Concept
Guiding growth, not stopping growth
   - Influencing rate, sequence, or timing of development
   - Influencing type, location, quality, scale of development

Motivations...
1. Fiscal efficiency: cost of infrastructure and services
2. Environmental sustainability: e.g. climate change and resource impacts

Legal Basis (see Chapter 11)

Key cases: Petaluma, CA, 1975; Ramapo, NY, 1972. Note: neither decided by Supreme Court.

What these cases allowed:
- Limit on how much development is approved each year
- System for deciding what developments to approve, e.g. based on community goals, availability of infrastructure

Legal constraints:
- Actions must further a legitimate public purpose and bear a reasonable relationship to the public welfare.
- Public welfare of all people who would be affected significantly, not just those within the boundaries of city or county adopting. Ex. affordable housing...

Growth Management Approaches

Today’s approach:
- Draw a boundary around city: Distinguish between urban area, rural area
- Direct location and design of development: Use land within boundaries wisely, avoid using land outside boundaries

1. Boundaries: Urban growth boundaries, urban limit line, urban service areas, etc.

2. Encouraging Inside/Discouraging Outside:

<table>
<thead>
<tr>
<th></th>
<th>Regulation</th>
<th>Incentive</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>Encourage within</td>
<td>e.g. “up-zoning”</td>
<td>e.g. density bonus;</td>
<td>e.g. capital investments;</td>
</tr>
<tr>
<td>boundaries</td>
<td></td>
<td>CEQA exemption for infill development</td>
<td>redevelopment</td>
</tr>
<tr>
<td>Discourage outside</td>
<td>e.g. “down-zoning”</td>
<td>e.g. tax breaks for keeping land in agriculture</td>
<td>e.g. purchase of conservation easements</td>
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<td>of boundaries</td>
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Difficulties with up-zoning inside the boundary: traffic, transportation needs
Difficulties with down-zoning outside the boundary: property value decline, governmental taking
Difficulties will all regulations: Need to involve the public (perhaps early), everyone has a stake in where boundaries are drawn, and which projects are chosen.

**Issues**

**Issue 1: “Ballot box planning”**

Use of initiative and referendum in the planning arena, for any legislative act (e.g. zoning change or general plan amendment).

- **Initiative:** Legislative action initiated by voters
- **Referendum:** Vote on whether or not to accept action taken by legislative body

Examples:
- Davis’ Measure J, approved by voters in November 1999, reapproved in June 2010

**Issue 2: Takings – see Chapter 13**

Fifth Amendment to US Constitution: No property shall be “taken” from private individual by the government unless the government pays “just compensation” to the property owner.

- Interpretation by the courts: If land-use regulation is overly restrictive, it creates a taking of property equivalent to physical occupation – “regulatory taking” – and entitles property owner to money damages.

Key Cases:
- First English vs. Los Angeles County, decided by U.S. Supreme Court 1987
- Lucas vs. South Carolina Coastal Council, decided by U.S. Supreme Court 1992
- Tahoe-Sierra Preservation Council vs. Tahoe Regional Planning Agency (TRPA), decided by U.S. Supreme Court in 2002

Implications:
- **Uncertainty:** When is a regulation so extreme that it creates a taking of property?
- **Certainty:** Government’s power to impose land use regulations limited.

**Issue 3: State or Regional Frameworks for Growth Management:** (for reference)

<table>
<thead>
<tr>
<th>State-imposed planning</th>
<th>Hawaii</th>
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<tbody>
<tr>
<td>Mandator planning with strong state role</td>
<td>Oregon, Florida, to some degree also Maine, NJ, Rhode Island, Washington</td>
</tr>
<tr>
<td>Mandator planning with weak state role</td>
<td>California, Georgia, Vermont.</td>
</tr>
<tr>
<td>Regional planning</td>
<td>Minneapolis, Portland</td>
</tr>
<tr>
<td>Special areas</td>
<td>North Carolina, California: California Coastal Commission, BCDC, TRPA</td>
</tr>
</tbody>
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