

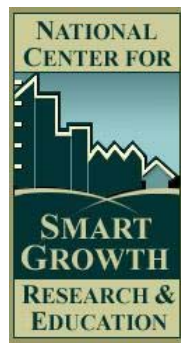
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# From Growth Controls, to Comprehensive Planning, to Smart Growth

*The Evolution of State Efforts to  
Manage Growth*

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**From Growth Controls, to Comprehensive Planning,  
to Smart Growth: The Evolution of State Efforts to  
Manage Growth**

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## **From Growth Controls, to Comprehensive Planning, to Smart Growth: The Evolution of State Efforts to Manage Growth**

In 1997, the state of Maryland passed their now well-known “Smart Growth” legislation, pushing the state to the national forefront in efforts to limit the spread of suburban sprawl and promote more desirable development patterns. Based on a mix of financial incentives and planning tools, the smart growth model was intended to promote the redevelopment of urban cores and limit the spread of development into scenic areas and active agricultural zones. Beyond numerous accolades from the planning community and environmental advocates, the Maryland approach also captured the attention of the press, ultimately receiving numerous national awards (Knaap, 2005).

In many ways, Maryland’s experience mirrors that of Oregon and Florida, two other states that experienced significant national attention when they established their own approaches to managing growth (DeGrove, 2005). In the 1970s and 1980s, respectively, Oregon and Florida passed state legislation that mandated the management of growth and provided for an important state role in these efforts. These programs were held up by planners, environmentalists, and political officials as significant advances in the planning for and regulation of development.

This paper provides a comparative assessment of these three landmark state growth management approaches: Oregon’s growth control approach, Florida’s growth management/comprehensive planning approach, and Maryland’s smart growth approach. At the time these programs were passed by their respective state legislatures each was at the vanguard of efforts to manage growth. Each program has also had impacts beyond its state borders, helping to shape legislation in other states and local governments that have pursued policies to manage growth.

Beyond providing a comparative overview of these three landmark programs, an aim of this paper is to document how state approaches to managing growth have evolved over time. In each of the three states, the form and content of the approach was influenced by contemporary views on the roles of state versus local governments and then current ideas about issues essential to a state growth management strategy. This paper details how these approaches have evolved in response to these changing views, from *growth control*, to *growth management*, to *smart growth*. This review, then, places Maryland's smart growth model within the evolutionary stream of United States growth management policy. While others have suggested that differences in state growth management systems are the result of differences in the conditions, political cultures, and dominant issues in each state (Diamond and Noonan, 1996), this paper argues that this evolution is also the result of factors external to the cultures and attributes of each state. In particular, national political trends and new ideas about how to manage growth contributed to the development of Maryland's smart growth model.

The paper is organized as follows. In the following section I provide an overview of the three state approaches, summarizing their distinguishing features and discussing the roles of the state and local governments. The next section details similarities in these systems and comments upon common programmatic elements. Following upon this is a discussion of the fundamental differences in these systems to distinguish how these programs manage growth. In the concluding sections I describe how state-level growth management in the United States has evolved and I speculate about the future of state growth management efforts given emerging trends in governance, finance, and development.

## **The “Big Three”: An Overview of the Oregon, Florida, and Maryland Approaches**

While upwards of fourteen states have some form of state-sponsored growth management program (Yin and Sun, 2007), the three states whose programs represented a major leap forward for efforts to manage growth were Oregon, Florida, and Maryland. While other states, most notably Vermont and New Jersey, have seen some interesting innovations in the area of land use planning, these other states have not seen their programs influence land use planning regimes in other states and local governments to the degree of the “big three”. At the time of their passage, the Oregon, Florida, and Maryland growth management regimes were recognized as the new “state-of-the-art” in state-sponsored planning.

In this section I summarize the approaches of these three states, with primary attention paid to the intent of the legislation and the form of the program at the time of passage. It is important to note that these program summaries focus upon the original design of the programs, which is typically what the press and the public have focused upon. As such, these summaries largely ignore the implementation problems that have plagued each state’s program since inception. Table 1 presents a comparison of key attributes of the three state growth management programs.

Note also that this section does not provide a comprehensive overview of each state’s program. For those interested in more comprehensive summaries, they should turn to the book by DeGrove (2005), or to publications on each state. For Oregon, an excellent overview can be found in Knaap and Nelson (1992), for Florida see Pelham (2007) or Ben-Zadok (2005), and for Maryland see Cohen (2002) or Knaap and Frece (2007).

### *Boundary-Based Growth Management: Oregon's Growth Control Approach*

The driving force behind Oregon's efforts to develop a statewide system for managing growth were growing fears about "Californianization", generally understood as the loss of agricultural lands, development along scenic vistas, and encroachment upon hitherto undeveloped areas (DeGrove, 2005: 12). These fears contributed to state efforts to encourage and promote land use planning by local governments, culminating in SB10, which passed in 1969. Often overlooked by scholars when they discuss the Oregon system, SB10 required comprehensive planning by local governments, but a lack of resources to support these efforts and a lack of state guidance as to the content and direction of these plans left the act largely unimplementable and unimplemented.

Following upon this was SB100, Oregon's Land Use Planning Act, passed by the Legislature in October, 1973. A newly established Land Conservation and Development Commission (LCDC) was tasked with developing a set of state goals to guide planning efforts in the state. Learning from the failures of SB10, this legislation established a state agency to oversee the implementation of the act by local governments, the Department of Land Conservation and Development (DLCD). Between 1974 and 1976, nineteen state goals were established by the LCDC, including many of the now usual suspects, such as agricultural land protection, environmental stewardship, planning for transportation systems, provision of affordable housing, and planning for orderly and desirable development patterns.

SB100 again required all local governments to prepare comprehensive plans in accordance with the state's goals and, further, that they implement these plans through local ordinances. In addition, the LCDC was tasked with reviewing the local comprehensive plans produced as part of this process, in effect retaining for the state land use decision-making powers

until plans were “acknowledged” as in compliance with the state’s goals. Once acknowledged, local comprehensive plans were to govern local land use, dictating the form, density, and timing of growth. For those governments that were slow to develop their local plans or developed plans not in compliance with state goals, the LCDC was empowered to enforce a development moratorium in the community and/or issue development permits on behalf of the local government.

Beyond a requirement for state-reviewed comprehensive plans, two other features have come to be synonymous with the Oregon approach to managing growth; the concepts of urban growth boundaries (UGB) and exclusive farm use (EFU) zones. In effect, UGBs represented a firm “development stop-line”, beyond which development of any meaningful densities was not to occur. EFUs were areas designated exclusively for farming and related uses. Taken together, these two policies were intended to provide for more compact development patterns and the protection of agricultural activities. While each of these policies have proven to be easier to describe than implement (DeGrove, 2005; Knaap and Nelson, 1992), these policies represent the heart of the Oregon growth management approach. Under this state model, growth was to be controlled through the delineation of areas within which only specific activities were to be allowed.

With the passage of SB100, Oregon was one of the first states to establish that there was an important and appropriate role for the state government in local land use planning and decision-making. SB100 placed the state in the role of “rulemaker”, as they established the goals that were to be addressed by local governments and the general content of the plans to be prepared by these governments, and the role of “referee”, as the state had authority to find local government plans out of compliance. In addition to establishing these state roles, the Oregon

approach required the delineation of strict growth boundaries, within which urban development was to occur and outside of which only very low density development would be allowed.

*Plans and Processes: The Florida Comprehensive Planning Approach*

Like Oregon, Florida's growth management system grew out of rising concerns about negative environmental impacts and undesirable impacts upon quality of life due to substantial, ongoing residential and economic growth. In Florida, concerns about deteriorating conditions in the Everglades and a statewide water shortage during the late 1960s fueled gubernatorial and legislative action on land use planning. Again like Oregon, Florida's growth management approach initially began with legislation that ultimately proved ineffective. For example, in 1972 the state passed legislation requiring a State Comprehensive Plan and in 1975 another piece of legislation was passed that required local governments to prepare plans to manage growth. Due to a lack of political will and insufficient funding, these efforts yielded no viable state plan and few local plans of much value to the planning process.

After over a decade of ongoing, exponential population growth (roughly 300,000 net new residents per year since 1970), the state's second attempt to establish a system for managing growth met with much greater success. In 1985 the Legislature passed what is commonly referred to as the Growth Management Act, although this legislation actually included three separate bills. This system borrows much from Oregon's system and, in many ways, reflects a stronger version of the system that the state attempted to establish in the 1970s. The Florida approach is based in a detailed, far-reaching comprehensive planning process, one that called for important roles for state, regional, and local agencies.

Every local government was now required to prepare a comprehensive plan to guide development. The Legislature provided oversight responsibility for these local comprehensive plans to the state's Department of Community Affairs (DCA), the state's land planning agency. DCA was to determine whether plans were in "compliance" with the state's approach and, where this was not the case, the state was empowered to withhold substantial funding from non-complying local governments. DCA also was tasked with establishing "minimum criteria" for these plans.

Comprehensive plans were also intended to be "living documents," with biannual revisions through a plan amendment process and major updates to plans that were originally to be required every five years. These plans were to be implemented through local land development regulations (LDRs) that must reflect the long-term vision laid out in these plans. Unlike Oregon, Florida's legislation was specifically written to allow affected parties to challenge in court the linkage between local comprehensive plans and local LDRs, an enforcement mechanism that has proven to be one means of insuring some degree of implementation of these plans.

Beyond placing the comprehensive plan at the center of local land use decisions and ensuring that all local governments addressed a core set of issues in their plans, the 1985 legislation also called for a substantial amount of inter-jurisdictional dialogue and cooperation. The legislation established a "consistency" requirement for comprehensive plans that allowed local governments, regional planning entities, and DCA to raise objections to plans that ignored or overlooked extra-jurisdictional planning issues.

Other major elements of the Florida growth management approach (as initially designed) include the establishment of a state comprehensive plan, the creation and empowerment of

regional planning councils, and major funding commitments by the state for infrastructure and technical support for comprehensive planning efforts. The Florida approach is generally acknowledged as the most aggressive and far-reaching growth management approach this nation has yet seen (Chapin, Connerly, and Higgins, 2007). Elements of the Florida approach have been adopted in other states, most notably Georgia and Washington.

As with Oregon, a specific feature of the Florida approach to managing growth has come to be synonymous with the state's overall program, in this case the state of Florida's "concurrency" mandate. At its core, concurrency is a requirement that a development project is not to be permitted unless infrastructure capacity is in place to service the new development. Known in most other states as an adequate public facilities ordinance (or APFO), concurrency was intended to help address major infrastructure problems facing the state, especially increasing road congestion. The Legislature's concurrency mandate was intended to either force governments to provide infrastructure necessary to support growth or to provide a state-sponsored mechanism to allow governments to slow development permitting until infrastructure was in place (Chapin, 2007).

In some ways, Florida's concurrency policy is similar to Oregon's UGB approach to managing growth. In response to the concurrency mandate, many local governments in Florida established urban service areas (USAs, also known as urban service boundaries), boundaries outside of which infrastructure was not to be provided. USAs established a relatively firm development boundary, as the public sector was not to extend infrastructure to non-USA areas without amending their comprehensive plan, which requires state review and comment. However, USAs are not nearly as firm a boundary as Oregon's UGBs, as development was still allowed outside of the USA if infrastructure capacity exists or will be provided in the near future.

Although there are clear similarities, Florida's 1985 GMA represents a fundamentally different approach to managing growth than Oregon's SB100. While both require local comprehensive plans that are reviewed by the state, in Florida these plans lie at the core of all local, regional, and state land use decisions. Under the Florida approach, detailed, rigorous, regionally coordinated comprehensive plans were to be supported by state funding and linked directly to the local government capital budgeting process. The emphasis in Florida was less upon a spatial determination of development outcomes, but instead upon establishing an orderly and efficient means of providing infrastructure and urban services to support the state's massive growth. In Florida, local comprehensive plans and concurrency lie at the heart of the state's efforts to manage growth.

#### *Incentivizing Desirable Development Patterns: Maryland's Smart Growth Approach*

Mirroring Oregon and Florida, Maryland's smart growth approach was borne out of concerns related to the environment, the loss of productive agricultural lands to suburban and exurban development, and declines in quality of life due to sprawl. In particular, concerns surrounding measurable declines in water quality and loss of animal and plant habitats in the Chesapeake Bay watershed were a principal factor in the rise of state-mandated planning in Maryland (Cohen, 2002; DeGrove, 2005). In the 1970s and 1980s, the Maryland legislature passed several programs that were intended to arrest the conversion of agricultural land and to reverse the negative impacts of development on the Bay.

Again similar to the other states, Maryland's initial attempt to establish a statewide approach for managing growth experienced greater failure than success. In 1992, after three years of extensive background work and behind-the-scenes lobbying, the Legislature passed the

Economic Growth, Resource Protection, and Planning Act, generally known as the 1992 Planning Act. This legislation called for a very limited state role in directing and managing land use, leaving almost all power and discretion to local governments in the state. The state's role was largely limited to establishing vision statements to be included in local plans. In addition, Governor Schaeffer directed state agencies to act in concert with these visions.

By the mid-1990s, the shortcomings of this initial attempt at a state program were generally understood and, under the active leadership of Governor Glendening, a new program was readied for the Legislature. In 1997, a package of legislation was ushered through the Legislature, propelling Maryland to the forefront of the "Smart Growth" movement. Unlike the Oregon and Florida approaches, which were founded upon strict state policies and detailed planning requirements and processes, Governor Glendening's Smart Growth Initiative instead was designed as an incentive-based program that could work within the existing administrative system (Cohen, 2002). Under this model, state spending on infrastructure (and other programs) would be focused in those areas deemed most desirable for new development; existing urban areas.

While several programs were authorized by the 1997 legislation, the cornerstone program was the Smart Growth Areas Act (Cohen, 2002; Knaap and Frece, 2007). This Act centered upon a commitment by the state to direct their financial resources to areas designated as priority funding areas (PFAs). PFAs were established via negotiation between local governments and the state, although by law all municipalities and heavily urbanized areas that met certain density thresholds were included within the PFA boundaries. State agencies were directed by the Governor not to expend infrastructure funds on projects that fell outside of established PFAs. However, the law did allow local governments and/or private entities to construct infrastructure

outside of PFAs, but they were ineligible for state assistance to do so. Because of the significant cost of large infrastructure projects, and the important role that state funding plays in the majority of these projects, the PFA approach was intended to limit sprawl by pushing local governments to redevelop their brownfields and away from the development of greenfields.

Other programs reflected the state of Maryland's commitment to managing growth through state incentives. To lure firms to urban centers the state established a tax credit program for businesses willing to (re)locate in inside-PFA locations. The state also established a "Live Near Your Work" program that provided a \$3,000 bonus to households willing to relocate closer to their places of employment. Lastly, a Rural Legacy Program was established to purchase the development rights of environmentally sensitive areas and/or scenic rural areas, with opportunities for those development rights to be used within PFAs.

Overall, the focus of the Maryland program has been upon an "inside-outside" strategy (Knaap and Frece, 2007). At its core, the core policy of the Maryland approach was the priority funding area, the boundary within which development was to be supported with state financial incentives and expenditures. While both Oregon and Florida pay lip service to urban redevelopment, these states have not pursued redevelopment as comprehensively as has Maryland.

The other notable distinguishing feature of the Maryland approach is its reliance upon incentives, rather than mandates. Unlike Oregon and Florida, where the state government acted as a command-and-control entity, the Maryland approach rests upon a model in which the state government leads by example. Put another way, rather than regulatory and/or financial sticks, Maryland has relied upon financial carrots in the form of state incentives for desirable behavior.

Whereas Oregon and Florida place the state in the role of regulator and adjudicator, in Maryland the state government's responsibility is that of role model.

### **Common Ground: Similarities in the “Big Three” Growth Management Approaches**

Before entering into a discussion of the evolution of growth management over time, it is worth recognizing some of the many similarities between these programs. Despite some fundamental differences in design and orientation, the Oregon, Florida, and Maryland approaches to managing growth share some common ground, especially relating to the process that yielded the landmark legislation in each state.

First, prior to the passage of their landmark legislation, each state initially passed a much less aggressive and much less successful bill aimed at managing growth. Oregon's SB10, Florida's 1975 State Planning Act, and Maryland's 1992 Planning Act all represented unsuccessful attempts to promote planning efforts by local governments and a role in local land use planning for the state. In each state, these initial attempts to manage growth were hampered by a lack of enforcement ability by the state, insufficient funding to implement these efforts, and an unclear process for implementation. These initial, stuttering steps towards state-sponsored growth management were followed by much more detailed legislation that yielded the foundations for the programs that are in place today.

A second common feature of these cases rests in the essential role that political leadership, especially gubernatorial leadership, played in each state. Although not detailed here, within each state visionary governors recognized the need for a state role in local land use decisions and championed the programs that were ultimately established. Without the efforts of Governor Tom McCall in Oregon, Governors Reuben Askew and Bob Martinez in Florida, and

Governors William Schaeffer and Parris Glendening in Maryland, these landmark efforts to manage growth would likely not have been passed by the state legislatures. DeGrove (2005) highlights the important role of governors in these and other states that have established state systems for managing growth.

A review of the genesis of these three state approaches reveals a third striking similarity. Threats to the “crown jewel” natural feature in each state was a major factor in focusing the public’s attention and galvanizing legislative action to manage growth. In Oregon, sprawling development in the Willamette Valley and “sagebrush subdivisions” on the hillsides of the valley were a major factor in stimulating support for a state growth management approach. In Florida, the destruction of hundreds of square miles of the Everglades, combined with a record setting drought, spurred Governor Askew to pursue some growth controls in what was then a “Deep South” state that generally eschewed government intervention into local affairs. Declining water quality in the Chesapeake Bay, and the resultant impacts upon the fishing industry, tourism, and quality of life for residents living along this massive water body pushed Maryland to begin the political process that ultimately yielded the Smart Growth legislation of the late 1990s. In each state, then, environmental groups and advocates for managing growth were able to mobilize public and legislative support by publicizing the negative environmental impacts of growth and development for the state’s most visible and important natural features.

Lastly, these programs are also similar in that each state struggled to implement the program called for in the original legislation. Oregon’s program probably came closest to that envisioned in the legislation, although UGBs and EFUs have not constrained growth to the extent desired (Nelson and Moore, 1996). In addition, limited state funding for the DLCD and for local planning efforts slowed implementation and also yielded compromises in the

designation of UGBs and EFUs (DeGrove, 2005). In Florida, a lack of infrastructure funding limited the effectiveness of the concurrency mandate from day one (Nicholas and Chapin, 2007; Pelham, 2007). In addition, efforts to empower regional planning councils (RPCs) to coordinate local plans and to encourage extra-jurisdictional planning never came to much (Pelham, 2007). Maryland's smart growth program has been hampered by very little state funding for several initiatives and the state has generally played a hands-off role in working with local governments (Knaap and Frece, 2007). While each state established landmark approaches to managing growth, these programs have not taken the form called for in the enabling legislation. Further, each state has struggled to demonstrably change existing development patterns, seeing sprawling development patterns even in the presence of aggressive efforts to manage growth.

### **Variations in the “Big Three” State Growth Management Programs**

While the “big three” growth management states share some similarities, similarities that are typical of almost all states that have committed to a state-level approach to managing growth, differences in these programs are the focus of this paper. Although Oregon, Florida, and Maryland can each be labeled a “growth management” state, the form and intents of these programs vary greatly. Table 1 summarizes some of these key differences. The most notable of these are differences rest in the primary purposes of the program, the choice of implementing policies, variations in the role of the state in managing growth, and in program sanctions and rewards.

First, it is essential to recognize that these programs vary in their overall intent and purposes. While each program is designed to limit the amount of development located in environmentally sensitive areas, the other primary foci of each program vary considerably.

Oregon's approach rests primarily upon limiting growth to designated areas and protecting agricultural lands; compact development and agricultural land policy are at the core of the Oregon approach. The Florida approach, in contrast, has a strong focus upon infrastructure provision and capital budgeting, with an indirect provision for compact development. As designed, Maryland's approach centers upon efforts to promote urban revitalization (the "inside" strategy) and rural land preservation (the "outside" strategy). While these states have been recognized as having landmark state growth management programs, the foci of these programs vary considerably.

A second notable policy difference between these programs rests in the form of their boundary-based policies to managing growth. Across each of these states, the form and intent of these vary greatly. Oregon's UGBs are true "development stop lines"; development of any low to moderate intensity is to be permitted only inside these boundaries. Florida's USAs are boundaries delineating areas in which infrastructure and urban services are available or will be available in the planning time horizon. By combining USAs with the concurrency mandate, development beyond very low densities was not expected outside of these boundaries. In yet another variation on a boundary-based policy, Maryland's PFAs represents the area within which the state will focus its financial resources. Development is still permitted outside of these boundaries, but the state will not subsidize this development. In addition, Maryland has committed resources to incentivize development within PFA boundaries.

Third, these programs differ in the form of the state priorities that were to guide local government planning efforts. Oregon and Florida each articulated a broad set of state planning goals, including both usual suspects, such as land use, transportation, the environment, as well as a number of other related topics, including housing, agriculture, parks & recreation, citizen

participation, and even health care. These very ambitious attempts to broadly define the state's interest yielded sometimes contradictory planning goals. For example, Florida's state goals call for strong environmental stewardship along the coast and limiting development in coastal areas due to hurricanes, while simultaneously promoting redevelopment and compact development in these coastal jurisdictions. As a consequence, local governments have sometimes struggled to address and implement these very diverse goals.

While both Oregon and Florida established state goals, the form these goals took and their employment by local governments diverges. Oregon's LCDC established a set of nineteen state goals that have provided the basis for planning efforts since program inception in the early 1970s. These goals provide a generally coherent approach for managing growth, generally flowing from the state's UGB policy. In Florida a State Comprehensive Plan, containing a very diverse set of twenty-six goals, was passed in the mid-1980s. However, it has largely been ignored by local governments and even state agencies as they developed their plans in response to the 1985 Growth Management Act. The State Comprehensive Plan has received no attention from the Legislature since its passage, despite a requirement that the plan be updated regularly. Instead, in Florida the implementing language for the program is drawn from statutes and from the administrative code developed by the Department of Community Affairs. There is currently only a tenuous relationship between these goals and local government comprehensive plans.

In contrast to these two states, Maryland never established a state plan, nor did it enumerate a long list of state goals to guide planning efforts. Instead Maryland has relied upon a small number of vision statements (now eight) that local governments were directed to consider as they developed and implemented their plans. These vision statements centered squarely upon the concept of "smart growth", with a redevelopment agenda designed to reinvigorate the state's

urban centers balanced by a rural land program aimed at protecting environmentally sensitive and agriculturally productive lands. Unlike Oregon and Florida, Maryland's smart growth program says little about affordable housing, parks & recreation, and coastal development.

The role of the state government in overseeing the implementation of these programs represents another defining characteristic of these state approaches. In both Oregon and Florida the state's land planning agency reviewed and ultimately approved the plans produced by local governments. Oregon's DLCD "acknowledged" local plans as in compliance with the state's goals, while Florida's DCA found plans to be "consistent" with the state's goals, plans produced by regional entities and neighboring jurisdictions, and with criteria established by DCA. In these programs, the state played a substantial role in shaping the content of the original set of local plans and administering the ongoing implementation of these plans. In contrast, Maryland's system calls for a much lesser role for the state. The state can review and comment upon local comprehensive plans, but there is no requirement for state approval of these plans. Even under the state's Smart Growth Initiative, the Maryland Office of Planning can only review and comment upon the designation of PFA boundaries and each local government's smart growth program.

Lastly, there is substantial variation in the form of sanctions and incentives to support the state program for managing growth. From the beginning, both Oregon and Florida have relied primarily upon "sticks" to encourage planning by local governments. In each the enabling legislation allowed the state to withhold substantial state revenues from local governments that refused to produce their own plans or for those whose plans were insufficient to meet the state's minimum standards. While these states did provide some funding to support local planning efforts, these funds have been irregular and generally insufficient to incentivize these efforts.

Further, in Oregon and Florida the state retains an important role in reviewing proposed changes to local comprehensive plans, with approval by the state serving as a precondition to any significant changes. Because of this aggressive state oversight, the Oregon and Florida systems have been labeled “command and control” systems. Maryland, by contrast, has relied almost exclusively upon state financial incentives, or “carrots”, to encourage desirable development patterns. As a matter of policy, the state is not to spend infrastructure funds outside of PFAs and the state promotes desirable behavior in the form of brownfield redevelopment incentives, live near your work cash outlays, and job creation tax credits. Under the Maryland smart growth system, the state retains no substantial “stick” for assuring compliance with the state’s goals.

### **The Evolution of State-Sponsored Growth Management**

Commentators have traditionally attributed much of the variation in growth management programs to each state’s unique political environment (e.g. urban-rural power dynamics), economic engines (e.g. agriculture vs. tourism vs. industry), and environmental assets and issues (e.g. forestlands vs. wetlands vs. rivers and bays) (DeGrove, 2005; Diamond and Noonan, 1996). This attribution is appropriate in the cases of these three states. In Oregon, development in the Willamette Valley and efforts to arrest sprawl in this region lie at the heart of that state’s model. The focus of Florida’s system upon infrastructure planning and capital budgeting is related to problems in providing services for that state’s massive and still ongoing population growth. Lastly, Maryland’s commitment to redevelopment is rooted in efforts to promote the long-term economic health of that state’s heavily urbanized Baltimore-Washington corridor and to protect the environmentally sensitive Chesapeake Bay watershed.

However, a review of the genesis and content of each of these state approaches to managing growth suggests that the programmatic variations are also the result of factors external to the cultures and attributes of each state. In particular, differences in the Oregon, Florida, and Maryland programs reflect changing views along three key dimensions:

- 1) what constitutes effective and appropriate growth management;
- 2) the role of the state in local land use planning decisions; and
- 3) the role of government in American society.

### *Changing Views on the Fundamental Nature of Managing Growth*

Differences in these state programs reflect the then-current thinking concerning appropriate policies for managing growth. At the time that Oregon passed their 1973 Land Use Planning Act, there were relatively few established policies for managing growth in a community. At that time, one of the most straightforward approaches for managing growth rested in placing a moratorium on development in those areas where infrastructure systems were overloaded or not in place. Other contemporary alternatives included establishing growth boundaries (as in Lexington, Kentucky), proposed project scorecards (as in Ramapo, New York), or a rate-of-growth ordinance (as in Petaluma, California) (Kelly, 2004). Each of these policies rests upon the concept of the control of growth; development was not to be permitted in certain areas, for development that did not meet certain requirements, or once the number of issued permits reached a certain number. Employing the concept of the UGB at the core of their system, Oregon's approach to managing growth reflects the growth control model that was prevalent at the time. Under this model, the state requires local governments to establish very specific conditions under which growth will be approved, in this case an urban growth boundary, outside

of which development is permitted only at extremely low densities (1 unit per 40 acres or greater). While there is much more to the Oregon program, at its core Oregon manages growth through a *UGB-based growth control system* that dictates (with some substantial success) the location of new development in the state.

In contrast to Oregon, Florida's system rests upon a growth management model, one in which new development is to be directed to desirable areas, but not constrained to be located within a specific geographic boundary. Florida's urban service area boundaries represent those areas within which urban services are to be expected within the planning timeframe, but in practice these boundaries provide at best a loose catchment area for new development. In Florida USA boundaries are often expanded to accommodate new development and/or new development is allowed to take place outside of these boundaries. In addition, the state allows for the provision of infrastructure necessary to support new development by developers or via special districts. While a proposed development must be consistent with the local comprehensive plan of record, there is nothing in the state legislation and implementing language that specifically dictates where development is to occur in the state. As a result, Florida's system is best understood as a *comprehensive plan-based growth management approach*, one in which the comprehensive plan generally guides development permitting decisions.

Coming online in the 1990s, Maryland's system for managing growth is a step even further removed from the Oregon growth control model. At first glance, Maryland's system looks somewhat similar to Florida's USA-based approach to managing growth. Maryland's system established PFA boundaries within which state infrastructure funding is to be expended and growth is to be promoted. However, unlike Florida and Oregon, beyond these financial incentives there is no requirement that new development occurs inside these boundaries. Under

the Maryland model, the location and timing of growth are neither controlled (as in Oregon), nor managed (as in Florida), but rather “incentivized”. The Maryland approach is an *incentive-based “smart growth” model* whereby “smart” development is that which takes advantage of the various incentives offered by the state to locate within PFAs.

### *Changing Views on the Role of the State in Local Land Use Planning*

These three systems also reflect changing views about the role of the state in local land use issues. In the 1960s and 1970s, the “quiet revolution” of state-sponsored growth management reflected a mounting recognition by planners, environmentalists, and public officials that growth and development had extra-jurisdictional impacts and that these impacts required regional or state level oversight (Bosselman and Callies, 1972). With systems that were established in the 1970s, Oregon and Florida generally reflect this view that a strong state role is essential, as each of these systems place the state in a command and control role. Local governments must develop plans that reflect state goals and that meet minimum standards in terms of their content and detail. [It is worth noting that Maryland also mandates that local comprehensive plans be prepared, with certain required elements, although the state retains little authority in shaping the content of these plans.]

In contrast to these command and control structures, the Maryland smart growth approach provides very little authority to the state government. While local comprehensive plans must contain the state’s vision statements and every county must establish PFA boundaries, the state holds little power in the development and implementation of these plans. As detailed earlier, their primary means of influencing local land use decisions rests with the “power of the purse”. This shift in the role of the state reflects two key changes in the landscape of local-state

government relations. First, since the 1980s there has been a substantial backlash to efforts to manage growth, often taking the form of efforts to bolster private property rights. Florida's Bert Harris Act, which limits the ability of local and state governments to limit the economic value of property (i.e. downzone the property), and Oregon's Measure 37, which could potentially dismantle that state's entire growth management regime, are examples of this movement. Second, since the 1980s there has been a shift in political power away from Democrats, who are traditionally more inclined to government-based solutions to many problems, to Republicans, who traditionally believe in home-rule and lesser "big government" oversight. Taken together, the strengthening property rights movement and the devolution of power away from the state (at least in the arena of land planning) is reflected in the very different role for the state in Maryland's system.

### *Changing Views on the Government's Role*

The evolution from growth controls, to growth management, to smart growth also reflects a broader shift in the role of government in American society. The Oregon approach and the early version of the Florida approach came along at a point in time in which government intervention to address fundamental problems was the accepted approach. In the period 1940-1975 the federal government embarked on a great number of major planning-related efforts, including a massive interstate highway building initiative, the urban renewal program, and President Johnson's War on Poverty and Model Cities initiative. Within this context, in which a higher level of government directly involves itself in local affairs, the emergence of state mandated planning and growth management makes perfect sense.

In contrast, by the time that Maryland's smart growth approach began to coalesce in the early 1990s, the political landscape was markedly different. By this time, the "Reagan and Thatcher revolution" of the 1980s had been in full force for a decade and American society had retreated from the interventionist-government era of the previous decades. Riding this wave, Republicans wrested control of Congress, as well as the control of many statehouses. Bringing with them the view that less taxes and less government are the path to economic prosperity, Republican leaders promoted property rights and challenged the breadth and depth of several state growth management systems, including Florida's and Oregon's. In addition, this view held that the appropriate roles of government are as a partner to private industry and as a financial supporter of activities that promote economic growth.

Within this environment it is understandable why Governor Glendening (D) pursued a much less interventionist approach for managing growth in Maryland. The Maryland system was designed to minimize the role of the state, not create any new bureaucracy, and would rely upon existing revenues (Cohen, 2002). While the state's Smart Growth Initiative actually manages growth very little, this system was able to survive the political climate and receive support from both sides of the aisle. Even the nomenclature of the system is indicative of this political shift, as the debate has moved away from terms like "growth controls" or "growth management", which are suggestive of placing limitations on the amount and/or location of growth, to "smart growth", which suggests that growth is fundamentally good when undertaken in a way that makes sense for the state.

## **Conclusion: Prospects for the Smart Growth Model**

This paper has offered a comparative analysis of the Maryland smart growth program with the growth management programs of Oregon and Florida, two other states with noteworthy approaches for managing growth. In many ways the Maryland approach represents a significant evolutionary step for state efforts to manage growth. However, while Maryland's smart growth program has won numerous planning and "good government" awards and received a great deal of attention from the national press, the emerging evidence suggests is that this program has a number of fundamental flaws that will ultimately marginalize its ability to manage growth and promote desirable development outcomes (Knaap, 2005). Evidence indicates that post-act development patterns and state infrastructure spending look similar to those of the pre-smart growth era (Knaap and Frece, 2007).

Despite these shortcomings, Maryland's Smart Growth Initiative represents a leap forward in state efforts to manage growth. Maryland's program has galvanized national smart growth efforts and served as a baseline model from which the smart growth concept can expand and grow. It has energized planning initiatives in other states, such as Tennessee and Colorado, while also gaining traction in Florida, New Jersey, and even Oregon, states with older, very different approaches to managing growth.

Given that state growth management regimes are a function of both local conditions and national trends, it is interesting to speculate about the future of "smart growth" as an approach for promoting desirable development patterns. Given ongoing national trends towards lower taxes and increasing fiscal burdens for local and state governments, the next landmark state growth management program will likely align itself more closely with the Maryland smart growth model than those of Oregon and Florida. Further, the movement towards impact fees,

user fees, and special districts as the means for growth to pay for itself suggests that “smart growth” will increasingly reflect efforts to promote development patterns that are at worst fiscally neutral. Given these trends, it is hard to imagine a scenario where a state would be willing to establish a growth management program with a strong state role and strict local planning requirements.

However, these trends are balanced somewhat by other trends that are supportive of more and better local planning and planning at an extra-jurisdictional level. The American Planning Association has documented the rise of planning (especially comprehensive planning) across the United States, an activity increasingly seen as a vital and useful activity for local governments (American Planning Association, 2002). Additionally, regional planning is experiencing something of a renaissance, with regional planning efforts currently being undertaken in many states including California, Florida, Oregon, Utah, and Maine. In fact, under conditions where government revenues are constrained, planning activities are often viewed as essential to long-term local fiscal and economic health.

So, what do these trends suggest about the next leap forward for growth management in the United States? My reading of these trends leads me to the conclusion that the future of growth management lies in a combination of the Maryland smart growth model with the plan and accountability-based models epitomized by Oregon and Florida. The fiscal crises faced by state and local governments suggest that the promotion of growth, albeit “smart” growth, will remain a fundamental tenet to any new system. However, it is likely that these new programs will reject the Maryland incentive-based model as insufficient for promoting smart growth outcomes. Some measures of accountability and state oversight are likely to be included in future iterations of smart growth. Future smart growth efforts will also likely move more towards a regional

orientation, with regional partnerships, regional land use and environmental policies, and perhaps even resource sharing between local governments. In short, like the Oregon and Florida approaches, the Maryland Smart Growth Initiative is likely another substantial but flawed major stage in the evolution of state approaches to managing growth.

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**Table 1. Summary Comparison of the Growth Management Approaches of Oregon, Florida, and Maryland**

<b>Element</b>	<b>Oregon</b>	<b>Florida</b>	<b>Maryland</b>
<i>Primary Legislation</i>	Land Use Planning Act passed in 1973	Growth Management Act passed in 1985	Smart Growth Initiative passed in 1997
<i>Central Tenet</i>	Growth Control	Growth Management/ Comprehensive Planning	Smart Growth
<i>Program Intents</i>	Agricultural Lands Preservation, Compact Development, & Environmental Protection	Environmental Protection, Infrastructure Provision, Linking Planning and Budgeting, & Compact Development	Environmental Protection, Urban Revitalization, Gvt Spending Patterns, & Compact Development
<i>Key Policies</i>	Local Land Use Plans, State Goals, Urban Growth Boundaries (UGBs)	Comprehensive Plans, Concurrence, Consistency, Urban Service Areas (USAs)	Priority Funding Areas (PFAs), Rural Lands Stewardship
<i>Role of the State</i>	State Oversight of Local Gvt Plans and UGBs	Top-Down State Planning Mandates with Bottom-Up Local Gvt Implementation	Bottom-Up Response to Broad State Initiatives
<i>Enforcement</i>	State Control of Local Land Use Decisions until Plan Acknowledgement (Stick-Based)	Withholding of State Funding & State Approval for Development for Noncompliance (Stick-Based)	Direction of State Funding to Desirable Areas (Carrot-Based)
<i>Key States Influenced</i>	Washington, Florida, Maryland	Georgia, Washington, Maryland, Maine	Tennessee, New Jersey