# Section 3

## Urban Growth Management in Other Communities

# 10.0 Growth Strategy Techniques Used in Other Locations

## 10.1 Executive Summary

As illustrated in this chapter, growth management strategies have been successfully implemented in numerous locations throughout the country. There are a number of commonalities, favorite techniques, and tools. What follows is an executive summary of main lessons learned and their potential applicability for Albuquerque and Bernalillo County.

### 10.1.1 Common Growth Management Techniques

- Most frequently implemented are programs that phase in growth by guiding the location and timing of new development based on community plans. Some locations have designated outside limits for growth. Consistent land-use, zoning, and facilities plans are established to implement the growth management principles.
- "Adequate Public Facilities" and "Concurrency," assuring that infrastructure are funded and in place prior to new development, are also frequently utilized.
- Some locations purchase open space to preserve land from development, create recreational land and trails, and form a buffer to neighbors.
- Locating growth where existing facilities and services are already in place is seen as the first step. Revitalizing downtown often becomes an integral part of the plan. Funding or procedural mechanisms often are used to help redirect commercial and residential development to the urban core.

### 10.1.2 Implementation Strategies

#### Legal

- The key to the success and consistency of a growth management strategy is that it becomes incorporated into the land-use, zoning, or other sections of the Municipal Code. Codification provides authority to designate location and timing of growth and assures that development adheres to plans. It provides authority for plans to prevail in land-use decisions and, if applicable, sets up adequate public facilities structure and operation.
- Intergovernmental agreements, e.g., between a city and a county, are frequently used to assure consistency.

#### Planning

- Growth strategies are incorporated into a Comprehensive Plan. Detailed sector, facility, and other plans follow. Plans are consistent - the location, timing, and general development principles are laid out in the code and Comprehensive Plan.
- Subplans are required and prevail for building permit decisions. Construction permits are delayed until a sector plan is approved.
- Interviewed locations stick to their plan. If a development proposes to go outside the planned urban area, the ordinance would have to be modified. Exceptions need council approval or in some cases, voter approval.
- Design standards are often incorporated in the plans.
- A supply of affordable housing often slips unless the city creates incentives or set-asides, e.g., fee waivers or tax rebates

#### Procedural

- Most locations require development to pay its own way. Some use the Capital Improvements Program as an incentive for development to locate in target areas. Others require developers to pay all costs associated with new infrastructure, including offsite facilities (e.g., freeway ramps).

- Impact Fees are often structured as an incentive to guide location to desired areas.
- On the whole the nineteen interviewed locations determine the amount of land needed for the next 10 years. They target development first to locate in areas with existing facilities and services; then expand to land contiguous to existing development and infrastructure. They phase in new areas or increase density in existing areas as the urbanizing areas are built out.
- Even if development pays for infrastructure through "adequate public facilities" requirements or "concurrency," new land to be developed is identified in a plan designating timing and location of growth because the city is responsible for operating and maintaining facilities and services.
- Frequently, downtowns and transportation corridors are upzoned to create high density pockets as an alternative to building in new areas. Transfer of Development Rights from locations outside the urbanizing area can be purchased and used for increasing density in these areas.

### 10.1.3 Partnerships

- Most locations hold intergovernmental agreements between the city and county specifying that urban growth and urban services locate within the city limits. If county land is to be developed, it is annexed to the city prior to development.
- Many locations involve citizens in shaping the growth management plan principles and neighborhood planning.
- Partnerships are created between regional governments to diminish competition and provide a more level playing field.
- Many cities have successfully revitalized their downtowns or transit corridors through public/private partnerships and incentives.
- Some cities purchase blighted land, make improvements, and sell it for redevelopment. They are careful to use tax incentives and make investments that are likely to produce a 10-year return on investment.

### 10.1.4 Positive and Negative Consequences

- Housing costs did increase somewhat, but other factors were involved, such as the economic boom and desirability of the location. The increase in prices did not dampen the market. If people move to surrounding areas seeking less expensive housing, they receive fewer services and the interviewees say this situation would have occurred in the absence of the growth management program. Most locations are beginning to foster affordable housing programs through public incentives because they found that the market is not constructing housing available to low- and moderate-income families.
- Housing and jobs, on the whole, did not jump over the growth boundaries. If they did, other factors were involved that would be present in the absence of the growth management program. As areas experience economic expansion, people want to live in the main urban area to be close to infrastructure and jobs. Another key factor is the widespread use of intergovernmental agreements with the surrounding county designating location and timing of urban growth. In some cases, there are regional agreements.
- Traffic did not seem to be affected by growth management programs. One location increased density in the downtown, and traffic increased as a result, but this is seen as a livable consequence. Public transportation is offered as an alternative. Interviewed locations have had mixed results with increasing use of public transportation. Some locations have installed or are raising funds toward a light rail system. Use of alternative modes of transportation have not increased.
- In many cases, jobs have moved closer to housing. The number and quality of jobs

seem to be unaffected by the growth management program, except that desirable places to live become magnets for new businesses. Many interviewees said that growth management has helped them become a more desirable place to live. Many locations have benefited from the high technology industry boom and cite the availability of high speed Internet connection (e.g., broad band cable) as an attraction for business, especially downtown.

- Infrastructure has been able to keep better pace with growth. Almost all locations say they now have a better handle on their Capital Improvements Program budgets and are able to build up infrastructure to level of service standards. Upkeep of existing and new infrastructure remains a challenge, but it is in much better shape than would be the case if there were no growth management system in place.
- Locations that incorporated design standards into their program are happy with the results. More effort is made to create pedestrian friendly, "human scale" development that fosters a sense of community and neighborhood character.
- Some areas took a long time to transition to the new program when there was a rush to get projects approved before the rules changed.

### 10.1.5 Applicability to Albuquerque

- The characteristics of interviewed locations varied. Some were urban centers in a booming metropolitan area, while others were in agricultural areas. Some were close to other urban centers and starting to merge. Some locations implemented growth management because state law told them they had to. Others were motivated by residents who wanted to retain the beauty and size of their town and did not want to share in the cost of development. In a sense, no location is in exactly the situation of Albuquerque and Bernalillo County. We are faced with different challenges because we do not have a state law requiring all urban centers to implement growth management, we are not in a multiurban area with a growing number of high paying jobs; up until this point (mid-2000), we have not been wired for the high technology boom, we have a large amount of open land with landowners eager to develop, we are not surrounded by agriculture, we do not have a large affluent population and surplus economic resources, we have a limited water supply, we have a significant backlog of rehabilitation and repair needs on existing infrastructure, and we have not had a consistent plan to follow.
- Albuquerque and Bernalillo County are at an important juncture. Many of the approaches taken by other locations are transferable to Albuquerque and Bernalillo County. Developing a growth management strategy can improve the quality of life and make it more attractive for current residents and future business, provide more efficient public spending, and maintain a high quality of urban services. Financially, local governments can not afford to be overextended with facilities and services. The Planned Growth Strategy, Part 1 - Findings report estimated \$2.4 billion worth of rehabilitation repair and deficiency correction on existing infrastructure (public cost, Downtown Scenario). Even if development pays for all new costs associated with extending new infrastructure and services, the city and county will be responsible for operation, maintenance and repair.
- Albuquerque and Bernalillo County could cap fees or incentives or require a 10-year return on investment. Infusion of public funds to redevelop blighted areas could become a measured investment, in which public money is seen as seed money to stimulate the private market investment.
- The growth management concepts implemented by other locations can be applied to Albuquerque and Bernalillo County. The Planned Growth Strategy is taking inventory of current land and infrastructure available to accommodate expected population growth. The Planned Growth

Strategy will also help assess the facility and service cost of developing in different locations. The question lies in where to expand and when. Albuquerque and Bernalillo County could find success as did the other locations by grouping new development around existing facilities and by planning new facilities and services in areas expected to absorb new growth in 10-year increments. Concurrency requirements could assist the city and county in assuring that facilities and services meet level of service standards. An agreement between the county and city would create a partnership rather than set up the parties as competitors for new growth.

- Albuquerque and Bernalillo County could integrate location, timing, and method and level of service standards for new facilities and services in the Land Use Code, Capital Improvements Program, Line Extension Policy, and Development Process Manual. Building permits could be subject to these guidelines.
- Given that water is a scarce and increasingly costly resource, land-use planning and water resource planning could be more closely linked. In addition, transfer of water rights could be considered a condition of annexation.

## 10.2 Research Methodology

Planners from nineteen locations were interviewed (interview form is attached in Appendix A and the list of locations in Appendix B). What follows is a draft summary of findings from growth management approaches or "tools in the toolbox" used by Cities and Counties in other parts of the country. The large amount of information collected is organized in different ways for quick review and comparison.

- Section 10.3 organizes findings according to major growth management issues raised by the Planned Growth Strategy Management Committee. Each section covers a topic and objectives by summarizing how different locations handled the challenge.
- Section 10.4 provides a city-by-city summary of growth strategy techniques implemented, lessons learned, applicability to Albuquerque and Bernalillo County, and documents on file and contacts/websites.
- Tables 61–64 (at the end of the chapter) summarize information in matrix form, location-by-location, and are organized in three ways:
  1. Response to questions of benefits and problems resulting from the growth management program.
  2. Demographic and statistical information; and
  3. Growth management techniques and approaches implemented;

This research task was originally divided into eight growth management techniques:

1. Urban Service Areas/Tiered Growth;
2. Urban Growth Boundaries;
3. Transit-Led Infrastructure Planning;
4. Zoning Incentives;
5. Adequate Public Facilities Requirements/ Concurrency;
6. Focused Public Investment Plans or Project Specific Capital Improvements Program;
7. Infill and Redevelopment; and
8. Building Permit or Utility Hook-up Quotas.

As interviews progressed, the separation between techniques started to blur. Metrowide techniques had commonalities and involved a combination of various tools depending on the objective, situation, and point in time. It comes as no surprise that urban land-use planning involves many considerations, such as existing urban form, urban or rural character of surrounding areas, economic development, and local trends for population and economic growth. The other locations used program development processes similar to those used for the Planned Growth Strategy.

Techniques found in categories three through eight are viewed as useful program elements, but would not serve as long-term or metrowide principles. The best strategies seem to be ones that are integrated into the municipal and county Land Use Codes and Comprehensive Plan. Statutory backing is key. Though instituted in ordinance and planning documents, they also needed to periodically make changes to achieve new objectives or address unintended outcomes (usually accomplished through the Comprehensive Planning process). Further, it appears that the concepts of "Urban Service Areas" and "Urban Growth Boundaries" were the most commonly used and were successful because they contained a broad enough scope to accomplish metrowide growth management. Localities emphasized that these techniques are not necessarily growth controls or growth limits. Rather, they are tools to foster responsible growth through efficient use of land and limited financial resources.

The presentation of lessons learned from other cities is organized by issues and the "tools" to address them (see summary box on the next page). Keep in mind that the most successful approaches addressed these issues within the context of a metrowide Comprehensive Plan incorporating detailed targeting of the location and timing of growth.

## 10.3 Issue Analysis

### How did other locations address these goals and objectives?

This part of the analysis is structured according to the main issues identified by the Planned Growth Strategy Management Team.

#### 10.3.1 Financial

- Develop at no net expense to the city or county

#### 10.3.2 Planning

**Location and Timing**

- Identify target areas for current development and phasing for future development
- Guide development to target areas
- Provide financial and procedural incentives to target growth to defined areas

**Zoning**

- Integrate design standards into growth strategy planning
- Change zoning standards to fit objectives, e.g., mixed used development on transit corridors, increase density, etc.

**Infill and Redevelopment**

- Encourage infill and redevelopment
- Revitalize downtown

**Affordable Housing**

- Encourage creation of low- and moderate-income housing

**Policy Documents**

- Incorporate land-use policies into the Comprehensive Plan
- Establish rules for determining which developments will be approved or not approved.

#### 10.3.3 Legal

- Establish ordinances to back up the growth strategy

#### 10.3.4 Facilities Planning

**Public Works and Capital Improvements Program**

- Base Capital Improvements Program on Comprehensive Plan and growth strategy
- Coordinate water and wastewater extension with growth strategy
- Coordinate public works planning with growth strategy
- Coordinate transportation planning with growth strategy
- Balance operation and maintenance of existing infrastructure with new construction

**Transit**

- Encourage development along transit corridors
- Enhance transit alternatives and ridership

#### 10.3.5 Partnerships

- Coordinate with the county and neighboring jurisdictions
- Involve neighborhood and community planning groups

## 10.3.1 Financial

### How did other locations address these financial objectives?

- **Develop at no net expense to the city or county**

**San Diego, California** In the early 1980s the "Facilities Benefit Assessment" ordinance created a method to distribute 100% of the actual cost of facilities to developers based on the location, type, and size of the proposed construction. The financing plan goes 30 years into the future and is adjusted annually. The fee amounts vary greatly depending on location (e.g., urbanized area with existing infrastructure or new area with no infrastructure). The Facilities Benefit Assessment is assessed for each property and is attached as a lien, paid upon pulling a building permit. Off-site infrastructure supporting the development, such as freeway interchanges or collector roads are also part of the Facilities Benefit Assessment. Because the true cost of facilities construction is built into the Facilities Benefit Assessment, location of development becomes dependent upon whether the market can support the cost rather than requiring or denying location of development. (An average fee is $15,000–20,000, ranging from $5,000 in the inner city to $29,000 where no facilities exist).

An alternative method in the suburban areas is based on state legislation (Mello-Roos) that allows bonding of facilities. The home buyer pays a fee on their tax assessment for 20-30 years.

**Lincoln, Nebraska** Comprehensive Plan has language in land-use plan to "protect existing public and private investments in services, infrastructure, and improvements by requiring new developments to pay their "fair share" of public costs by analyzing the costs/benefits of the developments and consider the impacts on the Capital Improvements Program. No impact fee system. Extensions of utilities are negotiated case-by-case in annexation agreements. This process is less predictable, and there can be large discrepancies in amounts paid. There is always cost sharing by developers, even when the project is in the Capital Improvements Program.

**Fort Collins, Colorado** Growth pays its "fair share" through impact fees that cover roads, water/sewer, parks, schools, and governmental services to cover police, fire, libraries (approx. $15,000). The county and city adopted a regional transportation fee to benefit the region. Facilities for new development are generally not in the Capital Improvements Program.

**Carlsbad, California** Each acre of vacant land is assessed with a "local facilities management fee" established to pay for improvements or facilities identified in a local facilities management plan. The fee may also be used to pay for a portion identified in the citywide facilities and improvements plan attributed to development. The fee is assessed to the property as a tax prior to development with a balance due when the building permit is pulled.

## 10.3.2 Planning

### How did other places address these location and timing objectives?

- **Identify target areas for current development and phasing for future development**
- **Guide development to target areas**
- **Provide financial and procedural incentives to target growth to defined areas**

**San Diego, California** Market driven based on impact fee. Impact Fees are lower with existing infrastructure and higher where new facilities have to be built. Not permitted to waive impact fees by state law.

**Lincoln, Nebraska** Required by charter to include in the Comprehensive Plan. Comprehensive Plan examines growth trends, estimates the number of residential and commercial units needed in the next 10 years and determines what contiguous areas to annex and expand to. They do not build water or sewer lines unless it is in an area targeted to absorb the expected amount of growth.

**Fort Collins, Colorado** Land Use policies include: (1) Urban Growth Areas - no rezoning or development applications are accepted as part of an annexation petition if proposed development is located outside the Urban Growth Area. They develop only in annexed areas. (2) Compact Urban Growth Policy - development is contingent on contiguity. $\frac{1}{6}$ of the proposed development area must be contiguous with existing development. (3) Agreement with county that adopted a cooperative planning area policy in the City Plan that includes an urban growth area identifying land-use policies (i.e., urban growth locates in city limits, and development standards). The agreement was adopted in 1980 and is revised every couple years. (4) Adequate Public Facilities Management System - public facilities and services necessary to support development must be available concurrently with development. Facilities need to meet level of service standards for transportation, water, wastewater, drainage, emergency services, electrical power, and any other public facility services required by the city before complete development review and issuance of building permit.

**Austin, Texas** An incentive system was developed to reward development in targeted areas. A matrix provides a list of urban design elements, location specific criteria and policy components to be scored according to achievement of the city council's goals. Filling out the matrix is voluntary and can result in up to 100% waiver of impact fees and accelerated installation of infrastructure. A scoresheet assesses whether a development project can receive financial incentives to encourage a particular style, form, and location for growth to quantify measurement of the goals and policy direction as apply to projects.

**Carlsbad, California** Their ordinance ties timing and location of development to the provision of public facilities and improvements established by the citywide facilities plan. It also controls the timing and location of development by tying the pace to the provision of public facilities at Capital Improvements Program intervals.

**King County, Washington** Regional planning body works together to identify where to absorb projected housing and job growth within the county.

## How did other locations address these zoning objectives?

- **Integrate design standards into growth strategy planning**
- **Change zoning standards to fit objectives, e.g., mixed-used development on transit corridors, increase density, establish Transfer of Development Rights, etc.**

**San Diego, California** To encourage transit-oriented development, they encourage mixed use and allow 18 dwelling units per acre on light rail, bus, or trolley lines. Parking requirements are reduced. Not permitted to waive impact fees.

When the zoning system was seen as getting in the way of implementing growth management policies, the zoning ordinance was overhauled to be more consistent with such policies

**Fort Collins, Colorado** Replaced performance based zoning with a new Land Use Code in 1997. Rather than a point system for various criteria, the new code sets standards to achieve compact development and design objectives. (Performance zoning allowed leapfrog development because it awarded points for contiguity but did not require it). Design guidelines are incorporated in the zoning code to encourage pedestrian friendly developments with interconnected neighborhoods. The Code is based on feedback from a community process on visual preferences (e.g., maximum block size, no gated communities, discourage garage dominated development, sidewalks and signage). Performance based zoning allowed flexibility but was less predictable. Now they have prescriptive zoning that is more predictable but is less flexible. Developers and neighborhoods prefer more predictability but do not want totally traditional zoning.

Transfer of Development Units is a tool to pull development away from areas that are preferred to remain open space or rural and allow for higher densities in the urban core. It is not used for developing new units.

New administrative process with hearing officer. Developers wanted this in order to shorten processing time and remove from political process. 60% of projects are approved through administrative process. Neighborhoods approved this process if city raised the bar on design standards to make it more prescriptive. The hearing officer determines if criteria are met. If developers want more discretion, they can go to the planning and zoning board.

**Portland Metro, Oregon** Zoning is specific and targeted for areas designated by the plan to conform to densities of 6, 8, or 10 units per acre. Half of the zoning is to allow for multifamily housing. Density in the central city has increased.

## How did other locations address these infill and redevelopment objectives?

- **Encourage infill and redevelopment**
- **Revitalize downtown**

**San Diego, California** Downtown has attracted substantial commercial development.

**Lincoln, Nebraska** Downtown has several target areas. The Urban Development Department is a separate city agency that creates redevelopment plans using Tax Increment Financing and Community Development Block Grant funds. Comprehensive Plan states "The vitality of downtown and of the surrounding neighborhoods are closely linked; those neighborhoods should be maintained and strengthened as attractive and desirable residential neighborhoods. Maximize the use of existing public and private infrastructure… downtown."

**King County, Washington** Urban growth boundary requires the larger cities to upzone to fit in the number of housing units for the next 20 years of population, based on the assumption that there is enough opportunity to absorb this population through infill. Benchmark #30 identifies 13 urban centers for increased density (e.g., 15 du/acre).

Redmond is growing so fast that it could not get funding quickly enough from state and federal governments to build adequate roads. A moratorium was put on downtown Redmond unless commercial was mixed with housing and that created mixed use at the scale needed.

**Austin, Texas** To "restore community and vitality to the Urban Core by investing in the City," Austin provides Impact Fee breaks. The maximum incentive is set to be equal to the total present value, over a fixed period (5-10 years) of the incremental increase in the property taxes accruing to the city as a result of project. The amount of the incentive package can include waivers up to 100% of applicable fees, utility investments (at a 10-year break even level), and the cost of planned infrastructure accelerated in time for the project.

For instance, a 250 unit multifamily development downtown received between $250,000-$300,000 rebate in fees for an $18 million project. Other offsets could include the city paying the bill to build 1,000 feet of 16" wastewater line that could cost $1 million.

**Tempe, Arizona** The city works with neighborhoods on detailed strategic redevelopment plans with objectives such as mixed-use development and targeting parking to areas which would not negatively impact neighborhoods. When an area is getting blighted, the city buys up land and prepares it for private development. The City of Tempe has successfully involved itself in the business of redevelopment. Yet the city never invests in something for which they do not forecast an economic payback in 10 years. Tax abatement and Impact Fee discounts are provided to help a developer leverage private money, but the bottom line is always kept in mind. Incentives are only provided if it appears that the developer could not make it work on his own.

The city partners with private developers on parking structures and helps make the best day and evening use out of the space. Downtown created vitality and life 24 hours a day because people live there and go there for restaurants and entertainment as well as work. Tempe started the ball rolling by providing incentives to a major employer (America West Airlines) to become an anchor. They also have attracted high tech and software businesses because of their advanced cable system, and they plan to provide wireless capabilities so that people can access the Internet from anywhere in town, e.g., work on laptop while having coffee. They have become a high tech "hub" because of these capabilities.

## How did other locations address these affordable housing objectives?

- **Encourage creation of low- and moderate-income housing**

**San Diego, California** No financial incentives. Allow reduced parking requirements. Central city has overcrowding in housing and schools.

**Fort Collins, Colorado** Impact Fees waived for affordable housing.

**King County, Washington** Benchmark reports require each area to develop a certain number of affordable housing units, but there is no method to enforce this and they are not reaching targets. Slowly starting to be able to think as a regional group for the whole county. Jurisdictions are better able to set aside specific issues to consider the region as a whole.

**Boulder, Colorado** Access to affordable housing has suffered, so the code was amended to allocate a portion of the limited number of building permits available to low- and moderate-income housing.

**Tempe, Arizona** Affordable housing has become an issue, so they provide 100% Impact Fee discounts and other incentives to promote affordable housing.

**Portland, Oregon** Half of all residential zoning is required to allow multifamily use and minimum density targets of six to 10 units per acre are established for all jurisdictions in the region.

## How did other locations include these growth management objectives in policy documents?

- **Incorporate land-use policies into the Comprehensive Plan**
- **Establish rules for determining which developments will be approved or not approved.**

**San Diego, California** Forty area land-use and subarea plans make up the Comprehensive Plan. If developments are not in a community plan, they have to seek a plan amendment and go through planning process. Then they are put in the financing plan. Financing identifies the funding source and determines facility and timing required and puts lien on property. Otherwise they can be denied through the land-use process.

**Lincoln, Nebraska** City charter has included growth criteria since the 1950s. Provides legal basis and policy direction to include growth management in the Comprehensive Plan. Requires development to occur within proximity to existing boundaries and utilities. Charter requires capital improvement expenditures to conform with Comprehensive Plan. Comprehensive Plan rewrites include redrawing boundaries of urban limit. Boundaries predicated on gravity sewer system.

Comprehensive Plan has phasing in the implementation chapter. If a development is not in an area designated by the plan, they do not get a building permit.

**Fort Collins, Colorado** All major growth management elements (i.e., urban growth area, contiguous growth, agreement with county and adequate public facilities) are included in the Land Use Code. The Land Use Code is part of the Zoning Code and Municipal Code. This carries more weight than the Comprehensive Plan.

If the development does not follow the plan, the development does not get approved.

**King County, Washington** County oversees urban growth area plan that divides housing and employment in the 39 cities and draws urban growth boundaries. This plan is approved by the state and is implemented through individual Comprehensive Plans. A Benchmark report provides guidelines for monitoring achievement of goals and objectives.

**Lexington, Kentucky** During Comprehensive Plan update process, they evaluated: should they expand urban growth boundary? If so, by how much? Where? The planning commission determined expansion was needed. Then they looked at the most reasonable places to allow expansion and developed detailed plans for those areas, including facility plans, exactions, affordable housing, open space/park dedications, and Transfer of Development Rights.

### 10.3.3 Legal

#### How did other locations include these growth management objectives in legal or statutory documents?

- **Establish ordinances to back up the growth strategy**

**San Diego, California** Facilities Benefit Assessment Ordinance created a methodology to calculate and distribute actual cost of infrastructure to properties through liens and assessments. state legislation allows bond issues for infrastructure to be paid back through property taxes. Cost Reimbursement Districts (similar to Special Assessment Districts) are allowed by state law which provides for cost reimbursement. The developer pays up-front for facilities large enough to serve the area and gets paid back from property owners.

**Lincoln, Nebraska** City charter has included growth criteria since the 1950s. Provides legal basis and policy direction to include growth management in the Comprehensive Plan. Requires development to occur within proximity to existing boundaries and utilities. Charter requires capital improvement expenditures to conform with Comprehensive Plan. Comprehensive Plan includes urban limit boundaries.

**Fort Collins, Colorado** All major growth management elements (i.e., urban growth area, contiguous growth specifications, agreement with county and adequate public facilities) are included in the Land Use Code. The Land Use Code is part of the Zoning Code and Municipal Code. This carries more weight than the Comprehensive Plan. An Intergovernmental Agreement with Larimer County is established in the city's Land Use Code and adopts an urban growth area and requires development to be within city limits (through annexation).

**King County, Washington** The state passed legislation in 1991 and 1992 requiring counties to develop growth management plans. If the legislative goals are not addressed, state holds back road funds. County oversees urban growth area plan which divides housing and employment in the 39 cities and draws urban growth boundaries. This plan is approved by the state and is implemented through individual city Comprehensive Plans.

**Boulder, Colorado** Land Use Regulation is adopted by ordinance and is in the Land Use Code.

**Carlsbad, California** The Municipal Code contains a growth management chapter in the Zoning Title. An adequate facilities ordinance requires development to follow facilities management plans and ties building permits to payment of facilities fees and timely installation of infrastructure. The ordinance provides detail on expectation for citywide and area infrastructure and gives the city authority to deny building permits until fees are paid and capital improvements are installed and operating to the required level of service standards. When the facilities management plans were being developed, an ordinance established a moratorium on building until the plans were completed.

**Oregon** The state passed a law in 1973 requiring cities to define urban growth boundaries separating areas intended for development from those expected to remain in agricultural or forest use.

### 10.3.4 Facilities Planning

### How did other locations address these public works and Capital Improvements Program objectives?

- **Base Capital Improvements Program on Comprehensive Plan and growth strategy**
- **Coordinate water and wastewater extensions with growth strategy**
- **Coordinate public works planning with growth strategy**
- **Coordinate transportation planning with growth strategy**
- **Balance operation and maintenance of existing infrastructure with new construction**

**San Diego, California** City does not use Capital Improvements Program funds to build infrastructure for new development in the Developing Urban Area. It is very restricted in its ability to keep up with operation and maintenance with limited funds. Development Impact Fees pay for all facilities. But constraints on timing of use of funds can prevent accumulating enough to build certain facilities, e.g., parks or fire stations. If certain facilities are not being built, e.g., parks, because the area is not built up enough to collect enough Impact Fees to build a park, the city tells developers they can not build more houses in the area until they have enough to produce parks. This motivates developers to collaborate. The developer finds a way to get the facility built, e.g., fronts the cost and the city reimburses them as they collect funds from future development.

**Lincoln, Nebraska** Capital Improvements Program is based on the Comprehensive Plan and all facility extensions are planned through the Capital Improvements Program. If an area is shown in the Comprehensive Plan, the city will subsidize some portion of sewer and water through the Capital Improvements Program.

**Fort Collins, Colorado** Adequate Public Facilities Management System - public facilities and services necessary to support development must be available concurrently with development. Facilities need to meet level of service standards for transportation, water, wastewater, drainage, emergency services, electrical power and any other public facility services required by the city before complete development review and issuance of building permit.

In the 1970s, before an intergovernmental agreement with Larimer County, Fort Collins, Colorado tried using extension of water and sewer as a tool to control the location and rate of growth. The county commissioners wanted growth and developed special water and sewer districts circling the city boundaries. As a result, sewer and water is available in all of the current urban growth boundary.

Operation and maintenance funding is a problem because Impact Fees can not cover this and though private developers pay for new construction, it adds to burden of city operation and maintenance.

**King County, Washington** Cities link Comprehensive Plan to Capital Improvements Program. Have to locate within urban growth area.

**Lexington, Kentucky** A subdivision outside the urban growth boundary had septic problems that had to be alleviated by the city extending a (narrow) sewer line. The city did not allow development of the intervening 500 acres of properties to hook into the sewer line because it was installed to ameliorate a problem, it was outside the Urban Growth Boundary, and it was not sized to safely accommodate more capacity. 20 years later, the city is growing in that direction and will expand the system. The subdivision with septic problems paid for the sewer extension and new developments will pay for the current expansion.

**Boulder, Colorado** The "blue line" was adopted by popular vote in 1960. The line is drawn around the city at points averaging 400 feet above the city's elevation (5,350) and proposed that development stay below it. The reasoning was that water should not be pumped uphill from the reservoir.

**Carlsbad, California** An adequate facilities ordinance requires facilities and services to be available concurrently with development. Assessments on each vacant property cover infrastructure needed for that parcel as well as the pro-rata share for facilities shared citywide. A portion of the development fees is put in a set-aside fund that finances Capital Improvements Program projects for citywide improvements.

## How did other locations address these transit objectives?

- **Encourage development along transit corridors**
- **Enhance transit alternatives and ridership**

**San Diego, California** Voters approved a one-half cent sales tax to fund transportation. One-third used for highways, 1/3 for streets and 1/3 for transit. Needs to be renewed 2007. They developed a light rail line and have expanded the lines to cover more of the city. They have not yet achieved the objective of a citywide transit program to create high density and mixed-use development along transit lines or nodes.

**Fort Collins, Colorado** Transit tax lost last ballot initiative.

**King County, Washington** Regional organization in Puget Sound called "Sound Transit" planning to have light rail on the I-5 corridor from Everett to Tacoma. Though Benchmark plan indicates upzoning for centers of larger towns, they are not necessarily identifying transit corridors.

**Austin, Texas** The smart growth system rewards transit friendly development in advance of light rail funding and installation. The voters will help determine if Austin will invest in a $700 million light rail system.

**Portland Metro, Oregon** Instead of constructing a new freeway, the region invested in a light rail system. Higher density development is required in urban areas and around transit stations.

### 10.3.5 Partnerships

#### How did other locations address these partnership objectives?

- **Coordinate with the county and neighboring jurisdictions**
- **Involve neighborhood and community planning groups**

**San Diego, California** Forty community planning groups advise planning commission for their area.

**Lincoln, Nebraska** The city has an agreement with the county that all the urban-type development will happen within the city limits.

**Fort Collins, Colorado** An intergovernmental agreement with Larimer County is established in the city's Land Use Code. It adopts the urban growth area and requires development to be within city limits. All urbanized land will be annexed, and to be annexed, the proposed development must be contiguous. The county realized that with a growing population, they needed to supply urban services such as police, street maintenance, air pollution, etc., and could not afford it.

Created voluntary body of regional managers along the I-25 corridor. They decided not to merge into a large metro area and created policy of open space community separators. There is regional concern about the inconsistent quality of development along the corridor, and they are moving toward regional land-use guidelines. Also moving toward concept of revenue sharing to avoid competition for sales and property tax. Fort Collins, Colorado perceives that they would have the most to lose, though, because they are the largest.

**King County, Washington** State requires county and Cities to work together to make a plan. The City of Seattle did not trust King County to make the plan so they created a Growth Management Planning Council made up of caucuses dividing 39 cities into thirds (now fourths) by population. The Planning Council has 15 elected officials. The city did not have confidence that the recommendations of the Growth Management Planning Council should only go to the county council (because of a fear that they would change the boundary lines) so the city inserted a process for the city to ratify it after the county council, and finally it goes to the other cities for ratification (need $^2/_3$). Private sector and environmentalists nervous about the county agreeing to draw line and "lock up land resources." They created a benchmark document that tracks achievement of countywide policy. The Benchmark report took one year to create and covers economic development, environment, land use, affordable housing and transportation. [1] If a city does not follow their Comprehensive Plan, they can be brought before a state "Growth Hearing Board." King County planning office held numerous public meetings and subcommittees to "draw the lines" and assess potential impacts.

**Lafayette, Kentucky** Benchmark report took one year to create and covers economic development, environment, land use, affordable housing, and transportation.

**Austin, Texas** The Smart Growth Initiative was developed by a subcommittee of the Austin city council in conjunction with a larger Focus Group drawn from the Austin community. The concepts found in the Smart Growth Initiative were originally described by the Citizen's Planning Committee beginning in 1994. The Committee was comprised of civic leaders appointed by the city council to examine issues of growth and development in the Austin area.

**Boulder, Colorado** Boulder has had an agreement with the legal standing of a contract with Boulder County about location of urban growth since 1970. Boulder Valley works together as a region, planning land use through the Valley Comprehensive Plan since 1978. Only the city provides water and sewer services, so development occurs within city limits.

**San Diego, California** The area is growing so fast that the region is working together to distribute projected population to different areas and project construction needed to meet future demands.

**Portland Metro, Oregon** The regional planning body, Metro, undertook a survey of citizens' attitudes, conducted stakeholder interviews and workshops, convened two regional conferences, and mailed out newsletters and other surveys to determine the issues important to citizens. They found that people liked their neighborhoods, open space, and natural setting, but disliked traffic congestion and rapid growth. Sixty percent of telephone survey respondents believed that the region's quality of life would deteriorate. People favored investing in transit over roads, providing a wide choice of living environments, and focusing growth in developed areas.

### What unanticipated impacts occurred as a result of the growth management programs?

**San Diego, California** They have both more crowding in the inner city as well as people commuting from long distances.

**Fort Collins, Colorado** Requirement for $1/6$ of land to be contiguous can create problems if interpreted literally because the next property over can not develop if the intervening property owner is not interested in building. They are concerned that it may drive up the price of land with $1/6$ contiguity. Other unintended consequences have resulted since the 1997 plan, so the code will be revised.

**King County, Washington** Slowly, they are starting to think regionally. Jurisdictions are better able to set aside specific issues beyond their own town and consider the region as a whole. Because they lack sophisticated GIS, they will not revisit boundaries for 10 years.

## 10.4 Analysis by Location

What follows is a location-by-location summary of approaches taken by cities and counties in other parts of the country. Interview results and literature findings are boiled down for quick review and comparison. Growth Management findings for each interviewed location are analyzed by the following topics:

- Growth Strategy Techniques Implemented
- Lessons Learned
- Applicability to Albuquerque
- Planned Growth Documents on File
- Website and Contact Person

Though different locations implemented a variety and combination of techniques, they seemed to have some common threads. For instance, a metrowide effort could not be accomplished through use of piecemeal approaches or tools with a narrow purview. Though the literature cited approaches such as "Transit led infrastructure planning" or "Building Permit Quotas," few if any locations used these tools as long-term or metrowide guiding principles. This research effort started with eight separate categories to establish if concepts beside the Urban Growth Boundary or Urban Service Areas were successfully implemented to guide growth and development.[2] As interviews progressed, the categories began to blur and Urban Growth Boundaries and Urban Service Areas stood out as most commonly utilized in an effective and comprehensive manner. The other categories were often used as tools to achieve the growth management goals.

This section examines the following questions.

- What growth management solutions did these locations seek?
- What types of planning tools were used?
- How did they structure incentives and requirements to achieve their objectives?
- Where did the impetus come from?
- Are their lessons transferable to Albuquerque?

Findings in the next section are organized alphabetically by the locations interviewed.

### 10.4.1 Austin, Texas

#### Growth Strategy Techniques Implemented

- Urban Service Areas
- Public purchase of land to preserve Open Space
- Voluntary program to apply for Impact Fee discounts
- Capped fee incentives for meeting location or other criteria based on program objectives
- Incentives for downtown development
- Encourage development pattern anticipating transit

Austin's Smart Growth Initiative is designed to invest in existing areas and decrease sprawl. Austin uses a combination of tools based on Urban Service Areas boosted by Impact Fee incentives. The Smart Growth program was preceded by and based on an environmental protection program to preserve the aquifer and fragile habitats. An appointed citizen planning committee worked with the city council to develop guiding principles of the Smart Growth program. A map shows zones defining where development should occur. Zones, such as the Desired Development Zone and Water Protection Zone are driven by water protection. In general, Texas does not have zoning outside city limits, so an urban growth boundary concept is not applicable. The city spent $105 million in the last three years ($200 million in the last 10 years) purchasing land to preserve it from development. They created a noncontiguous green belt of parks with endangered species habitat and aquifer protection areas around the "Development Zone." Impact Fees are scaled according to central location. An incentive system was created to reward developers with reduced fees for projects that meet goals. Goals include location in desired development zone (downtown gets the biggest break). Developers can voluntarily fill out a matrix to qualify for financial incentives. Based on criteria outlined to help achieve policy goals set by council, a score sheet is used to assess whether a development project can receive financial incentives to encourage location, form, or style. Identified areas are encouraged to grow in a transit friendly manner to prepare for light rail. No light rail transit exists now—a referendum will be on the November 7, 2000 ballot. An estimated $700 million is needed for a 15-mile line through downtown.

The city protects itself from providing incentives that surpass potential property tax income. A maximum development fee waiver is calculated for each project to equal the estimated property tax revenue expected for 5 or 10 years. That amount establishes the maximum incentives (fee waivers), from a variety of fees, such as for permit application, capital recovery, wastewater, development, or impact or building permit fees. Property tax relief is not provided, rather its equivalent is provided as incentive through fee waivers. Another incentive can be infrastructure improvements (e.g., upgraded water lines). If infrastructure to support that project is included in a long-range Capital Improvements Program, the city can accelerate construction (e.g., move it from year five to year one).

## Lessons Learned

To preserve and build up downtown, Austin provides financial incentives for development, aimed at redirecting construction that otherwise would locate in suburban areas. The "Smart Growth Matrix" is designed to quantify whether development follows the goals and policy direction of the council. Calculation can be complex, but since it is voluntary and provides a significant financial advantage, the development community has not complained.

To encourage infill, Impact Fee waivers are allowed. An economic development property tax incentive is offered to businesses doing more than 50% export and creating jobs. To protect the city from providing excess abatement, the maximum incentive for waiving fees is set to be equal to the total present value, over a fixed period (5-10 years) of the incremental increase in the property taxes accruing to the city as a result of project. The amount of the incentive package can include waivers up to 100% of applicable fees, utility investments (at a 10-year break even level), and the cost of planned infrastructure accelerated in time for the project.

They are planning in advance for transit-oriented development even though they do not have funding in place.

## Applicability to Albuquerque

Austin is a large city. Texas law does not allow zoning outside of city limits. Land use planning is motivated by protecting the fragile environment and aquifer within city limits. Austin has more financial resources than Albuquerque.

The concept of desired development zones or urban service areas are applicable to Albuquerque. Austin used an incentive program to entice development downtown and to other target areas, as well as attract business to target locations. The procedure benefits developers in that it is voluntary and not a requirement. By calculating potential property tax returns from a new development and capping the fee waiver to that amount, the city protects itself from providing more incentives than can potentially be gained. Albuquerque has raised funds through its open space portion of the gross receipts tax to purchase land for preservation. The tax could be renewed and targeted to creating a linked open space reserve for recreational trails, and aquifer and habitat preservation.

## Planned Growth Documents on File

Smart Growth Criteria Matrix, Map of Development Zones, Smart Growth Q & A

## Website and Contact Person

www.ci.austin.tx.us/smartgrowth

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### 10.4.2 Boulder, Colorado

#### Growth Strategy Techniques Implemented

- “Blue Line” limits water service to elevation 400 feet higher than reservoir (1958)
- “Danish Plan” set up a competition for limited number of building permits (1976)
- Revised Plan limits growth to 1% (approx. 400 units). If demand exceeds supply, building permits are allocated as fractional portions. (1995)
- City and county have a joint agreement (contract) (1970)
- Regional (85 sq. mi.) Comprehensive Plan (1978)
- Urban Service Areas defined for both the city and Valley (region)
- Public purchase of land surrounding the city to retain as open space
- Charge new development for the full cost of services
- Transfer of Development Rights to increase density

Since 1976, Boulder has implemented a few iterations of growth management based on a building permit quotas and performance based applications to achieve limits on growth and to target growth to desired locations. The first plan in 1976 responded to a voter initiative. Building permits were capped at a 2% increase in population. Projects competed for the limited number of building permits using a point system based on criteria such as proximity to urban services, design, provision of moderate-income housing, and energy conservation features. The intergovernmental agreement established in 1978 requires the county to approve any changes to the Comprehensive Plan, annexations, and Capital Improvements Program proposed by the city. As a result, the city and county review growth proposals put forth by the other. The county reinforces the urban services area by limiting rural growth and by not providing urban services or facilities.

In 1981, the system changed to a portion of permits provided on a first come, first served basis until the number of permits reached a trigger point, when it switched to the competition based system. Population growth was still capped at 2% per year. In 1984, the council revised the ordinance to simplify the system to address the problem of complex application materials, extensive staff needs, and Planning Board review time. The third ordinance allocated permits quarterly. If demand exceeded supply, (which it almost always did), the applicants receive prorated shares of building permits up to a maximum per development. Two major changes were adopted by the city council in 1995. First, the number of new residential units eligible for permit was reduced to 1% of existing housing stock (equal to approximately 400 units/year). Second, available allocations were divided into pools). Units for affordable housing are set aside in a separate pool and very low-income units are exempt from needing an allocation to address the concern that new housing is not affordable to the city’s workforce. The criteria for location, moderate-income housing, and energy conservation were translated to performance standards applied to all new development. Though primarily a city effort, the city and county jointly adopted a Long Range Comprehensive Plan. The city divides the limited building permits into “allocations.” In order to build a residential unit, a developer must obtain an allocation equal to one unit (single family or one unit of a multifamily development). Developers apply quarterly for allocations. If requests outweigh supply, allocations are divided among all requests into fractions. It can take several years to accumulate enough allocations to build out a planned development.

Urban service areas distinguish urban and non-urban land. Area I (19 sq. mi.) has the full range of urban services and higher densities (25-30 units/acre). Area II (7.5 sq. mi. in the county) is targeted to be annexed and receive complete services within 3 to 15 years. Area III (59 sq. mi.) is not projected to have urban services for at least 15 years.

Beginning in 1967, the City of Boulder implemented a 0.4% permanent sales tax to support an open space program (it subsequently increased to the current 0.73%). With total principal expenditures of $128 million and current annual revenues of about $17 million, the program has bought almost 29,000 acres (average $4,452 per acre). When coupled with park lands, water treatment protection areas, and county Open Space, almost two-thirds of the Boulder Valley is held in protected status. Most of the open space lies outside the city limits and is bigger than the city itself by nearly 20%. Boulder has successfully created a buffer between it and nearby Denver.

The city has reached 90% of residential and 75% of non-residential buildout under its Comprehensive Plan. Ultimately, aside from 648 acres in Area II (the remaining unannexed service area), and 400 acres in the Planning Reserve area set aside under the Comprehensive Plan, the city intends to preserve all of the remaining open lands that can be preserved within the Boulder Valley planning area. The Open Space Program has purchased all water rights available with each land purchase. A study concluded that all the policies working together (Blue Line, the Open Space Program, the Boulder Valley Comprehensive Plan, and the Danish Plan) created the effect of going from a 25-year growth rate of 5% to 1% annually (limiting residential growth in the city to 450 building permits per year).

Transfer of Development Rights allows a developer to purchase development rights from a "sending" site in an effort to preserve agricultural and open space land in the county. A Transfer of Development Rights acts as an allocation.

## Lessons Learned

Boulder's residents have been the driving force for growth controls since 1958. The impetus came from a voter referendum in 1976 limiting growth to 2%. Residents continue to assert pressure to limit growth.

A failed effort at growth management resulted from a program in the 1960s using a concept called "spokes of the wheel" with the center of the city as the hub and new development was to be directed along major corridors to villages on the periphery. An annexation program was to be the way to control growth outside its borders. But it resulted in leapfrog development centered on an IBM plant and a housing subdivision built in the mid-1960s. The city lost a lawsuit and was forced to extend water and sewer to the subdivision even though it lay outside the city limits and refused annexation. The court said that a public utility could not refuse water and sewer services in the area of its jurisdiction because the proposed development would be inconsistent with the city's growth policies.

## Applicability to Albuquerque

Boulder is a more affluent city and region and is located in a more mountainous area with more natural boundaries. Close to Denver, it resists becoming part of its metropolitan area. Boulder's residents are involved in the growth dialogue and voted in referendums to limit growth to 1%.

Applicable lessons include the identification of urban service areas (Area 1 as urban, Area 2 as short term urbanizing, and Area 3 as long-term future urban). Preservation of open space at the outset retains land and view corridors for recreation and habitat preservation. It has served to attract new business because the area is more desirable. The land could be sold off if that is allowed in the land trust agreement. The Growth Management Policy Agreement between the City of Boulder and the county and region states that urban development will be contained in the city limits and provides consistency, cooperation and collaboration so that competitive forces do not usurp the plan. Albuquerque can learn from Boulder's experience that an annexation program alone is not a long-term growth management solution. The city ended up supporting water and sewer in unintended areas outside the city limits.

## Planned Growth Documents on File

Land Use Code found at ci.boulder.co.us/cao/brc/brc1981.html Title 9: Intent and Scope

Residential Growth Management Summary http://www.ci.boulder.co.us/cao/x-opn-srl.html From Lefthand to Coal Creek: Boulder's Open Space Program, 1999 by Joseph N. de Raismes III, Boulder City Attorney, 1979-present.

## Website and Contact Person

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## 10.4.3 Carlsbad, California

### Growth Strategy Techniques Implemented

- Adequate Public Facilities required prior to development (1986)
- Level of service (performance) standards on 11 facilities
- Defined boundaries of 25 local facility management zones (similar to urban service areas)
- Facility cost prepaid as tax assessment on vacant land, balloon at permit
- 5 subarea plans developed between property owners and city including detailed financing mechanism for provision of public facilities.

A growth management plan was adopted in 1986 as a composite of two ballot measures (one citizen and one preemptively by the city). The Growth Management program is included in the Municipal Code, Title 21, Chapter 21.90. As directed by the 1986 Proposition, the plan requires that public facilities and improvements be available concurrently with new development. It also controls the timing and location of development by tying the pace to the provision of public facilities at Capital Improvements Program intervals. The city is divided into facilities management zones requiring a plan for each zone (plans are paid for by property owners, even if the city prepares the plan). Eleven categories of facilities and services (ranging from sewers to open space) with performance standards are established.

Carlsbad learned from San Diego's experience and takes a slightly different approach. In San Diego, the Facilities Benefit Assessment is collected when the building permits are pulled. As a result, funding for some services may lag behind until build-out. Carlsbad calculates facility impact assessments for each parcel of vacant land in an area slated for development. They know the facility cost for each acre of vacant land (rather than by dwelling unit) and collect assessments as an annual tax from the property owner, even if they do not plan to build at the moment. Upon construction, they pay the balance of the assessment when they pull a building permit. Since assessments are paid even before the land is developed, funds are set aside to support facilities in the area and the burden is not on the "first one in" to put in facilities, nor do they have to wait for the "last one in" to build supporting facilities such as parks. This method creates predictability and a level playing field, and guarantees that sufficient resources will be collected to pay for all facilities. Density is established through a general plan, not by zoning. In Carlsbad's case, all land is designated for urban development. Facilities are planned at either the quadrant level or in 25 subareas. Financing plans are created for each area and are negotiated between the developers and city. Landowners hire an engineer and economic team who develop a draft facilities plan and the city reviews it. If the landowner refuses to do a plan, the city develops one and charges the landowner on the assessment. Collectively used facilities, such as roads and even freeway interchanges, are prorated into the assessments and help fund the Capital Improvements Program. Proposition 13 in

California pressures Cities to have development pay its own way.[3]

## Lessons Learned

A general planning question is: Who should pay for new development?—the developer, passing costs through to future residents or the community at large. Given their constraints (Proposition 13) Carlsbad decided that development should pay its own way.

Carlsbad passed an ordinance providing a moratorium on building permits until the facility plan for the zone was completed. Level of service standards were developed by the city for 11 facilities and are built into facility assessments on properties. If any part of the infrastructure fails to meet standards, they hold off on development until it is fixed.

The San Diego County region is growing so fast, they are running out of land to place projected growth. They do not want to extend infrastructure out to the desert in the west because it is inefficient to serve outlying areas.

Housing has not jumped over the growth boundary because there is a regional consensus on growth. Employment is growing because they are a desirable place to live. They have an economic development strategy including determining how many miles of fiber optic cable to lay and now have attracted high tech business. After some initial resistance, builders and landowners now say they like the system because it is predictable and rational and they know capital facilities and infrastructure will be available and what the costs are.

## Applicability to Albuquerque

Carlsbad is a very affluent town on the Coast just north of San Diego. They have more money to work with and land prices can absorb the cost for facility assessments.

Albuquerque could implement facility management zones and plans. The cost of infrastructure for areas designated as urbanizing could be calculated and placed as an assessment on the vacant parcels slated for development to accumulate funds for capital improvements. Carlsbad's procedure and ordinance could be a useful guide for Albuquerque's policy development.

## Planned Growth Documents on File

Citywide Facilities and Improvement Plan 1986

Growth Management, Code Chapter 21.90 Community Development Fees, September 1998

Development Monitoring Report, December 1999

Managing Growth Brochure

## Website and Contact Person

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Website with Municipal Code:
www.ci.carlsbad.ca.us
city hall, municipal code or
http://ordlink.com/codes/carlsbad/DATA/TITLE21/Chapter21.90 GROWTH_MANAGEMENT_21_90.html

## 10.4.4 Flagstaff, Arizona

### Growth Strategy Techniques Implemented

- Urban Service Boundaries (1980)
- Intergovernmental agreement
- Regional agreement

### Lessons Learned

Flagstaff's Urban Service Boundary is smaller than its city limits. Because the area is mountainous, it is difficult and costly to supply water at higher elevations, even if annexed. About 3 years ago, they joined with Coconino County and the National Forest Service, State Land Dept, US Game and Fish, National Park Service to develop a "greenways and development" plan. The plan designates land from primitive to urban. This partnership helps protect the city's plan from being undermined by government agencies (who own a substantial amount of land in the city) from selling off land for development in non-urban service area plan locations. Currently, they are finishing up a regional plan covering 525 square miles (city covers 65 sq. mi.) to designate urban and rural growth boundaries to prevent jurisdictional turf wars.

Flagstaff has a significant amount of public forest land. People were coming from Phoenix to get away from the heat. Flagstaff adopted a plan to protect wilderness and open space land. Lands next to currently developed land are called "neighborwoods" and designated as recreation areas.

The idea for the Urban Service Boundary came from a city planner concerned about the situation of land and water. Flagstaff is the first city and county in the state to do regional planning. They are currently setting up rural growth boundaries and urban growth boundaries to prevent jurisdictional turf wars. The regional plan covers 525 square miles. The only exception has been for Gore Industries (Gore-tex) that brought in high paying jobs and paid 100% of development costs to go outside the Urban Growth Boundary. It is otherwise not possible to jump the boundary in the city without redrawing the boundaries with the planning and zoning commission and city council. People do not move out into the county because they can not get fire, paved roads, or other services. Infrastructure is provided at cost to a developer to a level of service standard prescribed by the city. The city uses the Capital Improvements Program to upgrade old infrastructure.

### Applicability to Albuquerque

Flagstaff has a large land area with ownership by federal government and has worked hard to create inter-governmental land-use policies. Albuquerque could also get the developer to pay for new infrastructure so that the Capital Improvements Program can focus on maintenance and repair. Flagstaff has held fast to their urban service area policy and do not permit development in areas not designated for urban development.

### Planned Growth Documents on File

Flagstaff Community Profile

### Website and Contact Person

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### 10.4.5 Fort Collins, Colorado

### Growth Strategy Techniques Implemented

- Defined Urban Growth Areas and policies for annexation
- Urban Growth Boundary identified in an intergovernmental agreement with Larimer County
- Compact urban growth policy requires a property to be at least 1⁄6 contiguous to existing urban development and be within the urban growth boundary to be developed.
- Adequate Public Facilities Management System assures that public facilities and services needed to support development are available concurrently with development.
- Building permits are not issued until the above criteria are met.
- Transfer of Development Rights allows higher density in planned projects (not used for developing new units in new areas). Transfer of Development Rights is a tool to pull development away from areas identified as open space or rural and allow higher densities in the urban core.
- Design guidelines are based on a community process surveying visual preferences. Citizens want "human scale" pedestrian oriented development with interconnected neighborhoods, maximum block sizes and no gated communities.
- Growth pays its "fair share" through Impact Fees (e.g., $15,000). Impact Fees are waived for affordable housing.
- A voluntary body of regional managers and elected officials meets monthly to discuss regional planning issues, especially along the I-25 corridor in order to create more consistency in the quality of development.

### Lessons Learned

The growth management tools are in the Land Use Code as part of the Zoning Code and Municipal Code. This carries more weight than the Comprehensive Plan. They may loosen the contiguity requirement to allow the "next property over" to be developed. Fort Collins, Colorado rescinded their performance based zoning system "Land Development Guidance System" (for PUD's) and replaced it with the new Land Use Code that incorporates design and quality standards. They see efforts as growth management, not growth controls, because the adequate public facilities plan identifies location, and facilities planning manages the time frame.

In the 1970s, the city tried using extension of sewer and water as a tool to control the rate of growth and location. The county commissioners promoted growth and developed special water and sewer districts circling the city boundaries. They ended up with sewer and water available in all of the Urban Growth Boundary. For them, adequate public facilities relate more to streets, bicycle paths, pedestrian paths. They find the contiguity requirement more effective for guiding location of growth. But this approach has unintended consequences like performance zoning did. There are concerns that it might drive up the cost of land and some areas might be stalled by a contiguous landowner uninterested in development "blocking the way" for others. In response to developers, development approvals are 60% approved by administrative officer rather than board. In order to do that, the neighborhoods said, "ok, but raise the design bar and make development more prescriptive and predictable." If the developer wants to vary from that, they can go to the planning and zoning board.

The county now sees that it is in its best interest to have an agreement with the city to identify where to urbanize. The county sees itself as rural and unable to provide the services needed and demanded by urban dwellers, such as police, street maintenance, etc. The county could not afford and did not want to get into the business of providing urban services. They also started to see significant air quality problems.

## Applicability to Albuquerque

Fort Collins, Colorado tried performance based zoning to create community and village areas in new developments. This effort was not seen as adequate to address the main growth management challenges. Design criteria are incorporated into the current approach.

Larimer County's intergovernmental agreement document cites "Intergovernmental agreements present a united, cooperative city/county front toward developmental goals and policies within the greater metropolitan areas which represent significant steps toward effectively managing development." Albuquerque and Bernalillo County could also work together in this way to set a policy that establishes an urban growth area and that urban development (> 2 du/acre) locate in the Urban Growth Area. The city agrees not to annex property outside the Urban Growth Area without first amending the boundary through established procedures.

## Planned Growth Documents on File

Intergovernmental Agreement for the Fort Collins Urban Growth Area (Larimer County) (1991)

Land Use Code downloaded from web

Capital Improvement Expansion Fee Schedule (Impact Fees)

Performance Zoning (Land Development Guidance System) (1981)

## Website and Contact Person

www.fort-collins.co.us Land Use Code in advanced planning section

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## 10.4.6 King County, Washington

### Growth Strategy Techniques Implemented

State of Washington passed a law in 1991 and 1992 requiring cities and counties to develop a growth management plan. This got the 39 cities (including Seattle) of King County working together for a combined vision of growth, including:

- Urban Growth Boundary
- Regional Planning
- Benchmark Performance Indicators track progress
- Infill and upzoning to increase density

### Lessons Learned

King County has 1.7 million people (1/3 Seattle, 1/3 suburban, and 1/3 unincorporated county) and is the most populous county in the state. The state requires counties to create a Comprehensive Plan containing a growth management plan identifying how it will accommodate housing and job growth for the next 20 years. If a county does not comply, the state can take road funds away. They actually did take road funds away from another county for six months. If jurisdictions in the county do not follow the plan, they can be taken to the State Growth Hearings Board or to court to gain compliance. The plan creates a 20-year target for each city to absorb expected population growth.

The cities did not trust the county to create a plan so the cities created a new group "Growth Management Planning Council" made up of caucuses, a population based process to bring in city representation with the membership comprised of elected officials. The cities also created a process in which the cities would ratify the growth management plan after the county council passed it to assure that changes would not be made to the document by the county council after the regional council worked on it. If 2/3 of the cities ratify the plan, it passes.

The City of Redmond was having difficulty keeping up with the growth. They could not get money fast enough from the state and federal government to build adequate roads. So they put a moratorium on downtown development unless developers would create mixed use of commercial and housing. As a result, they created mixed use at the scale needed.

The private sector and environmentalists were nervous about how the county would agree to draw the line and "lock up land and resources," how it would affect quality of life, and how to assure that the goals and objectives were being met. In 1995 they created a "Benchmark" performance measurement process. The 1999 report executive summary states: "The King County Countywide Planning Policies - the policies adopted by the Growth Management Planning Council mandate that quality of life issues are measured and tracked. In 1995, the Growth Management Planning Council and citizens throughout the county helped develop 45 indicators, which directly relate to the policies in the countywide plan. The Benchmark report reviews progress. The 1999 Benchmark report indicates that quality of life is improving in areas like air quality, water consumption, new housing unit production, parks and open space, rural, and resource lands. In other areas (amount of affordable housing and traffic congestion) data from the report shows a need for improvement."

This performance-based approach identifies a number of quantifiable criteria. The full report can be found at the following address: http://www.metrokc.gov/exec/orpp/benchmrk/bench99/

Cities have to integrate the growth plan into their Comprehensive Plans. A Growth Hearing Board is a 3-person state appointed board that hears appeals of anyone who thinks the Comprehensive Plans are not being followed. The cities have to abide by the findings of the growth hearing board.

## Applicability to Albuquerque

The State of Washington's legislation has provided the impetus for counties to create regional plans. They are in the position of creating a plan or having their road funding withheld. We are not subject to such requirements. The benchmark system can help evaluate the progress and accomplishments of a growth management program and can be used for amending the program as needed. Such performance-based factors can help with future decisions about the effectiveness of different aspects of a planned growth strategy.

## Planned Growth Documents on File

Washington State Growth Management Act is on Website for State of WA Dept of Community Trade and Economic Development

The Countywide planning policies, the King County Comprehensive Plan as well as Comprehensive Plans for 39 cities in King Co available www.metrokc.gov at Countywide Planning Policies

Benchmark report tracking progress on performance based objectives also available at the Office of Regional Policy and Planning www.metrokc.gov/exec/orpp

## Website and Contact Person

www.metrokc.gov Cynthia Moffit, Principle Planner for Long Range Planning, King County Metro Government 206-205-0709 Cynthia.Moffit@metrokc.gov

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Contacts for transportation: Don Ding, head of transportation for unincorporated king county 206-689-4702

Ron Posthuma, Acting Deputy Director for Metropolitan King County Transportation Department 206-684-1007 Henry Markus 684-6738

Don Ding can also answer questions about financing infrastructure construction, operation and maintenance.

The list of benchmark indicators follows:

**Economic Development:**

- #1 Real wages per worker
- #2 Personal and median household income: King County compared to USA
- #3 Percentage of population below the poverty level
- #4 New businesses created
- #5 New jobs created by employment sector
- #6 Employment in industries that export from the region
- #7 Educational background of adult population
- #8 High school graduation rate

**Environment:**

- #9 Land cover changes in urban and rural areas over time
- #10 Air quality
- #11 Energy consumption
- #12 Vehicle miles traveled per year
- #13 Surface water and groundwater quality
- Map: Tri-County Watersheds and Major Streams
- #14 Water consumption
- #15 Change in groundwater levels
- #16 Change in wetland acreage and functions
- #17 Continuity of terrestrial and aquatic habitat networks
- #18 Change in number of salmon
- #19 Rate of increase in noise from vehicles, planes, and yard equipment
- #20 Pounds of waste disposed and recycled per capita

**Affordable Housing:**

- #21 Supply and demand for affordable housing
- #22 Percent of income paid for housing
- #23 Homelessness
- #24 Home purchase affordability gap for buyers
- #25 Home ownership rate
- Map: King County Home Ownership Rate
- #26 Apartment vacancy rate
- Map: Rural and Urban Subareas of King County
- #27 Trend of housing costs vs. income
- #28 Public dollars spent for low-income housing
- #29 Housing affordable to low-income households
- Map: Affordable Housing in King County

**Land Use:**

- #30 New housing units in Urban Areas and Rural/Resource Areas, and in Urban Centers
- Maps: Urban Centers
- #31 Employment in Urban and Rural/Resource Areas, Urban and Manufacturing/ Industrial Centers
- #32 New housing units built through redevelopment
- #33 Ratio of land consumption to population growth
- #34 Ratio of achieved density to allowed density of residential development
- #35 Ratio of land capacity to 20-year job and household targets
- #36 Land with six years of infrastructure capacity
- #37 Acres of urban parks and open space
- #38 Ratio of jobs to housing in Central Puget Sound counties, and King County subregions
- #39 Acres in forest land and farm land
- #40 Number and average size of farms

**Transportation:**

- #41 Percent of residents who commute one way within 30 minutes
- #42 Transit trips per person
- #43 Percent of residents who use alternatives to the single occupant vehicle
- #44 Ability of goods and services to move efficiently and cost effectively throughout the region
- #45 Number of lane miles of city, county and state roads in need of repair and preservation

## 10.4.7 Lexington/Fayette County, Kentucky

### Growth Strategy Techniques Implemented

- Urban Growth Boundaries (1958)
- Urban Service Areas - included detailed economic and demographic projections and plans for expansion of public and private facilities.
- Adequate Public Facilities
- Impact Fees
- Transfer of Development Rights
- Small area plans/historic zoning overlay
- City and county merged in 1974

Lexington was the first city in the country to adopt the concept of urban growth boundaries (in 1958). They have never departed from the plan, though they have expanded boundaries over time and modified techniques. Boundaries are changed as part of the Comprehensive Plan update. Public meetings for the Comprehensive Plan allow for citizen input into boundary proposals. They also have a citizen committee that advises the Planning Commission. Originally, the growth management plan emphasized public facility coordination and efficiency, especially regarding sanitary sewers. Objectives now include agricultural land preservation and maintaining the inner city. They use Community Development Block Grant funds to improve inner city infrastructure and neighborhoods, and historic overlay zoning to encourage rehabilitation. Underutilized (e.g., surface parking downtown) or vacant land in the central city greatly diminished. Building permits and sewer extensions are not provided outside the urban growth boundaries.

The growth management plan is linked to an overall facility plan, particularly regarding sanitary sewers (water is provided through a private utility). Most sewers are funded by developers. The Capital Improvements Program is used to a very limited extent. The primary tool is to require developers to construct adequate facilities themselves. Major trunk lines are funded by exaction fees. If a developer constructs the trunk line at his expense, he gets reimbursed over time through the exaction fee program as others hook in. Developers pay approximately 80% of facility costs, city/county supports the approximately 20% remaining.

Impact Fees vary by location and are charged per acre. The older urban service areas do not have Impact Fees because they are already served. New suburban areas have higher fees. For instance, the sewer exaction varies from $1,100–$3,000 per acre.

### Lessons Learned

In the 1960s, before city/county consolidation, the county permitted a subdivision outside the urban growth boundary that ended up with severe septic problems that had to be alleviated by the city. The city extended a narrow sewer line to service that area. The city did not allow development of the intervening 500 acres to hook into the sewer line because it was installed to ameliorate a problem, it was outside the Urban Growth Boundary, and it was not sized to safely accommodate more capacity. Twenty years later the city is growing in that direction and will expand the system. The subdivision with septic problems had to pay for the sewer extension and new developments will pay for the current expansion.

Housing has not jumped the boundary into the rural area. All counties in the area have a five-acre minimum per rural dwelling unit. Since the county and city merged, they are able to share benefits. They depend more on income and employment taxes than property or sales taxes. Affordable housing is not charged Impact Fees or subject to density caps. Since Impact Fees are charged on a per-acre basis, there is no disincentive for the builder to put more units on the land. Fees are higher on land suited for higher density.

### Applicability to Albuquerque

The following goals excerpted from the Lexington/Fayette Comprehensive Plan, (the document that supports their urban growth management concepts) appear to be applicable to Albuquerque.

- Provide for citizen participation in planning and zoning decisions and encourage citizen involvement in the implementation of programs for the benefit of the community.
- Guide the physical development of the community.
- Support and uphold the urban service area concept.
- Provide business and employment opportunities for the entire community.
- Establish and promote planned employment centers.
- Ensure the vitality of downtown.
- Establish and promote urban activity centers to provide appropriate services to multineighborhood areas.
- Provide housing opportunities to meet the needs of all citizens.
- Preserve, protect, and enhance existing neighborhoods.
- Protect and preserve Fayette County's significant historic and cultural heritage.
- Promote land use which is sensitive to the natural and built environment.
- Promote neighborhood and community atmosphere in new developments.
- Provide essential public facilities for urban development.
- Plan and program the installation of all essential public facilities to reasonably coincide with the occurrence of development.
- Provide sanitary sewer service to the entire urban service area through public and private cooperative efforts in financing, easement acquisition, and construction.
- Provide and maintain a comprehensive transportation system.
- Provide for a range of facilities and services such as public safety and social services.
- Maintain the boundaries and soundly manage land use in established rural activity centers.
- Create no new rural activity centers.
- Maintain and enhance the agricultural economy and rural character in the rural service area.
- Encourage regional planning and coordination.

The Comprehensive Plan includes Urban Service Boundary Criteria createdto assure efficiency, effectiveness, and fairness in determining the boundary. These criteria could be helpful to Albuquerque's urban growth planning. The criteria state that an Urban Service Area Boundary should be:

- Located so as to achieve or enhance major plan themes and goals.
- Located to encourage cost effective and efficient use of public facilities.
- Land within the boundary should be sufficient in quantity to accommodate 20 years of projected population growth and economic development.
- Land should be economically suitable for development.
- Direct development away from significant or scenic landscapes as defined in the Greenspace Plan.
- Located to direct development away from prime agricultural land and horse farms.
- Located to direct development away from environmentally sensitive and geologic hazard areas.
- Located so as to exclude public facilities that conflict with or inhibit urban development.
- Follow significant natural or manmade features, such as large lakes, minor and major drainage boundaries, parks railroads and principal arterials or freeways, wherever appropriate.
- Urban development should be compact and must be contiguous.
- Located along the tops of ridgelines within drainage basins to allow sewering of the urban service area in an efficient and economical way, while not putting development pressure on land outside the urban service area.
- Include existing development that is contiguous to the existing or planned urban areas.
- May, but does not have to, follow property lines.

## Planned Growth Documents on File

1996 Comprehensive Plan, Expansion Area Master Plan

Website (www.lfucg.com through the Division of Planning) shows Rural Land Management Plan and newsletter announcing Comprehensive Plan update. Their land-use plan map and zoning map can be found under the "GIS café" at www.lfucg.com

## Website and Contact Person

www.lfucg.com Bob Joice, Long Range Planning Manager bobj@lfucg.com

### 10.4.8 Lincoln, Nebraska

## Growth Strategy Techniques Implemented

- Urban Service Boundaries (1961)
- City charter includes direction on Comprehensive Plan and location and timing of facility expansion

## Lessons Learned

Lincoln is about 40 miles southwest of Omaha and is 450 miles from Denver. It is home to the capital and university and has grown at an average annual rate of 2% employment and 1.2% population since 1980. Lincoln has a policy to develop gradually and contiguously and annexes land as it develops so it only develops within the city limits. Urban service areas were implemented in 1961 and are defined for phasing to include (1) existing facility lines and (2) future urbanizing areas.

The city charter has included growth criteria since the 1950s and provides the legal basis and policy direction to include growth management in the Comprehensive Plan. Including growth management principles in the city charter is helpful if they would ever be challenged in court on growth decisions. To date, nobody has challenged the basic planning principles. The impetus came from the original planning director in 1951 who wanted Lincoln to retain a sense of community, control its destiny, and grow contiguously. Extraterritorial jurisdiction is also included in the charter.

The charter is written in general terms but includes a set of criteria such as: (1) Where—Growth shall occur in proximity to existing boundaries and utilities. This is accomplished through a policy that controls the extension of utilities, and the Comprehensive Plan directs sewer lines to be laid contiguously. (2) Scale—Magnitude and densities of development are designated relative to available or planned services and facilities. (3) When—Phasing is in the implementation chapter of the Comprehensive Plan. It is directed to follow a logical pattern. (4) What—Facilities and service extensions are incorporated into the Comprehensive Plan.

Lincoln's citizens are closely involved in the planning process. A community congress defined community goals and objectives, adopted a 150-goal statement by the city and county, and a task force considered five key issues. Citizens have been involved in downtown development as well as concentric and contiguous development.

The Comprehensive Plan undergoes an annual review and is revised every five to seven years. During this process, they can change the location of boundaries and direction of growth. (Generally the service areas expand, but between 1977–1985, the area was reduced). They generally predicate direction of growth to follow the natural gravity line for sewer utilities. Currently, Lincoln is considering whether to expand eastward into a different drainage basin. They have a policy that will not allow pumping over a ridge. An exception was made for a major employer who wanted to relocate on the fringe but was convinced to move in five miles on a major arterial. The employer paid for the wastewater pumping and water supply and was held responsible for maintenance of the lines.

A local planner said the plan has been very effective in managing growth, though the development community feels like they are a bit restricted. The city does not allow too many Special Assessment Districts because when they go bankrupt, the city buys them out. They learned the lesson from Omaha where footing the bill for failed Special Assessment Districts contributed to a budget crisis. Instead, Lincoln provides a revolving fund to which developers can apply to subsidize extension of utilities and infrastructure for new development.

Lincoln does not have an Impact Fee system. Instead, utility extension is negotiated on a case-by-case basis in the annexation agreement. Some developers say they would prefer an Impact Fee system because it would be more predictable and there would not be a ten-fold discrepancy of who pays for what. There is always cost sharing between the city and private developers because the city can not afford to pay for it all. Even when a project is included in the Capital Improvements Program, the developer has to contribute funds as well.

The facilities extension plan and Capital Improvements Program are based on the Comprehensive Plan. The city charter requires that any capital expenditure must conform with the Comprehensive Plan. Water and sewer are municipally owned, and electricity is quasimunicipal. Some say that housing costs increased, but the planner I spoke with said that most people think it is a wash. In comparison with Omaha, Lincoln is a more desirable place to live, and construction of houses of equal value are built better in Lincoln. One or two percent of the housing stock jumped over the boundary in the form of elite estate-type dwellings on large plots with no city services.

### Applicability to Albuquerque

Albuquerque could use a Planned Growth Strategy ordinance as Lincoln uses its city charter to back up the growth management plan contained in a section of the Comprehensive Plan and could require the Comprehensive Plan to address future location and timing of growth. This could provide a legal basis and direction for the Comprehen-sive Plan.

Lincoln looks at expected growth based on trends. They estimate the number of dwelling and commercial units needed in the next 10 years and determine what contiguous areas to annex and expand into. They do not build water or sewer lines unless they are in an area that is targeted to absorb the expected amount of growth. The Capital Improvements Program reflects these projects.

Lincoln only extends water and sewer where it is economical and reasonable in terms of their gravity system and drainage basin. Growth and the extension of services are intertwined. They determine what direction they want to grow in and put that in the Comprehensive Plan. The Capital Improvements Program follows the plan. The city annexes land it wants to develop, and they have an agreement with the county that all urban-type development will take place within the city limits.

The Capital Improvements Program process is similar to Albuquerque, except the direction of new facility construction is coordinated with a growth plan defining location and timing of growth, and the Capital Improvements Program is directly related to the Comprehensive Plan. Lincoln is quite conscious of the costs associated with construction and maintenance of new facilities and therefore requires cost-sharing, even if included in the Capital Improvements Program.

If a development does not follow the plan, they do not get a building permit. As a result of the plan, infrastructure has been better able to keep pace with growth, and there is more predictability. Operation and maintenance of infrastructure is financed through a combination of sources: (1) utilities pay out of fees collected through enterprise fund, (2) roads are maintained through a wheel tax, gas tax, and state and federal funds; and (3) Capital Improvements Program.

The Comprehensive Plan contains the following annexation considerations that could be useful for Albuquerque: (Chapter VIII, page 191)

- The boundaries for providing municipal services should generally coincide with the jurisdictional boundaries of the community.
- The extension of water or sewer service shall be predicated upon an annexation, which shall occur before the land is provided with water or sewer service.
- Land that is remote from the limits of the City of Lincoln will not be annexed; land that is contiguous and generally urban in character may be annexed; and land which is engulfed by the city should be annexed.

The Lincoln city charter contains the following language regarding the Comprehensive Plan (Sec. 4) that could be useful for Albuquerque's planned growth ordinance:

> (6) The general location of existing and proposed public buildings, structures, and facilities.
>
> > The Comprehensive Plan shall include a land-use plan showing the proposed general distribution and general location of business and industry, residential areas, utilities, and recreational, educational, and other categories of public and private land uses. The land-use plan shall also show recommended standards of population density and building intensity based upon population estimates and providing for activities for which space should be supplied within the area covered by the plan. The Comprehensive Plan shall include and show proposals for acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale and other actions affecting public improvements. (amendment of March 3, 1959)

Section 7 of the Lincoln city charter on Capital Improvements includes the following language which could help guide Albuquerque's ordinance:

> The planning director shall examine each recommended project for conformity to the Comprehensive Plan and shall prepare a consolidated schedule of the projects recommended by the departments, which schedule shall describe the character and degree of conformity or nonconformity of each project as it relates to the Comprehensive Plan.

1994 Lincoln Comprehensive Plan amendments from April 6, 1999 include helpful language regarding cost sharing for facilities.

> Chapter II: Land Use Plan
>
> Protect existing public and private investments in services, infrastructure and improvements by requiring new commercial developments to pay their "fair share" of public costs of such developments. In the analysis of "fair share" also do an analysis of the costs/benefits of the development and consider an analysis of impacts on the Capital Improvements Program.

### Planned Growth Documents on File

Comprehensive Plan 1994 with 1999 updates incorporated into the document.

City Charter Article IX-B "City Planning Department"

Profiles in Growth Management, Urban Land Institute

### Website and Contact Person

Kent Morgan, Assistant Director for Long Range Planning: 402-441-6363
kmorgan@ci.lincoln.ne.us.
www.ci.lincoln.ne.us

Urban redevelopment using Tax Increment Financing and Community Development Block Grant, contact Mark Wullschleger 402-441-7120

## 10.4.9 Madison, Wisconsin

### Growth Strategy Techniques Implemented

- Urban Service Boundary
- Brief moratorium on urban service expansion in 1990
- Short-term cap on building permits during water tower construction

### Lessons Learned

Madison has an Urban Service Boundary based on protecting water quality and permission to extend sewers. Authority to extend sewers is held by a regional planning commission and the state. The city has a development plan for peripheral areas (three mile extraterritorial jurisdiction) identifying priority areas for urban expansion and growth, setting a phasing sequence. Before urban development is initiated, they require a neighborhood plan including urban services and phasing. Building is not permitted unless sewer lines are present; septic is not allowed in the city. Currently they have a one-year cap on building permits until some elevated reservoirs are built. Platting is allowed, but timing is an issue. It has limited construction of several hundred homes or more.

Madison implemented a brief moratorium on urban service expansion 10 years ago. The planner interviewed said the moratorium was "more trouble than it was worth because growth did not approach the urban service boundary and the idea just made developers mad." The county has competing interests with the city and tends to approve township development on the edge. An example is a landowner with 56 acres who requested and received approval to develop from the planning commission, resulting in opening 12,000 acres for development. The property is not in the urban phasing plan and is not contiguous (a University research farm operates between the current boundary and the land). Since a regional planning commission has authority over sewer extensions, there is a stopgap opportunity to deny developments that break out of the plan.

The City of Madison has recently drafted a Tax Incremental Finance Plan with the following objectives and policies. Tax Incremental Financing is a governmental finance tool that the city uses to provide funds to construct public infrastructure, promote development opportunities, and expand the future tax base. Tax incremental finance assistance in Madison is only used when the proposed development would not occur "but for" city assistance. The proposed development should be consistent with and reinforce all city plans and lead to the consolidation and redevelopment of underused properties.

### Applicability to Albuquerque

The concept of Tax Increment Financing and the objectives and policies it strives to achieve are a useful approach, though property taxes are not the main source of revenue for the city and county. However, the Madison standards could be a model for other forms of public-private partnerships.

The moratorium on urban service expansion made the developers unhappy at the city and did not accomplish much because growth was not near the boundary. The county has rural and township interests and does not "like" the City of Madison. It tends to approve township development on the edge and tends to undermine the urban service area objectives.

The 1990 peripheral development plan is continually updated. The planner interviewed voiced disappointment that they did not incorporate design standards into the plan because it was a missed opportunity at building neighborhoods with character and quality. They also did not organize commercial areas well. They have not been able to increase densities. Since increased density is in the plan but not in an ordinance, the developers or neighborhoods can insist on providing exemption for a development, and the court upholds the planning staff decision because they say it is equivalent to amending the plan. We can learn from this experience by determining what objectives and standards should be in the ordinance.

| Planned Growth Documents on File | Website and Contact Person |
|---|---|
| Policy on Website | www.ci.madison.wi.us Michael Waidelich, Principal Planner for Comprehensive Plan<br>608-266-4635 mwaidelich@ci.madison.wi.us 608-266-4636 |

In order to use tax incremental financing effectively, the city has produced planning, project, and developer review policies to direct public and private investment toward meeting the following community objectives:

### Downtown Revitalization

The proposed development should support continued revitalization of the downtown by one or more of the following:

Improving the public infrastructure. Providing a variety of housing choices, through renovation and rehabilitation of existing buildings and higher-density new construction in selected areas to increase the number and diversity of downtown residents.

Attracting, retaining, or expanding businesses.

Encouraging the development of higher concentrations and mixes of commercial, retail, business, and professional office uses, with parking, within mixed-use projects.

Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of commercial districts by adding interest and activity on the first floor of mixed-use buildings.

### Support Neighborhood Revitalization

The proposed development should support the recommendations of adopted neighborhood plans and other revitalization efforts by:

Improving the public infrastructure.

Stimulating the rehabilitation or removal of deteriorated or dilapidated housing and the creation of mixed-use in-fill redevelopment.

Providing the full range of basic neighborhood goods and services and employment opportunities.

Providing transportation linkages and other urban amenities.

Increasing the supply and variety of high-quality home ownership opportunities.

Increasing residential densities at selected locations as identified in the adopted neighborhood plans or the downtown master plan.

### Support Economic Development

Support economic development activities intended to stabilize and diversify the city's economic base by:

Improving the public infrastructure.

Supporting development of industrial parks to attract new industries and provide suitable locations for expansion and relocation of existing industries.

Providing financial assistance to new and existing businesses.

### Finance Policies

Eligible uses of tax incremental finance (not in priority order):

Downtown owner-occupied housing development.

Assisting revitalization of historic or architecturally significant buildings.

Supporting projects that are consistent with adopted neighborhood plans.

Public infrastructure project costs.

Attracting, retaining, or expanding businesses.

Ineligible uses of tax incremental finance:

Speculative office development.

Office development that consists of moving a downtown office or business to another downtown location for purposes other than to retain or substantially expand the business.

Write-downs for land purchases that greatly exceed the assessed value of the current land use(s), as determined by the city.

## Finance Policies on Housing

The city wishes to encourage the creation of high-quality, owner-occupied housing projects.

For all owner-occupied projects of 20 units or more, the developer must provide one (1) new or rehabilitated, affordable dwelling unit, in the surrounding neighborhood, for every ten (10) new, owner-occupied dwelling units. The affordable dwelling units shall be made available to income-certified households at 80% of the county median income, adjusted by family size. The term "affordable" is generally defined to mean a mortgage payment that does not exceed 30% of monthly gross income.

For large-scale projects of five acres or more which are predominantly owner-occupied, the city will consider providing tax incremental finance funds for rental housing that preserves historic structures, rehabilitates existing housing, or meets other city goals and objectives.

For all rental housing that occurs as a result of the above, 20% of all rental units must be affordable to income-certified households at 80% of the county median income, adjusted by family size. The affordable rental units shall remain affordable until the tax incremental finance debt is repaid. The term "affordable" is generally defined to mean a rent that does not exceed 30% of monthly gross income.

## Underwriting Policies for Private Development Projects

Each project must demonstrate sufficient need for the city's financial assistance, so that without that assistance, there would be no project.

Every other financial alternative is to be exhausted prior to the use of tax incremental finance, including equity participation, other federal and state funds, bonds, tax credits, loans, etc.

Tax incremental finance assistance will be utilized as gap financing.

Tax incremental finance assistance will be limited to the amount necessary to make a project competitive with other similar projects in the Madison metropolitan market area. The intent is not to provide below-market sales prices or rent subsidies to assisted projects, except as applied to assist affordable housing.

No more than 50% of the net present value of the tax increment generated by a private development project shall be made available to that project as gap financing.

Each project demonstrating a need for tax incremental finance assistance must generate sufficient tax increment to cover or repay both the tax incremental finance contribution to the project and a portion of the planned public infrastructure costs within the tax incremental district.

No increment from other private development projects within a tax increment district may be used to supplement another project's inability to generate sufficient tax increment.

Each project must demonstrate probability of economic success.

The city will require a personal guaranty for tax incremental finance assistance.

The city will not provide mortgage guarantees.

The developer(s) shall provide a minimum of 10% of the total estimated project costs as equity.

As set forth in Wis. Stats., Tax Incremental Finance may not be used to pay for public infrastructure expenditures that are otherwise paid for by "any income, special assessments, or other revenues, including user fees or charges, other than tax increments, reasonably expected to be received by the city in connection with the implementation of the plan."

## 10.4.10 Metropolitan Council, Minnesota

### Growth Strategy Techniques Implemented

- Urban Service Areas
- Revenue Sharing
- Transportation-led planning

### Lessons Learned

The Metropolitan Council is a state-authorized body (established in 1967) that coordinates regioal planning and guides development in the seven-county area surrounding the Twin Cities (Minneapolis and St. Paul). This area involves 3,000 square miles and 2.5 million people. The council operates regional services, including wastewater, transit, low-income public housing, and affordable housing. The council also establishes policies for airports, regional parks, highways, transit, sewer, air and water quality, land use, and affordable housing and provides planning and technical assistance to communities in the Twin Cities region. The Metropolitan Council sets the direction for the timing, location, and capacity of regional systems, issues bonds to finance capital improvements, and coordinates extension of services to newly developed areas. Holding funding and bonding authority and operating the airport and regional transportation systems provides actual planning authority to the Metropolitan Council.

The original Urban Service Area plan from the 1970s called for rings of development, or tiers, to grow out from the core. The current strategy recognizes the nuances in communities as they move out in concentric rings, and the new plan is more corridor and transportation driven. By the 1990s, the region grew in size, population, and diversity and does not stick to the original ring pattern.

Revenue sharing, or the “fiscal disparities program,” was enacted by the 1971 legislature in response to concerns about high property taxes, large differences in tax base among communities, and competition for development by using fiscal incentives that did not always produce the best development decisions. Revenue sharing was a way to make the Twin Cities region a single economic unit, though it contains nearly 300 cities, counties, and special districts within its 3,000 square mile area. It contributes to efficiency in regional infrastructure and capitalizes on location of economic development.

In 1976, the legislature passed the Metropolitan Land Planning Act requiring all local governments in the seven county region to adopt Comprehensive Plans consistent with regional policies and within regional systems capacities, including sewers, transportation, parks and airports. In 1994, under threat from the Governor to disband the council unless it became more “relevant,” the council adopted new regional growth management policies.

Recently, the Metropolitan Council updated their Urban Service Areas concept. The definition of urban core changed to include the older neighborhoods in addition to downtown. They also looked at a more efficient way to set boundaries and stage growth patterns. They have set a 2040 line as a maximum growth boundary for the next 40 years and a 2020 line negotiated with communities to accommodate interim residential and employment growth. The objective is to have better land use, use infrastructure more efficiently, and increase density. They embarked on an effort to clean up Brownfields, encourage infill, develop in a transit friendly way, and create transit nodes.

A public-private partnership created a mixed-use development and transit node in a busy section of an older suburb. A shopping strip at a major transportation and employment center had declined. A partnership between the Metropolitan Council, the City of St. Louis Park, and a private developer tore down the shopping strip and put in a mixed-use development. They built higher density housing (townhomes and condominiums), a transit node, and some commercial to support the neighboring office buildings. The city used eminent domain to buy the land and sold it to a developer. A combination of different financing mechanisms were used: (1) Tax Increment Financing; (2) Metropolitan Council's "Tax based revitalization account" for environmental cleanup; (3) Metropolitan Council's "Livable communities demonstration fund" that can finance transit-oriented development; (4) Metropolitan Council's planning grant for the city to "revision" the area; (5) Metropolitan Council's livable communities grant paid for public infrastructure including a new plaza to connect to a parkway; (6) the city relocated streets and utilities through Tax Increment Financing; and (7) Private developers are constructing a mixed-use development with condominiums, office, and commercial. (Industrial Revenue Bonds were not used in this case, but are available for use if appropriate).

Next to this shopping strip was another rundown building with an asbestos problem. It had become tax forfeited, and the city took it over. The Metropolitan Council gave the city a grant to clean up asbestos during demolition, providing more land for redevelopment.

How does Tax Increment Financing work? Tax Increment Financing uses present and future values. For instance, a property may currently generate only \$1,000 in taxes (e.g., the shopping strip with diminished value). If a mixed-use development is completed, the tax value may increase to \$10,000. The difference, or increment, can be used to pay off a bond (of \$9,000, for example). Now they have \$10,000 worth of development. The owner of the building pays the taxes on the \$10,000. The city uses the increment to pay off the bond. The beneficiaries of the property tax get their share of the former value (e.g., portions of the \$1,000) until the bond is paid off. So, for instance, if the property tax is shared ⅓ city, ⅓ county, and ⅓ school district, they each get \$333 instead of \$3,300. But the community benefits because the development generates more gross receipts taxes and stimulates the local area for further development, keeping in mind that the current use did not generate tax money either. Assumption of risk is negotiated between the city and the developer. If the property does not generate revenue, the city could take it over. Most often in the Twin Cities, the backup is assumed by the developer because these enterprises are usually successful and competition is good. Developers in the market are showing more confidence.

The Metropolitan Council works toward linking regional and local plans. Local Comprehensive Plans are submitted to the Metropolitan Council for review. After approval, they try to coordinate the location of regional services. For instance, they designate town centers as redevelopment areas to target denser housing and jobs to facilitate success of locating a transit station in the development. They provide grants for demonstrations, parks, and open space. For example, the Metropolitan Council is planning a transit center using "T-21" federal transit program funds. Streetscapes and highway improvements are also funded by T-21.

Farther out from the center, they support efforts through affordable housing grants. The housing initiative account helps underwrite the cost of construction or rehabilitation through a grant for certain income groups, e.g., 30% or 60% of median income. Housing developments can contain mixed income units—out of 60 units, 10 are slated for 30% of median income, 10 are slated for 60% of median income, and 40 are at market rate. The planner interviewed said, "It becomes difficult to tell which are subsidized units by looking at them."

Overall, Metropolitan Council planning is driven by the Urban Service Areas concept. They do a 25-year forecast to plan how to accommodate future populations. Then they ratchet down to communities and send the proposed projections out to the seven counties who say whether they agree, disagree, or want to negotiate. They have found that they have been accurate with projections for population and jobs, but less accurate with housing units. Then the Metropolitan Council looks at how they will provide sewer service, highway, transit, parks, and the communities plan how to accommodate additional houses and jobs. A built out area may have infill, and a newer area will suggest staging of development of land in five-year increments, depending on how big they are and how fast they are growing. May have an annual staging area.

### Applicability to Albuquerque

Much of the motivation to plan regionally has been for fiscal efficiency and to spread the costs and benefits of regional centers (e.g., Mall of America in a suburb, new arena in downtown of city, etc.). As a region, they recognized that they could not afford to provide every landowner with equal amounts of sewer, water, and transportation. They make investments in stages. They put the plan out for discussion and comment before implementation.

Albuquerque is not located in as large a metropolitan region as the Twin Cities Metropolitan Area and does not have as diverse an economy that hosts numerous large and small employers paying high wages,. The Twin Cities contains a significant number of corporate and financial headquarters that create a strong economic base.

The concept of purchasing land for improvements and initiating mixed-use development has promise, as has the public/private partnership to revitalize a declining area that has great potential for improvement.

The Metropolitan Council is not merely a planning body but operates major metropolitan services (airport, transit, and wastewater), and has bonding authority and a budget to fund projects and implement plans. They have authority based on state legislation and funding. Though there is still municipal distrust of a larger, regional authority making local decisions, the Metropolitan Council appears to have more planning authority than, say, the Council of Governments model. Regardless, the concept of making a regional plan for land use and regional infrastructure needs for the next 20 and 40 years could be applicable to our area.

### Planned Growth Documents on File

"Regional Blueprint" December 1996.

"A Smart Growth Strategy for Transforming Sprawl into Livable Communities: Regional Growth Strategy for the Twin Cities Metropolitan Area" by John Kari, October 1999.

"Metro 2040: A Growth Strategy for the Region" from the Website.

### Website and Contact Person

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### 10.4.11 Minneapolis, Minnesota

#### Growth Strategy Techniques Implemented

- Infill and Redevelopment
- Downtown Revitalization
- Neighborhood Planning and Revitalization
- Public/Private Partnerships
- Revenue Sharing

#### Lessons Learned

Minneapolis submits its Comprehensive Plan to the Metropolitan Council, taking into account the growth projections that were provided by the Metropolitan Council. Minneapolis continues to experience an economic boom, and growth is expected to be 10,000 new households by 2020 and an increase in downtown office space. Though population has gradually shifted to the suburbs since 1950, there has also been a significant influx of immigrants and racial minorities. The planner intervied said that the Tiered Growth Concept used by the Metropolitan Council does not apply to Minneapolis because it is a fully developed city that can not expand its borders. Any growth has to be internal. As the city is built out, they are identifying potential housing sites where the land could be redeveloped into moderate or high-density housing. The downtown warehouse district is the place where most of the city's new housing is currently being developed. It is on an old rail area along the river that has been cleaned and is filling up, with at least 1,500 units planned (and many already built) so far.

In 1991, Minneapolis established a neighborhood revitalization effort. The state legislature allowed the city to refinance bond funds to back off payments for the program ($400 million). Each of the 81 residential neighborhoods could come up with their own plan and make requests depending upon their own priorities, e.g., more police patrol, lighting, gyms, playgrounds, etc. They went through hearings and then were funded. Much funding went to housing and economic development in the neighborhoods. A separate agency, the Minneapolis Community Develop-ment Agency rehabilitates or razes houses and builds infill. They receive funding from the city and federal government.

Minneapolis worked hard for a number of years to revitalize and maintain the vitality of downtown. This effort has been very successful, and the downtown is busy day and night. A partnership between the downtown council, Chamber of Commerce and city worked together. Theaters were refurbished with Minneapolis Community Development Agency money. The Target Arena hosts a professional basketball team and concerts and draws people into bars and restaurants. It has diminished as an employment center, though there still are a number of corporate headquarters and a great deal of commercial (retail center with major department stores, boutiques, a variety of restaurants, art galleries, and upscale stores and hotels). There is also an increasing number of residential condominiums—26,000–27,000 people live downtown—attracted to the urban life, with skyways leading to shopping, orchestra hall, arena, theaters, etc.). Artistic, one-of-a-kind and low impact signage contributes to the atmosphere and was a joint effort by the downtown council and city. The downtown is very much a planned area. The Comprehensive Plan for downtown is to keep it compact so it would grow up and not out. Parking structures around the perimeter are financed primarily by the city. By keeping parking on the periphery, the 150,000 people employed downtown would stay in the central area to eat and shop. Downtown has become a prestigious location and is attractive to developers and businesses.

Where incentives are needed, gap financing is provided and the Minneapolis Community Development Agency provides funding. Zoning adjustments are also made to facilitate projects. Outside downtown, the city writes down land for industrial development. The city takes the property through eminent domain (the public purpose is to bring in industry and jobs). Sometimes the city acts as a developer or partner for an industrial park. Sometimes the city is disappointed by developers who employ people who are not city residents (The goal was to hire city residents and the disadvantaged).

The good relationship between the city and private business started in the 1960s when they created the Nicollet Street mall (a street that crosses the entire downtown and runs past major retail and employment centers with a wide pedestrian walkway and only allows buses, taxis and bicycles on the road.) Dayton's department store started the 5% club that gives 5% of pretax profits to the community, which induced many other private firms to do the same. As local businesses are being acquired, such giving has diminished.

Tax revenue sharing is based on a complex formula for which every jurisdiction contributes approximately 40% of tax revenues and the Metropolitan Council redistributes the funds throughout the seven-county metro area. In this way, the older sections of the city do not subsidize the new infrastructure for the developing suburbs, and the Mall of America in Bloomington pays taxes to support roads leading to the area.

Have requirements caused a jump over boundaries? The planner said that industries which wanted to expand could not be accommodated fast enough. Brownfields remaining still need clean-up, and land is cheaper and more available in the suburbs.

Housing and apartment rents are dramatically increasing. The median sales price for homes in the first quarter of 1998 was $89,000 and has risen to $97,750 in 1999. The median rent at midyear in 1998 was $495 and has risen to $575 in mid-1999. The housing crunch is not related to the growth management program, rather it is related to the economic boom and desirability of Minneapolis as a place to live, because the Urban Service Area concept from the Metropolitan Council applies to the seven-county metropolitan area and not to the City of Minneapolis alone.

The housing shortage and price increases have caused the city council to establish task forces to look at affordable housing and homelessness. Last year the city passed a resolution on affordable housing with the major emphasis on requiring any multiunit rental building of 10 or more units with a city subsidy to contain at least 20% affordable housing units. The full resolution is on the Website.

The main transportation issue in the region is the first Light Rail Transit line that is proposed to go from the Mall of America, through the airport, to end in downtown Minneapolis. It is awaiting final appropriation from Congress this fall. In general, congestion is rising throughout the region, and many are realizing that they can not just keep widening the freeways. The Metropolitan Council is the lead on planning regional transportation and also runs the bus system.

The number of housing units in the city has generally been decreasing over the 1990s. The city has been very assertive in removing condemned buildings if they could not be rehabilitated within certain cost limits. In 1998, the city began major demolition of roughly 1,000 public housing units which were concentrated. The site will be redeveloped as mixed income housing with roughly 900 units going back in on site. With the downtown housing and the public housing site redevelopment, housing numbers should start to increase in 2000 and 2001.

## Applicability to Albuquerque

Minneapolis has a strong economy and has a history of planning. The demographics of the city have changed as an influx of low-income residents have moved in and higher income families move to the suburbs. Minneapolis has had a long and successful effort revitalizing and maintaining the downtown as an attractive area for residential, commercial and arts. The city worked as a team with the downtown council in revitalization efforts. The downtown is a strong employment and residential center and is a good example of mixed-use. (Part of the area started to grow with the influx of artists and art galleries, and grant-supported activities.) The arena is downtown and has had positive and negative impacts.

It is also intriguing how the city purchased land through eminent domain to be used for industrial park development in blighted areas. The city is conscious of its position of losing higher income families to the suburbs and has made a strong effort to retain commercial and employment centers as well as families. The city is committed to improving access to affordable housing by changing policies that might act as a deterrent. The neighborhood planning effort is also an useful idea to get small areas involved in improving their neighborhood—at a size they can relate to.

### Planned Growth Documents on File

State of the city report is at www.ci.minneapolis.mn.us/planning

### Website and Contact Person

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Minneapolis Community Development Agency handles affordable housing: http://www.mcda.org/

State of the City has info on population, housing and other factors. http://www.ci.minneapolis.mn.us/citywork/planning/soc99/2-population.pdf and soc99/3-housing.pdf

## 10.4.12 Montgomery County, Maryland

### Growth Strategy Techniques Implemented

- Wedges and Corridors General Plan (water and sewer "envelope") (1969)
- Adequate Public Facilities Ordinance (1973)
- Transfer of Development Rights (Agricultural Land Preservation) (1980)
- Transit-based planning
- Purchase of open space

### Lessons Learned

Montgomery County is a suburb of Washington, D.C. with approximately 760,000 residents. The Wedges and Corridors general plan adopted in 1969 provided the policy framework to guide development to two major corridors. First they drew a map with a water and sewer "envelope." According to the policy, if sewer was planned for an area in the future, but the county was not ready to install it, the developer had to put in both septic and water and sewer pipes for future hook-up. No one developed in those areas because of the marginal expense (It added 10% to the cost of the house). This policy was never challenged in court. The county did not establish a growth boundary, but the sewer envelope created a similar effect. Homes that decided to build outside the zone are large, elite $600,000 estates with septic. (Septic requirements are quite specific and not allowed everywhere because soil conditions do not allow for adequate percolation.)

In 1973, an adequate public facilities ordinance was adopted. As a condition for project approval, several types of facilities must prove capacity available to serve prospective development. In 1994, the adequate public facilities ordinance requirements were revised to permit continued development near the Metrorail stations as well as for affordable housing. This amendment responded to the discovery that the original requirements were prohibiting higher density growth in these transit areas. The adequate public facilities ordinance sets up six infrastructure "tests" for projects to meet: water, sewer, fire, police response time, schools, and transportation. The planning director stated that it has been helpful to have a system in place to tell people what is planned in the Capital Improvements Program for the future six years, but not approve permits until infrastructure meets the level of service and capacity at that time. Density is currently 6 or 7 units/acre, and the northern section is 3 or 4 units/acre. With a good design (e.g., townhouses with courtyards in the middle and interior parking), the neighboring residents are willing to approve 20 units/acre.

They redraw the sewer envelope every two to five years, depending upon growth. They allow for traffic congestion to promote higher density and infill. Public transit system use has stayed stable (while ridership in other locations has declined). Many commuters use the Metrorail to get into D.C. and surrounding employment centers.

The county adopted an agricultural land preservation program in 1980 that provides for Transfer of Development Rights from farmland. Density limit is one unit per 25 acres. Landowners can sell their Transfer of Development Rights to receiving areas designated by maps. The planning director said that Transfer of Development Rights complicates things and does not necessarily help development but does provide equity to rural landowners. They do not use it around metro stations for upzoning, but use Transfer of Development Rights to increase density around the edges. The program is not too difficult to administer. The local bar association and real estate industry know it trades like real estate. Transfer of Development Rights can be banked, and the value can appreciate or depreciate over time (ranges between $7,000 and $15,000 per unit). The Transfer of Development Rights is only used for increase in residential density.

The objectives of the growth management program were to "shape development." They wanted higher density corridors and accessibility to green space within several miles of homes. (The county acquired parks to extend a green belt). Growth management was motivated by designing and maintaining the character they wanted for the county, as much as for financial concerns. Zoning techniques were also used to shape character using different densities for different areas.

When a proposed development does not follow the plan, they are not permitted to build, based on site plan enforcement. The county has acted as banker of Impact Fees to reimburse the first one in. Impact Fees are collected for all facilities and are paid for each fixture.

Development of affordable housing is required. In 1973, as housing prices were increasing, the county adopted an inclusionary housing program requiring developers of 50 or more residential units to set aside 15% of the units for low- and moderate-income housing. In return, the developers can obtain an increase in permitted density. Within 20 years, they created 9,200 affordable housing units, and the county added another 800 units with other programs.

The Capital Improvements Program has increased in amount but has less of a shortfall because of the growth strategy. It has not created an increase in taxes or utility rates.

### Applicability to Albuquerque

Montgomery County's growth management system has evolved through decades of voter-supported and increasingly sophisticated development planning. The effort has been helped by the support of county residents and leadership shown by planners and elected officials.

The planning director interviewed advised that development here should be viewed in terms of the best use of limited opportunities. We are faced with a set of choices about how to develop and can make decisions in terms of what is in the best financial interest (e.g., most efficient use of infrastructure), what yields a better cost/benefit outcome and what builds the kind of character we want to see in our communities. With adequate public facilities ordinance, partnering between private financing of infrastructure and targeted use of the Capital Improvements Program becomes very clear. The Capital Improvements Program is expected to stay consistent with and implement the master plan. In Montgomery County, if a project does not make it into the Capital Improvements Program, a limited amount of funds are still available to cost-share with a developer to build infrastructure.

### Planned Growth Documents on File

Clarksburg Master Plan and Hyattstown Special Study Area, June 1994

Profiles in Growth Management, Urban Land Institute

### Website and Contact Person

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Carl Moritz, current Adequate Public Facilities Program coordinator 301-495-4555

## 10.4.13 Orlando, Florida

### Growth Strategy Techniques Implemented

- State Law requires Growth Management Plans (1978)
- Growth Management Plan (1980, 1985, 1991, 2000)
- Concurrency/Adequate Public Facilities (1991)
- Mixed-use activity centers (1991)
- Joint Planning Agreement with Orange County

### Lessons Learned

Orlando is located in Central Florida and has a population of approximately 184,000 in 95 square miles. They have had a Comprehensive Plan since 1926 and created a growth management plan in response to State Statute in 1980. Universal Studios is within the city limits.

According to the city's Growth Management Plan executive summary, from 1980 to 1995, the city expanded by 32,000 acres or 118% and increased the value of its tax base by $1 billion. A downtown revitalization effort was launched in 1981, and the assessed value of the downtown tax base has increased from $137 million to $996 million, holding office and government jobs.

In 1981, Orlando initiated an activity center planning concept, comprised of a concentrated mixed-use core; a fringe of medium intensity uses, and a periphery of low intensity residential uses. In recent revisions, the city adopted a growth management plan with 13 elements. Each element has a section with specific policies related to land development and urban design. Sector plans go into further detail with policies for areas ranging from one parcel to 1,000 acres. They created a land-use map and identified future land use, transportation, housing, and infrastructure. The land-use map established allowable land uses in different areas. The zoning map has to be consistent with it. Main objectives are to (1) protect neighborhoods; (2) enhance amenity framework (e.g., lakes, big streets with big trees); (3) multi-modal transit. (A $600 million light rail transit project was defeated by the city council).

In 1997, they adopted a transportation concurrency exception area (26,000 acres) to promote infill and discourage sprawl because of the lack of transportation capacity in the city. Higher traffic congestion has led to increased transit ridership.

The Joint Planning Agreement with Orange County defines extraterritorial areas suited for annexation to the city. Yet, the Orange County council believes that the county should be urban, which is not consistent with their Comprehensive Plan. The city has taken on an aggressive annexation policy to bring in vacant property for future development. They do have a water and wastewater territorial agreement so as not to duplicate the supply of services. Development has not jumped over the city boundary because developers want the police and fire protection, as well as the accountability of services. Impact Fees in the city and county are similar.

Concurrency works with level of service standards adopted for water, sewer, parks, transportation, drainage and solid waste. Concurrency establishes the expectation that developers build all their infrastructure including water, sewer, and roads. If they build a major collector or arterial, they get Impact Fee credits, or the city constructs it. A project area must be included in the Capital Improvements Program before it is built. The city's economic development office will sometimes negotiate with landowners for annexation and create agreements that can include, for instance, stormwater drainage improvements or adjusted fees. If a project does not follow the plan, they do not get a permit. State law backs up the authority of the "future land-use map." The Capital Improvements Program is targeted to support development in identified plan areas.

The Southeast Sector Plan was a combined effort between the city and 12 major landowners. The cost for the master plan and design guidelines for 20,000 acres was split half by landowners and half by the city. The plan located commercial development in clusters rather than strips and requires retention of wetlands to be connected with "uplands" to preserve land. Transportation corridors had to be laid out. At the end, the private developers hired another consultant and negotiated the final result.

### Planned Growth Documents on File

Vision Statement from the City of Orlando's Growth Management Plan and the 1995 Growth Management Plan Executive Summary

### Website and Contact Person

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## 10.4.14 Petaluma, California

### Growth Strategy Techniques Implemented

- Building Permit Quotas (1987)
- Urban Service Areas (1987)
- Urban Growth Boundaries (1998)

### Lessons Learned

Petaluma is located 45 minutes south of San Francisco. Petaluma has had building permit quotas in effect since 1987. The system is designed to regulate the number of residential allotments granted according to the General Plan. The city council can grant a maximum average of 500 allotments per calendar year (for the succeeding year), no more than 1,000 allotments in any one year and no more than 1,500 allotments in any consecutive 3-year period. Senior and low-income projects are exempt. The process requires allotments to be procured prior to submittal of a subdivision map and building permit application. If a project wishing to construct 30 units only obtains 10 allocations, they can build the 10 but have to wait to get the full allocation. sDesign guidelines must be followed for approval of a permit; for instance pedestrian orientation. They tried using a scoring system to achieve objectives (e.g., reduced car trips) but abandoned the system. For years in which building permit requests are far lower than 500, the allotment system is not used. The building permit quotas are now obsolete, according to the planning director, because the 500 unit maximum is not approached.

In 1998, Petaluma adopted a 20-year urban growth boundary. The planning director said that it is not much different from the Urban

Services Areas ("sphere of influence") already in place but is a political message to communicate compact urban form. They are finding that new development puts a strain on long-term operation and maintenance of infrastructure because current fees do not pay for additional capacity needed to service new homes off site (e.g., four-lane arterials feeding the area). They are looking at increasing development fees or rejecting developments that cost too much in upkeep or skew the balance of fragile environments (e.g., floodplains). They charge Impact Fees averaging $20,000 per single-family house, and the planning director stated that this amount is still inadequate in the long term.

They have an affordable housing incentive system including city offset of Impact Fees and an option to provide affordable housing or contribute to an "in-lieu" affordable housing fund. If a proposed development does not fit a plan, the building permit is denied, and the city does not participate in any of the infrastructure.

Revenue or tax base sharing is done for open space and highway corridors. The growth strategy has helped reduce the budget shortfall for capital improvements. The positive unanticipated outcome has been the preservation of the city's identity achieved by preventing sprawl and creating a green belt separating them and the neighboring municipalities.

### Applicability to Albuquerque

Petaluma's growth management effort has been more city driven than county driven. The city of Petaluma has done platting and created redevelopment districts with reduced Impact Fees and has refurbished infrastructure to attract development to blighted areas. The city constructs infrastructure in key locations to provide a boost to revitalizing an area, e.g., a boardwalk on the riverfront, parking garages, new roadways, or storm drainage systems.

Petaluma is increasingly aware of the long-term responsibility for operation and maintenance of all new infrastructure built for development and incorporates the sharing of responsibility into Impact Fees, level of service standards, and permit approvals.

### Planned Growth Documents on File

"City of Petaluma Residential Growth Management System" User's guide, September 1991

### Website and Contact Person

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Capital Improvements Program contact: Mike Evert 707-778-4439

## 10.4.15 Portland Metro, Oregon

### Growth Strategy Techniques Implemented

- Urban Growth Boundary (1979)
- 2040 Regional Growth Concept (1995)
- Functional Plan (1996)

### Lessons Learned

The State of Oregon passed legislation in 1973 establishing a requirement for all cities to define Urban Growth Boundaries separating areas intended for development from those areas to remain and be preserved as farm and forest land. The objectives for the City of Portland were to preserve neighborhood livability and revitalize the downtown. As it became apparent that Portland needed a unified boundary around all jurisdictions in the region, the growth management plan was developed and administered by a regional planning authority called "Metro."

Metro is an elected regional government comprised of three counties: Multnomah (Portland), Clackamass, and Washington and contains 24 cities. The area covers 460 square miles, 369 of which are in the urban growth boundary. Metro was formed in 1979, when voters of the region approved the transition from an appointed council of governments (Columbia Region Association of Governments - CRAG) to an elected body. In 1992 voters approved a home-rule charter that established Metro as having primary responsibility for regional land-use and transportation planning. The charter also outlines Metro's other responsibilities, such as solid waste disposal; operation of arts and cultural facilities, parks and the zoo; and any other functions assigned to Metro by the voters.

Metro created a boundary to provide a 20-year capacity for growth that was based on established sewer service areas. Metro works closely with Tri-Met, the regional transit agency that set up the light rail system.

More recently, Metro has been working with local governments to develop the "Region 2040" planning process to set basic policies for the form and character of the area for the next 50 years. A 50-year planning horizon allows planners to overcome limitations of a 20-year horizon, anticipating major long-term shifts in settlement patterns, effects of new road and transit networks on location, and density of development and rural development outside the Urban Growth Boundary.

An affordable housing policy requires half of all residential zoning to allow multifamily use and establishes minimum density targets of six to 10 units per acre for each jurisdiction. A large-scale public involvement process surveyed and interviewed citizens about what issues are important to them.

### Applicability to Albuquerque

Developers criticized the formation of the boundary because it was too tight, especially for industrial development or because they were being forced to develop in less desirable areas. Scarce vacant land created a situation of higher density development with lot sizes at half of what they were previously. Because growth management has been required, there has been a considerable amount of coordination and planning for the last 25 years, and citizens are very conscious, knowledgeable, and involved in planning issues.

One motivation for growth management was to preserve agricultural and forest land surrounding the urban areas. Albuquerque has some of these land uses in surrounding areas but may not have the same pressure for preservation.

The process used by Metro in its current growth planning project sounds similar to the Planned Growth Strategy. Metro developed and evaluated three growth alternatives

Based on the technical findings of the alternatives evaluated and almost 17,000 responses from a citizen's survey, the Metro staff constructed a recommended plan for consideration and adoption by the Metro council. The plan's central objective is to house 1.8 million residents, including 720,000 new residents, within the present growth boundary through development and redevelopment of compact centers and corridors served by high-capacity rail and bus systems. The plan includes:

- Limit the expansion of the Urban Growth Boundary to 14,500 acres of urban reserve, phased in over 50 years.
- Increase density of single-family homes by reducing the average lot size from 13,000 to 6,700 square feet and accommodating 20% of this market into townhouses, duplexes, or small-lot developments.
- Focus ⅓ of residential development in transit corridors and station areas.
- Redevelop 19,000 acres of developed land for more intensive uses and designate ⅓ of the region's buildable land for mixed-use development.
- Accommodate ⅔ of new jobs in centers or along corridors and main streets served by transit.
- Focus compact development, redevelopment, and transit and highway improvements in seven regional centers in addition to central Portland, all of which would be connected by light rail lines.
- Recognize that significant growth of both housing and jobs will occur in neighboring cities.

Metro's implementation style involves educating the citizenry and building consensus rather than imposing regulatory control. It works through local agencies to accomplish most of its aims.

## Portland, Oregon Transit

Instead of building a new freeway, a light rail transit line was developed. The first line built by Tri-Met was from Portland east to Gresham, the second line went west to Hillsboro, and a third north/south line is planned. Bus and rail account for 3% of all trips.

## Planned Growth Documents on File

2040 Metro Plan from Website

Profiles in Growth Management, Doug Porter, Urban Land Institute

## Website and Contact Person

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Capital Improvements Program and Budget info available at 503-797-1616

Growth Management Plan available at http://www.metro-region.org/growth/tfplan/funcsum.html

Maps available at http://mazama.metro-region.org/mapoptix_metromap/metromap-start.cfm

## 10.4.16 Salem, Oregon

### Growth Strategy Techniques Implemented

- Urban Growth Boundary (1972)
- Council Designates Urban Service Areas (facilities) (1979)
- Intergovernmental agreements
- Growth management and land-use decisions must be incorporated into Comprehensive Plans and consistent with neighboring jurisdictions
- Zoning code implements the plan
- Target areas included in the Capital Improvements Program

Urban growth boundary predicts land needed for 20-year supply of residential, commercial, and industrial development. All neighboring jurisdictions are part of the boundary plan and law requires complete consensus to change boundaries. Within the Urban Growth Boundary, the council designates an urban service area (urban facilities area) and can redraw the boundaries guided by municipal code Chapter 66 "Urban Growth Management." The line can be redrawn only if facilities are in place or fully committed (e.g., budgeted in the Capital Improvements Program). If a developer goes outside the urban service boundary (but within the urban growth boundary) the developer pays all facilities and services. If new developments fill in, Impact Fees may pay back the first developer. No incentives are provided through the impact fee system. Target areas are included in the Capital Improvements Program.

### Lessons Learned

Oregon state law prohibits extending beyond urban growth boundaries. State law creates a level playing field in which all jurisdictions have to develop growth management plans and agree on boundaries. The necessity for consensus with neighbors makes it difficult to change boundaries. Mediation is sometimes needed to get areas to expand. Ballot initiative is being circulated to require voter approval each time an area would be annexed. The zoning code chapter covering growth management requires compliance with the Comprehensive Plan, and cites need to collect an increased share of the costs of growth through "system development charges" collected from that growth because of public reluctance to accept continual increases in the cost of local government. The urban service area is adjusted periodically to insure that a 10-year supply of land is available to prevent artificial increases in prices.

### Applicability to Albuquerque

The council and commission could designate urban service areas funded through the Capital Improvements Program and Impact Fees. Salem found that a 10 year supply of land is adequate to keep prices down and keep infrastructure development manageable.

### Planned Growth Documents on File

Chapter 66, Urban Growth Management of the City of Salem Municipal Code.

### Website and Contact Person

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## 10.4.17 San Diego, California

### Growth Strategy Techniques Implemented

- Urban Service Areas/Tiered Growth (1979)
- Adequate Public Facilities/Concurrency (1970s)
- Transit-Led Infrastructure Planning (1986)
- Facilities Benefit Assessment/Variegated Impact Fees (1982)
- Some areas use the "Mello-Roos" approach for funding facilities[4]

### Lessons Learned

San Diego (1995 population 1.2 million, 320 square miles) is California's southernmost large city and is one of the fastest growing metropolitan areas in California and the nation. From 1975–1990, the region gained an average of 55,000 new residents per year. During the 1980s the region attracted 175,000 new jobs (85% in high tech industries).

In the 1970s, they adopted a policy to require adequate public facilities concurrently with proposed developments. In 1979, the city adopted the "Tiered Growth" program aimed to promote infill and redevelopment while ensuring funding for adequate facilities at the urbanizing fringe. The plan established four tiers of development going out in concentric circles from the core: (1) Urbanized; (2) Planned Urbanizing; (3) Future Urbanizing (Urban Reserve); and (4) Parks and Open Space. Fees are set at different levels to reflect actual cost and help target development. Infill and redevelopment are not charged any Impact Fees while fringe development is charged substantial fees. Originally, the plan was intended to redirect suburban growth to the central city and to use property tax revenues for improving facilities in inner neighborhoods. However, this policy was derailed before it could take effect because of Proposition 13 (1978) which rolled back property assessments to their 1975 market value and limited property taxes to 1% of property value. A year later, the Gann initiative tied the growth of state and local spending to inflation and population growth rates. The second event that undermined San Diego's central-city development policy was the uncertain legal status of Impact Fees as a funding device. To respond to this issue, the city formulated the Facilities Benefit Assessment program in 1982 to allocate facility costs to development. Capital improvements for transportation, parks, fire protection, libraries, and other facilities were mapped out and costs were estimated. The cost estimates were allocated to anticipated development and paid upon permit request. The revenues remained on deposit in a special fund until expended for planned facilities. However, development groups brought a legal challenge to the fees. The collected fees were in limbo for several years during litigation, holding up improvements. The reliance on revenues from Impact Fees to pay for facilities meant that the city had limited funds to invest in facilities in inner-city neighborhoods because Impact Fees in the inner city were negligible and there is no Capital Improvements Program. The court established the city's right to levy fees in 1987. Funding facilities in the inner city remains problematic.

Since the early 1980s, the Facilities Benefit Assessment ordinance created a method to distribute the actual cost of facilities to developers based on the location, type, and size of the proposed construction. The financing plan goes 30 years into the future and is adjusted annually. These fees are paid by the developer, and the price varies greatly if it is in an urbanized area with existing infrastructure or in a new area with no existing infrastructure. The Facilities Benefit Assessment is attached to each property as a lien. The Facilities Benefit Assessment is paid when a building permit is pulled. Developers pay for all infrastructure costs associated with a development, even freeway interchanges or collector roads if applicable. Because the true cost of facilities construction is built into the Facilities Benefit Assessment, location of development becomes dependent upon whether the market can support the cost rather than requiring or denying location of development. (Average fee is $15,000

–$20,000, ranging from $5,000 in the inner city to $29,000 where no facilities exist). An alternative method in the suburban areas is based on state legislation (Mello-Roos) that allows bonding of facilities; the home buyer pays a fee on their tax assessment for 20-30 years. One problem with the Facilities Benefit Assessment system is that some facilities, such as parks, can not be built until enough development has occurred to build up the bank of those fees.

A project can not be built or expanded unless it is in a community plan. If a developer still wants to build, a plan amendment is needed to get a facilities financing plan.

In 1985, a voter initiative required voter approval for reclassifying future urbanizing land to allow development. The city council also did not want to reclassify this land. In 1987, the council enacted an 18-month Interim Development Ordinance that limited building permits throughout the city to 8,000 per year (about half the demand of the previous year). Almost all the communities surrounding San Diego also adopted growth limits.

San Diego has instituted a public transit system with light rail and bus connections. The San Diego Metropolitan Transit Development Board was created by the state in 1975 and opened the first light rail line in 1981. The original 16 miles have been extended to more than double that. In 1986, the city council enacted a policy to support public transit by having transit as an integral component of all major planning programs. And in 1992, San Diego became the first jurisdiction in the nation to adopt transit-oriented development and design guidelines. The planner interviewed ssaid that they have not had great success implementing transit-led infrastructure planning citywide but do encourage denser development at transit nodes and have a few examples to show, such as the trolley stations located at the region's largest office project, a new shopping mall, and a multi-modal center downtown. As a result, they have increased transit commuting by 40% in the 1980s, and air quality has improved and congestion is not as bad as it could be.

In his book, *Profiles in Growth Management*, Doug Porter points out flaws in the San Diego system. The system resulted in a significant increase in central city development. However, much of the infill was poorly designed and incompatible with existing residential neighborhoods. They had a policy on paper to require compatibility but did not enforce it. "Unattractive apartment buildings sprang up in low density sites and structures rose on prime waterfront sites blocking views. The failure of the facilities funding program to deliver needed facilities in changing neighborhoods has never been resolved." The administration seemed to focus on short-term planning crises and not on long-range planning. They have waited a long time to replace their "antiquated" zoning system. Developers have had difficulty dealing with an "increasingly militant citizenry and developing in a high-cost environment that is subject to many kinds of fees and exactions and progressively restrictive regulations. More than in most areas, however, developers who win project approval in San Diego stand to gain from their semi-monopolistic status."

In Doug Porter's view, "The tier system is almost certainly responsible for San Diego's escalating housing costs (due to scarcity of developable land) and for stimulating development outside the city boundaries in a host of suburban communities, thus dispersing the future city across more territories. These are effects of the growth management system." Porter asserts that the tier system was both too broad because it lacked detailed neighborhood planning and not broad enough because it should have involved a county-level growth policy. On the forgiving side, San Diego had an unusually high rate of growth and development to cope with, and the tier system and pay-as-you-go infrastructure financing has produced high quality facilities. Also, a large influx of immigrant population put stress on the inner-city housing and school system, leading to overcrowding.

## Applicability to Albuquerque

According to an Urban Land Institute analysis, San Diego provides the lesson that stop-and-go planning in a growth environment is not sufficient. "The establishment of growth sectors is not a stand-alone policy, a growth sectors policy must recognize the likely implications for regional development and anticipate needs for neighborhood level planning and programming." Similarly, it demonstrates that Impact Fees can not be the sole source of funds for facilities. San Diego's center city is harmed by the lack of a Capital Improvements Program and the restrictions set forth from public referendums such as Proposition 13.

Development in San Diego jumped over the boundaries into the county. They would have benefited from a countywide planning program. The tier system is not enough as a stand-alone policy but needs to be supported by both neighborhood level planning and broader regional planning and programming. It is a long-term effort and would need to be dynamic to stay relevant to the changing needs of the area.

## Planned Growth Documents on File

Profiles in Growth Management, by Doug Porter, The Urban Institute, 1996.

## Website and Contact Person

www.sannet.gov

Charlene Gabriel, Facilities Finance Manager
619-533-5964 cmg@sdcity.sannet.gov
Paul Fiske Planning and Development Review

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Chief Planner of metro transit development board: Bill Lieberman

San Diego Regional Association of Government: George Frank

Transit Planning: Nancy Bragado
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New Growth Strategy being developed:
Colleen Frost caf@sdcity.sannet.gov

## 10.4.18 Tempe, Arizona

### Growth Strategy Techniques Implemented

- Infill and Redevelopment

### Lessons Learned

Tempe is a fixed boundary community that is surrounded by three million people in the Phoenix metro area. All facilities and services are in place, and there is no place to expand boundaries. Two years ago, they developed a Comprehensive Plan specifically for the planning process for infill and redevelopment. They divided the city into nine planning areas and are going systematically area by area, taking inventory to determine what is good and bad in the community and working with neighborhoods to put together specific area plans. Implementation plans follow. They started with the older sections and looked for the full range of mixed-use zoning to lead to dense/intense development. Neighborhoods are seeking more pedestrian friendly designs and access to small "mom and pop" shops. They are looking at developing new ground level shops and upper level residential or commercial.

The downtown is attracting residential and commercial activity through creative use of land and structures. At the Shared Vision Town Hall, David Fackler, the Tempe planner showed an example of rebuilding structures downtown where parking is at street level and a "mini-neighborhood" of multifamily dwellings are built on top with a plaza area. They are installing wireless service downtown so that commerce can be flexible and mobile ("A business person can operate out of the local coffee shop through their laptop and wireless connection").

The city also stimulates redevelopment by acquiring property and creating a seed development. They acquire blighted property and make improvements and put out an RFP on the development site. Backed by the power of redevelopment funds and eminent domain, the have acquired, relocated, demolished, and cleaned up environmental problems and then sold properties. Budget surpluses are earmarked to a redevelopment fund for these purposes.

Impact Fees are reduced in target areas. They use a creative tax financing technique to provide a property tax discount to development of new buildings. Through government leaseback of new or renovated buildings, they lower the effective tax approximately 20%. In redevelopment areas, the state can abate the "giblet" tax for up to eight years. These tools are used for attracting large-scale developments and major corporate offices to downtown. They are not used for every development because the city does not want to end up with a white elephant. Another incentive to attract development included government funded parking structures for employees of a major employer during the day and for entertainment seekers at night. For instance, America West Airlines brought in 2,400 employees downtown and requested the city to pay for 1,300 parking spaces. The city always expects a 10-year payback on tax incentives or other development boosts. They do not go into a development unless it is a good investment.

## Applicability to Albuquerque

The land values in Tempe are high because they in the middle of the booming Phoenix metro area. The airport is located in Tempe, and a lot of traffic passes through. Downtown can support high end housing and commercial because of the location.

Albuquerque could benefit from having wireless technology or cable modem or other fast-Internet connections in commercial districts, if not citywide. This will help Albuquerque tap into the high technology boom and attract and retain dynamic and expanding businesses.

Since Mr. Fackler stayed in downtown Albuquerque in October 1999, he offered suggestions to make the area feel more welcoming. Though the Doubletree Hotel is located just several blocks from the historic district, he felt like it was disconnected and isolated. He thought that Civic plaza could have some kiosk restaurants and café's built into the corners to make it more inviting and lively. It could become a more usable public space if there were reasons for people in the surrounding buildings to come and eat lunch there, etc. He said that shutting off the trolley at 5:30 gave visitors a message that there is nothing to do or go to. He also thought buildings are turning their back on the street and suggested creating more of a "street edge" with window shopping or other ways to make walking down the street more comfortable and safe. He thought making downtown a "destination point" after 5:30 p.m. would help.

The concept of using a budget surplus for redevelopment is intriguing. It also is intriguing for the city to approach redevelopment as a "seed" effort by purchasing blighted properties, improving them, and packaging them for redevelopment and sale. Like Austin, Tempe does not enter into a redevelopment project or provide tax incentives unless it is a good investment. Tempe always expects a 10-year payback on tax incentives or other development boosts.

## Planned Growth Documents on File

Shared Vision Town Hall documents

## Website and Contact Person

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## 10.4.19 Thurston County, Washington

### Growth Strategy Techniques Implemented

- Urban Growth Boundaries (1983, 1990)
- Transfer of Development Rights

### Lessons Learned

Thurston County is located in the southern part of western Washington at Puget Sound. It contains 735 square miles, of which nearly 93% is unincorporated and includes Olympia, Tumwater, Lacy, and smaller cities.

In 1983, the three largest cities in the county established boundaries for the extension of utilities, as a response to residents' concerns about sprawl during the 1970s. The State of Washington passed the Growth Management Act in 1990 requiring counties to create plans among cities and Comprehensive Plans to implement the plan. The state act also requires capital facility plans designed to implement the land-use plan and annual budget. The plan should demonstrate how services will be provided for the anticipated population for the next six years and is tied to levels of service. By encouraging development within the boundaries, the rural area can be reserved for timber, agriculture, and gravel mining. Joint plans between the cities established final growth boundaries in 1995. Requirements for density were the tool used for establishing urban and rural areas. The urban area has a minimum of four dwelling units per acre, and the rural areas have a maximum of one dwelling unit per five acres. Though the state law requires zoning and density regulations to be consistent with the Comprehensive Plan, the stated requirement of 1 du/5 acres has still allowed farms to be converted to subdivisions. Since these areas are outside the boundary, they use wells and septic tanks. Water and sewer lines are extended by developers, and they pay 100% for that infrastructure. The city Capital Improvements Program in Olympia does not pay for extending water and sewer facilities. Hook-up fees increased from $800 to $3,000 to shift the cost of building new treatment capacity. As a vacant area develops, the "first one in" gets reimbursed through "latecomer" agreements.

Similar to King County, Thurston County established benchmarks to track progress toward achieving the goals of the 1990 Washington State Growth Management Act. Through Comprehensive Plans and county-wide planning policies, they established benchmarks and monitor indicators over time. The Benchmarks Indicators program measures the results of efforts in comprehensive planning and will be updated annually. The first report (baseline) was published in 1996. Data in the report are grouped into five categories: Growth, Transportation, Economy, Environment, and Housing. Each category includes descriptions of the state act goals and county-wide planning policies that will affect future activity within the given category. There has been extensive collaboration between the county and three main cities because they share a sewer utility. A regional transportation council plans for the whole jurisdiction. They have a Transfer of Development Rights program to preserve agricultural areas. The development rights can be traded for higher density.

The state can impose penalties for not following the plan, including withholding of road funding or sales tax revenues. Developers must meet certain requirements to get a building permit. No permits are provided in forestry zones if greater than one unit per 80 acres.

The planner interviewed thought that housing prices had more to do with the regional economy than with the growth management plan. She also thought that people locate according to affordability and lot size. Thurston county is a draw for people from Tacoma looking for lower cost housing, and people who want large lots leave the urban growth areas. She thought that regional factors also influence the access to affordable housing.

Design standards have aimed at making higher density housing more attractive. The emphasis on higher level of service standards has improved the quality of the built environment through emphasis on parks and open space and improvement of street standards.

Temporary moratoriums on building permits are used periodically during times of groundwater flooding in the wet season.

### Applicability to Albuquerque

Thurston County contains the state capital and a large, rural land area. Yet it is growing quickly as a lower cost alternative for neighboring counties (e.g., Tacoma). Regional planning is required by state law, but the county and region have seen a number of benefits Albuquerque could share. For instance, planning how projected population will be served for the next six years helps the area plan construction of infrastructure and facilities. Plans spell out areas for development and expectations of public and private investment in facilities. Albuquerque could link building permits for projects to the objectives outlined in the plan.

### Planned Growth Documents on File

Information from the Website

### Website and Contact Person

www.trpc.org Jackie Kettman, Senior Planner 360-786-5467 kettmaj@co.thurston.wa.us

http://www.wa.gov/ - Access Washington and Find-It! Washington http://find-it.state.wa.us/compass

## Table 61 Community Problems as a Result of the Growth Management Program

Responses by interviewees about the community problems that occurrd as a result of their growth management program.

| | Austin | Boulder | Carlsbd, CA | Flagstaff | Fort Collins | King Co. | Lexingtn/ FayettCo | Lincoln | Madison WI | Met Council | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland | Salem | San Diego | Tempe | Thurston Co. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| a. Housing cost increased. | 2/OF | 3/OF | 2 | 2/OF | 2/OF | 2 | 2 | 2 | 1 | 1 | OF | 1 | | OF | 3/OF | 2/OF | 3, OF | 3 | OF |
| b. Housing jumped over the growth | 2 | 1 | 1/OF | 1 | 2 | 1 | 2 | 1 | 1 | 2/OF | OF | 2 | | 1 | 1 | 1* | 2, OF | 1 | 2 |
| c. Employment growth fell. | 1 | 1 | 1 | 1 | 1 * | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 |
| d. Jobs were created over the growth boundary. | 2 | 2/OF | 1/OF | 2/OF | 1 | 1 | 3/OF | 1 | 1 | 1 | 2/OF | 2 cost | | 1 | 1 | 1 | 1 | 1 | 1 |
| e. Access to affordable housing was compromised. | OF | 2 | 2/OF | OF | OF | OF | 2/OF | 1 | 1 | 1 | OF | 1 mandated | | 1 | 2 | 1 | 2 | 3 | 1 |
| f. Traffic increased. | OF | 2 | 1 | 1/OF | 2/OF | 3 | OF | 1 | OF | 1 | 3/OF | 2/OF | | 1 | 1 | 1 | OF | 1 | 1 |
| g. Other | | | | | | | | | | | | | | | | | | | |

Score Legend: 1 = No, Did not happen; 2 = Somewhat;
3 = Significantly; OF = Attributed to other factors besides the growth management program
Salem: By law, housing can't jump over boundary - county ordinance prohibits subdiv. on lots < 5 acres for well & septic.

## Table 62 Community Benefits as a Result of the Growth Management Program

Responses by interviewees about the community benefits that occurrd as a result of their growth management program.

| | Austin | Boulder | Crlsbd CA | Flagstaff | Fort Collins | King Co. | Lexingtn/ FayettCo | Lincoln | Madison WI | Met Councl | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland | Salem | San Diego | Tempe | Thurston Co. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| a. Infrastructure kept better pace with growth. | 2 | 3 | 3 | 3 | too early | 2 | 3 | 3 | 3 | 3 | 3 | 3 | | 3 | 2/OF | 3 | 3 | 3 | 1 |
| b. Housing starts increased. | 2 | 1 | 3 | 1 | 2/OF * | 3 | no effect | 3/OF | 3 | 2 | 2/OF | 1 | | 1 | 2/OF | 3 | 1 | 3 | 1 |
| c. Housing quality increased. | no effect | 3 | OF | 1 | 2 | 2 | 2 | 3 | OF | 2 | 2 | 1 | | 3 | 2 | | 2 | 3 | 3 |
| d. The number of jobs increased. | 2 | 2 | 3 | 1 | OF | 3 | OF | 2/OF | 3 | 3/OF | 2/OF | 1 | | OF | NA | | 3 | 3 | 2 |
| e. Better quality jobs were created. | 2 | 2 | 3 | 1 | 1 | OF | 1 | 3 | 2 | 3 | 2/OF | 3 | | 3 | NA | | 3/OF | 3 | N/A |
| f. The quality of the built environment increased. | 2 | 3 | 3 | 2 | 3 | 3 | 2 | 1 | 3 | 2 | 2/OF | NA | | 3 | 3 | | 3 | 3 | 3 |
| g. Public transportation use increased. | no effect | 3 | 1 | 1 | 1 | 3 | 2 | 2 | 1 | 2 | 1/OF | 3 | | OF | 3 | | 2/OF | 3 | 2 |
| h. Alternative transportation modes increased. | 1 | 2 | 1 | 1 | 1,2 | 3 | N/A | 1 | 2 | 2 | 1/OF | 1 | | OF | 2 | | 3 | 2 | 2 |
| i. Traffic decreased. | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 3 | 1/OF | 1 | | 3 | 1 | | 1/OF | 2 | 1 |
| j. Jobs moved closer to housing. | 2 | 2 | 3/OF | 1/OF | 2 | 3 | 3 | | 2 | 2 | 2 | 2 | | 3 | 3 | | 1 | 2 | N/A |
| k. Other | | | | | | | | | | | | | | | | | | | |

Score Legend: 1 = No, Did not happen; 2 = Somewhat;
3 = Significantly; OF = Attributed to other factors besides the growth management program
Notes:
* San Diego: COG economist estimated that impact fees equal out with what long term property taxes would have been.
* Fort Collins: Employment growth has been 3%/yr and population at 4%/yr. Expect future growth to = 2%.
* Fort Collins: During transition phase to new program, there was a rush to get in before rules changed. Took 3 years to feel new program's effects.
Lexington: Adjoining county also has urban growth boundary, so jumping the boundary for housing or jobs less likely.
70% of county is outside the ugb. No employment or housing growth in that 70%.
Though jobs created over the boundary, Lexington is still the major metro area for population.

## Table 63 Comparative Statistics for Interviewed Cities

| | Albuquerque | Austin | Boulder | Carlsbad, CA | Flagstaff | Fort Collins | King Co. | Lexington/ Fayette Co. | Lincoln | Madison, WI |
|---|---|---|---|---|---|---|---|---|---|---|
| Land Area | | | | | | | | | | |
| City sq mi | 182 | 256 | 25 city<br>81 valley | 41 | 65 | 60 | 84 | 78 | 70 | 68 |
| County sq mi | | | 748 | | 858 | | | 285 | 85 | |
| Population | | | | | | | | | | |
| City | 385,000 | 613,458 | 95,700 | 73,688 | 60,000 | 110,000 | 539,700 | 232,560 | 215,000 | 200,000 |
| County | 526,700 | 709,232 | 129,640 | | 117,500 | +60,000 | 1,700,000 | 245,000 | +20,000 | +200,000 |
| Median Income | $27,455 | | $44,500 | | | $50,900 | $62,200 | | | |
| Rate of Growth | 1.1% | 3.6%<br>(1997) | 0.9% | 3.0% | | | | | 1.6% | 1.5% |
| Median Price SF Hom | $161,400 | $144,150 | $305,600 | $430,000 | | | $175,300 | $110,000 | | |
| Impact Fees | | | | $13,471 | | $15,000 | | $13,700 | | |

## Table 63 Comparative Statistics for Interviewed Cities

| | Metropolitan Council | Minneapolis | Montgomery Co. | Orlando | Petaluma | Portland | Portland Metro | Salem | San Diego | Tempe | Thurston Co. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Area | | | | | | | | | | | |
| City sq mi | | 59 | | 98 | | | | 47 | 340 | 40 | |
| County sq mi | 3,000 | | 500 | | | | 369 tri-co<br>metro ugb | | 4,000 | | 83 |
| Population | | | | | | | | | | | |
| City | | 358,785 | | 184,000 | 60,000 | 512,395 | | 126,600 | 1,200,000 | 160,000 | |
| County | 2,515,000 | 1,070,709 | 860,000 | 804,000 | | | 1,300,000 | 201,880 ugb | 2,800,000 | | 202,500 |
| Median Income | $68,600 | <$68,600 | | $36,000 | | | | | $28,400 | | $40,925 |
| Rate of Growth | 19.5% | | | | | | | | 2.0% | | 1.5% |
| Median Price SF Hom | $143,500 | $97,750 | | $101,000 | | $188,600 | | | $271,000 | | $141,160 |
| Impact Fees | | | | | $20,000 | $2,200 | $2,200-<br>$9,000 | | $5,000-<br>$29,000 | | |

## Table 64 Growth Management Techniques and Approaches Used in Interviewed Locations

| | Albuq. | Austin | Boulder | Carlsbd, CA | Flagstaff | Fort Collins | King Co. | Lexingtn | Lincoln | Madison WI | Met Council | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland | Salem | San Diego | Tempe | Thurston Co. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Urban Service Areas | | X | X | X | X | X | | | X | X | X | | X | X | X | | X | X | | |
| Urban Growth Boundaries | | | X | | X | X | X | X | X | | | | | | X | X | X | | | X |
| Transit-led Infrastructure Planning | | X | | | | | X | | | | X | X | X | X | | X | | X | | |
| Purchase Open Space to Preserve Land | | X | X | | | | | | | | | | X | | | | | | | |
| Concurrency/Adeq. Pub. Facil. Reqmt. | | | X | X | | X | | | X | | | | X | | | | | X | | |
| Focused Pub. Inv. Plans/Proj. Specific CIP | | | | X | | X | | | | | | | X | | | | X | | | |
| Infill & Redevelopment | | X | | | | | X | X | X | | X | X | X | | | X | | X | X | |
| Build'g Permit/Utility Hook-up Quotas | | | X | X | | | X temp. | | | X briefly | | | | | X | | | | | |
| Growth Plan in Municipal Code | | | X | X | | X | X | | X City Charter | | | | | | | X state law | X | X | | |
| Growth Plan in Land Use Plan & Comp Plan | | X | X | X | X | X | X | | X | X | X | X | X | | X | X | X | X | X | X |
| Impact Fees Incentives to Target Areas | | X | | | | | | X | | | | | X | X | X | X | | X | X | |
| Deny Building Permit if not Plan Growth Area | | | X | X | X | X | X | X | X | | | | X | | | X | | X | | |
| CIP used mostly for O&M | | | | X | X | | | X | X | | | | | | X | | | X | | X |
| Developer pay 100% facilities for develpmt. | | | | X | X | X | X | X | | | | | | | | | X outside UGB | X | | X |
| Facil. must be in place or funded prior to bldg. | | | X | X | | | | | | X | | | X | | | | | X | | |
| Intergov'l agreemts. re: location of develpmt. | | | X | X | X | X | X | | | | X | X | X | X | X | X | X | | | X |
| Partner w/priv. sector for redevlpmt./infill | | X | | | | | | | | | X | X | X | | X | | | X | X | |
| Regional tax revenue sharing | | | | | | | | | | | X | X | | | | | | | | |
| Keep pace with O&M of infrastructure? | | | | | | | | | | | X | | | | | | | | | |
| Community involved in program developmt. | | X | X | X | | X | X | X | X | | X | | | | | X | | X | X | X |
| Transfer of Developmt. Rights | | | X | | | X | | X | | | | | X | | | | | | | X |
| Regional Plan | | | X | X | X | X | X | | | | X | X | X | X | | X | | | | X |
| Affordable Housing Incentives | | | X | | | | X | | | | X | X | X | | X | X | | | X | |
| Design Guidelines | | | X | X | X | X | | X | | | X | X | X | X | X | | | | | |

# Notes
# Section 3

1. See Section 10.4.6 for the list of benchmarks.

2. Original technique categories included: (1) Urban Service Areas/Tiered Growth; (2) Urban Growth Boundaries; (3) Transit-Led Infrastructure Planning; (4) Zoning Incentives; (5) Adequate Public Facilities Requirements/ Concurrency; (6) Focused Public Investment Plans or Project Specific Capital Improvements Program; (7) Infill and Redevelopment; and (8) Building Permit or Utility Hook-up Quotas.

3. Proposition 13 voter referendum set the maximum property tax rate at 1% of the value of the property. The value of property was set at its 1975–1976 level, but allowed to increase by the rate of inflation, up to 2% each year. Property could be revalued only upon a change of ownership. No new property taxes can be imposed. Any special taxes need to be approved by two-thirds of the voters. The state was put in charge of allocating the proceeds of the locally levied property tax. Source: Proposition 13: Some Unintended Consequences, Jeffrey I. Chapman, Public Policy Institute of California, University of Southern California. September 1998.

4. A method of financing infrastructure for new developments is a new type of debt instrument called the Mello-Roos bond (named after the two legislators who carried the legislation in 1982). It is used to finance any infrastructure or selected services in a geographically defined piece of land called a “community facilities district.” This undeveloped area, can be irregularly shaped and may be drawn with "holes" to exclude particular sections (e.g., developed land). Two-thirds of the voters of the area, or landowners representing two-thirds of the land in the area (who have votes distributed based on the amount of land they own), can vote to issue debt for capital improvements in the community facilities district. A lien is then placed against the property. As the property is subdivided, each homeowner is responsible for the payment of a share of the debt (which shows up on the homeowner’s property tax bill). The local jurisdiction is not the agency that issues the debt and is therefore not legally responsible for the security of the debt.

   Operationally, Mello-Roos debt has replaced some of the property tax that the homeowner might have faced prior to Proposition 13 but may be higher because Mello-Roos debt is more expensive than General Obligation debt because of its higher risk. Source: Proposition 13: Some Unintended Consequences, Jeffrey I. Chapman, Public Policy Institute of California, University of Southern California, September 1998.

# Appendix A
# Interview Form

Date Interviewed:
Technique:

City (or County): State:
Contact Person: Title:

Phone Number:
E-mail address:
Address:
Other Contacts to follow up:

**I. Background Info:**

1. **Can you please describe what technique you have used to plan and manage growth?**
   - A. What were the main objectives of the plan?
   - B. I have a few more questions, but while I'm thinking of it, please send materials to me, Myra Segal Friedmann at City of Albuquerque, City Council Office, 9th Floor PO Box 1293, Albuquerque, NM 87103. Fax: 505-768-3227.
2. **When was the growth plan implemented?**
3. **Have there been any significant changes to the plan?**
4. **Have there been departures from the plan?**
   - A. How effective was the plan in managing development?)
5. **What is the area covered by the plan? (Include phase-in)**
   - A. Approx. land area:
   - B. Approx. population of the affected area:
6. **Where did the impetus for plan come from? (e.g., state, regional, local, community):**
7. **What was the extent of collaboration between levels of government?**

**II. Infrastructure Planning and Financing:**

1. **Was the plan linked to a facility extension plan or Capital Improvements Program? How?**
2. **Were incentives provided to encourage development in the planned areas? For instance:**

A. Included in Capital Improvements Program?

B. Reduced Impact Fees?

C. Simplified building permit approval process?

D. Others?

**3. Are there disincentives or penalties for not following the plan? What are they?**

**4. Was population and employment growth targeted to different parts of the urban area in different time periods, such as for five-year periods?**

**5. Did the Capital Improvements Program under the growth plan include specific projects which would serve the expected population and employment in these areas?**

**6. Were property owners involved with decisions to build the specific projects in the priority growth areas, or did development just tend to follow the development of infrastructure? How were they involved?**

**7. Have infrastructure and services kept pace with construction in newer areas and maintenance in older areas since implementation of the growth management program?**

For Concurrency only:

A. How does your infrastructure concurrency program work?

B. Do the infrastructure and services have to be in the Capital Improvements Program or other plan prior to construction?

C. Can the developer build the infrastructure in partnership with the city?

D. Can the developer finance the infrastructure through (e.g., Impact Fees)?

**III. Housing, Transportation, Infrastructure, and Employment Impact Starts:**

**1. Have any community problems occurred as a result of the growth management program? How so?**

For each of the following issues, would you give it a score of (1) No, did not happen; (2) Somewhat/little, or (3) Significantly. Other Factors (y/n)

A. Housing cost increased

B. Housing jumped over the growth boundary

C. Employment growth fell

D. Jobs were created over the growth boundary

E. Access to affordable housing was compromised.

F. Traffic increased

G. Other

For each problem identified, could these changes have been a result of factors other than the growth plan (e.g., cyclical changes in the economy or employment layoffs or new job growth)?

**2. Have any community benefits occurred as a result of the growth management program?**

How so? For each of the following issues, would you give it a score of (1) No, did not happen; (2) Somewhat/little, or (3) Significantly. Other Factors (y/n)

A. Infrastructure kept better pace with growth.

B. Housing starts increased

C. Housing quality increased

D. The number of jobs increased

E. Better quality jobs were created

F. The quality of the built environment increased.

G. Public transportation use increased.

H. Other alternative transportation modes increased.

I. Traffic decreased

J. Jobs moved closer to housing.

K. Other

For each benefit identified, could these changes been a result of factors other than the growth plan? (e.g., cyclical changes in the economy or employment layoffs or new job growth?

**3.**

A. Has accessibility to affordable housing changed after the implementation of the growth management program?

B. Are there special programs to increase affordable housing as part of the growth management plan?

## IV. Financing:

**1. What percentage does the public and private sector pay for services and facilities?**

**2. Is there tax base sharing? How does that work? Do urban, suburban, ex-urban, and rural jurisdictions share tax revenues?**

A. Has tax revenue sharing been a boon or drain on the major municipality?

**3. How is operation and maintenance of infrastructure financed?**

**4. Is there a change in the quality of public services or facilities as a result of the growth strategy?**

## V. Additional Outcome Information if Available

1. **Has there been a noticeable impact on the city or county budget?**
2. **Has there been an increased shortfall for capital improvements or has any shortfall declined as a result of the growth strategy?**
3. **Has there been an increase or decrease in taxes or utility rates since implementation due to the implementation of the growth plan?**

## VI. Location of commercial and industrial development relative to residential:

1. **Have jobs located near new housing developments as a result of the strategic growth plan?**
2. **Do you have information on the Jobs:Housing ratio?**
3. **Have major employers moved in or out of the area?**
   A. What impacts has this had?

Contact person or report for more information:

## VII. Public Relations:

1. **How did you build a broad base of public support and buy-in? (e.g., development community, neighborhoods, advocacy organizations). Did you "market" the program?**

## VIII. Other Impacts:

1. **What unanticipated outcomes have there been from this growth management program?**

Positive:

Negative:

## IX. Questions Applicable to Certain Techniques:

1. **For Growth Boundaries and Urban Service Areas: Do growth boundaries or urban service Areas get revisited and redrawn?**
2. **For Transfer of Development Rights:**
   A. How long does the Transfer of Development Rights process take?
   B. Approximately how many transfers are done annually? (Large or small?)

**3. For Infill and Redevelopment: Who were partners in downtown revitalization work? What were results?**

**4. For Urban Growth Boundaries only:**

A. Is growth "discouraged" inside the growth boundaries during certain time periods?

B. Is growth "prohibited" inside or outside the growth boundaries during certain time periods?

**5. For Infill and Redevelopment only:**

A. Did the infill and redevelopment plan successfully impact the target areas?

B. Did the infill and redevelopment plan also effect growth in the metro area?

**6. For Building Permit and Water/Sewer Quotas: Do permit and utility hook-up quotas change over time?**

# Appendix B
# List of Interviewed Locations

**Interviews organized by the category of original assignment:**

**Urban Service Areas/Designated Development Policy Areas/ Tiered Growth**

San Diego, CA

Metropolitan Council, MN

Orlando, FL

Flagstaff, AZ

Austin, TX

**Urban Growth Boundaries**

Portland, OR

Boulder, CO

Lincoln, NE

King County, WA

Thurston County, WA

Lexington, KY (2/18/00)

**Transit-led Infrastructure Planning**

Portland, OR

King County, WA

San Diego, CA

**Zoning Incentives**

Fort Collins, CO

Petaluma, CA

Montgomery County, MD

**Adequate Public Facilities Requirements/Concurrency**

Fort Collins, CO

Montgomery County, MD

Carlsbad, CA

**Focused Public Investment Plans or Project Specific Capital Improvements Program**

Salem, OR

**Infill and Redevelopment**

Tempe, AZ

Minneapolis, MN

**Building Permit or Utility Hook-up Quotas**

Carlsbad, CA

Madison, WI