Growth

While citizens have not begun to doubt these benefits of growth as outlined by Stahl, they have come to realize that growth brings costs as well as benefits. They have come to view new industries as potential polluters of their waterways and new people as contributors to congestion.

This new attitude toward growth was explored in the early 1970's by the Citizens Advisory Committee on Environmental Quality (a body established by Presidential Executive Order in May, 1969). In its report, this task force described the new attitude:

There is a new mood in America. Increasingly, citizens are asking what urban growth will add to the quality of their lives. They are questioning the way relatively unconstrained, piecemeal urbanization is changing their communities and are rebelling against the traditional processes of government and the marketplace which, they believe, have inadequately guided development in the past. They are measuring new development proposals by the extent to which environmental criteria are satisfied--by what new housing or business will generate in terms of additional traffic, pollution of air and water, erosion, and scenic disturbance.

. . .Its (the new mood's) demands range from managed growth to no growth, from "stop until we plan" to "stop," period.

There have been isolated instances of such reactions before, of course. But today, the repeated questioning of what was once generally unquestioned -- that growth is good, that growth is inevitable -- is so widespread that it seems to us to signal a remarkable change in attitudes in this nation."⁴

with overall levels of population or acres of urbanized land as they are with congestion, overloaded public facilities and environmental deterioration. These things are more a result of poorly accommodated or mismanaged urban growth, than overall levels of growth.

The term "urban growth policy" as used in this thesis, refers to policy designed to control the overall amounts of population in a given urban area and/or control the overall acreage of urbanized land in a given area.

Although such policies have emerged in a rather explicit form recently, they are not new. Carter, Kendall and Nobert have expressed this well in their article for the 1974 Municipal Yearbook:

Every community already has a fully operational growth policy. They may not know that it exists or what it consists of; nevertheless, it is there. All the elements are present-- public attitudes toward growth, master plans, rezoning procedures, building permits and procedures, industrial revenue bond policies, capital improvements programs, transportation plans, tax rates and structures, sewer and water extension policies, and sewer and water connection fees. These are all policy instruments in a growth control model used by nearly every city in the country, and they help to shape the quantity and quality of growth. Yet most local governments have not effectively mobilized these components into a coordinated growth policy aimed at shaping future growth in an accord with local goals.⁵

This thesis is focused on these explicit growth policies.

A third definitional problem that arises is in regard to the term "city". William Alonso writes of confusion between the "real city" and the municipal corporation which is also called the city.

. . .the city . . . is composed of people and their relations to each other, to their institutions and to their physical environment. But there is an unfortunate confusion, which frequently over takes the debate (over growth) . . . The word 'city' is also used as the name of a municipal corporation which derives its income principally through taxation and, in exchange, provides certain services to the population.

This corporate entity is only one of the elements of the real city. Yet very often debate and evaluation of advantages and disadvantages (of growth) are based on the limited viewpoint of the municipal corporation, and thus miss many of the most important consequences, good and bad, for the real city.⁶

To avoid such confusion in this thesis, the term "city" shall refer to an individual municipal corporation. When referring to the "real city", the terms urban area, urbanized area or metropolitan area shall be used.

Lastly, the term "urbanized area" shall be defined loosely, as it is by the U.S. Bureau of the Census: "an Urbanized Area consists of a central city, or cities, and surrounding closely settled territory."⁷ The Census definition also includes specific criteria for overall levels of population and density and definitions of such terms as urban and rural residence, non-farm rural residence, etc. For purposes of this thesis, however, the basic definition is adequate.

Causes of the Changing Attitude:
Rapid Rates of Urban Growth

The Present Situation:

The primary cause of this change in attitude toward growth can be traced to an uneven distribution of population throughout the country. While some areas are declining or remaining stable, other areas are growing very rapidly. It is the problems of these rapidly-growing areas that have led to the enactment of urban growth policies.

The source of this rapid growth lies in the complex system of inter-urban migration that is taking place throughout the country. The Commission on Population and the American Future documents these trends:

Differences in migration produce large differences in the rates at which individual metropolitan areas grow . . . What is happening is that a small number of areas are attracting a disproportionate number of people moving from one metropolitan area to another. Between 1960 and 1965, some 60 metropolitan areas, accounting for 25 per cent of all the metropolitan population, drew migrants at a rate at least twice that for the total system of metropolitan centers, and absorbed nearly half of all metropolitan growth.⁸

That rapid growth would produce problems and give rise to policies to control this growth is not surprising. Economist Wilbur Thompson anticipated this in 1965:

Much of what we label urban problems are, in fact, undesirable rates of growth. To grow too slowly is to invite chronic unemployment and poverty, the symptoms of which are slums, blight and crime. To grow too fast is to invite the capital shortages that lead to the irritating delays and expensive congestion that can be just as damaging to the quality of urban life in the short run, as exemplified in traffic jams, and in the long run, in crowded schools on half-day sessions.⁹

It is just such problems as Thompson predicts that have been cited repeatedly in this new opposition to growth. In producing its task force report, the Citizens Advisory Committee on Environmental Quality visited four states where this new attitude was strong (and where most of the policies analyzed in this thesis were produced). In each of these areas, they found a rate of growth "considerably more rapid than the nationwide average in metropolitan areas alone." In addition, they consistently found crises in providing public facilities, air and water pollution problems and "threatened despoilation of scenic beauty."¹⁰

Prospects for Future Urban Growth

An important question for designers of urban growth policy is, of course, whether or not these trends of uneven population distribution are likely to continue. According to the Commission on

freeze on building permits to relieve the inadequacy of the water system in Marin County, California and a similar restraint on residential construction in San Jose, California where classroom spaces were in short supply.³⁰

Moratoria are almost always enacted in response to some critical shortage of a public facility or service, although the routes through which relief is obtained may vary.

For example, a report on sewer moratoria prepared for the U.S. Department of Housing and Urban Development designates six forms that a sewer moratorium may take:³¹

- 1) A freeze on new sewer authorizations (i.e. the extension of trunk lines into currently unserved areas).
- 2) A freeze on new sewer connections (i.e. the actual hook up of a building to an existing trunk or feeder line).
- 3) A freeze on the issuance of new building permits, or a freeze on a class of buildings permitted, such as multi-family.
- 4) A freeze on the approval of subdivision requests.
- 5) A freeze on rezonings or zonings to higher than presently developed densities.
- 6) A slowing down or a quota allocation for any or all of the above within an affected area (a situation that can occur when the particular problem is not yet critical, but monitoring demonstrates limits may be required).

The extent to which moratoria have been employed in controlling growth is reflected in the results of a survey undertaken by the International City Managers' Association in spring of 1973.

Of a sample of 1115 cities and 177 counties participating in the survey, some 203 cities or 19 per cent and 33 counties (21 per cent) had enacted moratoria. Of the cities, 34 (14 per cent) were

Population and the American Future, they are.

First, the nation as a whole, and therefore urban areas, are going to grow as a result of natural increase. This factor alone, discounting any rural to urban migration within the U.S., any territorial expansion of existing urban centers, and any immigration from abroad, could add from 81 to 129 million persons to the metropolitan population by the year 2000.¹¹

When the factor of inter-urban migration is added to this, the Commission predicts that a system of "urban regions" will evolve. These regions will grow not only through an increase in population, but also by geographic expansion:

The total land area encompassed by urban regions is estimated to double in the period 1960 to 1980, while the number of regions is expected to increase from 16 to at least 23. By 2000, urban regions will occupy one-sixth of the continental United States land area, and contain five-sixths of our nation's people.¹²

Even if our national population were to stabilize (and the rate of natural increase is declining), the Commission reports "we would still have problems associated with rural depopulation and metropolitan growth." If, or when, this stabilization occurs, inter-urban migration will become "an extremely important component of local growth."¹³

Thus, it is important for persons designing growth policy to realize that they do so in the face of growth forces and trends determined on a national scale. More than ever, they must realize, that:

. . . what seems from the local viewpoint an issue of growth, is in a larger framework, an issue of distribution, both in the social and geographic sense -- not whether these people and their children shall exist, but where and how.¹⁴

Responding to the New Attitude:
The Problem of Fragmented Urban Government

In light of the foregoing projections for urban growth, it becomes readily apparent that the local level is not the appropriate place for determining urban growth policy. But that is where it is being determined and where it is likely to continue to be determined, at least for a while.

The reasons for this proliferation of growth policy at the local level lie primarily in the fact that it is the only level where action is likely to be taken. States and the national government have been slow to move in this area, and few metropolitan or regional governments exist or have the power needed to manage growth.

Earl Finkler, of the American Society of Planning Officials articulated this reason in fall of 1972:

The appropriate jurisdiction for nongrowth is ultimately the world. While there are increasing national problems with growth, it is presently the local communities which are identifying the problems and seeking the solutions. The author found few local communities which are willing to wait for appropriate policies to emerge at the state or national level, despite the almost unanimous opinion that these are the most appropriate jurisdictions.¹⁵

More recent occurrences also indicate that growth control is still primarily the domain of local government. The Urban Land Institute issued a List of Areas with Growth Constraints in March of 1973, in which they could identify only five states where action had been taken to control growth. Meanwhile, 39 local (city and county) governments had enacted some measures. As of June of 1974, that list had expanded to include at least 52 localities.¹⁶

The recurrent failure of Congress to adopt land use legislation

also indicates that a coordinated national policy to guide urban growth is still far from reality. The National Land Use Policy and Planning Assistance Act was tabled in the House of Representatives in June of this year without ever reaching a vote. It was the fourth year the legislation had been debated.¹⁷ Thus, the designing of urban growth policy still falls to the local governments.

Unfortunately, though, the designing of urban growth policy at the local level can create or perpetuate serious difficulties at the regional or metropolitan level. The most obvious of these is the already present beggar-thy-neighbor competition engaged in by the various local governments of a metropolitan area. Alonso sums it up this way:

Overall metropolitan levels of population and employment are set largely by economic and demographic forces at national and international levels. Local policy affects primarily the intrametropolitan form and distribution of that development, and, if it is set by the selfish interests of the component municipalities, it does so inefficiently and unjustly. A suburb may be able to keep population or industry out, but it can do so only by directing it to other suburbs or by keeping it cooped up in the central city.¹⁸

Thus, the presence of many governments within an urban area, each designing its own growth policy for its own reasons, may seriously hinder the development of efficient and equitable growth policy for the entire area. This fragmentation of government thus leads to a number of legal, economic and social questions which must be addressed in designing any urban growth policy.

Questions and Issues Arising From
The New Attitude Toward Growth

The new attitude has generated a number of questions regarding

the legality and desirability of policies to control urban growth. These questions and issues must be addressed in designing any urban growth policy. The remainder of this thesis is essentially devoted to attempting to resolve these questions. The questions fall into four categories:

Social

What will be the internal and external effects of limiting growth? How will it affect age, racial and educational distributions?

Economic

What will be the economic effects of limiting growth? Must cities continue to grow to be economically sound? Must a pleasant environment be sacrificed for the economic well-being of the community?

Governmental

What are the governmental effects and/or limits to controlling growth? Are there limits to a community's rights of self-determination? If so, what? Do these rights include the "right" to exclude lower income persons and racial minorities?

Legal

What are the legal limits to controlling growth? What problems are likely to arise regarding constitutional rights of mobility and private property?

Summary

The attitude toward growth in this country has shifted dramatically in many of the large urban areas. As these areas have grown at a rate much more rapid than the national average, citizens

have begun to clamor for controls to end the congestion, environmental deterioration and crises in providing public services that have accompanied this rapid growth.

Unfortunately, the fragmented governments of these areas are ill-equipped to deal with the forces that have brought the rapid growth. Nevertheless, we find numerous local governments, city and county, which have enacted policies designed to control growth. The next chapter looks at the form these policies have taken and the tools that have been used to control growth.

CHAPTER II

URBAN GROWTH POLICIES: TOOLS TO MANAGE GROWTH

The new attitude toward growth described in Chapter I has prompted the enactment of a number of policies to control urban growth. These policies have included efforts ranging from traditional land-use controls to more exotic and legally questionable population ceilings. This chapter describes these strategies.

Zoning Controls

Zoning has been the foundation of land use control in this country. It is no surprise therefore, that it has evolved to form the center of many local efforts to control growth.

The use of zoning to control growth has been summarized by Carter, Kendall and Noberts in an article for the 1974 Municipal Yearbook. They identify several specific zoning strategies that have been used to control growth, in addition to the more general approach of reducing the number of zoning requests approved. This latter tactic has the effect of increasing land use intensity, since it restricts the amount of land available for a particular use.¹⁹

Specific zoning strategies for controlling growth are summarized below:

Down-Zoning. This refers to a zoning action that reduces the intensity of land use, as from multi-family to single-family use or any

developable to nondevelopable use. It has been used in San Diego, Newport Beach and Palo Alto in California and Brentwood, Tennessee and Sarasota, Florida.²⁰

The legality of down-zoning was challenged with regard to an ordinance of the City of Palo Alto, which down-zoned all vacant land in the city to ten-acre open space zones. Grounds for the challenge were inverse condemnation and lack of just compensation. The ordinance was upheld by the Santa Clara County Superior Court.²¹

Large-lot Zoning. This zoning strategy involves requiring large area/unit ratios for development. Typical examples include requiring ten-acre lots for single-family residential units or three-acre lots for mobile homes.

The technique was legally upheld by the U.S. Court of Appeals in the Case of Steel Hill Development, Inc. versus Town of Sanbornton. The town had adopted a zoning ordinance providing for a six-acre minimum lot size, in order to prohibit housing construction which would "have an irreversible effect on the area's ecological balance, destroy scenic values, decrease open space . . . pose substantial financial burdens on the town for police, fire, sewer, and road service . . ."²²

The court ruled that the ordinance was reasonably related to the promotion of the community's general welfare and was a legitimate stopgap measure. It did caution, however, that a desire to avoid an expansion in population is not a legitimate basis for restrictive zoning of this sort.

Open Space Zoning. Almost self-explanatory, this technique

involves zoning areas for open space. In effect, it operates to substantially restrict development within these areas. The technique is similar to large-lot zoning.

The leader in the use of this technique is Palo Alto, California. The adoption of open space zoning was the result of extensive studies prepared for the city of Palo Alto. The studies concluded, rather startlingly, that it would actually be as cheap for the city to buy the foothills outright as to allow them to be developed.²³

In June of 1972, the city created its open space zone, which included 4,938 acres. Although limited uses are permitted (agricultural, botanical and wildlife conservatories), any residential dwelling requires a minimum lot size of ten acres and must be reviewed under a site and design review process.

The technique has been fairly successful, but the following warning with regard to its use was issued by a planning consultant to areas neighboring Palo Alto:

Open space planning is not enough. It has to be done as part of comprehensive planning where you are making open space decisions in the context of needs for other kinds of space. There is the whole issue of population growth, all tied in with employment and the disparity between housing available and incomes paid to people employed in the area . . . Open space has been a strategy and has had a pretty good payoff. But it has a narrow focus that I don't think can be maintained over the long pull.²⁴

Agricultural Zoning. Similar to open space zoning, this strategy involves zoning land for agricultural purposes. It is innovative in that agricultural land was traditionally zoned only as it came into urban use. This technique allows agricultural land to continue in that use, protecting it from the pressures of increasing values

and taxes which typically force its conversion to urban uses.

This technique has been used in Harristown, Illinois and Eden Prairie and Marshan Township in Minnesota.

Conservation Zoning. This technique involves designating lands which shall be conserved, although agricultural uses are often permitted. In Coon Rapids, Minnesota, the conservation zone's purpose is to retain land in substantially its natural state and includes areas generally unsuitable for development for a variety of reasons, or which contain valuable environmental qualities. By this zoning technique, potential developers are made aware of areas of poor soils, high water tables, or other conditions which are not conducive to good development.²⁵

Another example of the use of this technique may be found in Harristown, Illinois.

Development District Zoning. This technique involves zoning land on the basis of its readiness for development rather than traditional use districts. The purpose of the technique is to prevent sprawl and contain development within certain areas. To be successful, it must be carefully coordinated with the extension of public facilities within the district.

Three examples of its use are cited by Carter, Kendall and Nobert.²⁶ San Jose, California has designated land into three classifications. "Urbanized" includes land already developed. "Urban expansion" areas are those where development may occur immediately. "Urban reserve" are those areas where development "need not occur for the next five years."

Huntington, New York has employed the technique within the context of its comprehensive plan. The plan designates areas for

- 1) remedial action, such as upgrading public facilities to address a specific problem;
- 2) development of the urban infrastructure; and
- 3) protection of natural resources.

Bucks County, Pennsylvania has divided its land area into four classifications in detailed land use maps. The classifications are 1) urban areas, where few parcels are undeveloped; 2) development areas, where growth pressures are intense; 3) rural holding areas, which still contain much agricultural land; and 4) resource protection areas, where development would jeopardize natural, recreational and historic resources.

Density Zoning and Planned Unit Developments. These are two of the most popular innovations in zoning in recent years. Their appeal is that they allow the developer flexibility, releasing him from traditional use classifications and requirements as long as overall density and quality of design are maintained.

Density zoning, as practiced in Martin County, Florida, designates a fixed number of housing units for each of several areas, "corresponding to a fixed number of dwelling units to be permitted per acre."²⁷

Planned unit development ordinances often allow a variety of uses within a site that would traditionally be restricted to one particular use. To obtain approval for such plans, developers are usually required to submit detailed site plans.

Impact Zoning. The concept of impact zoning was proposed in Hartford, Connecticut by the State Environmental Protection Commissioner,

Dan W. Lufkin. Lufkin contends that most zoning decisions are based on the "single criterion of density of residential housing units or industry."

Impact zoning, according to Lufkin, must be based on four key elements:

1) Growth rate of the community in terms of present population and available land.

2) Community facilities such as sewers, roads, water and schools.

3) The economic picture to indicate the cost of new projects against service costs and tax revenues.

4) The effect on the environment.

"These four elements must all add up to a solid plus for the community," the Commissioner said, in calculating the "feasibility of any new use of and or any structural change affecting land."²⁸

Moratoria

One of the most popular and most criticized strategies for controlling growth in recent years is the moratorium. Webster defines the term as "a period during which an obligor has legal right to delay meeting an obligation, especially, such a period granted in an emergency."²⁹

The technique has been applied most extensively to the issuing of new sewer connections where some deficiency exists in the sewage treatment system. There are, however, other instances where the technique has been applied to other facilities shortages. Examples are a

central cities of metropolitan areas, while 129 (63.5 per cent) represented suburbs. The geographic distribution of moratoria is illustrated in the table below.

Table 1. Geographic Distribution of Environmental Moratoria³² (ICMA questionnaire)

<u>Region</u>	<u>Number of Cities Responding</u>	<u>Number With Moratoria</u>	<u>Percent</u>	<u>Number of Counties Responding</u>	<u>Number With Moratoria</u>	<u>Percent</u>
North-east	243	46	19	34	5	15
North Central	309	48	16	44	4	9
South	265	43	16	48	13	27
West	253	66	26	33	11	33

A comparison of similar studies undertaken by the Department of Housing and Urban Development and the National Association of Home Builders yielded consistent results. The major incidence of moratoria has occurred in the far west (California), southeast (Florida), metropolitan New Jersey and Washington D.C. along with metropolitan Philadelphia, Chicago, Cleveland, Indianapolis and Atlanta.³³

Moratoria have been enacted by all levels of government, and their duration has varied from thirty days to periods of over four years.

Special Development Permits: Ramapo, New York

One of the most innovative and controversial strategies for controlling growth has been devised by the township of Ramapo, New York. In 1969, the township enacted an ordinance requiring anyone proposing residential development to obtain a special development permit.

The obtaining of such permits is based on the prospects of providing municipal services to the site in a reasonable, economical and orderly way. These prospects are quantitatively determined by use of a point system tied to five specific public services. (See Figure 1) In order to obtain a permit for a given site, the site must receive a certain number of points (15). A developer may also choose to provide the improvements necessary to obtain the required number of points:

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- | | |
|--|--|
| <p>1. Sewers</p> <p>a) Public sewers available in RR-50, R-40, R-35, R-25, R-15, and R-15S districts 5 points</p> <p>b) Package sewer plants 3 points</p> <p>c) County approved septic system in an RR-80 district 3 points</p> <p>d) All others 0 points</p> <p>2. Drainage: Percentage of Required Drainage Capacity Available</p> <p>a) 100% or more 5 points</p> <p>b) 90% to 99.9% 4 points</p> <p>c) 80% to 89.9% 3 points</p> <p>d) 65% to 79.9% 2 points</p> <p>e) 50% to 64.9% 1 point</p> <p>f) Less than 50% 0 points</p> <p>3. Improved Public Park or Recreation Facility Including Public School Site</p> <p>a) Within 1/4 mile 5 points</p> <p>b) Within 1/2 mile 3 points</p> <p>c) Within 1 mile 1 point</p> <p>d) Further than 1 mile 0 points</p> | <p>4. State, County, or Town Major, Secondary, or Collector Road(s) Improved with Curbs and Sidewalks</p> <p>a) Direct access 5 points</p> <p>b) Within 1/2 mile 3 points</p> <p>c) Within 1 mile 1 point</p> <p>d) Further than 1 mile 0 points</p> <p>5. Fire House</p> <p>a) Within 1 mile 3 points</p> <p>b) Within 2 miles 1 point</p> <p>c) Further than 2 miles 0 points</p> <p>All distances shall be computed from the proposed location of each separate lot or plot capable of being improved with a residential dwelling and not from the boundaries of the entire parcel.</p> |
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Figure 1. Ramapo's Point System.³⁴

These standards for granting special development permits are intended to insure the coordinated implementation of a comprehensive plan and 18-year capital improvement program for the township. These two documents provide for the systematic provision of public works, so that at the end of the 18-year period, all land within the township will have become eligible for development. In order to prevent the frustration of these plans by "disorganized, unplanned and uncoordinated development," no building permits, special permits, subdivision or site plan approvals will be issued for residential use prior to the developer obtaining a special development permit.

The Ramapo plan was upheld by the Court of Appeals of New York in May of 1972 in the Case of Golden versus Planning Board of the Town of Ramapo.³⁵ The plaintiffs charged that the town had exceeded its authority in enacting such a scheme, and that it, in effect, constituted a taking of property without due process of law.

The court concluded that "while the enactment of 'sequential' and timing controls was not specifically authorized . . . , it was 'necessarily implied' by the power to restrict and regulate land uses." The court further concluded that the "matrix of land use restrictions" includes the authority to "direct the growth of population and determine the lines along which local development will proceed."

In spite of the court's decision, the ordinance has remained controversial. S. J. Schulman, Coordinating Consultant for the New York State Urban Development Corporation has highly praised the decision:

the truly significant and landmark aspect of the case is that it represents the first time that any court in the U.S. has upheld the concept of restricting development in metropolitan areas through comprehensive planning, coupled with an exercise of the zoning power without compensation . . . Now for the first time, regions, states and the federal governments have the tool to develop a rational urban growth policy that can balance suburban developments with inner city revitalization and new community development. The recognition that timing and sequential controls . . . are a necessary concomitant of the police power to regulate urban growth finally provides us with the tool for controlling the direction of growth and the public capital investment in metropolitan areas.³⁶

The Ramapo plan is highly criticized on the other hand, by Herbert M. Franklin of the Potomac Institute:

The Ramapo development timing ordinance is a potentially useful planning and regulatory device. In Ramapo, however, it is used in a way that in reality greatly limits the housing opportunities of lower income households.³⁷

Housing Unit Limits: Petaluma, California

A second highly innovative and controversial growth control strategy has emerged from the city of Petaluma, California. The most striking and central feature of the strategy is a residential development quota which limits the number of housing units which may be built in the city to 500 per year.³⁸

What has become known as the Petaluma Plan is a five-year development strategy based on three planning documents: a general plan, an environmental design plan and a housing element. The residential development control system is designed to implement these three plans. The system was adopted in spring of 1972.

The central feature of the control system is the annual housing unit quota. Within the overall limit of 500 units per year (at least, until 1977), there are additional quotas. Half of the units are to be

multi-family dwellings, half single-family. Three hundred units must be built west of the highway which divides the city, 200 east of it.

The system is administered by holding a competition among proposed developments. Any developer who expects to build more than four units during a given year is asked to submit his proposals by September of the previous year. These proposals are then screened by a residential development evaluation board for conformity to the adopted plans and housing element.

Proposals which survive the initial screening are then rated for 1) their access to existing and adequate services, and 2) quality of design and contribution to public welfare and amenity. For this rating, a point system similar to that of Ramapo is used. (See Figure 2)

Following these ratings and a public hearing, the recommendations of the review board are passed on to the City Council, which is to make the final decisions as to which 500 units may be constructed.

The legality of the Petaluma plan is in serious doubt. On January 17, 1974, a federal district court ruled that the policies of Petaluma were unconstitutional. Jude Lloyd H. Burke struck down the plan with these words:

I must find that the basic constitutional rule is that no city can regulate its population growth numerically so as to preclude residents of any other area traveling into the region and establishing residence therein. . . .By its announced policy the City of Petaluma violates the constitutional right to travel. As indicated, I use the word 'travel' in general fashion to include travel for the purpose of residence either temporarily or on a permanent basis.⁴⁰

Utilities and public service:

- the capacity of the water system to provide for the needs of the proposed development without system extensions beyond those normally installed by the developer;
- the capacity of the sanitary sewers to dispose of the wastes of the proposed development without system extension beyond those normally installed by the developer;
- the capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those normally installed by the developer;
- the ability of the fire department of the city to provide the protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment to an existing station;
- the capacity of the appropriate school to absorb the children expected to inhabit a proposed development without necessitating adding double sessions or other unusual scheduling or classroom overcrowding, and

Quality of design and contribution to public welfare and amenity:

- site and architectural design quality which may be indicated by the harmony of the proposed buildings in terms of size, height, color, and location with respect to existing neighboring development;
- site and architectural design quality which may be indicated by the amount and character of landscaping and screening;
- site and architectural design quality which may be indicated by the arrangement of the site for efficiency of circulation, on-and-off-site traffic safety, privacy, etc.;
- the provision of public and/or private usable open space and/or pathways along the Petaluma River or any creek;
- contributions to and extension of existing systems of foot or bicycle paths, equestrian trails, and the greenbelt provided for in the environmental design plan;
- the provision of needed public facilities, such as critical linkages in the major street system, school rooms or other vital public facilities;

Figure 2. Petaluma's Point System.³⁹ (continued)

. the capacity of major street linkage to provide for the needs of the proposed development without substantially altering existing traffic patterns or overloading the existing street system, and the availability of other public facilities (such as parks and playgrounds) to meet the additional demands for vital public services without extension of services beyond those provided by the developer.

Each item is rated on a scale of 0 - 5. No development can be approved unless it receives at least 25 points in this category.

. the extent to which the proposed development accomplished an orderly and contiguous extension of existing development as against leap frog development, and

. the provision of units to meet the city's policy goal of eight to 12 percent low- and moderate-income dwelling units annually.

Each item is rated on a scale of 0 - 10. No development can be approved unless it receives at least 50 points in this category.

Figure 2. Petaluma's Point System.³⁹

Geographical Limits to Growth

At least four specific attempts have been made to limit growth by designating a geographical limit to a city. They are 1) the Urban Services Boundary of Lexington-Fayette County, Kentucky; 2) the Urban Growth Boundary of the Mid-Willamette Valley in Oregon; 3) the Development District of Coon Rapids, Minnesota and 4) the Blue Lines of Boulder, Colorado.

The oldest of these examples is the Urban Services Area Boundary in Lexington-Fayette County. The boundary was drawn in 1958, encompassing that area where services were presently available, or where they were planned, based on the most economical expansion of sewage facilities. The boundary was intended as a strategy to implement a policy of "growth containment within a compact area."⁴¹

Zoning has functioned to preserve this boundary. Virtually all land outside the boundary is zoned rural agricultural. It is used, however, as a low density residential zone, where single family homes are permitted on minimum lot sizes of ten acres, and where the use of septic tanks is approved by the local Board of Health.

The boundary also functions to encourage more compact and economical growth within the Urban Services area and to preserve the horse farms outside the boundary (an important economic asset) from scattered urbanized growth.

Essentially the same approach has been undertaken in the Salem area of the Mid-Willamette Valley in Oregon. In April of 1974, an urban growth boundary was adopted by the Board of Commissioners of

Marion and Polk Counties and the Salem City Council. (See map, Figure 3)

The adoption of the boundary grew out of recommendations by a Governmental Coordinating Committee of the Mid-Willamette Valley Council of Governments. In August of 1970, the COG adopted a motion that:

development work on comprehensive plans now underway for Marion and Polk Counties and the City of Salem include delineation of an optimum urban growth boundary for the central city of Salem. Such a boundary should reflect multiple considerations involving land use, sanitary drainage basin limits, transportation patterns, economic factors and soil types. (2, An Urban Growth Policy . . .)⁴³

As now adopted, the urban growth boundary defines an area large enough to accommodate Salem's expected growth for at least twenty years. The 1990 population is projected to be 160,000 people for the urban area, compared to a 1970 population of 100,000.

The agreement signed by the three affected governments sets out six specific Urban Growth Policies which shall serve as a basis for "decisions pertaining to development" in the affected area. The policies are presented below:

. . .the parties hereto for their respective jurisdictions adopt the following URBAN GROWTH POLICIES which shall serve as the basis for decisions pertaining to development in the geographical areas referred to below in a manner consistent with Oregon State law and adopted comprehensive plans.

- 1) Future urban development shall be contained within the geographical limits of an urban growth boundary.
- 2) An urban growth boundary shall be established by the parties hereto and said parties shall take the necessary action to have the boundary and the policies herein set forth made a part of their respective comprehensive plans.

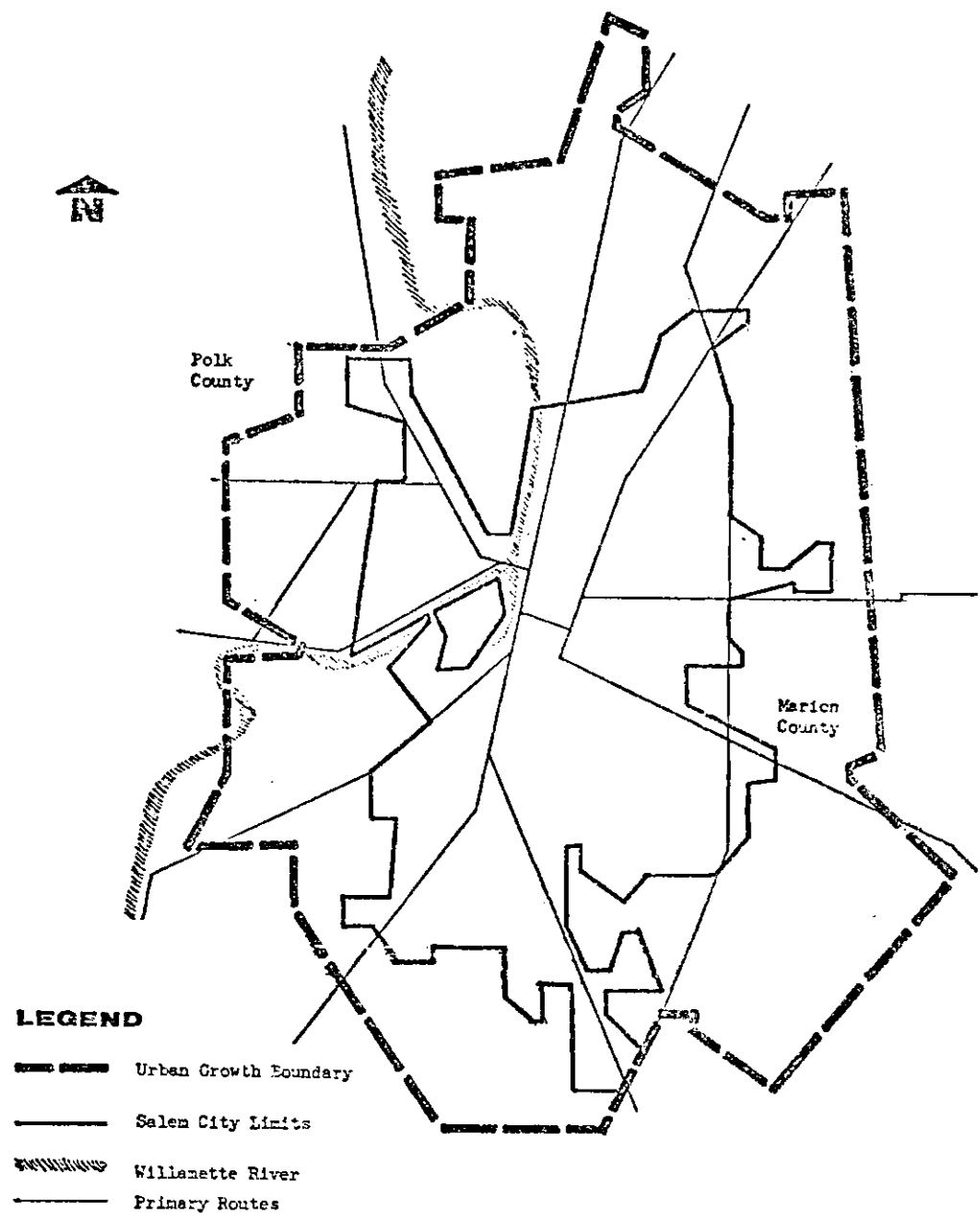


Figure 3. Urban Growth Boundary, Salem Oregon Area.⁴²

- 3) The area outside the urban growth boundary shall be maintained with low-density living areas, open space lands and other uses compatible with the intent of the Urban Growth Policies.
- 4) All parties shall work toward the development of the most efficient and economical method for providing specific urban services to the area within the Urban Growth Boundary.
- 5) All parties should encourage the orderly annexation to the City of Salem of the land within the Urban Growth Boundary.
- 6) All parties shall work toward improved delivery systems of services that require coordination by larger units of government.⁴⁴

Although the signing of the agreement is viewed as a major accomplishment, it is conceded that there are still major hurdles to be overcome in its implementation, not the least of which is a need for appropriate zoning and land use regulations. A second major need involves an information system to monitor land use changes, housing supply, economic factors, traffic and transportation conditions within the urban growth boundary.

A third major problem to be overcome is the multiplicity of governmental units, primarily special districts which are reluctant to relinquish control over the individual services they provide. It is felt, however, that there must be centralization of the provision of urban services if the policy is to be implemented.

Coon Rapids, Minnesota has taken a similar, though less comprehensive, approach to establishing a geographical limit to urban growth. In April of 1972, the City Council of Coon Rapids adopted a resolution establishing a development district line "north of which no subdivision plats shall be considered by the Planning Commission or the City Council until further notice."⁴⁵

The resolution further stipulated that no additional water or sewer trunk line utilities would be constructed north of this line.

According to City Manager John Cottingham, a five-acre minimum lot size is required for construction outside the development district. Thus the northerly seven square miles of the city is left vacant and the development district is expected to accommodate the expected growth of the city until the year 2000, with very little extension of utilities.

Cottingham indicates that the development district has worked well and seems to be well accepted by the public. No litigation has been brought against the city with regard to the development district to date.

Boulder's Blue Lines provide a fourth example of geographical attempts to limit growth. They are similar to the other attempts in that they are tied to public facilities. They are the least effective of the geographical limits, however, primarily because they are linked to only one public service.

In 1958, the "Blue Line" amendment to the city charter was passed.⁴⁶ The amendment stipulated an elevation above which city water would not be furnished. The line did not prove very effective, however, and was described as a time-buying device, because developers soon counteracted the intent of the amendment by locating other water sources. Boulder has since enacted more extensive growth control strategies.

Population Limits

Although the legality of a given area's numerically limiting its population is highly questionable, such a method has been proposed in several places.

The first example of a citizen referendum on population size took place in Boulder in 1972. Although the referendum was narrowly defeated, citizens did instruct their city officials to determine the "optimum" population size of the city.⁴⁷

Boca Raton, Florida has gone one step further and attempted to enact a population limit. Late in 1972, a citizen referendum resulted in legislation specifying that the ultimate number of dwelling units that would be allowed in the city is 40,000. Using an index of 2.5 persons per household, this is expected to hold the population of the city to approximately 100,000. As we saw in the Petaluma case, it is highly doubtful that the constitutionality of such attempts will be upheld.⁴⁸

It is interesting to note, however, a less direct approach to population limits in St. Petersburg, Florida. In 1970, that city adopted a land use plan which recommended holding the city's population to 375,000, even though current zoning would have allowed 500,000. Subsequent efforts to rezone at lower densities touched off a storm of controversy. It is not known whether St. Petersburg will be able to maintain the lower population size.⁴⁹

Other zoning-related environmental controls include "special provisions for flood-plains, coastal plains, wetlands, stream banks, shoreland, steep slopes and erosion."⁵⁰ Even though these controls may

not be specifically included in zoning ordinances, they do restrict activities carried out under zoning ordinances.

An example of environmental controls within the concept of a comprehensive plan may be found in Marshan Township, Minnesota. Six environmental factors are noted and policy recommendations made with respect to each. This approach is presented in Table 2.

Development Impact 'Taxes'

Many areas have responded to growth pressures by levying charges on new developments to offset the cost of facilities and services for the developments, and in essence, have been attempting to discourage development.

Although these charges are commonly referred to as 'taxes,' in reality, they are charges or fees. These charges typically are levied in one of three forms: 1) the developer is required to dedicate land for schools, parks, etc.; 2) the developer is required to pay fees in lieu of dedication of land; or 3) the developer is required to pay fees for services provided in support and regulation of the development process (building permits, site plan reviews, sewer connections, etc.).

These charges are, of course, passed from the home builder to the homeowner, and as such, exhibit regressive characteristics. As such fees raise the overall cost of housing, it is the lower income population who find it more and more difficult to purchase housing.

Miscellaneous

It is impossible to identify every growth control strategy

Table 2. Marshan Township, Minnesota, Recommendations
for Controlling Six Environmental Factors⁵¹

Factor	Examples of Policy Recommendations
Steep slopes	Prohibit development on slopes above 18 percent and strict on slopes above 12 percent
Wet soils	Wetland zoning or public dedication of wetlands
Water quality	Prohibit the location of industry adjacent to the Vermillion River which will result in pollution of the river Allow on-lot disposal systems only on very large lots on which hydrologic and soil porosity tests substantiate the reliability of septic tank systems for the density, conditions, and cumulative effect of development that will occur
Erosion control	Where the topsoil is removed, sufficient arable soil should be set aside for respreading (to a depth of four inches) over the area
Drainage	Require that the natural drainage system be maintained intact Building permits should not be issued for structures located in the floodplain
Open space	All future subdivisions should be required to dedicate ten percent of the total area (or cash in lieu of dedication) for parkland purposes

enacted around the country, because many are concealed in other policies, and new ones are emerging every day. A few of the newer policies are listed below:

Transfer of Development Rights

Traditionally our property system assumes that development rights come from ownership of the land. The transfer of development rights concept:

breaks the linkage between a particular parcel of land and its development potential and permits the transfer of that potential or 'development rights' to land where greater density will not be objectionable.⁵²

The use of the concept is under consideration for landmark preservation in New York and Chicago.

Height Limitations

Although height limitations are usually adopted for aesthetic reasons, they are also being used to limit density. Examples can be found in Boulder, Colorado and Santa Barbara, California.⁵³

Negative Advertising

Some areas are now discouraging would-be residents in advertising campaigns, in contrast to the earlier campaigns where cities encouraged in-migration of both residents and industry. The most notable example is the state of Oregon, where the governor and a bumper-sticker campaign invite people to visit but not to stay. It is also notable that Ft. Lauderdale, Florida has abolished its publicity and advertising department, which last year had been funded more than \$580,000.⁵⁴

Discouraging Economic Growth

Only a few areas have explicitly discouraged the in-migration of industry, but some examples can be found. Boulder, Colorado adopted the following policy in February of 1972.

The City shall discourage new primary employment centers from locating in the Boulder Valley. Further, it shall also request other City, County and Federal agencies, both public and private, to refrain from promoting the Boulder Valley for the location of such centers.⁵⁵

Similarly, in the state of Arizona, it is reported that:

State Senator Bob Stump began in February 1973 to hold hearings on his bill to abolish the state's Department of Economic Planning and Development, which is meant, in effect, to encourage economic growth in the state. During the hearings, Senator Stump displayed a sign expressing his feelings about growth:
'Keep Arizona Beautiful -- Go Back East.'⁵⁶

CHAPTER III

EFFECTS OF THE NEW APPROACHES TO GROWTH

The focus of this thesis has moved from the emergence of urban growth policies to the many forms they have taken. This chapter continues the analysis of growth policies with an evaluation of the social, economic and governmental effects of these policies.

The current state of knowledge regarding the effects of urban growth policies is rather primitive, at best. This situation exists because we have too little experience in limiting growth over time to have good, sound measures of what the effects will be. Nevertheless, early indications are that effects are significant, and that much more analysis should be undertaken. This can be only a first step in that direction.

The discussion is organized around the typical groupings of social, economic and governmental effects. The divisions sometimes break down, however, as the inter-relationships and interfaces among them must be explored.

Social Effects of Growth Controls

The social effects of growth controls are complex and difficult to decipher. We begin this process by looking at some characteristics of the would-be migrants and their motives for moving.

In discussing motives for migration, the Commission on Population and the American Future attributes the mobility of the population

to a desire for a better life, or in the sociological jargon, as a means to upward social mobility:

Migration is basically a process of adjustment. For most of us, moving has led to better things. Whether across town or across the country, movement provides access to areas of greater opportunity. Immobility of people often reflects their isolation from opportunities available in the mainstream of society -- social, economic and political.⁵⁷

Already, this raises questions of whether or not attempts to limit growth are, in effect, if not intent, denying these opportunities to those who are being restricted, and whether or not communities have a right to do this.

The characteristics of these migrants also have heavy bearing on the effects of restricting their movement. The Commission summarizes their identity:

Whether it is a short or a long haul, those who move are typically the better educated, more skilled young adults, seeking a better life. Nearly a third of all migrants are in their twenties, and they bring with them young children: A tenth of all migrants are between the ages of one and four.⁵⁸

The effects of restricting or limiting this movement are both internal and external. There are serious implications both for those being restricted from in-migration and for those who would restrict them. The Commission anticipates this:

Migration, then, represents more than the numbers suggest. Where five million young adults take their children and reproductive potential affects where future population growth will take place, and where heavy demands for housing and health and educational services will be felt. It also determines where some of our most capable young people, with most of their productive lives ahead, will contribute to the nation's future.⁵⁹

Externally, the growth-limiting cities must consider whether their efforts are denying opportunities to would-be migrants.

Internally, they must ask what doing without these migrants will eventually mean to their community.

External Effects: Exclusion and Transferred Costs

Consideration of the external social effects of urban growth policies involves examining two specific effects: 1) the effect on those whose in-migration is being restricted; and 2) the effect on the surrounding areas which are likely to absorb the in-migration?

With regard to the first effect, scholars who have examined growth controls to date have found that it is primarily lower-income persons whose migration is being restricted. Even though it is conceded that this may not specifically be the intent, it has been the effect.

After examining eight specific local growth controls -- exclusionary zoning, buying up land, staging growth, height, pollution and noise ordinances, refusal to extend city services, negative advertising and regional controls -- Michael Agelasto draws this conclusion:

It is clear that most of the instrumentalities used by localities for controlling growth are regressive -- they hurt the poor without substantially hurting others and sometimes in fact, make the rich better off.⁶⁰

The means by which this exclusion is achieved is most frequently through the housing market. Usually, the growth controls operate to restrict the supply and therefore escalate the price of housing. The poor are unable to afford housing and thereby are effectively excluded from an area.

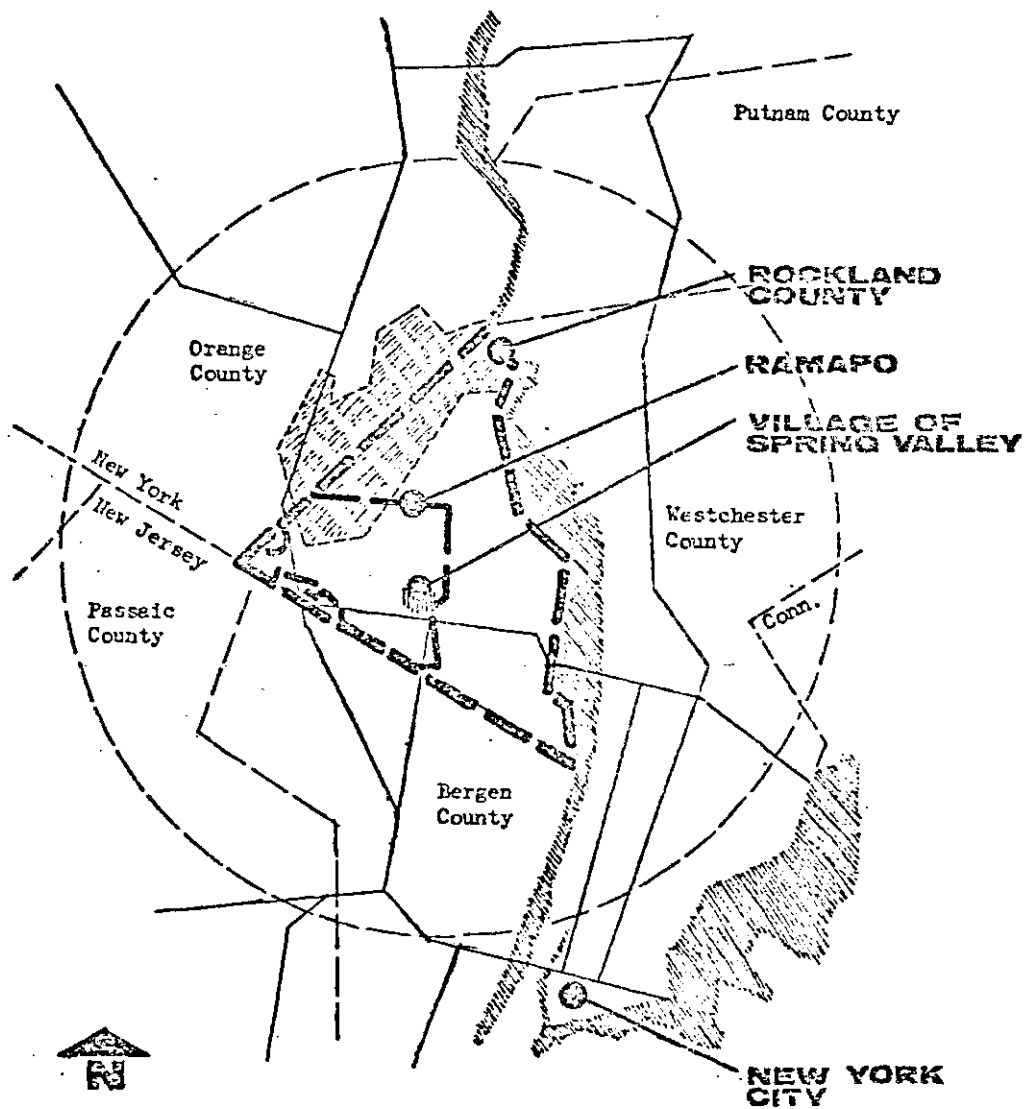
Agelasto is joined in his conclusion by Herbert Franklin's assessment of the Ramapo Plan. In spite of the court's finding that

Ramapo had coupled its restrictions with "provisions for low and moderate income housing on a large scale," Franklin disagrees that this is the case. He outlines how this exclusion will be achieved.

Ramapo is part of Rockland County, New York, (see map, Figure 4) described as "one of the wealthiest counties in the United States." The Town of Ramapo controls about 60 square miles of unincorporated land. Within the town are several incorporated villages that exclusively control land within their jurisdictions. Spring Valley is the largest such village, with a 1970 population of approximately 18,000. Within the unincorporated area, asking prices for houses (according to the 1970 Census) exceed \$50,000, with the exception of one census tract bordering on the village of Spring Valley, where such prices were approximately \$33,300.

The controlled growth ordinance (outlined in Chapter II) applies only to the unincorporated area of the township. In 1970, although Ramapo had 71,739 white residents and 4,563 black residents, almost all (4,147) of the blacks lived in the village of Spring Valley. Thus few blacks live in the area affected by the ordinance.

These patterns of racial and income distribution will be strengthened by the ordinance as the existing spatial zoning pattern is perpetuated. Within the town there are six residential districts with various lot size restrictions. They range from a maximum of 80,000 square feet to a minimum of 7,500 square feet. However, this 7,500 minimum involves only one per cent of the vacant land suitable for development. "Of all vacant land set aside for residential use," Franklin concludes, "fully 65 per cent is limited to what may fairly



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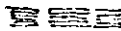
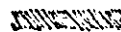
- Highways and Expressways
-  Palisades Interstate Park
-  Hudson River and Long Island Sound

Figure 4. Regional Position of Rockland County, Ramapo Township, and Village of Spring Valley. 61

be described as 'large lot' zoning -- with minimum required lot areas of 25,000 to 80,000 square feet."⁶²

There are now no provisions for multi-family housing in Ramapo, although the zoning did provide for eight to ten unit per acre dwellings prior to 1966. This was discontinued, according to the Development Plan because

. . .the provision of opportunities for extensive multifamily development would be inconsistent with one of the prime objectives of the Plan, to keep future population growth at a moderate level so as to preserve the general character of the town and to avoid overburdening public facilities.⁶³

As a result of this, Franklin says, multifamily housing will now be limited to the incorporated villages which already contain most of such housing. Thus, virtually all residential zones are limited to single family housing.

Further, Franklin says, "the capital plan contemplates housing densities that cannot support anything other than single family housing".

The result of these two facts, a lack of multifamily zoning and plans for facilities to support such zoning is thus summarized by Franklin:

The presence of zoning districts for multifamily housing, or of plans for community facilities to support such housing, does not assure that lower income households will have access to a community . . . But the absence of such districts, or planned facilities to support higher density housing, does reinforce the conclusion that lower income households will have to find housing elsewhere. This is not because higher densities necessarily decrease per-unit land and construction costs -- in many cases, this may not be the case. It is simply because this form of development is most appropriate for rental housing, and rental housing may be the only kind of shelter that many lower income households can afford . . .

It is evident that very little, if any, subsidized lower income housing will be developed in Ramapo in the future. The town's development plan does not contemplate such housing as a public responsibility, nor does it provide (with the exception of permitted elderly housing use in laboratory/office zones) any encouragement of of such housing.⁶⁴

Thus, in spite of careful work over a number of years, it appears that even Ramapo's growth controls may be simply a perpetuation of the social problems identified by the Commission on Population and the American Future:

Suburban communities typically are internally homogeneous, but differ from one another along social and economic lines, with the rich in some, the less affluent in others. Variations among suburbs are becoming as important as those between the central city and suburbs as a whole . . .

These processes -- expansion and differentiation -- pose critical problems for the contemporary United States

The first problem is racial and economic separation -- blacks and the poor in the inner city, whites and the better off in the suburbs. . . .⁶⁵

As noted earlier, the second external effect of such policies involves the question of their impact on the surrounding areas. The question inevitably arises, whether if by excluding lower income households, a given suburb is not just shifting the burden of providing services to adjacent areas. As William Alonso has pointed out, "An industry or person excluded from one municipality will find a place in another within the metropolis," or in the case of a metropolitan area, another metropolitan area, or another state, etc. Again, what seems to the local area to be an issue of urban growth, is in actuality an issue of distribution, "both in the social and geographic sense".⁶⁶

Internal Effects: A Static Community?

Beyond these external effects, it would be well for a city to thoroughly consider what might be the internal effects of, over the long haul, foregoing the contributions that such in-migrants might make. For instance, (although this becomes highly hypothetical) Ramapo might come to regret the day when its own children must move elsewhere because they cannot afford the more than \$50,000 homes that are their only choice within the town. One is led to wonder whether Ramapo might not be programming itself to experience at some future point what many areas are already lamenting -- an exodus of young people, a "brain drain," leaving only a community of senior citizens with all the accompanying problems.

More positively, it would also seem conceivable that a community's growth policy could seek racial and age diversity. An example of this with regard to race is the controversial racial quota system of Oak Park, Illinois. That city is seeking to prevent integration and re-segregation by maintaining a racial quota of 30 per cent blacks in its population.

To accomplish this diversity, the city has included in its Fair Housing Ordinance an exemption from antidiscrimination provisions for any locations, transactions or buildings where such an exemption is "designed to achieve integration and prevent or eliminate de facto segregation or re-segregation".⁶⁷

The conventional patterns of racial change usually involve a short period of integration, while real estate practices and racist attitudes work to re-segregate a community. De facto segregation

transforms a previously all-white suburb to an all-black suburb. Urbanologist Pierre de Vise reports that this process of resegregation generally takes 12 years.⁶⁸ This re-segregation is what Oak Park seeks to prevent.

But whether Oak Park will be able to accomplish and maintain racial diversity is questionable. "The greatest obstacle to Oak Park's efforts to integrate," contends David Lauber, "are the exclusionary practices of other suburbs".⁶⁹

As neighboring suburbs practice exclusion of blacks, (often through the growth policies analyzed here), tremendous pressures are created for open suburbs like Oak Park to re-segregate. They are simply the few places where blacks may find housing.

Whether or not Oak Park achieves and maintains racial diversity, it has provided an important precedent. It is the first city to specifically attempt to view racial integration from a regional viewpoint.⁷⁰ It is the first city to design growth policies (using our definition) to achieve internal racial diversity.

Like those of other efforts to date, the internal effects of Oak Park's policies to influence growth remain speculative. Nevertheless, the internal effects of such policies appear serious enough to merit much more extensive consideration in the future.

Economic Effects of Growth Controls

Few, if any, economists have explored the question of how limiting urban growth might affect the economies of urban areas. But there are a number of related issues which may shed light on this

question. This section is devoted to a discussion of these general subjects. Included are discussions of how urban economies are formed, whether limiting growth is possible and how the no-growth argument relates to cities, and the issue of economics versus the environment. The section concludes with comments on specific economic effects on income and the housing market that may result from attempts to limit urban growth.

General Issues

Economics of Urban Areas. A brief review of how urban areas develop economically is useful for understanding how urban growth policies affect this process.

Although economists have by no means articulated all the processes of urban economies, they are in general agreement that cities spring up where it is most profitable to produce something (a product or service) that can be exchanged for the goods of rural areas (primarily food and fibers). Thus where this exchange becomes feasible, an industry will be formed, jobs created, and population will move in and demand goods and services. Houses will be built, and goods imported in exchange for whatever is being exported.⁷¹

As a city grows, its export base will expand, i.e. it will begin to produce a greater variety of goods for export, and in turn, provide a greater range of choice in goods and services to its local residents.⁷²

In the past, cities have acknowledged the export base theory of growth by making this item the focus of their economic growth policies.

Specifically, they have attempted to broaden their export bases by attracting new industry. Thus industrial development campaigns have involved as many lures as possible to make a community attractive to industry. Such efforts have ranged from generous tax exemptions, to providing good schools and amenities to make the community attractive to the labor force, to allowing industries to dump their wastes, cost-free, into public waterways.

But as some cities have desired to change their growth policies from unlimited to limited growth, they have been less cognizant of the realities of the economics of urban growth. Many areas have attempted to limit growth by building fewer houses or just restricting the number of residents, failing to acknowledge that more houses and more people are merely responses to the economic (job) opportunities available in the community.

Urban Economist Wilbur Thompson has addressed this subject briefly relative to Boulder, Colorado:

To try to slow local growth by slowing housing construction is to work backward . . .

Instead of trying to control city size by restraining residential development, it seems much more logical and efficacious to go directly to the heart of the matter and control the job formation that generates growth, to work from cause to effect. Returning to the example above, Boulder could choose instead to argue, before the State of Colorado, the case for decentralizing the University of Colorado, spinning off parts to other attractive sites.⁷³

There is, however, difficulty in applying Thompson's proposal and the general theory of urban economics to many of the areas enacting urban growth policies. This difficulty arises because of the distinction noted in Chapter I between the 'real' or functional city and

individual municipal jurisdictions. Many of the areas enacting growth policies are not integrated urban economies; they are only suburbs or bedroom communities within the 'real' city or metropolitan area. Thus the application of general economic theory to local (i.e. jurisdictional areas) often breaks down because governmental jurisdictions do not often coincide with the integrated economies of urban areas.

Is Limited Growth Possible? Although many local governments are attempting to limit growth, there is some doubt that it is actually possible on an area-wide basis. Thus, before exploring the economic effects of limiting growth, it is appropriate to explore this basic question of whether it is indeed possible to limit urban growth.

The opinions on whether it is possible to limit growth are varied. William Alonso, a student of this subject, reports that attempts to limit urban growth in Europe have not been very successful:

It might appear to be easier to limit growth than to promote it, but this is not the case according to a rich experience of national policies in Europe and the socialist countries. Moscow, Paris, London and Warsaw are among the centers where vigorous policies have been followed to contain and reverse growth. The means at hand have often appeared foolproof . . . Even so, these centers have continued to grow, although perhaps less than without these measures. These powerful tools have failed in the face of more powerful social and economic currents⁷⁴

Alonso is thus skeptical that U.S. metropolitan areas will be able to limit growth:

While a small independent city might succeed in this, it appears that metropolitan areas cannot. An industry or person excluded from one municipality will find a place in another within the metropolis.⁷⁵

If this is the case, we must conclude that the urban growth policies of individual governments are not controlling urban growth,

but are merely shifting it to the remainder of the metropolis. Unfortunately, the sum of several such individual policies is not likely to produce an optimum urban growth policy for the entire urban area.

The No-Growth Argument: Lessons for Cities. At a theoretical level, economists are engaged in a heated debate over the effects of "no-growth." Although this debate involves economic growth as well as population growth, it does bear relevance to the limiting of urban growth. This relevance arises out of the similarities of national and urban economies. In that the economies of urban areas are similar to national economies, we might expect that limiting growth would have similar effects at both levels.

Unfortunately, however, these arguments over no-growth are not well developed. There are those who contend that further economic growth is undesirable because it will inevitably destroy the environment and ultimately the economic system itself.⁷⁶ Others contend that the only way to improve the lives of the poor is through continued economic growth.⁷⁷ This is analogous to saying that the only way each of us is going to get more pie (distribution of economic wealth) is if we have a bigger pie (a growing economy).

Whatever the results of these arguments, they have not provided much enlightenment of the effects of limiting growth at the urban level. One reason for this is that we lack a real-world situation for testing such theories:

Unfortunately little can be said about the consequences on a city of population growth, decline or stability because the

subject has been little studied. The absence of studies on the consequences of growth or no growth cannot be blamed altogether on scholarly neglect . . . we have no instances for study which combine local zero population growth with economic well being.⁷⁸

A second reason for the un-applicability of these arguments to the urban level is the breakdown in similarities between national and urban economies. While the nation is self-contained, urban areas must constantly accommodate in-migration and occasional changes in physical size.

These arguments break down even further when applied to the local (as opposed to the urban) level. For the local levels, where most urban growth policies have been formulated, are not integrated urban economies. They are only subsets of this. Thus, neither economic base theory nor the no-growth, economic pie arguments are very helpful in assessing what the economic effects of limiting urban growth might be.

Economics versus the Environment. An additional element of the larger no-growth argument which may be relevant to the local situation relates to the conflict between economic growth and the environment.

While this conflict has surfaced as one of the prime catalysts in the proliferation of recent growth policies, it has not proved to be a clear cut, simple issue. Barkley points out that societies must make a choice between these two items:

Any society must eventually realize that growth does not come free and that one of the first prices to be paid is some encroachment on the natural environment.⁷⁹

Later in his book he charges that the popular concept of environmental degradation as a mere externality to the growth process

is a dangerous and misleading belief:

Environmental decay is an integral part of the economic growth process. There is no conceivable way to produce, use, and eventually dispose of economic commodities without creating some degree of environmental decay. The longer economic growth proceeds, the more severe will be environmental decay. It is a trade-off. The trade-off is acceptable to a point, but beyond this point it can no longer be tolerated. To believe that society can always have both is simply a reaffirmation of that ancient fallacy of 'something for nothing.'⁸⁰

At first glance, it would appear that urban growth policies have sprung up because urban residents have recognized this point, and are willing to sacrifice economic growth in order to avoid population increases in their area or further urbanization of rural land.

Thompson touches on this point in his implications regarding Boulder's efforts:

The sincerity of any brief for the case of no-growth -- the protection of the natural environment -- is bound to be highly suspect when the protectors live sprawled over half- and full-acre lots, with two or more cars in every driveway, and when they make waste in the good old American way. Any policy which permits the local inhabitants to hold their numbers in check simply so they can push their consumption per capita to the limit would seem to be more self-indulgent than environment concerned.⁸¹

Barkley also touches on the complexity of this issue:

It is not sufficient for affluent people, who compose a good part of the environmental movement to be willing to sacrifice further increases in the conventionally defined standard of living in order to restore and maintain the environment. They must also be willing to raise the poor to above the poverty line and to insure that people who lose their jobs through reductions in employment opportunities still have an adequate income. Every environmental problem, from the SST to the local dam, is also an employment problem; the affluent must be willing to share with the poor and unemployed.⁸²

Specific Economic Effects

From the preceding discussion, it is evident that the economic

effects of limiting urban growth are little understood. Nevertheless, the following preliminary comments on these specific effects are offered:

On Income: Whether and how limiting growth will affect the incomes of a given area is not at all clear at this point, and may vary considerably with each situation. The general process of urbanization is for incomes to rise as the export base is expanded. Thus, initial tendencies are to believe that restricting job formation and population growth will result in a shrinking export base, lowered incomes and general decline.⁸³ But, again, caution must be used in applying this theory. The theory is applicable only when applied to integrated economies ('real' cities). Most of the areas attempting to limit growth thus far do not fall into this category.

Even when applied to integrated economies, however, the theory's prognosis of economic and income decline may not prove true. Technology may result in increased production per worker, and therefore an expansion of the area's base, even though fewer jobs and people are there. Thus incomes might rise in spite of a smaller population.

There is also the danger of relying too heavily on measures of income as an index of economic well being. Just as GNP does not measure all aspects of national well-being, per capita or gross income does not account for the range of choice of goods and services available, or the environmental amenities available, etc.

Indeed, recent growth policies have in part sprung from this over emphasis on economics (at least, as defined by such measures):

The new attitude toward growth is not exclusively motivated by economics. It appears to be part of a rising emphasis on humanism, and the preservation of natural and cultural characteristics that make for a humanly satisfying living environment. 84

On the Housing Market: As was pointed out in the section on social aspects, limiting urban growth restricts the supply of land for urbanization and therefore increases its price. The impact of this has been felt most strongly in the housing market, but is likely to affect all kinds of real estate where growth pressures continue.

In that increased housing prices most severely affect the lower-income population, it is primarily these persons that will be restricted from growth-limiting areas -- unless, of course, there are specific influences brought to counteract this. Where the market is allowed to operate freely, however, lower income populations will be unable to afford the increasing prices and forced to seek housing elsewhere -- too often at great distances from their employment opportunities.

On a suburban level, or where limiting growth occurs only on a small scale throughout the urban area, this might have a negligible effect on the area's economy. Where practiced on a large scale, however, this shortage of low-income housing might produce labor shortages in low-income occupations, and affect the overall efficiency of the urban economy. Thus it must be realized that effects on the housing market may eventually be felt in other aspects of an area's economy.

Governmental Effects of Growth Controls

This section is devoted to a discussion of the effects of urban growth policies on governing urban areas. The discussion is organized in three subsections: 1) Recent trends in government that affect urban growth policy; 2) How urban growth policies have compounded the problems of urban government; and 3) How metropolitan-wide urban growth policies such as that in the mid-Willamette Valley may create pressures for consolidated metropolitan governments.

Trends in Urban Government

The governmental effects of policies to control growth must be evaluated in light of two primary trends: 1) a rising level of demand for the public services provided by local governments; and 2) the fragmentation of governing functions which results from multiple jurisdictions within metropolitan areas.

Rising Level of Services. In a study prepared for the Commission on Population and American Future, Robert F. Drury has examined the relationship of population change and local government activity. His findings indicate that areas experiencing population growth have been required to respond to dual pressures: 1) the normal pressures of providing services to an increasing population, and 2) a rapidly increasing level of demand for public services.⁸⁵

From a national perspective, Drury attributes a 135 per cent increase in local government costs for the years 1957 to 1967 to the following factors:⁸⁶

Total	135
Attributable to population growth	24

Attributable to price level changes	67
Attributable to increase in services	44

Since local governments are unlikely to be able to control an increase in prices, and unlikely to counteract the trend of increasing the level of services, they have responded to the pressures by attempting to reduce the amount of population growth they must accommodate. Thus we find the proliferation of policies oriented to limiting immigration.

Fragmentation of Government. While the structure of county, municipal and township governments has remained fairly stable, their responsibilities have changed significantly in recent years.

A major manifestation of this change has been the creation of numerous special purpose districts and authorities which perform limited functions that formerly were under the domain of local governments. Examples of such units have included metro or region-wide school authorities, water districts, transportation authorities, etc. Drury reports that these districts increased in number from 8,000 in 1942 to 21,000 in 1967.⁸⁷

This fragmentation of responsibility has resulted in increasing complexity in the land development and growth management processes for both governments and developers. For the developer, it has meant coordination with many (rather than one) governmental entities to assure adequate facilities and services for his site. For the local government, which usually retains control over land use, it complicates decision-making, since overall quality of development will depend on

decisions of other governmental units as well as the basic land use decision.

An example of this with regard to controlling urban growth may be found in the case of Ramapo, New York. Although overcrowding of schools, and the accompanying rising budgets and taxes were a primary object of concern leading to the controlled growth law passed in 1969, the capital improvements plan on which the program is based does not include school facilities. The financing and construction of schools are controlled by other levels of government.⁸⁸

Compounding the Problems of Urban Governance

The primary effect of urban growth policies on governing urban areas has been a compounding of the problems of governance. This has resulted primarily because of the fragmentation of government that permits situations such as the one just cited in Ramapo. Although individual governments may not be responsible for providing even a majority of public services to their residents, they can, through their growth policies and land use controls, greatly affect the demand for such services. Yet their autonomy exempts them from coordinating these efforts with the various providers of urban services. The results are greater inefficiencies and inequities in the provision of services.

An exception to the individual urban growth policies, is, of course, the metropolitan-wide policy of the Salem, Oregon area (mid-Willamette Valley). The succeeding comments offer speculation on how this policy might affect government in that area.

Salem: Pressures for Metropolitan Government

While most of the preceding discussion has applied to the growth policies of individual governments, the enactment of a metropolitan-wide policy such as that in the Salem area will have significant effects on governing the area. In this case, the general purpose governments have agreed to the urban growth policies, but the successful implementation of them will depend on cooperation and consistency among the three major governmental units (Marion and Polk Counties and the City of Salem), almost a dozen special districts and several private service agencies.

The existence of these special districts is described as "one of the biggest obstacles to orderly annexation to the City of Salem," -- the intended means of implementing the growth policy. It is also significant that a workshop on the Urban Growth Boundary in November of 1972 produced this conclusion:

"The Willamette Valley was seen by many as a natural for a regional governmental unit . . . More coordination is needed among various governing agencies, both for efficiency and to minimize overlap. .⁸⁹

Thus it will be interesting to observe in future years whether a metropolitan wide growth policy such as that of Salem will provide an impetus for metropolitan wide government. Since the boundary has been in effect for only a few months, it is too early to assess in a meaningful way how extensive its effects on government will be.

CHAPTER IV

EVALUATING THE CURRENT URBAN GROWTH POLICIES

This chapter is an evaluation of current urban growth policies. The policies outlined in Chapter II are evaluated in light of a suggested set of goals for managing growth, and in light of the effects discussed in Chapter III.

The chapter is organized in three sections: 1) a set of suggested goals for growth management; 2) analysis of the current policies outlined in Chapter II; and 3) a discussion of the legal outlook for controlling growth.

Goals for Growth Management

A meaningful analysis of growth policies must be in relation to some set of goals. Although the present effort cannot include extensive analysis of what goals have been expressed by local governments so far, and indeed, each local area should articulate its own goals for growth control, there are a number of general goals that have been expressed and can be used for this analysis.

Outlined in the following paragraphs, these goals are derived from the economic, social and governmental effects of limiting growth as discussed in Chapter III and from the work prepared for the National Conference on Managed growth by Frank Bangs and Duane Searles.⁹⁰

It must be stressed, however, that each local government should identify and articulate for itself specific goals for growth management. The general goals are outlined below.

Social Equity

All policies to control or manage growth will in some way affect the distribution of goods and services in a community. Growth policies should seek to maximize access for all classes of persons to:

- 1) decent housing
- 2) employment opportunities
- 3) adequate transportation
- 4) educational opportunities
- 5) recreational opportunities

Economic Well-being

All policies for managing growth should seek to insure economic well-being for individuals and the community as a whole. This might include such traditional goals as full employment, minimum levels of per capita income, stability of the local economy and diversity of the industrial base, etc. Or, some communities might find that economic well-being must be redefined to include environmental preservation, even at the expense of some of these traditional economic measures.

This goal becomes ever more difficult to define and articulate as concepts of economic well-being are being constantly re-evaluated and re-defined. Even so, growth policies contain extensive implications for the economy of an area. Thus each community should seek to define this goal for itself and evaluate its policies for effectiveness in achieving this goal.

Environmental Quality

Goals for environmental quality should encompass the broad sense of the word -- that is, they should be concerned with man's physical and social environment as well as the natural environment. Thus, they should seek to protect man from noise, glare, air pollution, as well as protecting natural wilderness areas or floodplains.

Efficient Provision of Public Services

Failure to achieve this and the concomitant 'crisis situations' have given rise to many current growth control strategies. Thus one goal of growth management must be to coordinate development and provision of public services to avoid crises and assure a high level of public service and maintenance of the environment.

While rather general in scope, these goals provide an adequate framework for analyzing efforts used by cities so far in controlling growth.

Analysis of Current Strategies

Zoning Strategies

Although zoning is perhaps our strongest land use control and therefore an integral part of any growth policy, it is not sufficient for managing growth. By itself, it can at best be a backdoor approach to controlling growth; for while it may guide how people use land, it is probably a very minor consideration in what has drawn people to an area in the first place.

While it is encouraging that uses such as agriculture, conservation, and open space are coming to be recognized as legitimate

uses of land and therefore being protected and preserved through zoning, it is discouraging that zoning has been used, in most instances, in a way that will restrict the economic and housing opportunities of lower-income persons.

In almost all of the techniques cited in Chapter II, zoning has been used to reduce the intensity of land use. Specifically, some form of large lot zoning has resulted. This would indicate that cities are failing to consider that goals of social equity and environmental quality might in many cases be better achieved by increasing land use intensity in some areas. The exceptions to this, of course, are PUD and density zoning, which do allow more innovation and intensive uses of land.

On the whole, areas which are relying heavily on zoning strategies for managing growth are failing to acknowledge the many and inter-related forces which are causing growth and which must be considered in order to control it. These areas should expand their scope to insure consistency of their zoning with other goals and policies regarding growth.

Once a growth policy is designed, zoning efforts are extremely important. The failure to coordinate zoning with the intent of the growth policy and other land use controls can thwart implementation of the growth policy.

Moratoria

Although there is not extensive evidence on the effects and/or problems of moratoria, their use has been highly criticized by government

as well as the construction industry. The previously cited study undertaken for the U.S. Department of Housing and Urban Development yielded an extremely negative analysis of their use as a means of controlling growth:

"The sewer moratorium is an example of a regrettable characteristic within the American governmental process--ad hoc, piecemeal efforts to solve a complex problem rapidly by simplistic means. The problems which produce waste water disposal and treatment deficiencies are far deeper than technical shortcomings in a physical system. They involve fundamental and long-term issues of urban growth and of social equity. They involve the process of land speculation, the nature of the building industry, and the political currents by environmentalists and advocates of zero population growth. Most actions to initiate moratoria have responded to an immediate physical need."⁹¹

The authors levied six specific complaints against the use of moratoria. On the minus side, they contend, moratoria can and do contribute to the following:

- 1) Short term spurts of construction to be followed by sudden sharp drops in activity if facilities to relieve the moratoria are not forthcoming; i.e. a dangerous imbalance in housing production.
- 2) Hardships and inequities for small builders.
- 3) Discrimination against apartments and other cost efficient higher density housing in some areas.
- 4) Serious roadblocks to production of low-to-moderate income housing due to escalating costs of land where sites are available, and discrimination against higher densities.
- 5) A positive encouragement of urban sprawl to jurisdictions not covered by the controls but within commuting distance of major employment centers. Along with this is encouragement of septic tank development in these areas and package treatment facilities which may or may not be at non-polluting standards.
- 6) A stimulus to complicated bureaucratic processes and capital works delays as the several levels of government inevitably involved struggle to resolve the administrative, environmental

and financial issues.⁹²

These conclusions are primarily based on a case study of Montgomery County, Maryland and the Washington D.C. metropolitan area. Most of this area had been under some form of sewer moratorium since 1970. In spite of these moratoria, a report issued by the county executive in May of 1973 indicated that the moratoria had not been effective at all in relieving the crises which had prompted their enactment. The study cited excerpts from that report:

"The results (of the moratoria) have been disappointing. The increase in sewage flows has not tapered off. The residential construction rate has actually increased.

Despite the aggregate high rate of building, the distribution of sewer service has become quite distorted, especially where the State moratorium has been in effect. Several construction firms that have operated in Montgomery County for many years are faced with financial ruin. Since September 1, 1972, two individual apartment projects received sewer service commitments on grounds of hardship amounting to 330,000 gallons per day. This corresponds to about 660 houses. Had the same capacity been distributed among builders with no work, it would have gone a long way towards easing their problems and creating a more competitive market during the period of scarce capacity."⁹³

In spite of this criticism, moratoria have displayed the virtue of providing some impetus to the filling in of vacant land skipped over by development, even though facilities were available.

Herbert Franklin has also suggested that temporary moratoria on development may be justified in the case of a locality which can document that it has absorbed growth faster than its neighbors. Such an area may, he contends, be able to show that its schools and other facilities are over crowded because of the failure of its neighbors to accept a 'fair share' of metropolitan growth.⁹⁴

In summary, it must be concluded that moratoria are one of the least desirable strategies for controlling growth. Their back door approach and limited scope renders them useful only as a stopgap measure, and evidence indicates that they may not even be effective in this role. Moratoria will never be an effective substitute for controlling the economic and social forces which bring growth to an area.

Special Development Permits: Ramapo

The Ramapo Plan is one of the most progressive and promising systems of growth control, although a good case can be built that it has been used in an exclusionary manner in Ramapo. But the technique itself is neutral, and offers significant promise for insuring better quality of growth.

The chief virtue of the Ramapo technique is that it links "the private initiative to the public capacity," as Robert Freilich, the attorney chiefly responsible for its design has expressed it.⁹⁵ By relating residential development to the provision of public services and the capital improvement plan, it will allow the town to alleviate many of the ills it has suffered as a result of pressures from rapid growth. The plan offers a means of avoiding the poor quality of services or crises situations that frequently occur where residential development precedes the provision of services. It also offers relief from property tax pressures that prematurely force land into urban use. This will be accomplished in a broad sense because services will be provided in a more efficient and economical manner. In the short run, it will come about as assessments are rolled back or

decreased to reflect the current value of the land, and increased as they become more available for development.

As a system for growth management, however, the plan may be criticized on several grounds. First, its preoccupation with residential development makes it highly suspect as a selective growth policy. That is, Ramapo, as most suburbs, is competing for a good tax base. If Ramapo can attract commercial, light industry, office and research development, while holding back residential development, it will be able to give its residents a higher level of public services at a lower tax effort per household than adjacent communities.⁹⁶

Additionally, this preoccupation with residential development is a treatment of the symptoms and not the causes of growth. Ramapo's controls affect how growth will be accommodated, but they do not address the more meaningful question of what draws people to the area.

Answers to this question would necessitate a broadening of scope in Ramapo's plan to consider how it fits into the regional picture, i.e. it would require consideration of where Ramapo residents are employed and whether Ramapo is providing its share of the need for low income housing in the region.

In summary, while Ramapo has provided an important tool for planning and land use control, the plan still suffers from narrowness of scope, treating symptoms instead of causes, and failing to consider thoroughly the ultimate product which it will produce.

Housing Unit Limits

Petaluma's plan for controlling growth is attractive because of its simplicity, i.e. it simply controls growth by allowing only 500

housing units to be built per year. Unfortunately, like many simplistic solutions to complex problems, the plan contains deficiencies.

Like other strategies discussed thus far, Petaluma's strategy has been to attempt to control growth by controlling symptoms. The plan has failed to acknowledge that dwelling units are only one of many factors involved in urban growth. Like Ramapo, and the many areas enacting moratoria, Petaluma has exhibited a narrow point of view, controlling housing instead of the causes of growth, and failing to consider its role in the regional picture. Also like Ramapo, Petaluma has concerned itself with the rate of growth, but not the ultimate results of growth.

Unlike Ramapo, Petaluma's controls have been struck down by the courts as a violation of the constitutional right to travel. (This question of legality will be further treated in the section on the legal outlook for growth control).

In spite of the shortcomings of the Petaluma Plan, it does contain one aspect that offers hope for improving the quality of development. This has been explained by John Hart in his discussion of the Petaluma case:

it is useful to see a season's crop of development plans together - the city can judge the effect they have in combination. The idea of a competition is attractive: it should, in theory, encourage sounder, more sensitive development. . . Furthermore, a city can encourage whatever particular qualities it finds lacking in past development. . . . Best of all, as Petaluma Mayor Helen Putnam points out, such a system is honest: that is: it does not limit growth by some indirect method, like large lot zoning or simple refusal to extend utilities.⁹¹

In summary, Petaluma's plan of limiting the number of housing units suffers from 1) a lack of regional considerations; 2) failure to consider the real causes of growth, and 3) a failure to consider the ultimate or end product of the attempts to limit growth.

Its virtues include the fact that its intent is to achieve a desirable rate of growth, and the innovative concept of holding a competition to insure that the community will receive the best development that the market has to offer.

Urban Limit Lines

The concept of a geographical limit to urban growth, particularly as it is emerging in the Mid-Willamette Valley in Oregon is the most promising system for controlling urban growth thus far devised. This promise stems from the fact that this plan is the first to consist of an area-wide plan and to have addressed causes as well as symptoms of growth.

Although the Urban Growth Boundary was officially adopted only this year (1974), the resolution leading to its enactment passed by the advisory commission in 1970 called for the inclusion of multiple considerations in its formation -- considerations of land use, sanitary drainage basin limits, transportation patterns, economic factors and soil types.⁹⁸

Thus, although there are still many problems to be solved with this concept, it at least has been based on an awareness of the many causes and responses involved in growth. In contrast to the other strategies for controlling growth, this one was based on an expected

population projection (for 1990). Following this projection, the needs for housing, jobs, schools, parks and sewer and water facilities were projected. The urban growth boundary was then drawn to accommodate these needs. In addition, extensive studies have been and are being undertaken to assess the effects of the growth boundary on land costs, property taxes, and the provision of low and moderate income housing.

Nevertheless, there are still many problems to be solved and questions to be answered. For example, Salem's growth control system deals with the ultimate product but has given little attention to how fast the area will grow. It is conceded by officials that implementation will be most hindered by the multiplicity of governmental jurisdictions in the area. They have moved to rectify this situation, however, by mandating that no more special districts will be created, the territory of no present district will be expanded, and the city of Salem is to be the provider of urban services for all land within the urban growth boundary.

Questions of what will happen when the area encompassed by the boundary is completely developed will, of course, have to be answered. But they do not seem crucial at this point. The twenty years that is expected to ensue before this occurs should yield clarification on the legal questions of mobility, and may yield technologies and techniques for better accommodation of growth. What is crucial at this point is that Salem consider the desirability of limiting growth, and begin to devise means of making this a realistic alternative. The urban growth boundary is a reasonable step in this direction.

Population Limits

Although information on the attempts to limit population growth on the local level is scarce, the practice is highly questionable, even in its conceptual stages.

The most obvious hindrance of its use as a means of controlling growth arises in connection with the constitutional rights of mobility, which include the right to migrate and settle. (This problem is further dealt with in the section on the legal outlook for growth control).

Beyond the legality, the population-limit method suffers from the same defects as most others. It fails to deal with the question of the rate of growth. It fails to consider trends and needs of the metropolitan area of which it is a part. It deals with housing units and numbers of people, symptoms rather than causes of growth.

In the case of Boca Raton, it also appears that the social, governmental and economic effects of the limit have not been adequately considered. The limit has caused inflation of already high land prices, and created problems for the government required to enforce it. Questions must also inevitably be raised regarding the development of land immediately adjacent to the city limits, and regarding what will occur when the limit has been reached. On the whole, the population limit is another example of a simplistic solution for a complex problem.

In spite of this criticism, a population limit could conceivably be a valid part of an area's growth policy. But such a limit must be based on the limits of the area to support the population in a

desirable manner. An excellent example of this would be an area with definite limits to its water supply. Where it could be shown that an area had access to only a certain amount of water, it would be imperative that a population limit be part of the area's growth policy.

Population limits should be adopted, however, only after careful analysis of the area's ability to support the population, not as a first step in a policy based on selfish environmental or economic interests.

Environment-Related Controls

In that degradation of the environment has been a highly visible consequence of rapid growth, it is not surprising that environmental protection has become one of the focal points in the attempts to limit growth. But preventing degradation of the environment should be viewed as a result of good growth management, rather than a means of limiting growth.

Using environment related controls to limit growth often results in a failure to consider other needs and pressures in a community. Environmental protection should be balanced in relation to many other issues: the economic and social needs of the community, the ability to provide public services to the community, etc.

Assessments of environmental impact should be an important part of insuring quality development, and therefore must be part of any city's land use controls. But their narrowness of scope, both in terms of concept and area considered, renders them unsatisfactory as the major or only means of controlling growth.

Development Impact "Taxes"

Like environmental degradation, rising and expanding public service costs are a highly visible consequence of rapid growth; and like environmental controls, financing public services has become a focal point for attempts to control growth.

Development impact taxes, more properly called charges or fees, have thus been levied in attempts to "make growth pay for itself." But like other simplistic solutions, these charges offer no panacea for insuring limitations on growth.

An analysis of development impact 'taxes' as they are levied in the State of Oregon has been prepared by Hammer, Siler and George Associates for the National Association of Home Builders. While they find that such 'taxes' have the virtue of low administrative overhead, they conclude that the negative impacts of them override the virtues.

The authors charge that the development impact 'tax' constitutes double taxation for previous residents of an area who occupy new development (as opposed to new residents), and that it is regressive. Their conclusion:

Housing markets are sensitive mechanisms providing a basic commodity none of us can do without. The development impact tax would tamper with that mechanism in what has been shown to be an inequitable, inefficient manner with results contrary to state and local goals and needs. The effect of the impact tax is most severe on elderly as well as low and moderate income households. The impact tax would extend from new construction to existing sale and rental units, raising prices and rents with no change in quality.⁹⁹

In spite of these findings, the imposition of such charges has been upheld in two recent court cases. In Associated Home Builders of

Greater East Bay, Inc. versus the City of Walnut Creek, the Supreme Court of California upheld a state statute authorizing cities and counties to require the dedication of land and/or payment of fees as a condition to the approval of subdivision maps.¹⁰⁰

In a similar case brought by the Homebuilders, the Court of Appeals of California ruled that

It was neither discriminatory nor arbitrary to impose a license fee upon the business of constructing dwellings measured by the number of bedrooms in the units to be constructed, even though the fees which were imposed upon the construction of residential dwellings were substantially higher than the fees imposed on commercial and industrial structures.¹⁰¹

In spite of these court cases, development impact charges constitute a highly undesirable means of controlling growth. By raising the price of housing, they inevitably exclude lower income residents and shift this demand to adjacent areas. Thus this approach may compound regional problems, in addition to raising issues of double taxation and regressiveness.

The Legal Outlook for Growth Controls

At this point in time, the legal outlook for controlling growth is hazy. Attempts to limit growth have raised questions with regard to basic constitutional rights that have long been thought to be clear. It is beyond the scope of this thesis to attempt any resolution of these issues, but legal questions must be considered in designing any urban growth policy. Thus a brief overview of the current legal status of growth controls will be presented.

The two most controversial and far-reaching court decisions for

growth control are those regarding the Ramapo Plan and the Housing Unit Limit in Petaluma, California.

The Petaluma Plan was struck down by a federal district court in northern California in January of this year. The court found in that case that "the basic constitutional rule is that no city can regulate its population growth numerically so as to preclude residents from any other area from traveling into and establishing residence there."¹⁰²

Ramapo's Plan, on the other hand, was upheld by the Court of Appeals in New York in May of 1972. This court also warned against freezing population levels or against excluding large segments of the population, but found that Ramapo had met these requirements:

They seek, not to freeze population at present levels, but to maximize growth by the efficient use of land, and in so doing, testify to this community's continuing role in population assimilation.¹⁰³

In both cases, the dissent has been complex and heated; it is likely that such measures will continue to be a fruitful source of litigation.

In the meantime, cities are confronted with many questions: what are the legal limits for controlling growth, what are the implications of these decisions for home rule, and will it ever be possible to control population growth (in-migration) on a local level?

Most growth-control efforts to date have been criticized for limiting individual rights to mobility. What seems to be lacking clarification is some balance of these individual rights against the general welfare -- i.e. is one locality in an urban area a sufficient

definition of general welfare, or must evaluations of general welfare include an entire metropolitan area rather than only one municipality within the urban area?

While population limits appear unconstitutional at this point, it is not inconceivable that a metropolitan area could demonstrate that it is in the interest of the general welfare to limit the population of the area. As mentioned earlier, the most logical basis for this would be the limitations of providing an adequate water supply to additional residents. Attempts to limit growth on the basis of preserving the environment or the fiscal ability to provide services will be much harder to substantiate and thus much less likely to be successful in the courts.

One of the largest obstacles to stronger land use control and therefore growth control is the myth that "a man can use his land any way he pleases regardless of his neighbors." This issue of the unlawful taking of land has been examined by Bosselman, Callies and Banta. After extensive analysis, they have concluded that:

The myth of the taking clause is inhibiting the sort of reasonable regulatory action that is needed to protect the environment while respecting the position of individual landowners. In weighing strategies to deal with the taking issue, therefore, we begin with an awareness that a new legal doctrine will have little impact unless it filters down to where the action is. The law in this area is what local officials think it is.¹⁰⁴

Finally, they conclude that "only an approach that rejects the two extremes -- stop-growth and full-speed-ahead -- will provide a long range solution to the problems posed by the taking issue."¹⁰⁵

In summary, two major conclusions may be drawn with regard to

the legal outlook for controlling growth. They are:

- 1) Attempts to limit growth on the part of individual governments within a metropolitan area are highly suspect and will come under increasing attack in the courts for their exclusionary effects.
- 2) Population limits, housing unit limits and other direct restrictions on the mobility of individuals are unconstitutional and will not be upheld in the courts.

An exception to this second conclusion may occur where such limits can be shown to be necessary to the general welfare of an entire metropolitan area. Such justification will be much more likely to be upheld if linked to the ability of the land to support development, the ability to provide an adequate water supply to the area, or some other natural limit to growth in the area. Limits to growth based on environmental protection or the fiscal ability of the government to provide public services are much less likely to succeed in courts.

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

This chapter contains general conclusions drawn from this work and recommendations for designing urban growth policies. The recommendations are presented in two sections:

- 1) A Framework for Policy Formulation. This section designates major factors which should be considered in designing urban growth policies.
- 2) Strategies for Implementing Urban Growth Policies. This section recommends alternative strategies for implementing urban growth policy.

The chapter concludes with suggestions for further research.

General Conclusions

1. Urban Growth policies enacted to date have primarily been efforts by the suburbs to enjoy the benefits while shifting the costs of growth. With the exception of the urban growth boundary in Salem, almost all growth policies to date have been enacted by local governments employing only a local perspective. Thus the policies have been preoccupied with limiting the numbers of people or houses in their particular jurisdiction. Whether achieved through indirect controls such as zoning or environmental controls, or through direct limits such as population or housing limits, the policies have effected the exclusion of low income persons and their concomitant lower contribution

to the tax base and higher demand for services. Thus most urban growth policies have merely been a new form of competition among suburbs for the best tax base and lowest demand for public services.

2. The Urban Growth Boundary in the Mid-Willamette Valley is the best example of a policy to guide urban growth to emerge so far. The efforts in the Mid-Willamette Valley are the first to consider social, economic and environmental effects of a growth policy, and to encompass population as well as geographical limits. It also represents one of the first attempts to consider growth on a metropolitan wide basis as opposed to a local basis.

3. This research re-confirms the inappropriateness of determining growth policy on the local level, and points up the ever-increasing need for state and national urban growth policy. As discussed in conclusion one, to allow local governments to determine the growth of a metropolitan area from their local perspectives is to allow perpetuation of racial and economic segregation, and to compound the problems of planning for efficient and equitable provision of public services and educational and economic opportunity throughout the region.

4. Urban growth policies of local governments are unlikely to be upheld in the courts unless they are supported by comprehensive planning and reflect regional needs and concerns. In spite of the upholding of the Ramapo Plan by the New York Court of Appeals, strong charges have been made that the implications of the plan as used in Ramapo are counter to constitutional rights. Thus it is likely that efforts such as this will continue to be before the courts, and are

unlikely to be upheld if it can be shown that they compound problems of the region and violate constitutional guarantees of rights of mobility or equal protection of the law.

5. In spite of the foregoing criticisms, local governments should continue to design urban growth policies. Reasons for this are three-fold. First, some areas are likely to continue to grow rapidly in spite of stabilization of national population growth. Secondly, although there is almost unanimous agreement that state and federal policy should guide urban growth, this action is not likely to come soon. In the meantime, local governments will continue to be faced with problems of growth.

Lastly, although there is considerable doubt about our present ability to significantly influence growth rates, it remains unproved that we cannot influence them. Thus the most rational course for cities to pursue is to attempt to control growth using the best current available knowledge and tools.

The next section outlines recommendations for accomplishing this.

Recommendations for Designing Urban Growth Policies

A Framework for Policy Formulation

This section outlines recommendations to local governments for designing urban growth policies. The recommendations are made in light of the legal restraints noted in this work -- that growth policies may not seek to limit the mobility of persons or restrict housing, education or economic opportunities to selected segments of the population.

Rather, urban growth policies should seek to maximize these opportunities and achieve a high quality of life for all classes of people. In order to accomplish this, a local government must consider the following factors in designing any growth policy:

1) A Regional Perspective: The primary requisite in designing responsible urban growth policies is the adoption of a regional perspective. Local jurisdictions must acknowledge their interdependency with the remainder of the metropolitan area. To the degree that local citizens travel to other jurisdictions for employment, education, shopping and recreational opportunities, the local jurisdiction forfeits the validity of its claims to its right to "determine its own destiny."

Thus the first step in designing a growth policy should be to obtain estimates of regional growth and decide how the local jurisdiction fits into the regional picture. The local government must then seek to take responsibility for its share of educational, housing and economic opportunities for all socio-economic classes of people expected to comprise the growth of the region.

This regional perspective may be obtained by comparing the following factors for the local jurisdiction and the metropolitan area:¹⁰⁶

Social Indicators

Racial distribution

Age distribution

Educational Levels

Economic Indicators

Per capita and household income levels
Industrial and commercial acreage in relation
to population concentrations
Employment totals and kinds of employment

Governmental Indicators

Tax burdens per household
Per capita expenditures for government facilities
and services

Housing Indicators

Average cost of housing
Housing needs by total numbers and price ranges

Rates of Growth

Total numbers of population
Employment levels

The difficulty of gaining this regional perspective will depend a great deal on the availability of information concerning these factors. In addition to the U.S. Bureau of the Census, such information is often obtainable from local banks and financial institutions, chambers of commerce and planning agencies.

Where no metropolitan-wide planning or governing agencies exist, local governments desiring to control growth should utilize the growth-control issue to provide impetus for establishing such agencies. Results might be similar to the Council of Governments responsible for establishing the urban growth boundary in the Mid-Willamette Valley.

The insertion of a regional perspective into urban growth policy

design should strengthen the position of any responsible local growth policy. Some areas may be able to show that they have accepted more than their fair share of regional growth and therefore are justified in prohibiting or at least slowing the amount of growth they must accommodate.

Other areas may be forced to acknowledge that they have enjoyed more of the benefits and fewer costs of regional growth. Thus they may find that their growth policy must be designed to accept more growth.

This does not imply, however, that all jurisdictions must be identical -- that each must accept a share of housing, residential, industrial and/or commercial development. For this might not at all be optimum for the metropolitan area as a whole. Instead, each jurisdiction must assess what its role should be in the metropolitan area, whether that be industrial suburb, bedroom community or integrated community with all land uses, etc. Then, the jurisdiction should plan for and accommodate its share of growth in light of regional needs and the role it plays in the regional economy.

2) Desirable Rate of Growth: Although the tools for determining the best rate of growth are little understood at this point, cities should attempt to determine what for them is a desirable rate of growth.

Factors to be considered in determining this rate of growth must include:

a) Past rates of growth. The city should examine past rates of growth in terms of population, employment, housing construction, etc.

b) Ability of the city to provide services. After assessing past rates of growth for the city and region, the city should attempt to analyze the needs for public services which these rates of growth require. If the city's ability to provide these services is greater or lesser than the rates of growth, a desirable rate of growth would be one at which the city could provide the needed public facilities in a reasonably efficient manner.

This may not be done, however, independently of the needs of the metropolitan area. For the situation may be that all jurisdictions in the area are pressed, experiencing crises in providing public services. In this case, it may be the responsibility of all jurisdictions to accept such pressure. The alternative -- of allowing one or a few such jurisdictions to limit growth, only means shifting the demand to adjacent areas and intensifying the crisis for them. Again, each jurisdiction must accept its share of the burdens of regional growth.

3) Choosing Optimum Size: Optimum size varies with each individual area. The question is probably not crucial for areas which have few constraints on their growth, i.e. areas which can expand indefinitely and have unlimited water supply, etc. Others, however, may be approaching land or water constraints very rapidly and need to address the question of optimum size very quickly.

Whatever the situation, optimum size should be considered in any long-range growth policy. The following factors must all be considered in determining optimum size:

a) Physical or geographical size. Each city must assess its geographical limits to growth. This is basically determined by the amount of land available for urbanization. This concept, however, is complex in itself, for the amount of land is determined by political and technological factors as well as natural or topographic characteristics.

In general, optimum geographical size should be based on 1) the amount of land suitable for development -- free of hazard from floods, earthquakes, etc., and 2) the amount of land available for building after provisions are made for the conservation of wildlife, prime agricultural and environmentally critical areas, and the provision of adequate recreational and open space.

b) Optimum population size. Optimum population size must be estimated on the basis of 1) a desirable density of population within the geographical limits; and 2) the ability of the area to economically support a population.

Ultimately, of course, optimum size must identify a relationship between geographical, population and economic size.

4) Community Goals: Every community must design its growth policy to be consistent with its social, economic and environmental goals. While these goals may vary for each community, every growth policy must be evaluated to ensure consistency with these goals.

In summary, the framework for designing any growth policy at the local level should consist of 1) a regional perspective; 2) an attempt to determine optimum size for the community; 3) an attempt to determine a desirable rate of growth for the community; and

4) consistency with environmental, economic and social goals of the community.

Strategies for Implementing Urban Growth Policies

This section recommends a variety of ways in which localities may seek to control or manage urban growth.

1) Economic Strategy: Since employment opportunities are the major motivation for migration to urban areas, this factor offers the greatest hope for controlling urban growth. Thus areas desiring to limit urban growth should undertake to control the rate of job formation. Although, there is not extensive knowledge of how to do this, cities have been attempting to accelerate job formation for years. They should now examine these measures, and reverse them, where necessary, to slow the rate of growth.

A very powerful aspect of this is an area's attitude toward new industry. If a city has established tax policies in the past to encourage industry, it should now consider reversing these incentives, by taxing and regulating industry more heavily.

These strategies must be undertaken with caution, however, and carefully analyzed for their effects on the economic well-being of the area.

2) Provision of Public Facilities: Once a city has attempted to control growth by controlling the economic (or other) incentives for migration, the next strategy must address questions of how the planned for (or inevitable?) growth will be accommodated. The most powerful tool for influencing where and how development will occur is the

provision of public services and facilities. Ramapo has used this tool in a very effective manner and given the nation a prototype for ensuring compact development and efficient provision of public services. Cities experiencing growth pressures should consider this tool as a means of controlling future growth.

Although all cities might not find Ramapo's specific point system applicable, such a system should be readily adaptable to other areas. Such point systems should be devised that are appropriate to the services provided by the local government.

A second method of controlling the provision of services is to adopt an urban services boundary, similar to those in Salem, Oregon and Lafayette County, Kentucky. While Ramapo's method controls the rate of development and ensures contiguous development, the services boundary or urban limit line controls the ultimate extent of development. Both should be included in any strategy to control development.

Whatever the specific strategy for controlling the provision of public services, it is imperative that this function be under one central authority if urban development is to be controlled. This was recognized in the policy of the Willamette Valley, where the city of Salem has been designated as the provider of future urban services.

3) Land Use Controls: Although the provision of services is intimately tied to the system of land use controls, it is imperative that the latter controls be strong and consistent with the intent of the growth policy.

The most common of these controls is zoning. All of the zoning strategies outlined in Chapter II are potential strategies for guiding

growth. These controls may be augmented by health and building codes. Density standards and height regulations may also be as important as the basic zoning decisions.

Caution should be exercised to insure that these controls are not determining the growth policy rather than being a means of implementing it. Caution should also be used to prevent their use for exclusionary purposes and/or effects.

Suggestions for Further Research

This thesis gives rise to many unanswered questions for which further research is imperative if we are to more wisely guide urban growth. Some of these areas for research questions are:

- 1) Research should be undertaken immediately in areas which have attempted to control growth to determine the social, economic and governmental effects of limiting growth and to analyze the effectiveness of various policies and strategies.

- 2) Further research into the causes and motives for migration might yield better insights into which variables should be manipulated to control growth.

- 3) Analysis of the characteristics and problems of areas experiencing various growth rates might yield better information regarding desirable rates of growth for various sizes and kinds of cities.

APPENDIX A

AREAS WITH GROWTH CONSTRAINTS

This list was compiled from two sources:

- 1) a list of areas with growth constraints issued by the Urban Land Institute in March of 1973; and
- 2) the author's correspondence and research as of July, 1974.

California

Brentwood
 Fremont
 Jenner
 Livermore
 Milpitas
 Palm Springs
 Palo Alto
 Pacific Beach
 Los Angeles
 Napa
 Oakland
 Petaluma
 Pleasanton
 Sacramento County
 Santa Clara County
 San Diego
 San Francisco
 San Jose
 Ventura

Colorado

Aurora
 Boulder
 Denver
 Colorado Springs

Connecticut

West Windsor

Florida

Boca Raton
 Dade County
 Miami
 Palm Beach County
 Manatee County
 Sarasota County
 St. Petersburg

Idaho

Boise

Illinois

Chicago

Maryland

Prince George's County
 Baltimore

Massachusetts

Amherst
Lincoln

Minnesota

Minneapolis-St. Paul

Nebraska

Lincoln
Omaha

New Hampshire

Portsmouth

New Jersey

Madison Township
Mahwah
North Bergen Township

New York

Ramapo
Long Island

Oklahoma

Tulsa

Oregon

Astoria
Eugene
Salem

Vermont

Burlington

Virginia

Arlington County
Charlottesville
Fairfax County
Loudon County
Prince William County

Wisconsin

Dane County

APPENDIX B

NOTES

1. Fred P. Bosselman, "The Right to Move, the Need to Grow," Planning, XXXIX (September 1973), 8.
2. David E. Stahl, "Cost Repercussions of the No-Growth Movement," Urban Land, XXXII (December 1973), 17-18.
3. Ibid., 18.
4. William K. Reilly ed., The Use of Land: A Citizens' Policy Guide to Urban Growth (New York: Thomas Y. Crowell Company, 1973), p. 33.
5. Steve Carter, Bert Kendall, and Peter Nobert, "Controlling Growth: A Challenge for Local Governments," Municipal Yearbook, 1974 (Washington D.C.: International City Management Association, 1974), pp. 267-68.
6. William Alonso, "Urban Zero Population Growth," Daedulus, CII (Fall, 1974), p. 192.
7. U. S. Department of Commerce, Bureau of the Census, Characteristics of the Population (Washington D.C.: U.S. Government Printing Office, 1973).
8. Commission on Population and the American Future, Report of the Commission, Population and the American Future (Washington D.C.: U.S. Government Printing Office, 1972), p. 11.
9. Wilbur R. Thompson, A Preface to Urban Economics (Baltimore: The Johns Hopkins Press, 1965), p. 2.
10. Reilly, op. cit., p. 36.
11. Report of the Commission on Population and the American Future, op. cit., p. 34. The lower estimate is based on a two-child per family projection; the higher on three children per family.
12. Ibid., pp. 36-37. An 'urban region' is defined as a "regional constellation of urban centers and their hinterland."
13. Ibid.

14. Alonso, op. cit., p. 193.
15. Earl Finkler, "No Growth as a Planning Alternative: A Preliminary Examination of an Emerging Issue," Planning Advisory Service Report No. 283 (Chicago: American Society of Planning Officials, 1972), p. 2.
16. See Appendix A.
17. "Land Use Bill Dies with a Whimper - this Year," Planning, XL (July, 1974), 4.
18. Alonso, op. cit., p. 196.
19. Carter, Kendall, and Nobert, op. cit., p. 269.
20. Ibid., 270.
21. Eldridge versus City of Palo Alto, Santa Clara County Superior Court, 1973.
22. Steel Hill Development Inc. versus Town of Sanborton, 469 F. 2d. 956.
23. Jay Thorwaldson, "The Palo Alto Experience," Cry California, IX (Spring, 1973), 5-17.
24. Ibid., 15.
25. John Cottingham, "Coon Rapids/Development District," Public Management, LVI (May, 1974), 20-21.
26. Carter, Kendall, and Nobert, op. cit., p. 270.
27. Ibid.
28. "Lufkin Urges Communities in State to Adopt 'Impact Zoning,'" Hartford Courant, October 19, 1972.
29. Webster's Collegiate Dictionary, Fifth Edition, (Springfield, Mass.: Merriam Company Publishers, 1946).
30. The Sewer Moratorium as a Technique of Growth Control and Environmental Protection (report prepared for the U.S. Department of Housing and Urban Development by Rivkin/Carson, Inc., June 1973), p. 4.
31. Ibid., 2-3.
32. Ibid., 16.

33. Ibid., 19.
34. Ramapo, New York, Amendments to Town of Ramapo Building Zone Amended Ordinance of 1969 (October 13, 1969).
35. Golden versus Planning Board of Town of Ramapo, 285 N.E. 2d. 291.
36. S. J. Schulman, Reporter's Comments on Golden versus Planning Board of Town of Ramapo, 285 N.E. 2d. 291, 24 ZD 99 New York.
37. Herbert M. Franklin, Controlling Urban Growth - But For Whom? (Washington D.C.: The Potomac Institute, Inc., March, 1972), p. 31.
38. Robert H. Meyer, "Petaluma's Five-year Development Strategy," Public Management, LVI (May, 1974), 16-17.
39. Ibid.
40. Construction Industry Association of Sonoma County versus City of Petaluma D.C.N.D. California, 1974, Docket No. C-73-0663-LHB, Reporters Partial Transcript, January 17, p. 4.
41. Frank S. Bangs and Duane L. Searles, Local Ordinances: Techniques and Issues (material prepared for the National Conference on Managed Growth, February 19-23, 1974, New York, New York), p. 19.
42. Urban Growth Policy for the Salem, Oregon Area, Supplement No. 1 to the Salem Area Comprehensive Plan, (Salem: Mid-Willamette Valley Council of Governments, June, 1974).
43. Ibid., 2.
44. Ibid., 6.
45. Cottingham, op. cit., p. 20.
46. Boulder's Greenbelt, (Boulder, Colorado: Land Office, n.d.)
47. Reilly, op. cit., p. 17.
48. Ibid., pp. 83-84.
49. "Planning Board Proposes Further Density Limits," St. Petersburg Times, December 14, 1972.
50. Carter, Kendall, and Nobert, op. cit., p. 270.
51. Ibid., 271.

52. "The Transfer of Development Rights," Real Estate Report (Spring, 1974), 1.
53. Carter, Kendall, and Nobert, op. cit., p. 274.
54. Michael A. Agelasto, "No Growth and the Poor: Equity Considerations in Controlled Growth Policies," Planning Comment XXXIX (Spring, 1973) 5-6.
55. "Interim Growth Policies," Boulder Report (City of Boulder, Colorado, April, 1972).
56. Carolyn Turner, Managed Growth (Chicago: Urban Research Corporation, 1973), p. 23.
57. Report of the Commission on Population and the American Future, op. cit., p. 29.
58. Ibid.
59. Ibid.
60. Agelasto, op. cit., p. 6.
61. Reprinted from Franklin, op. cit., p. 12.
62. Ibid., 14.
63. Ibid.
64. Ibid., 26.
65. Report of the Commission on Population and the American Future, op. cit., p. 32.
66. Alonso, op. cit., p. 193.
67. Daniel Lauber, "Integration Takes More than a Racial Quota," Planning, XL (April/May, 1974), 15.
68. Ibid., 14.
69. Ibid., 17.
70. Ibid., 14-17. Urbanologist de Vise has calculated how many blacks would live in each of the 201 suburbs and each of Chicago's 76 areas in a color-blind housing market. None of 277 communities would be more than 25 per cent black. Oak Park would become 14 per cent black.

71. A discussion of the general processes of urban economics may be found in numerous sources. Two good ones are James Heilbrun's Urban Economics and Public Policy (New York: St. Martin's Press, 1974) and Wilbur Thompson's A Preface to Urban Economics (Baltimore: The Johns Hopkins Press, 1965).
72. A good discussion of the export base theory, its potential and limitations in explaining this process is Ralph W. Pfouts' The Techniques of Urban Economic Analysis (West Trenton, New Jersey: Chandler-Davis Publishing Company, 1960).
73. Wilbur R. Thompson, "Problems that Sprout in the Shadow of No-Growth," AIA Journal, XXXIX (December, 1973), 35.
74. Alonso, op. cit., p. 196.
75. Ibid.
76. See Donella and Dennis Meadows, The Limits to Growth (New York: Universe Books, 1972).
77. See Peter Passell and Leonard Ross, The Retreat from Riches: Affluence and Its Enemies (New York: The Viking Press, Inc., 1973).
78. Alonso, op. cit., p. 201.
79. Paul W. Barkely and David W. Seckler, Economic Growth and Environmental Decay (New York: Harcourt, Brace, Janovich, Inc., 1972), p. 12.
80. Ibid., 191.
81. Thompson, "Problems that Sprout in the Shadow of No-Growth," op. cit., p. 35.
82. Barkely and Seckler, op. cit., p. 191.
83. This conclusion is drawn in Growth in Fremont: Who Needs It? (Fremont, California: Fremont Chamber of Commerce, July, 1973).
84. Reilly, op. cit., p. 34.
85. Robert F. Drury, "Local Governments and Population Change," in Commission on Population and the American Future, Volume 4, Governance and Population: The Governmental Implications of Population Change (Washington, D.C.: U.S. Government Printing Office, 1972).
86. Ibid., 113.

87. Ibid.
88. Franklin, op. cit., p. 13.
89. Livability and Urban Growth (report on a Decisions and Directions Workshop sponsored by the Mid-Willamette Valley Council of Governments, Salem, Oregon, November 10, 1972), p. 8.
90. Bangs and Searles, op. cit., pp. 1-3.
91. The Sewer Moratorium as a Technique of Growth Control and Environmental Protection, op. cit., p. 27.
92. Ibid., 28.
93. Ibid., 25.
94. Franklin, op. cit., p. 32.
95. Robert H. Freilich, Reporters' Comments on Golden versus Planning Board of Town of Ramapo, 285 N.E. 2d. 291, 24 ZD 99 New York.
96. Franklin, op. cit., pp. 27-28.
97. John Hart, "The Petaluma Case," Cry California, IX (Spring, 1974), 9-10.
98. Urban Growth Policy for the Salem, Oregon Area, op. cit., p. 2.
99. An Economic Analysis of the Development Impact Tax in Oregon (prepared for the National Association of Homebuilders, 1972, by Hammer, Siler, George Associates), p. 20.
100. Associated Home Builders of Greater East Bay, Inc. versus City of Walnut Creek, 97 Cal. Rptr. 630.
101. Associated Home Builders of Greater East Bay, Inc. versus City of Newark, 95 Cal. Rptr. 648.
102. Construction Industry Association of Sonoma County versus City of Petaluma, D.C. N.D. California, 1974, Docket No. C-73-0663-LHB, Reporters Partial Transcript, January 17, 1974.
103. Golden versus Planning Board of Town of Ramapo, 285 N.E. 2d. 291.
104. Fred P. Bosselman, David Callies and John Banta, The Taking Issue (Washington, D.C.: U.S. Government Printing Office, 1973), p. 324.

105. Ibid., 328.

106. This list is intended as a general guide.

APPENDIX C

ADDITIONAL REFERENCES

1. Beckman, Norman. "Development of a National Urban Growth Policy." Journal of the American Institute of Planners, XXXVII September, 1971 , 146-160.
2. _____, and Susan Harding. "National Urban Growth Policy: 1972 Congressional and Executive Action." Journal of the American Institute of Planners, XXXIX July, 1973 , 229-230, 292.
3. Bosselman, Fred P., and David Callies. The Quiet Revolution in Land Use Control. Washington, D.C.: U.S. Government Printing Office, 1971.
4. Cahn, Robert. "Where Do We Grow from Here?" Six articles in the Christian Science Monitor, May 21, 23, 25, and 30, June 1 and 5, 1973.
5. Cameron, Jaun. "Growth is a Fighting Word in Colorado's Mountain Wonderland." Fortune, October 1973, 148-159, 212, 214, 216.
6. Cauty, Donald, ed. The New City, a report of the National Committee on Urban Growth Policy. New York: Frederick A. Praeger, Inc., 1969.
7. _____. "What is this thing called Urban Growth Policy?" City, August, 1970, 31-32.
8. Carson, John. "A National Urban Growth Policy: Meaning and Measures for Its Implementation." Urban Land, XXXI February, 1972 3-10.
9. "Controlling Growth in the Aloha State." The American County, XXXVIII February, 1973 6.
10. Daly, Herman E. "Toward a New Economics - Questioning Growth." in Johnson, Warren A. ed., Economic Growth versus the Environment. Belmont, California: Wadsworth Publishing Company, 1971, pp. 73-85.
11. Davis, Kingsley. "The Urbanization of the Human Population." Scientific American, September, 1965, 41-53.
12. Edwards, Robert A. "Prince George's County/Staging Growth." Public Management, LVI May, 1974 22-23.

13. Finkler, Earl. "Nongrowth: A Review of the Literature." Planning Advisory Service Report No. 289. Chicago: American Society of Planning Officials, March, 1973.
14. Goode, R. Ray. "Dade County/Moratorium Strategy." Public Management, LVI (May, 1974), 24-25.
15. "Growth Control Monitor." A special section in Housing and Development Reporter. Washington, D.C.: Bureau of National Affairs, 1973.
16. Hamer, John. "Restrictions on Urban Growth." Editorial Research Reports. February 7, 1973, 87-104.
17. Isaka, Daniel. "Urban Growth Policy in the United States." Council of Planning Librarians Exchange Bibliography, Number 273.
18. Johnson, Warren A. ed. Economic Growth versus the Environment. Belmont, California: Wadsworth Publishing Company, 1971.
19. Jackson, Senator Henry M. "Designing a Better Tomorrow." The American County, July, 1973, pp. 4,5.
20. Johnson, Willard R. "Should the Poor Buy No Growth?" Daedulus CII Fall, 1973, pp. 165-187.
21. Klutznik, Philip M. "Needed: A Sensible and Sane National Urban Growth Policy." Mortgage Banker XXXI November, 1970, p. 58.
22. Kvarsten, W. J. "Mid-Williamette Valley/Urban Service Boundaries." Public Management, LVI May, 1974, pp. 28-29.
23. League of Women Voters. More? The Interfaces Between Population, Economic Growth and the Environment. Washington: League of Women Voters Education Fund, April, 1972.
24. McKee, David L. and Gerald H. Smith, "Environmental Diseconomies in Suburban Expansion." The American Journal of Economics and Sociology. XXXI April, 1972, pp. 181-188.
25. "Meeting the Challenge of Growth." The American County XXXVIII September, 1973, pp. 8-10.
26. Mishan, E. J. Technology and Growth. New York: Praeger Publishers, Inc., 1970.
27. _____. The Costs of Economic Growth. New York: Frederick A. Praeger, 1967.

28. "Missing: One Policy." The New York Times, March 29, 1972.
29. Muller, Thomas. "Fiscal Issues of Local Growth." Public Management. LVI May, 1974, pp. 5-8.
30. Mumford, Lewis. The City in History. New York: Harcourt, Brace and World, Inc. 1961.
31. Murray, Bertram G. "Continuous Growth or No-Growth? What the Ecologists can Teach the Economists." New York Times Magazine, December 10, 1972, p. 38.
32. Olson, Mancur, ed. The No-Growth Society. Proceedings of the American Academy of Arts and Sciences. Daedulus, Fall, 1973.
33. "Precedents for Growth Policy." AIA Journal March, 1974, pp. 17-21.

Canty, Donald. "What do Architects Know or care about National Growth Policy?"

Douglass, Lathrop and Aaron Chelouche, "The Paris Area".

Jorvig, Robert T. "The Twin Cities."
34. Report on Growth 1972, Washington: U.S. Government Printing Office, February 1972.
35. Ridker, Ronald G. "To Grow or Not to Grow: That's Not the Relevant Question." Science CLXXXII December 28, 1973, pp. 1315-1318.
36. Seelig, Michael and Julie Seelig. "Dissecting the Opposition to Growth." Planning XXXIX June, 1973, pp. 15-18.
37. "Sensible Growth in Your Community." Policy Statement of the National Association of Home Builders, Washington D.C., 1973.
38. Sensible Growth: A Program for Community Action. Washington D.C.: National Association of Home Builders, 1974.
39. Sipel, George A. "Too Much Growth: Guidelines for Action." Public Management LVI May, 1974, pp. 10-12.
40. "Structure for a National Growth Policy." Washington, D.C.: The American Institute of Architects, December, 1973.
41. Summary of the Fiscal Impact of Urban Growth, California Case Studies. Sponsored by the California Builders Council Fair Share Committee. Ashley Economic Services, Inc. Newport Beach, California. 1973.

42. Tauber, Irene. "Growth of the Population of the United States in the Twentieth Century." in Commission on Population Growth and the American Future, Vol. 1: Demographic and Social Aspects of Population Growth.
43. "The Making of National Urban Growth Policy." Planning, 1971. Chicago: American Society of Planning Officials, 1972.
44. Thompson, Wilbur. "Internal and External Factors in the Development of Urban Economies." in Issues in Urban Economics, edited by Harvey S. Perloff and Lowdon Wingo. Baltimore: The Johns Hopkins Press, 1968. pp. 43-63.
45. Wells, Dwight M. "Citizens Determine Growth." The American County XXXVIII September 1973, pp. 9, 17.