

Livable Communities @ Work

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Public Sector Leadership: The Role of Local Government in Smart Growth

This paper is the sixth in the Livable Communities @ Work series published by the Funders' Network for Smart Growth and Livable Communities to focus on the practical aspects of how we create smarter, more livable communities for all.¹ The series highlights successful strategies, explores tensions created by competing issues, and generally helps spur informed debate on critical topics. This paper was written by Nadejda Mishkovsky from the International City/County Management Association (ICMA).² The author would like to thank several ICMA colleagues for their valuable assistance on this paper, including ICMA's executive director, Bob O'Neill, Dennis Taylor, and Joe Schilling, now at the Metropolitan Institute at Virginia Tech.³ Previous topics in the Livable Communities @ Work series include urban forests, vacant lands, the fiscal and competitive advantages of smarter growth development patterns, the role of environmentalists in city building, and community organizing.

PUBLISHER'S NOTE: The Funders' Network for Smart Growth and Livable Communities is pleased to release this paper to advance knowledge about local government partners—including the roles they play and the strategies and policy alternatives available to them. Of particular note, in this paper, the term "smart growth" is used as shorthand for a set of principles, policies, and characteristics that recognize the connection between development and community. The specific term "smart growth" is used in this paper due to its relevance as a planning term (with a particular meaning and context relating to local government). See the sidebar on page 2 for a description of smart growth principles.

Abstract

Local governments are essential players in the smart growth arena.⁴ They provide vision, financing tools, expertise, coordination, and the legal framework necessary for achieving smart growth development patterns. Understanding local governments' responsibilities, priorities, systems, constraints, and the individual leadership and staff roles can assist funders in identifying opportunities for partnership and engagement. To that end, this paper provides an introduction to the local government activities that relate to smart growth development patterns. The first section of the paper provides an overview of local government structure and leadership. It briefly describes outside influences on local governments (e.g., state policies, regional bodies, and federal structures), that may impact local governments' ability to engage in activities that support smart growth objectives. The bulk of the paper then describes specific ways that local government departments can become engaged in planning and implementing smart growth strategies

and describes some policy options available to them. The paper specifically discusses: land use planning and development; housing and building; transportation; community and economic development; public safety; public health; and environmental and community infrastructure.



Principles of Smart Growth

- Create a Range of Housing Opportunities and Choices
- Create Walkable Neighborhoods
- Encourage Community and Stakeholder Collaboration
- Foster Distinctive, Attractive Communities with a Strong Sense of Place
- Make Development Decisions Predictable, Fair, and Cost-Effective
- Mix Land Uses
- Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas
- Provide a Variety of Transportation Choices
- Strengthen and Direct Development Towards Existing Communities
- Take Advantage of Compact Building Design

Source: www.smartgrowth.org

Introduction

Local governments probably play the most critical role of any stakeholder in determining whether a community can achieve smart growth solutions. Balanced growth simply cannot happen without the support of local government—its elected officials, top managers, and staff. Local governments can support smart growth principles through comprehensive planning that transforms stakeholder wishes into a cohesive community vision. Further, they develop processes and policies to implement this vision. Local government managers also translate the broad policies into practical, day-to-day, public administration strategies that provide quality municipal services and infrastructure while maintaining a sound fiscal base. In return, the smart growth movement can provide local governments with a cohesive framework to reduce costs, improve services, and enhance quality of life, while supporting a vibrant economy, preserving natural resources, and addressing social concerns.

Local governments control numerous legal and policy strategies that relate to the design, development, and maintenance of land use and the built environment. They also provide an array of services designed to protect and provide for the public welfare—fire, police, libraries, parks and recreation, water, health, waste management, environmental management, and so on. Local governments make policy decisions every day that affect a community's current and future development patterns. Yet, conflicting interests mean that a number of local governments do not always consider smart growth principles when exercising these strategies or providing these services.

Local governments operate within complex environments that require increasingly complex skills. From building consensus to building streets, mastering technical decision-making tools, and engaging in multi-disciplinary collaboration, local governments are working to enhance community quality of life. Local government leaders are in the position of “refereeing” competing interests from community groups, developers, businesses, and individuals. At the same time, they must continually balance what people want with what they are willing to pay for through taxes.

Federal and state relationships contribute to the challenge of determining local government priorities. For example, local governments in many states face constitutional restrictions on local revenues, which often force cities to compete for economic development, rather than collaborate on land use decisions. In addition, federal and state governments continue to reduce funding to localities, even as they pass along new local responsibilities, such as homeland security. In a speech to the National Press Club in late 2003, John DeStefano, Jr., president of the National League of Cities, noted that federal disinvestment from local government leads to “underfunded public schools, smaller police forces, deteriorating public transportation systems, expensive healthcare, sprawl.”⁵

Increasingly limited funding for a growing number of responsibilities makes it nearly impossible for local governments to annually balance a budget without facing tough budgeting decisions. As local governments struggle to do more with less, it becomes critical to identify and

highlight the links between sustainability, jobs, revenues, quality of life, and other issues related to local government finance.

Supporters of smart growth strategies may be confused about the scope of local government powers that vary from state to state and the somewhat conservative

approaches that local governments often take when it comes to land use decision-making. This paper discusses the opportunities and constraints that local governments face in advancing smarter, more balanced communities and hopefully sheds some light on the critical role that local governments can and must play in the next generation of the smart growth movement.

Local Government Structure and Leadership

This section provides some insight into the needs, opportunities, and constraints of elected and appointed leaders.

Far from a homogeneous group, local governments across the country are structured in a variety of ways, reflecting their size, setting, and political system. There are several types of local government structures possible in the United States, depending on a state's home rule status and upon a jurisdiction's charter.

In the **council-manager** form of government, which is the most common form of government in the country, an elected council or board and a chief elected official are responsible for making policy.⁶ A professional administrator, appointed by the elected body, has full responsibility for day-to-day government operations.

The **mayor-council** form of government (or **council-elected executive** for counties) has an elected council or board, which serves as the legislative body. The chief elected official, who is usually elected separately from the council, serves as the head of government and has significant administrative authority. Many jurisdictions with this form of government may also have professional administrators who are appointed, and responsible to elected officials, although these appointed officials have more limited authority than in the council-manager form of government.

In the **commission** form of government, an elected body performs both legislative and executive functions,

typically dividing up departmental administration among commissioners.

Municipalities with a **town meeting** form of government have meetings of all qualified voters (or their representatives) to set policy and elect officers to carry out the policies they have established.

Elected Officials

Local elected leaders are chosen to uphold the public trust and to respond to a community's needs. The chief elected officials, such as mayor or county executive, typically set the vision for the community and articulate programmatic goals, such as safe streets or a vibrant downtown. A local governing body, such as a city council or county commission, creates a policy framework for the local government and votes on budgets and upper-level staffing decisions recommended by a professional administrator. Still other officers, who may be either publicly elected or appointed by the chief elected official, make decisions in particular topic areas, such as a Planning Commission or a Historic Preservation Commission. The group may debate the validity of a new type of zoning regulation, or determine whether a particular project is approved.

In the context of smart growth, the role of elected leaders is to articulate the vision of a community that is balanced, efficient, successful, and healthy. Of course, not all agree on how to reach this vision, and many elections in high-growth areas have been won or lost due to candidates' positions on growth and

development. The role of elected officials involves risk-taking and smart growth can involve change in the status quo. In these cases, exerting leadership may mean overturning policies that peers have put in place, or risking conflict with powerful interests. If truly effective at promoting smart growth policies, elected leaders can create popular, bipartisan support for a common vision. To achieve this kind of success, elected leaders often look for examples of similar communities' successful initiatives that have had broad political support. This information can inform and inspire them, their peers, and their constituents. Because they may be, but are not required to be, experts in the various fields they work in, this information should be non-technical in nature.

Professional Managers

Professional managers or administrators lead the day-to-day operations of the local government. A manager's responsibilities include creating budgets for council approval, upholding ethical standards, hiring and supervising department directors and their staff, measuring local government performance, and so on. Overall, the manager's job is to make the local government run ethically, responsibly, and legally, and to produce results consistent with the council and community vision. Managers bring public administration experience and academic credentials that can help them translate the vision of the elected leaders into practical strategies. As appointed leaders, professional managers may stay in their positions through numerous election cycles, just as the department directors and their staff do. These situations provide communities with continuity of staff, systems, and expertise, which are particularly valuable in jurisdictions experiencing rapid growth.

An important role of chief appointed officials is their ability to coordinate different departments and disciplines. For example, a manager looking at the need for downtown revitalization might engage public safety and housing staff to collaborate with an economic development team to identify synergies and utilize resources more efficiently. On the other hand, while they can be considered the "expert" leaders, their effectiveness

is determined to a certain extent by the elected leaders' priorities. That is, managers make recommendations, but the council may or may not adopt the recommendations and may also modify the recommendations. The manager is bound to implement the council's final decision. Limited vision on the part of elected officials thus clearly hampers the ability of local government administrators to pursue innovative or holistic policies. Likewise, political support for smart growth strategies without the practical knowledge of how to implement them often result in planning documents with internal contradictions, such as vision statements that do not match the policies that follow them.

Local Governing Bodies

Decisions about local planning policy are made within numerous structures. As noted below, state enabling legislation determines local government powers regarding land use planning and related activities. Elected officials in a local governing body have the power to make larger zoning and subdivision decisions, while an appointed **planning commission** represents a range of interests and ideally removes smaller-scale land use decisions from direct political influence. Another appointed body called the **board of zoning appeals or adjustment** reviews **variances**, which are special petitions to deviate from an ordinance. With so many structures involved in planning decisions, the approval process for any comprehensive plan, zoning change, or even a specific project can be complex and time-consuming. For that reason, the closer a proposed project adheres to the stated public policy documents, the easier and less expensive the approval process will be for the project's owner or developer. A complex proposal, such as a mixed-use development or a transit-oriented development (TOD) project may hit numerous snags and depend a great deal on subjective responses.⁷ Understandably, many developers are loath to embark on risky and potentially expensive projects. For this reason, local policy documents that articulate a clear vision that coincides with such types of development may be more likely to interest developers in proposing such projects.

Leadership Resources

To a great extent, local government leadership determines whether the community will be able to successfully envision and enable a sustainable future for itself. For that reason, it is critical that leaders have access to information and training opportunities. Delivering appropriate resources is not a simple task, however—chief elected officials, local governing bodies, and appointed managers each bring different professional backgrounds, experiences, and goals to their work in public service. In general, to be successful at promoting community livability, local government leaders need access to several kinds of resources:

- **Sample policies and programs** that provide legal language and tested approaches that can be easily adapted between jurisdictions.
- **Best practices and case studies** of successful innovations and programs that provide local governments the opportunity to connect with their peers on a leadership level and to understand the mechanics of a particular initiative.
- **Capable, supportive, and creative staff** to support them in pursuing smart growth. A director of planning or public works who is informed about and not afraid to pursue new approaches will make the difference in helping to ensure a program's success.
- **Examples** to illustrate that smart growth policies make economic sense, social sense (e.g., assist in achieving equity goals), and enhance a community's quality of life. As many localities are learning, smart growth strategies also make communities competitive in business location decisions.
- **Funding** that can create opportunities for local governments to: hire adequately trained staff; review existing regulations to determine contradictions and unintended consequences of outdated policies; pursue the alignment of local activities with state growth management policies; and other needs. While most local governments certainly have the power to address the difficult political job of raising revenues, more than half of the states have statutory limitations on raising taxes, and must receive special permission to do so. In California, where state law requires a supermajority (67 percent) approval to pass tax and fee increases, a few jurisdictions have been successful in organizing campaigns to raise money for specific items, such as local schools and regional transit, but challenges are likely to remain for goals such as implementation of land use plans and affordable housing.⁸ Even where political will strongly supports smart growth strategies, getting the requisite voter approval to pay for the types of changes necessary requires extensive political and media campaigns.
- **Tools** that illustrate the costs and benefits to the community, particularly for communities with a clear vision, political will, and professional expertise. Results from environmental impact analyses, which many localities require as part of their local development review process, identify a broad range of effects resulting from a project, including impacts on schools, wetlands, or traffic. Another example is the smart growth scorecard described in the sidebar below.

Smart Growth Scorecard

Another way to compare traditional and innovative proposals is through tools such as a **smart growth scorecard**, introduced recently in San Antonio, and also in use in the states of Vermont and Colorado. A scorecard facilitates communication among decision-makers, shortening the approval process. It also provides clear guidance to a developer about what projects will be favored and may also be linked to incentives that can provide additional support to a smart growth project.

Outside Influences on Local Governments

Local governments do not function in a vacuum. Each jurisdiction's priorities are determined by its own location, financial situation, and public opinion. Neighboring jurisdictions also impact how a locality will function, as there may be competitive, symbiotic, or simply collegial relationships among them. But state, regional, and federal government institutions and processes also create some very direct and significant influences on the ability of local governments to pursue smart growth strategies.

States

All legal powers that establish cities, counties, and other forms of local government come from state law. Likewise, state governments establish the legal foundation and policy frameworks that regulate the use and development of land.⁹ In those states that give municipalities and some counties broad “**home rule**” powers, local governments can somewhat independently address problems and issues without seeking state legislative permission. Localities in these home rule states may pursue “police powers,” including those activities that protect the public health, safety, morals, and welfare. Depending on the state, local jurisdictions in home rule states may be permitted to tax, incur debt, license, and make laws, as long as they do not conflict with or are weaker than state laws.

Land use planning and development, one of the most visible ways to promote smart growth development patterns, is a local government function in most states. The legal authority to engage in land use planning is granted through state enabling legislation, which passes the power and responsibility down the local level. Virtually all states have now delegated zoning powers to municipal governments.¹⁰

In non-home rule states, the courts restrict local governments to only those powers expressly identified in state statutes or in the state constitution. These so called “Dillon’s Rule” states must seek legislative approvals before regulating in a new field or expanding powers in an existing area.¹¹ Dillon’s Rule is applied very

differently, depending on the state, but according to the Brookings Institution, 39 states use it with respect to at least some municipalities.¹² In Dillon’s Rule States, of which the strictest is Virginia, the authority for local governments to make taxing or land use decisions must be approved at the state level. For this reason, local governments in Dillon’s Rule states may find it more difficult to adopt smart growth policies or programs unless state law specifically grants them the necessary powers.

Other types of state policies related to issues such as education, transportation, and environment also have a tremendous impact on local smart growth initiatives.¹³ State funding structures may support new school construction, for example, at the expense of maintenance and repair to existing neighborhood schools. States may pass-through funds to the localities to spend based on their own priorities, as is the case with some federal programs. In most states, transportation funds are responsible for significant investments that, in turn, impact how valuable land is and how quickly it is developed. States that commit significant funds to non-motorized transportation infrastructure or pass these funds through to the local level provide localities the opportunity to strategically invest them in ways that will address local congestion and not cause more traffic. State funding dollars can thus create a powerful incentive to either deter or inspire smart growth goals.

Some states create specific smart growth policies that not only champion community quality of life, but also support local smart growth planning initiatives, such as the state support of priority funding areas in Maryland¹⁴ or Wisconsin’s comprehensive planning legislation¹⁵ (which provides local governments a comprehensive planning framework and grants to assist in financing the cost of developing a comprehensive plan). Only a handful of states have assumed such a significant role in influencing land use and encouraging strategic, local level planning activities.

Regional Entities

Many of the issues being addressed by smart growth approaches must be considered in a regional context. While land use decisions were once evaluated only within the context of the local jurisdiction, local governments are now recognizing the broader impact that their policies have on regional transportation systems; environmental protection and management (e.g., air and water quality); housing; economic development; social equity; and so on. In the same way, regional structures and relationships also impact how effectively local governments can pursue smart growth. Indeed, when asked in a 2000 survey, local governments listed “working with adjacent communities” as one of the top five most frequently used local growth management tools.¹⁶

Regional bodies, such as councils of government and metropolitan planning organizations, support local government decision-making through technical research, long-range projections, and offer important opportunities for collaboration and strategic planning. **Councils of Government (COGs)** are inter-jurisdictional bodies that represent a cluster of local governments: they often work to collaboratively address regional issues, although rarely have any authority to

implement their plans or decisions (significant exceptions to this rule include the Portland, Ore., metropolitan area and the Twin Cities region of Minnesota). Elected officials represent the member local governments to make policy decisions and plan for common regional needs.

Some COGs are also **metropolitan planning organizations (MPOs)**. Like COGs, MPOs represent jurisdictions within a region and provide a forum for cooperative decision-making about transportation issues, in particular. Ever since the Federal-Aid Highway Act of 1962, MPOs have been a federal requirement for urban transportation planning. That is, a project must be included in the MPO’s plan for the region if it is to receive federal funding. More recent (since the 1990s) transportation legislation favors smart growth initiatives by returning to the federal guidelines on the planning process; investing in a variety of types of transportation infrastructure, not only roads; allowing local jurisdictions more input in prioritizing projects, which often favors transit and non-motorized transportation; and requiring that funds be identified in advance, for approval of new construction projects, so as to focus on efficient, smaller-scale, initiatives.¹⁷

Regional Consolidation

Some local governments are also pursuing other forms of regional collaboration. For example, the recent consolidation of the city of Louisville, Ky., with the surrounding Jefferson County provides opportunities for achieving environmental, land use, transportation, equity, and other goals.¹⁸ The Louisville Metro government has partnered further with the Jefferson County Public School system and the University of Louisville to form the Partnership for a Green City project, which outlines a vision for a sustainable metro region.¹⁹ Representing thousands of employees, students, buildings, vehicles, and acres of land, this collaboration can have a significant impact on the region’s human and environmental health.

Beyond formal structures, local governments also have less visible opportunities to initiate smart growth strategies. For example, where goals and values are consistent, shared borders can provide opportunities to both sides. This is perhaps most obvious in transportation systems, where bike trails or transit provide tremendous opportunities to a region. In cases where two neighboring communities have a different set of priorities or structures in place, a boundary can create serious economic and political problems. If one jurisdiction has very restrictive land use development policies in place, for example, development can easily “leapfrog” over the boundary into the next jurisdiction.

While many people cross local boundaries on a daily basis to reach work or school, they often do not consider that policies may have required this pattern. Some localities might engage in “**fiscalization of land use**,” which involves zoning the available land according to the highest tax revenue without regard to the community or regional balance that is appropriate. In some cases, this strategy favors commercial or industrial uses, and in others, high-end residential communities. In these situations, affordable housing, traffic mitigation efforts, and downtown revitalization may suffer. In addition, this practice pushes an inappropriate burden onto neighboring jurisdictions, when they have to respond to the imbalance. Exclusionary activities create the same problem.

Local Government Departments in Support of Smart Growth Strategies

Local government departments and staff have critical roles to play in enabling both the core and the creative functions that enable better functioning communities. This section provides a brief overview of some of the key roles that local governments play in furthering smart growth on the community level.²²

Land Use Planning and Development Planning

Local governments engage in planning activities on a number of levels to identify the trends and future needs

Clearly, fragmentation of regions can hinder planning, but local governance is also a fundamental building-block of American democracy and a strongly held value by average citizens. Dialogue and education about smart growth are thus important to any successful regional initiative.

Federal Government

In a 2000 survey, local governments across the country said that state policies exert a greater influence on their local growth and development, but 17 percent nevertheless saw federal influence as high or very high.²⁰ Federal government policy drives local capacity to pursue balanced development through rules, programs, and structures. Many federal directives do not promote smart growth goals, and in many cases actually undermine them, particularly at the city or county level. For example, federal transportation, infrastructure, housing, education, tax policies, and the location of public facilities such as post offices are widely thought to promote metropolitan decentralization and hurt cities and other suburbs.²¹ On the other hand, there have been some successful initiatives that have had significant positive impacts, such as: brownfields grants to communities; new stormwater regulations that include smart growth guidelines for implementation; and coalition- and resource-development through the Smart Growth Network (a partnership of the U.S. Environmental Protection Agency and several nonprofit and government organizations).

of a jurisdiction and to allocate resources to meet those needs. Planning priorities reflect a community’s geography, climate, population, economic development goals, education, transportation system, local history, and more. Contemporary planning practices are holistic and socially conscious, even while much of local government planning work still involves the activities of regulation and “plan-making,” particularly in growing communities.²³ Planning departments must work closely with other local government departments to share information about plans and implementation.

Planning is a critical step in implementing a smart growth vision, because it channels resources and prevents costly mistakes. A failure to have a good plan, an updated plan, or any plan, can result in development that does not meet the community's needs, or the community failing to adapt to market conditions. On the other hand, a good plan can get a community excited about its future, help citizens feel ownership over their community, and create support for development proposals that conform to the plan.

A **comprehensive plan** (sometimes called a general plan) is an important step in deciding how to implement smart growth goals, because it is a policy guide for future development in a community. As opposed to a regulatory document, it sets out the broader picture that other policy documents adhere to. It describes the community, its vision for the future, and its main objectives for reaching that vision. Typically involving extensive input from stakeholders and professionals over several years, a comprehensive plan is essentially a compromise between numerous interests and priorities. Comprehensive plans may engage numerous strategies for outreach, such as public meetings and community visioning exercises. On a smaller scale, **charrettes** are an excellent approach for integrating multiple viewpoints about a specific site.²⁴ Reality Check, a participatory, geographic information systems (GIS) based exercise that has been held in several cities, involves extensive stakeholder input on a regional scale.²⁵

Unfortunately, many communities never adopt a comprehensive plan, or else rarely update it, due to the expense that the process entails. Many communities also lack the legal authority from the state to adopt a plan, and those that have this authority may still lack the financial wherewithal or the political will to do so. Finally, there may be a lack of connection between a comprehensive plan and local regulatory tools, although ideally local regulations should be designed to clearly support the comprehensive plan. On the other hand, some states require local governments to link laws and the stated vision. Some states even put the onus on local elected officials to confirm that any decisions that vary

from stated policy nevertheless support the comprehensive plan.²⁶

The plan is complete and formalized when adopted by the local planning commission and then approved by the local legislative body. In contrast, a **site plan** (also called a "specific plan") is a routine, detailed plan that might cover a particular geographic area or issue, such as transportation. The site plan describes and evaluates alternative projects for a particular location, translating the vision of the comprehensive plan into practice.

Zoning

To support the comprehensive plan with legal "teeth," local governments develop certain tools to regulate private property and the development of physical structures. Most commonly these are in the form of **subdivision and zoning ordinances**. Zoning ordinances typically classify a jurisdiction's land into sectors or "zones" to specify what type of land use or activity is permissible. Zoning ordinances outline what is approved "**by right**" (that is, automatically if certain criteria are met) and which activities require discretionary approval, such as special use permits. The code also outlines building size and **density**, or the number of dwelling units per acre. Subdivision regulations, which concern the division of land into smaller parcels, determine infrastructure location and design on those parcels. Subdivision and zoning ordinances separate incompatible uses (such as housing from industry), protect environmentally sensitive areas, and ensure that services and infrastructure are accessible by new development.

A good zoning or land development code creates predictability and fairness. Clear zoning codes attract developers who rely on that predictability to ensure that a project is profitable and efficient. The community benefits when the private sector provides the type of new development that supports the community's vision. Some zoning codes even include images of what a community considers desirable, such as the presence of front porches or certain architectural styles, to ensure that this vision is clearly communicated.

While zoning can encourage well-coordinated development, it can also hinder smart growth goals. For example, zoning ordinances that are outdated or don't conform to newer plans more supportive of livability result in frustration on the part of the developers, the citizens, and the local government staff. This can undermine communications and trust, lead to costly

legal battles, or cause development that pleases no one. Zoning can also get in the way of equity goals. “**Exclusionary zoning**” refers to land use regulations, such as minimum lot sizes, that raise home prices beyond the reach of lower- or middle-income families, effectively forcing them to locate in other neighborhoods or jurisdictions.

A History of Zoning Practices

Modern zoning practices originate from the early 20th century, when urban leaders passed tenement house laws to reduce the spread of contagious diseases and to protect against fire. These laws required direct access to light and air from most rooms and imposed building separation and setback requirements.²⁷ After amending its charter, New York City passed the first true zoning ordinance in 1916, which addressed numerous problems including traffic congestion and access; lack of sunlight; nuisances such as noise, odor, and dust; lack of open space; mixed housing types and the problem of allowing incompatible land uses, such as factories and homes, in close proximity.²⁸ Zoning was soon practiced in communities all over the country, as a way of protecting public health and property values. During the same period, the rapid accession of the automobile provided convenient transportation between distinct land uses in growing communities. As the United States has become increasingly congested, due in large part to this practice of separating uses, local policy makers need to question their assumptions about land regulation. As often commented, many of this country's greatest places would be illegal by today's standards. Simply, they were developed before modern land use regulations took hold.

Beyond educating developers about a community's expectations, images of attractive, well-designed communities can also serve to educate the public that density can be a desirable quality. For example, the city of Santa Cruz, Calif., has developed a design book to illustrate **accessory dwelling units** (ADUs), also known as “in-law apartments,” for property owners and developers.²⁹ The illustrations not only help to ensure that the regulations are followed correctly, but also educate the public, who may otherwise protest increased density, that ADUs need not be unattractive or lower the perceived quality of life in a neighborhood. Visualization software, design guidelines, and other graphic tools may ultimately encourage the community to accept more density than it otherwise might. This increased public support can in turn remind developers that design is a priority. It can provide important reassurance to developers that a community will not

slow a project down by protesting such “by right” development.

Unfortunately, many communities have outdated land use regulations in practice that preclude the development of the types of communities that are identified as goals in vision documents or plans. A growing number of cities across the country are attempting to modernize their zoning codes and land development procedures. **Code reform**, as it is sometimes called, is the process of reviewing a broad range of local government policy documents and updating them to reflect a vision that is consistent with each other and with a smart growth approach to development.³⁰ Consistent policies simplify political decisions, provide clear guidance to staff, and protect jurisdictions against lawsuits. Some states, such as Minnesota, have developed **model ordinances** or codes that support sustainability and smart growth

goals.³¹ With citizen engagement, communities can adapt the model ordinances to meet their needs. Such tools can help jurisdictions get started quickly and reduce their legal costs.

The support of departmental middle managers and staff is also vital to any innovation model and smart growth initiative. They must have both the technical expertise and the will to implement new models and processes that support smart growth approaches. The use of form-based codes is one example of an innovative approach that has helped a few communities to develop revitalization plans. A strategy that allows more mixed land uses, **form-based codes** let planners apply zoning to control the mass and siting of buildings and thus the overall form a neighborhood takes, rather than concentrating strictly on land use and architectural details. But it is easy to imagine that a career built on understanding an outdated and confusing system of policies will not easily embrace a new definition for the role of codes.

There are a number of smart growth strategies that local governments can pursue to update their planning and zoning regulations. While sometimes time-consuming and complex, such changes can make a dramatic impact on both new development and on existing areas. One of the strictest approaches is the use of **urban growth boundaries, or UGBs**, which restrict new urban development beyond specified geographic limits, for a specified period of time, in order to better manage growth patterns and ensure adequate provision of public services, among other goals. In states that have passed growth management statutes, localities may engage in either required or voluntary (depending on the statute) activities to comply with the new legislation. Communities may opt to increase allowable densities to allow for more compact building design and more efficient use of infrastructure. Reducing the size of the individual zones can ease congestion by facilitating bicycle or pedestrian travel between destinations. When implemented with the appropriate flexibility from traditional standards, **planned unit developments (PUDs)** provide opportunities for integrating a range of

activities in a single area, like **mixed use zoning**, which enables daily needs such as shopping or grocery stores to be located near homes. Many local governments have identified **traditional neighborhood design principles (TND)**, which specify issues such as street width, building setbacks, or the inclusion of front porches on single-family homes, as a desirable asset. Traditional neighborhood concepts and other design principles are often translated into a regulatory framework through the use of a **design overlay zone**; this additional “layer” of regulations on a particular geographic area specifies design attributes that must be met or are available as an option to the older zoning code. **Transit-oriented development (TOD)**, described in more detail later, is another example of a design overlay. Finally, as described earlier, form-based codes represent an entirely new strategy to overcome outdated zoning regulations that encourage sprawling land use.

Development Procedures, Permitting, and Infrastructure

Local governments have several main permitting processes that relate to buildings and land. The first is building and zoning, which was described earlier. The **subdivision review process**, during which preliminary plans and final plat (or map of a parcel or parcels of land) are submitted and reviewed, is the process by which plans for previously undeveloped land are defined in terms of street and block design, lot size and scale, open space dedication, stormwater and utility needs, and so on.³² The two-step process includes a public review of the preliminary plan before the planning commission, followed by the final plat (including detailed drawings and infrastructure commitments), which must again be approved by the planning commission. In addition, infrastructure permitting allows for the new construction to access local infrastructure. Finally, an **environmental impact assessment** informs the local government about any effects from the new project on drinking water quality, pollution, and so on.

These and other local government policies that govern infrastructure decisions can have a direct relationship

with community quality of life. First, the outcome of the subdivision review process affects the community's walkability, attractiveness, affordability, environmental health, and other livability concerns. In addition, the high cost of infrastructure rewards balanced planning, whether by preventing the community from sending sewer lines to a remote, greenspace location or by reducing excessive engineering standards, such as high minimum parking requirements. Unfortunately, many such policies are the result of many years of development, and their language is embedded in numerous supporting documents. It takes capable and motivated leadership to change policies and integrate such procedures.

In some cases, local governments may have to make significant investments to provide adequate services to the new development. To protect themselves financially, some local governments have created **adequate public facilities ordinances (APFOs)**, which require the existence of schools or roads, for example, to be adequate to support the new development, before they will approve a project. Another approach is to require developers to provide **exactions**, or dedications of property, such as open space, within a development. **Impact fees**, a type of exaction, are financial contributions from developers that support capital improvements in the community, such as new school construction or road improvements.

These infrastructure funding tools must be used correctly and with recognition of any unintended consequences. For example, local governments need to ensure that developer contributions support smart growth goals, such as ensuring that children will be able to walk or bicycle to the new school, or that new streets provide safe areas for pedestrians and cyclists. They need to avoid unintentionally inducing sprawling patterns of development by forcing developers to “leapfrog” over developable land to a neighboring jurisdiction that does not have the same requirements.³³ Exactions and impact

fees can allow local governments to avoid increasing taxes and can assist local governments in maintaining expected levels of service to the community. But they can also raise housing affordability concerns by increasing developer costs, which can be passed on to buyers.

Development: Housing and Building

Housing, which accounts for 70 to 80 percent of urban land uses³⁴ and is the biggest sector of the U.S. economy,³⁵ is primarily a private economic good. But local governments play a significant role in planning for it and ensuring that decent, safe, and affordable housing is available to people of diverse socio-economic backgrounds within a community. In a well-balanced community, residents may choose to live their whole lives in a community and thus local government policies should encourage housing that is appropriate in size, location, and affordability to families with children, singles, couples, and the elderly. Homes should be located near jobs, schools, and transportation, thereby serving residents' daily needs.

Unfortunately, in many places housing subdivisions are built on **greenfields**, without regard to resource preservation or functionality for the eventual residents. Because land far from public services and infrastructure is cheaper, and restrictions are often significantly fewer, it is attractive to developers. Typical subdivisions' lack of variety in housing stock ironically makes them easier for local governments to approve, as more complex plans require local governments to have more expertise and few wish to risk legal battles. Thus, small or rural communities have particular challenges facing large developers, beyond the loss of agricultural or environmentally-important lands. Often, antiquated zoning codes are the culprit, providing easy approval for developer proposals that meet certain requirements. These **by right** developments are thus perfectly legal even as they undermine community livability.

Housing Trust Funds

During the high-tech boom, Silicon Valley jurisdictions were facing extreme housing shortages, which drove up prices and created problems for communities trying to fill important, medium-wage public service jobs such as teachers, police, and firefighters. Demands for higher salaries led to higher costs of consumer goods and services. When workers began moving to distant, less expensive areas, their commutes contributed to highway congestion and air pollution. In response, some local government and private sector institutions formed the **Housing Trust** of Santa Clara County and provided over \$20 million to Silicon Valley families and builders of affordable homes.³⁶ The Trust provided funds in the form of loans to first-time homebuyers to complete down payments. Other loans provided “gap financing” to affordable housing developers or funded homeless shelters and programs.

Another approach to more affordable housing without additional construction is revamping zoning ordinances to **legalize accessory dwelling units**. This can mean allowing living units in barns and over garages, or ensuring that adequate rental housing is available. Families needing live-in childcare, adults requiring nursing assistance, even students wanting to live at home but maintain some independence benefit from such policy changes.

A third approach that is growing dramatically in popularity is the **Moderately Priced Dwelling Unit program** (MPDU) originally developed by Montgomery County, Md.³⁷ The MPDU is an **inclusionary zoning** law that requires builders to provide affordable housing as part of their projects. To compensate builders for the lower revenues associated with selling affordable units, the local government provides them with a **density bonus**, which permits them to build more units per acre than are normally permitted in a particular zone.

Transportation

Just as communities need housing options for all sectors of the population, they also need transportation choices. Traditionally, transportation planning has dealt with increasing demand for movement of goods and services by developing new infrastructure that is primarily auto-oriented. Success was measured in a system’s ability to move motor vehicles more quickly and efficiently from one location to another. Transportation planners have

become more focused on moving people and goods, not necessarily motor vehicles; however, many local jurisdictions continue to support primarily automobile transportation, either through actual transportation projects, such as new roads to serve low-density suburban development, or indirectly, through urban design, zoning, and land use decisions which undermine walkability goals. As part of transportation planning, local governments routinely address not only land use but also traffic congestion, environmental concerns, financing, and equity concerns.

Local governments are beginning to recognize the importance of redesigning neighborhood streets to accommodate bicycle lanes and sidewalks.³⁸ Among other advantages, facilitating non-motorized transportation helps relieve road congestion, improve air quality, promote physical activity, and provide transportation for youth and elderly who do not drive. **Walking audits** provide opportunities for local governments to communicate with residents while assessing design and infrastructure needs. **Safe routes to school** programs are a popular way to raise awareness to pedestrian needs and to popularize walking to school.

Initiatives may entail linking regional trails or greenways to urban routes to enhance their efficiency, or simply changing the timing of streetlights to allow for slower pedestrians to cross more safely. Many local governments are also supporting **multi-modal** transportation goals, by co-locating local transit stations

with regional train access for example, or by providing safe bicycle storage near transit stops. Road redesign initiatives may include new sidewalk construction or repair, incorporating bicycle needs into roadways, and **traffic calming** techniques aimed at slowing automobile speeds. Some communities use a “**fix-it-first**” philosophy, placing a funding priority on repairing existing roads before developing new infrastructure, which may encourage more development.

Land use policies can support balanced transportation decisions by providing useful destinations—such as grocery stores and schools—within walking distance from each other and from residential areas. Local governments can provide these “destinations” in numerous ways, such as by using land development regulations or financial incentives to encourage mixed-use projects that combine commercial, office, and/or residential uses in the same location. Another way is to use **transit-oriented development (TOD)** policies that encourage compact, mixed-use development around public transit, thereby maximizing the number of people who can easily choose to use transit. One-quarter mile is a good rule of thumb for the distance most people will walk easily, although this rule will vary depending on climate and the attractiveness of the pedestrian environment.

Community and Economic Development

Local community and economic development activities aim to improve public and private markets, increase jobs, and enhance quality of life through neighborhood revitalization.³⁹ Economic development strategies have a strong impact on land use, whether they include recruiting out-of-town businesses to relocate in a community or supporting small, local businesses. Community development initiatives by local government go a step further and aim to improve a community by enhancing social and economic potential for all residents. To support the broad aims of community and economic development, a local government may engage in a variety of activities, including: 1) developing policies to meet specific goals, such as high employment and inflation control and

sustainable growth; 2) investing in infrastructure and services, such as transportation systems or parks; 3) engaging in initiatives that enhance the business environment, such as marketing, neighborhood development, business finance, real estate development; and 4) collaborating with community development organizations on neighborhood level initiatives, and other approaches.⁴⁰

Promoting **infill development** is a critical way that local governments create financial advantages for existing areas and avoid development in **greenfield** areas (typically defined as on the outer fringes of a community, not linked to existing development, and with limited or nonexistent infrastructure). Infill development provides opportunities for local governments to preserve open space, maximize the use of existing infrastructure, and enhance the quality of life in existing communities. For housing, this may mean that private developers build on empty lots in existing communities, or it may mean that property owners purchase small homes for the purpose of tearing them down and replacing them with larger houses. Infill is also a critical strategy for downtown revitalization and historic preservation. Local governments can help to promote infill by assembling land (through eminent domain or other means), with tax credits or exemptions, or through **Tax Increment Financing (TIF)**. Tax Increment Financing helps communities encourage investment in blighted areas by channeling future increases in tax revenue that are due to improvements back into the same area, rather than being returned to the general fund.

Brownfields are abandoned or underutilized commercial or industrial sites that have either real or perceived environmental contamination. These sites are often blighted parcels of land which face challenges to redevelopment due to fear of liability, health hazards, and expensive and unclear cleanup requirements. Local governments have an interest in redeveloping brownfields in order to address these fears and return the property to a productive use, providing jobs and tax revenues to the community. In older industrial

communities, where brownfields are common, local governments may identify brownfields redevelopment as a significant part of an economic development strategy. They may assume the role of identifying and marketing the parcels, taking the lead on environmental reviews and cleanup, applying for federal assistance, or other activities. Such initiatives are complex and involved a broad range of stakeholders.⁴¹

Both brownfields and **vacant property** redevelopment are generally considered win-win scenarios: by returning unproductive properties back to the tax rolls, local governments can also reduce blight, protect open space, revitalize downtowns, and maximize the use of existing infrastructure.⁴² To facilitate this process, some states and localities are updating their rehabilitation or “**rehab**” codes, which govern the rehabilitation of historic buildings, to update and simplify standards and reduce the onerous costs that favor teardowns in place of preservation.

Enclosed malls, strip malls, and big box shopping centers exist in many communities and have often stripped existing downtowns of their vitality. Often, in a search for ample and inexpensive land, they locate just outside a city’s developed area. Local governments then stretch their roads and other services to reach them. Over time, the infrastructure investments make the surrounding land more valuable, causing housing or other uses to develop around them. In areas facing economic hardship, proposals for new commercial uses can be attractive to local governments because they provide new jobs and sales tax revenue. In such communities, there may be more public support for new jobs than for apparently abstract quality of life goals. On the other hand, some local governments have also taken the lead in commissioning the design of entire new towns or town centers. In cases where old shopping centers have lost their economic viability, private developers and local governments are working together to redesign these “**greyfield**” buildings and parking lots. Strategies include integrating the property into the surrounding community’s street pattern and introducing a mixture of uses such as schools,

commercial, and government services. In Lakewood, Colo., a public-private partnership led to the redesign of the dead Villa Italia mall into a 100-acre downtown area including mixed uses and open space.⁴³

Besides directing development downtown and facilitating the redevelopment of existing properties, local governments can also help make a downtown environment economically viable through other means such as **design guidelines**, which enhance façade appearance, and **Main Street**-type programs⁴⁴ that assist local businesses with marketing and services. Local governments can offer a range of **incentives** to businesses that can influence their location choices or assist the community overall in its economic development strategy. Approaches may improve the bottom line for a business, such as providing fast-track approval process for construction, low-interest loans, or discounted property. Localities may opt to target public expenditures in support of economic development, such as strategically locating and phasing in new infrastructure, or **tax-increment financing**, which enhances public amenities and services in a particular area, financed through the increases in tax revenues that result from revitalization.

Public Safety

Local emergency responders (police, fire, and EMT) commonly measure success in terms of speed of response time and a delay can have tragic consequences. Most local jurisdictions develop road design regulations to support rapid access by large emergency vehicles in case of emergency. The wide streets and large turning radii required by such regulations are often seen as obstacles to the smaller-scale road designs and slower, safer streets that are an integral part of a smart growth approach.

On the other hand, a certain level of urban density provides advantages for emergency responders. Shorter distances between dispatch locations and emergency sites, easily understandable street patterns, and multiple route options favor relatively urban environments over remote greenfield developments with confusing

spaghetti streets.⁴⁵ Well-designed, traffic-calmed streets are also inherently safer, because they keep vehicles moving at slower speeds and thus result in fewer crashes. Finally, longer commuting distances extend the time that drivers are on the road, contributing to driver fatigue and possible accidents. Gainesville, Fla., is one of a few communities that are adjusting their road design standards to recognize a broader definition of safety and prevention.⁴⁶

Crime prevention efforts can also be bolstered by good design. Jane Jacobs' observation of the "eyes on the street" phenomenon recognized that density and design

play a role in deterring criminal activity. On the human resources side of the equation, **community-oriented public safety (COPS)** initiatives over the past two decades are retraining police to work with community members in a collaborative way: creating community partnerships, identifying underlying causes of crime, and working with citizens to address those causes. The smart growth principle of enhanced community and stakeholder collaboration supports crime prevention. And crime prevention, in turn, supports livability goals by enhancing the attractiveness of existing neighborhoods and encouraging reinvestment.

Private Space and Public Safety

The Diggs Town public housing community in Norfolk, Va., saw a marked decrease in crime after the city provided proactive police outreach and redesigned its public housing projects to better demarcate private space (e.g., front porches and picket fences). The enhancements inspired individual residents to report criminal activity more regularly, maintain their yards, and even develop extensive landscaping projects.⁴⁷

Public Health

Local health departments, typically located in counties or in larger urban jurisdictions, have not been recognized as partners in achieving livable communities until relatively recently. The mission of public health is to "promote physical and mental health and prevent disease, injury, and disability."⁴⁸ This mission incorporates prevention and treatment of diseases, environmental hazards, and injuries. It also includes promoting healthy behaviors, responding to disasters, and ensuring access to quality health services by all members of the public.

Traditionally, public health professionals have been called upon to comment on new development from the perspective of impacts on water quality. But public health practitioners' growing awareness that community design, policies, and programs can impact healthy behaviors as well has inspired many to become

supporters of integrated approaches to community design. By promoting **active living**, these local government public health practitioners recognize that community assets as diverse as sidewalks, open space, transportation choices, and downtown revitalization can contribute to health. Some public health officials are now starting to contribute input to the planning process, by providing **health impact assessments**, which evaluate new development plans based on the health costs and benefits of various development scenarios. Beyond physical activity, such impacts may include discussions of asthma or traffic injuries in cases where a proposal requires increased automobile use; they may cover impacts on basic health care for poor and indigent populations, where new construction might limit access to a nearby health clinic; or they may address any risks inherent in new developments on a brownfield or other environmentally hazardous site.

Active Living Leadership

Local government elected and appointed officials are also beginning to understand the health impacts of community design and local government policies. In an innovative initiative funded by the Robert Wood Johnson Foundation, called Active Living Leadership,⁴⁹ national associations representing state and local government leaders are in a unique, collaborative relationship to encourage elected and appointed officials to consider the health outcomes of their work. As a result mayors, county council members, and city managers (for example) are all beginning to take into account the added health value of concepts such as: walkable neighborhoods, bike trails, accessible parks and open space, community gardens, agricultural preservation, and so on.

Environmental and Community Infrastructure

Local governments engage in diverse activities that impact environmental quality. They may develop regulations and systems for other purposes that can inadvertently result in harm to the environment. Examples include wastewater treatment, leaf burning, recycling, and solid waste collection. Likewise, local land use and transportation policies that require additional driving trips can increase automobile emissions, thereby hurting air and water quality. Excessive parking requirements increase the amount of impervious surface, which results in more pollutants being washed into rivers and streams. Local governments have a responsibility to understand such impacts and reform policies appropriately in order to be good stewards of the environment.

While local governments are responsible to monitor compliance with state and federal requirements, some also take a more proactive role in addressing environmental concerns. The city of Tucson, Ariz., has aligned its budget to support and monitor **indicators** that are important to the community. Two examples of environmental indicators that the city will monitor include: 1) the ratio of protected natural desert to total developed land; and 2) the population and diversity of key native wildlife species.⁵⁰ **Green infrastructure** initiatives enable local governments to target their

conservation efforts and to support a comprehensive, functioning, green system.⁵¹ **Scenario planning**, using specialized software and visualization products, can help a local government to compare the long-term environmental impacts of different development approaches for a particular site.⁵¹ On a smaller scale, local governments may use landscaping, streetscaping, or other site planning policies, such as **conservation ordinances**, to protect natural resources such as water, wetlands, energy, or trees. Techniques of **better site design**, such as open space conservation and reducing the amount of impervious cover (i.e., covered by hard paving, roofs, etc.), allow local governments to minimize the amount of stormwater runoff and water pollution that a community creates.⁵³

Beyond supporting ecological objectives, environmental policies can also help local governments enhance their bottom line. Wetlands conservation may help communities avoid having to pay for costly new construction of water filtration infrastructure that duplicates a natural process.⁵⁴ Green amenities, such as parks or rivers, can also increase property values. As local governments increasingly understand the direct (financial) and indirect (quality of life) advantages that environmental protection provides, they are better able to update outmoded policies and processes that have harmful consequences.

Environmental Protection Policy Options

Cities such as San Antonio, Texas, and Reno, Nev., are experimenting with “daylighting” rivers that had been paved over in the past, exposing them to the open air once more and turning them into a new urban amenity, as a way to boost economic development and restore environmental health.⁵⁵ The city of Hollywood, Fla., invested in streetscaping to establish a climate for new investment favorable to such amenities. The city-led initiative resulted in an explosion of private investment.

Conclusion

The old adage “an ounce of prevention is worth a pound of cure” applies well to land use and development patterns. In a recent survey, local government leaders cited existing building placement and land use patterns as the single biggest impediment to more walkable communities.⁵⁶ Indeed, the resource-intensive mistakes of the past will continue to trouble communities for years to come. And while many have learned their lessons from experience, others continue to inadvertently enable the type of development that can bankrupt a jurisdiction socially, economically, and environmentally. The challenge for local governments is thus to prevent destructive new development and to repair past mistakes.

Local governments are constantly putting out fires—both literally and metaphorically—that can eclipse the importance of analysis and planning. Particularly for local governments that are struggling to provide even basic services, stopping this high-speed action to make long-term investments in the skills, processes, and labor needed to link natural resources preservation, social equity, and economic growth can be overwhelming. In some places a crisis may force the political will to emerge and address growth issues head-on. In others, thoughtful leadership and careful examination of neighboring communities can help them prevent the sort of just-in-time thinking that can harm a community.

In conclusion, offered here are a series of potential recommendations for funders, who are poised for direct action about smarter growth policies and practices. They represent options that funders could consider supporting in order to bolster the ability of local

government to employ smarter growth policies and practices and advance collaborative relationships between the public, private, and nonprofit sectors.

First, support local government know-how. In tight times, staff training is among the first budget items to get cut, and yet it is vital to ensure the success of multidisciplinary approaches, introduce new techniques, and create a network of supportive peers in elected, management, or staff positions. This can be in the form of case studies, documentation of policies, networking opportunities, education, and innovative technologies.

Second, support grant leveraging or partnering. Regional or place-based foundations can provide assistance to communities looking to build a larger smart growth program or neighborhood initiative, through leveraging funds or directing them to additional resources.

Third, support community planning and visioning exercises. Usually these are significant undertakings, and state and federal support is limited, so local governments have difficulty in finding resources. Foundations can provide support for the public engagement process, data preparation, or other needs, to ensure their successful identification of community needs and goals.

Fourth, support local government projects and program design. Local governments are increasingly gaining familiarity with applying for grants and other nonprofit funds. Many have been successful in coalition-building and in creating innovative approaches. Making local

governments eligible for foundation funding is the first step in providing them with local successes that can serve as examples to local “naysayers” and to other communities seeking leading practices.

Fifth, support networks. Professional associations, interest groups, and collaborative initiatives are excellent ways to share information and ideas among a targeted local government group. Whether a regional network or grouped by local government role, enhancing the level of communication on the topic of smart growth can only lead to more peer support for new and better ideas.

And finally, **advance a supportive environment for state laws that enable and encourage local**

governments to engage in responsible development practices. Without a suitable state framework, local governments throughout entire regions will face ongoing hurdles in dealing with haphazard growth. Communities will miss opportunities to grow in a balanced and coordinated fashion, and public energy to correct it will be wasted.

The past decade has seen a significant increase in the adoption of smarter approaches to growth and development, but challenges still remain. With increased support, however, local governments can become more engaged in long-term, strategic smart growth initiatives and can develop the expertise to implement dramatic changes.

Endnotes

1. This paper is published by the Funders’ Network for Smart Growth and Livable Communities, whose mission is to inspire, strengthen, and expand philanthropic leadership and funders’ abilities to support organizations working to improve communities through better development decisions and growth policies. For more information, see www.fundersnetwork.org.
2. Nadejda Mishkovsky is the project manager for the Smart Growth Program at the International City/County Management Association (ICMA), the professional and educational organization for chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities throughout the world. Its mission is to create excellence in local government by developing and fostering professional local government management worldwide. For more information, visit <http://icma.org>.
3. Bob O’Neill is the executive director of ICMA. He is a former city manager, county administrator, and former president of the National Academy of Public Administrators (NAPA). Dennis Taylor heads ICMA’s international team and is a former city manager and planning commissioner. Joe Schilling is a former city attorney and ICMA team leader who is now the associate director for green regions at the Metropolitan Institute at Virginia Tech.
4. In this paper, the term “smart growth” is used as shorthand for a set of principles, policies, and characteristics that recognize the connection between development and community. It is a planning term with a specific meaning for local government officials.
5. From a November 24, 2003, presentation by John DeStefano, Mayor of New Haven, Conn., and president of the National League of Cities, at the National Press Club, Washington, D.C. To view a video, visit: www.connective.com/npc/.
6. From “The Council-Manager Form of Government: Answers to Your Questions,” retrieved at <http://icma.org/upload/library/IQ/114238.pdf>.
7. For further discussion of TOD, see the Transportation section.
8. See the website of The Center for Transportation Excellence for a complete list of 2004 ballot initiatives on transit funding at www.cfte.org/success/2004.
9. Peter W. Salisch, Jr., and Timothy J. Tryniecki, *Land Use Regulations—A Legal Analysis and Practical Application of Land Use Law* (American Bar Association, Chicago 2003), page 3.
10. *Ibid.*, page 5.
11. The term “Dillon’s Rule” originally came from an Iowa Supreme Court Justice’s treatise on the powers of local governments.
12. For a detailed description of how different states apply Dillon’s Rule, and a discussion of the relationship between Dillon’s Rule and states’ ability to manage growth effectively, see, “Is Home Rule the Answer? Clarifying the Influence of Dillon’s Rule on Growth Management,” by Jesse J. Richardson, Jr., Meghan Zimmerman Gough, and Rob Puentes, available at www.brookings.edu/es/urban/publications/dillonsrule.pdf.
13. The National Conference of State Legislatures’ Growth Management Legislation database contains summaries of bills being considered during the current session that focus on providing incentives for, or removing obstacles to more effective growth management. Many of these bills relate to local governments’ ability to employ smart growth strategies, as well as state level approaches. For additional information, visit www.ncsl.org/programs/esnr/growthmgt.htm.
14. For more information, see www.mdp.state.md.us/fundingact.htm.
15. For details, see www.doa.state.wi.us/olis, under “Comprehensive Planning Legislation/Smart Growth.”
16. For details on the top five most frequently used tools in local growth management, see U.S. Government Accountability Office, “Community Development: Local Growth Issues-Federal Opportunities and Challenges,” (Washington: GAO, Sept. 2000): 101, retrieved on February 15, 2005 at www.gao.gov/new.items/rc00178.pdf.
17. For more information on the links between smart growth and federal transportation policy, visit the Surface Transportation Policy Project at www.stpp.org.
18. The California Center for Regional Leadership (CCRL) has done a great deal of work on regional government partnership and coalition building. See www.calregions.org/ for additional information.
19. For details, see www.jcpsky.net/Departments/EnvironmentalEd/GreenCity/GreenCity.html.
20. To view a report about the survey results, see U.S. GAO, “Community Development: Local Growth Issues-Federal Opportunities and Challenges.”
21. For a general discussion of many of the types of federal policies that have influenced growth and sprawling patterns of development, see U.S. GAO, “Community Development: Local Growth Issues-Federal Opportunities and Challenges,” and another somewhat controversial report by U.S. GAO, “Community Development: Extent of Federal Influence on ‘Urban Sprawl’ is Unclear” (Washington: GAO, September 2000) retrieved on February 15, 2005 at www.gao.gov/archive/1999/rc99087.pdf.
22. For information related to smart growth and local government administration, visit <http://icma.org>.

Endnotes (continued)

23. See ICMA, *The Practice of Local Government Planning*, 3rd edition, ed. Stuart Meck, Paul Wack, and Michelle J. Zimet, p. 6, citing Kuehl, 1992 Job Analysis Survey.
24. To learn more about charrettes, contact The National Charrette Institute, a nonprofit educational organization that helps build community capacity for collaboration to create healthy community plans. For additional information, see www.charretteinstitute.org.
25. To view the report for the Los Angeles Reality Check process, visit www.uli-la.org/realitycheck/.
26. See *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978).
27. See ICMA, *The Practice of Local Government Planning*, p. 343.
28. *Ibid.*
29. For details, see www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html.
30. For more information on code reform, see the Smart Growth Network's Land Development Regulations web resource at www.smartgrowth.org/library/ldrlist.asp.
31. For more information, see www.mnplan.state.mn.us/pdf/2000/eqb/ModelOrdWhole.pdf.
32. See ICMA, *The Practice of Local Government Planning*, p. 366.
33. To address this concern, some local governments in Florida have designated exemption areas in downtowns and other areas targeted for redevelopment.
34. See ICMA, *The Practice of Local Government Planning*, p. 227.
35. *Ibid.*, page 226.
36. For more information, see <http://sanjose.bizjournals.com/sanjose/stories/2001/11/26/daily27.html>.
37. For further details, see www.mc-mncppc.org/research/analysis/housing/affordable/mpdu.shtm.
38. In a 2004 national survey by ICMA, city managers identified "requiring neighborhood streets to be designed with pedestrians and cyclists in mind" and "establishing processes to improve local active living infrastructure" as two of the three top actions that local governments could do to address the need for more physical activity, among other goals. Similar results were found by the National Association of Counties, which surveyed county elected officials with the same survey tool. To view ICMA's survey results, visit <http://icma.org/activeliving> and select "Active Living Approaches By Local Government, 2004."
39. For more information on the role of local economic development initiatives, see www.iedconline.org/hotlinks/whitecodev.html.
40. For a good discussion of the benefits of a collaborative approach between larger local governments and neighborhood-level community development organizations, see Tony Proscio, "Smart Communities: Curbing Sprawl at its Core," (Washington, DC: Local Initiatives Support Coalition, 2002). Retrieved on February 15, 2005 at: www.lisc.org/resources/assets/asset_upload_file942_976.pdf.
41. For more information about brownfields redevelopment, see the U.S. EPA at www.epa.gov/brownfields/ or the annual brownfields conference at www.brownfields2005.org/en/index.aspx. (Be sure the URL includes the current year.)
42. See Funders' Network for Smart Growth and Livable Communities, *Livable Communities @ Work #4: Vacant Properties and Smart Growth* at www.fundersnetwork.org/info-url_nocat2778/info-url_nocat_show.htm?doc_id=242309. Also see the National Vacant Properties Campaign at www.vacantproperties.org/.
43. For additional information, see www.lakewood.org/index.cfm?&include=/belmar/belmar.cfm.
44. For details, see www.mainstreet.org/About/.
45. The Local Government Commission has developed several relevant fact sheets on emergency response and crime prevention, which are accessible at www.lgc.org/freepub/land_use/factsheets/index.html.
46. From a January 29, 2005, presentation by Richard Williams, Fire Chief, Gainesville, Fla., at the New Partners for Smart Growth Conference in Miami.
47. From a January 26, 2002, presentation by Rick James, Community Resource Officer, Norfolk Police Department, at the New Partners for Smart Growth conference, San Diego, Calif.
48. See National Association of City and County Health Officials, Public Health Functions Steering Committee (Sept, 1994) at www.naccho.org/general578.cfm.
49. For details about Active Living Leadership, see www.activelivingleadership.org.
50. For additional information about the Livable Tucson initiative, visit www.cityoftucson.org/lv-toc.html.
51. See The Conservation Fund at www.conservationfund.org/pdf/greeninfrastructure.pdf, page 5.
52. Community Viz, developed by the Orton Family Foundation, helps communities afford low-cost software for planning alternative growth scenarios—a useful tool in government and in public outreach. For details, visit www.communityviz.com.
53. For more information on this topic, see the Center for Watershed Protection at www.cwp.org/better_site_design.htm
54. The American Forests website contains a calculator that enables communities to calculate the dollar value of trees and natural ecosystems. For details, see www.americanforests.org/productsandpubs/citygreen/.
55. For a description of the San Antonio River Improvements project, visit www.sanantonioriver.org/overview.html. A description of Reno's ReTRAC project on the Truckee River can be found at www.cityofreno.com/gov/news/1095981024.ptp.
56. In early 2004, ICMA and NACo surveyed municipal managers and county elected officials, respectively. The findings from these parallel surveys can be found at <http://icma.org/activeliving> under the title, "Active Living Approaches By Local Government Summary Report."



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Expanding funders' abilities to support organizations working to build more livable communities through smarter growth policies and practices.

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