A reality check on smart growth in Virginia

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Smart growth and planning

Although the growth-management movement is a relatively new planning phenomenon related to suburbanization and sprawl, local governments have actually been managing growth since Colonial times. Growth management encompasses a wide array of plans, policies, rules, and regulations that are used to guide the location, type, density, and timing of new development. The umbrella of "growth management" includes "smart" growth, sustainable economic development, and other related concepts. Smart growth promotes revitalization, redevelop, and infill development in urban and older suburban areas. It also encourages development around existing community centers already served by utilities and other public facilities. Sustainable development, for example, weighs the need for economic development against the loss of prime farmland or sensitive environmental areas.

Although its detractors might argue otherwise, growth management does not necessarily translate into no growth or slow growth. Rather, growth management acknowledges that growth can and will occur and seeks to balance the need for additional jobs or the demand for new retail establishments against the availability of public facilities and services or the need to protect environmental resources.

Rapid population growth and development in many areas of Virginia have made this issue a focal point for political debate over the past decade. Although sprawl continues to be an issue in Virginia, citizens and policymakers have not reached consensus on how best to address the issue. The widely publicized success of Maryland's Smart Growth and Neighborhood Conservation initiative has now brought smart growth to the forefront in the commonwealth, but even smart growth has struggled to take hold here for a variety of reasons.

An article in the June 2000 edition of Virginia Issues & Answers ("Sprawl in Virginia: Is Dillon the Villain?") described the disagreement between the Virginia General Assembly and local governments over sprawl. This tug-of-war centers on Dillon's Rule, which limits local authority to those powers expressly or implicitly granted by the municipal charter, state constitution, or state statute. Local governments feel that Dillon's Rule prevents them from fashioning creative remedies to combat sprawl, and therefore they lobby for one of two basic remedies: abolish Dillon's Rule altogether or allocate additional powers to local governments to manage growth. Various interest groups periodically join local government lobbyists and local representatives in these lobbying efforts; yet the General Assembly shows no sign of wavering, particularly with regard to its stance on Dillon's Rule.

Instead, the legislators argue, Virginia localities possess the necessary powers to combat sprawl, but localities fail to use the available tools appropriately, if at all. The debate over roads in Northern Virginia proves instructive. For several years, local governments in Northern Virginia have lobbied for the right to levy impact fees as well as the ability to raise revenue through a special assessment to finance the construction of new roads. The General Assembly, to date, has rejected these pleas. The legislators point to the fact that a few Northern Virginia localities already possess the authority to impose impact fees for roads. The fact that these localities have not exercised this authority calls into question the need for new authority.

Despite this claim, the question remains whether localities in Virginia do, in fact, possess the tools they need to manage growth. This article moves beyond an evaluation of Dillon's Rule and examines the smart growth tools available to planners in Virginia and elsewhere. It considers the "traditional" planning tools—all of which are available to localities here—and other tools that are part of smart-growth programs in other states. The article then asks whether effective smart growth hinges on the tools themselves or the ways these tools are employed. It concludes by suggesting steps policymakers can take to move Virginia closer to smart growth.

The basic planning toolbox

Before embarking upon an examination of the most recent smart-growth tools, one must understand the basic tools in the smart-growth toolbox. First and foremost, the comprehensive (or master) plan serves as the primary tool in the planning toolbox. The master plan provides a vision for the locality's future and serves as a reference for decision-making regarding land use, economic development, public and social services, and other factors. Recitation of historical events, evaluation of present conditions and emerging trends, establishment of goals and objectives for the future, and consideration of an array of strategies for achieving these goals form the basis of the master plan. The master plan, therefore, serves as the centerpiece for smart growth. In Virginia, localities must develop and adopt a master plan, which must be reviewed every five years and updated as necessary.

Land use and development are critical components of the master plan. Most localities prepare a future land-use map that identifies the general locations for various types of development based on the availability and capacity of public facilities and taking into consideration any changes in population demographics, employment, or other aspects of the community.

The capital improvements plan augments the master plan and sometimes serves as an element of the master plan. The capital improvements element evaluates the capacity of public facilities (i.e., roads, schools, water, and sewer) and establishes a
Framing the issue

Virtually every state in the country enables local governments to employ the basic planning tools described above. However, certain states, such as Maryland, Vermont, Oregon, and Florida, are touting as national leaders in the smart-growth movement. Virginia, meanwhile, with fundamentally the same set of planning tools, finds itself engaged in a verbal tug of war on sprawl but finds no real movement on the question of managing growth. The question, Why is this so? cries out for an answer.

A review of the literature on growth management, as well as observations of events on the ground, plainly suggests that effective growth-management programs share certain characteristics. Accordingly, the ongoing Virginia debate must extend beyond the debate of whether Virginia's localities possess the necessary mix of planning tools to guide growth. Several realities must be confronted and integrated into Virginia practice and planning to achieve real smart growth in the commonwealth.

Reality #1: Effective smart growth starts with state leadership.

The most successful growth-management initiatives originate at the state level and involve innovative and committed leadership at the state level. At a minimum, the state provides funding (often in the form of incentives), technical assistance, and coordination of efforts. Citizen participation forms a vital part of each of these initiatives. For example, provisions that encourage collaboration among local governments are a common goal of smart growth. Often, statutes mandate consultation procedures. Adjoining jurisdictions may be given authority to veto certain provisions in the plans or implementing ordinances of adjoining jurisdictions.

Therefore, "new" smart growth appears to refer merely to state governments providing mandates or incentives for local governments to carry out proper planning. The mandated actions usually involve authority or functions that the local governments already possess. As opposed to "mother, may I," a phrase some have used to describe Dillon's Rule, smart growth, as implemented in some states, may be viewed as the "mother" (the state) telling the "child" (the local government) that they must "behave" or act in a certain way. If the "child" "behaves," or acts in a certain way, the state offers an "ice cream cone" (financial or other incentives).

Reality #2: Local implementation of smart growth must address the five C's: comprehensive planning, consistency, concurrency, coordination, and cooperation.

The comprehensive plan, discussed above as part of the basic planning toolbox, forms the centerpiece of every existing state smart-growth strategy. The Virginia Code requires each jurisdiction to compose a comprehensive plan. Therefore, the foundation of smart growth is already in place in Virginia. Consistency comes in several forms. Internal consistency requires cohesion among the various elements and provisions of the comprehensive plan. If the comprehensive plan itself is disjointed, land-use planning will be difficult. External consistency refers to the link between the com-
prehensive plan and its implementing ordi-
ances. If, for example, the land-use map in
the comprehensive plan shows the future
use of a particular parcel as industrial, but
the parcel is zoned residential, the provi-
sions are inconsistent. At present, the
Virginia Code does not require that local
land-use plans be consistent with local zon-
ing or subdivision provisions.

Finally, intergovernmental consistency
demands that the land-use plans of neigh-
boring jurisdictions be in harmony with each
other. If the land-use plans of adjoining juris-
dictions call for vastly different land uses
in close proximity to each other, difficulties cer-
tainly will follow. Virginia law does not
require that local governments coordinate
their land-use planning. Such cooperation is
allowed on a voluntary basis, however.

Concurrence, on the other hand, deals
with the issue of infrastructure timing.
Concurrency mandates that adequate pub-
lic facilities, such as roads, water, and sewer,
be available before, or within a designated
time period after, development. This
requirement seeks to avoid the difficulties
that occur when development precedes
construction of public facilities. The Virginia Code, at present, does not mandate
concurrency, although one may argue that
localities possess this authority.

Coordination seeks to organize the
efforts of various state, regional, and local
governmental units in the smart-growth
effort. Local governments should integrate
efforts among themselves. State agencies
should blend their efforts with each other as
well as the efforts of local governments.
Additionally, local governments often com-
plain that state agencies frustrate their land-
use planning efforts. A coordination
mandate would help remedy this dilemma.
For example, local governments and the
state department of transportation present-
ly debate the ability of local governments to
regulate the placement of telecommunications
towers on Virginia Department of
Transportation right-of-ways.

The Virginia Code does not explicitly
require coordination. The law allows local
governments to ask state agencies for infor-
mation but does not grant local ordinances
authority over state-owned property or state
functions such as transportation planning.

Cooperation provisions encourage col-
laboration among local governments and
between local governments and state agen-
cies in pursuit of the common goal of smart
growth. Often, statutes mandate consulta-
tion procedures. State agencies often must
abide by local ordinances, so long as local
ordinances meet state goals and objectives.
Adjoining jurisdictions may be granted
authority to veto certain provisions in the
plans or implementing ordinances of
adjoining jurisdictions. Again, the Virginia
Code permits, but does not mandate,
cooperation among local governments.
At present, state agencies have no obligation
to abide by local ordinances.

Reality #3: Local and regional
government roles in managing
sprawl must be reassessed.

The expansive state role in most smart-
growth efforts creates skepticism on the
part of many local government officials.
Power to control land use traditionally lies
with local governments. Local governments
are in a better position to know and react to
unique local conditions. For this and other
reasons, local government officials vigor-
ously guard this local prerogative against
infringement by the state or federal govern-
ment as well as any regional authorities.

Although local government roles in suc-
cessful smart-growth plans remain promi-
nent and vital, a reassessment of those roles
is necessary to implement smart-growth ini-
tiatives. Several lessons from past failures in
smart growth prompt this reassessment of
roles. First, history teaches us that one coun-
ty or one city cannot successfully manage
growth. Certainly, a Virginia locality, using
existing tools at its disposal, may exert sig-
ificant control over development in its
jurisdiction. However, past experience clear-
ly shows that this success represents merely a
limited victory at best. Since development is
prohibited or more costly in the county
implementing smart growth, development
merely shifts to nearby localities.

Smart-growth efforts in Boulder, Colorado,
show this phenomenon clearly. Although
residential growth in Boulder has slowed considerably, surrounding counties
and towns have experienced explosive
growth coincident with the controls in
Boulder. Clearly, constraints on growth in
Boulder push growth to nearby jurisdic-
tions, a form of leapfrog development that
characterizes sprawl.

Boulder’s smart-growth efforts do not
limit commercial development. Therefore,
Boulder has many more jobs than residents.
The commutes from nearby areas, which
have more residents than jobs, increase air
pollution and otherwise negatively affect the
quality of life for residents of the entire
region.

Another cautionary tale from past expe-
rience shows that local smart-growth efforts
may tend to both significantly increase
housing costs and limit the availability of
affordable housing. For example, Boulder and Portland, Oregon (another community
cited as an example of smart growth), have
experienced sharp increases in housing
prices since the advent of smart growth in
their jurisdictions. Although the findings of
studies conflict on the cause of these
housing cost increases, affordable housing
must be addressed in any smart-growth ini-
tiative. State-level incentives or oversight
might be needed to ensure that localities
bear their “fair share” of affordable housing.

Finally, institutional incentives exist for
local governments to protect their own citi-
zens without regard to the impact on others.
Citizens of each locality elect local officials.
Therefore, these elected officials under-
standably feel an obligation to support the
local voters. However, land-use policies
clearly create impacts that cross jurisdiction-
al boundaries. The state government seems
to be the appropriate level to address these
regional or statewide concerns.

In Virginia and across the country, the
tax structure shapes local government
action. Local government officials under-
standably wish to maximize tax revenue and
minimize expenditures, both within politi-
cally acceptable bounds. Land-use decisions
impact both tax revenues and expenditures
for local government. For example, a large
number of poor persons in a community
generally equates to above average govern-
mental expenditures for services along with
lower tax revenues. Local governments may
rationally wish to limit the number of poor
persons in their communities to protect
local finances. Although localities may
choose to collaborate voluntarily, state gov-
ernment may need to become a player,
especially with issues of regional impact.

A blueprint
for action in Virginia

Smart growth can happen in Virginia
but not without minor changes in perspec-
tive on the part of state and local govern-
ments. We propose the following strategies
to achieve smart growth in the common-
wealth:

(1) Determine and clearly articu-
late the goals of smart growth.

Much of the sprawl and smart-growth debate
remains shrouded in vague homilies
instead of being framed in clear visions of
the future. State and local governments and, most importantly, the citizens of the commonwealth must collaboratively determine and clearly articulate the goals of smart growth in Virginia. Citizens of Maryland, for example, may desire a very different type of community than do citizens of Virginia. If we cannot agree on what “smart growth” entails, our plans are doomed to fail.

(2) The commonwealth must exert an active leadership role in the smart growth plan. If statewide smart growth is to become reality, Virginia must play a role. Local governments cannot successfully manage sprawl alone. Instead of working independently—and sometimes in contravention—of each other, local and state governments must partner with each other to address growth issues. The state government must provide leadership, technical expertise, and, perhaps most importantly, financial incentives to local governments if smart growth is to succeed in the commonwealth.

(3) Regional planning must become the norm, not the exception. At present, local governments often work against each other as well as against state agencies. The present strategy assumes that one local government’s gain must be a loss for another local government. Indeed this assumption may prove true when, as at present, local governments pursue individual goals with no regard for positive or negative impacts beyond arbitrary jurisdictional lines. We assert that if local governments collaborate with each other as well as with state agencies, all Virginians gain. For example, when adjoining communities coordinate their land-use planning, conflicting land uses are less likely to be placed in close proximity to each other, benefiting both localities. Localities already may avail themselves of revenue sharing and voluntary regional cooperation. The local government’s knowledge of local conditions and special circumstances is essential to the promotion of smart growth.

(4) The state legislature must provide carrots, not sticks, to encourage smart growth. State mandates for smart growth will not succeed in Virginia. Indeed, the history of smart growth reveals a trend away from mandates and toward incentives and citizen participation. Maryland’s smart-growth program serves as a model in this respect. The Maryland state legislature made no mandates in their smart-growth law. Instead, Maryland lawmakers decided that the state would no longer subsidize growth (with roads and other infrastructure) in areas in which growth is not desirable. Conversely, Maryland provides incentives—in the form of monetary grants and technical assistance—for local governments that engage in smart growth and to encourage development is those areas in which development is appropriate. In Virginia the carrot, not the stick, should be used to promote smart growth. For example, the state legislature could mandate state agency collaboration and cooperation with local governments that adhere to state goals and policies for smart growth.

Conclusion
As shown in this article, smart growth demands that state and local governments work together to achieve common growth goals. At present the debate over sprawl in Virginia centers on the distribution of power to regulate land use. If Virginia is to grow smarter, state and local policymakers must reframe the issue and concentrate on strategies that will raise the quality of life for all Virginians, not just the select few who live in growth-controlled counties or cities.

With both traditional smart-growth tools and new wave techniques, the comprehensive plan forms the centerpiece around which all implementing measures must be built. Consistency requirements merely mandate master plans that contain provisions that do not conflict with each other, implementing ordinances that properly carry out the terms of master plans and master plans that fit together with master plans from other jurisdictions.

Concurrency merely refers to subdivision approval and conditional zoning issues. Finally, coordination and cooperation are two attributes to which all local, regional, and state governments should aspire.

The blueprint proposed in this paper, if implemented, can work for the betterment of all Virginians. The pattern of future growth in Virginia can be managed in a fair, efficient, effective, and inclusive manner if we set aside the false assumptions and political rhetoric that has typified the debate for far too long. 