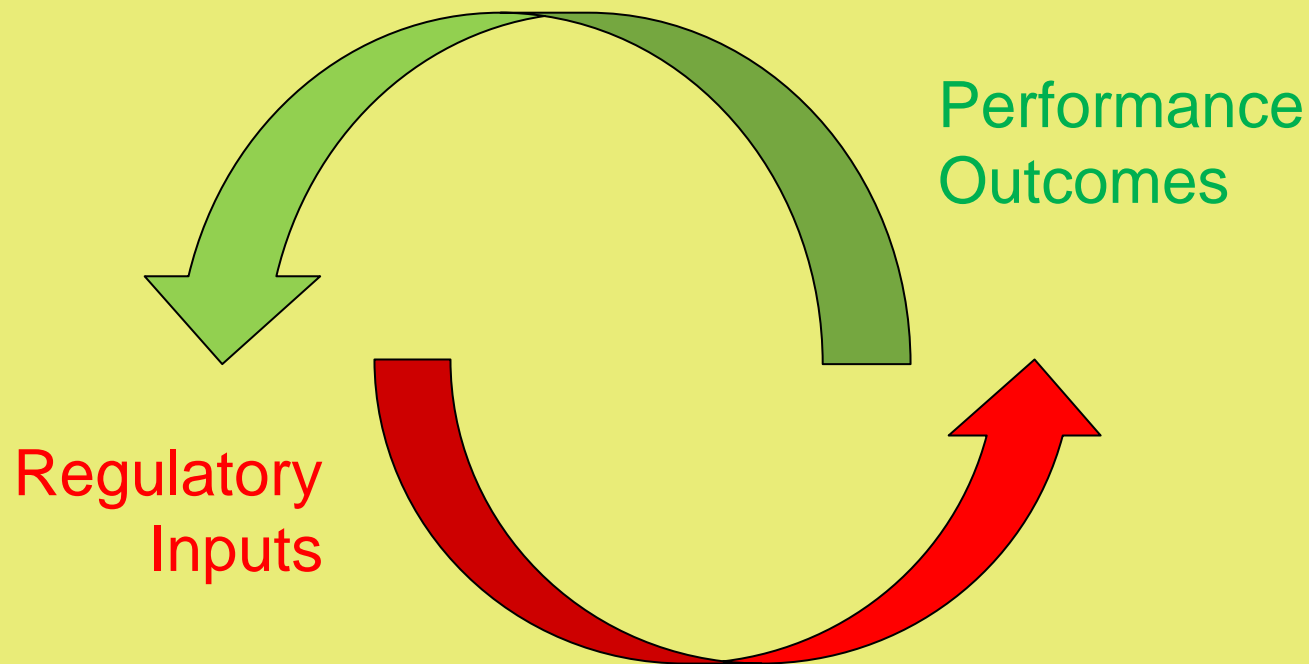


# Smart Growth and Regulatory Processes

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Process analysis looks at regulatory inputs as counterparts to performance outcomes

# Research Questions

- A. Do strong inputs predict (correlate with) strong performance?
- B. Over time, does performance change inputs (alter the regulatory system)?

A. Do strong inputs predict (correlate with) strong performance?

1. Statutory Analysis: integrity & strength of the regulatory systems
2. Survey of Opinion Leaders : perceptions of system effectiveness

# 1. Statutory Analysis

- Table 1: state required planning elements (based on *Summary of State Land Use Planning Laws*, APA 2007)
- Table 2: state requirements specific to *Smart Growth* goals
- Table 3: Composite Table of general and specific regulatory requirements
- Figure 1: Strength of state vs. local regulations (based on Wharton Index)

**Table 1: Required Elements of State Regulatory Systems**

Planning Performance Criteria (3-point scale where 1 = weak or absent; 3 = strong)											
State-Level Spatial Planning		State Stipulations Regarding Sub-State Planning					Degree of Acceptance of Municipal Regulatory Action, 2005 (Wharton Residential Regulatory Index)			Unweighted Row Totals	
Guidelines for a State Plan	Land use elements specified in state plan guidelines	Local Plan Content	Mandate to Plan	Internal Consistency	Vertical Consistency	Horizontal Consistency	Legislative Rating: Level of Recent Local Regulatory Involvement	Judicial Rating: Tolerance of Appellate Courts for Local Regulatory Action	Degree of Acceptance of Residential Regulatory Action		
<b>Non Growth Management States</b>											
Colorado	1	1	2	3	2	2	1	3	2	3	20
Indiana	1	1	2	1	1	1	1	1	3	1	13
Texas	1	1	1	1	1	1	1	2	2	2	13
Virginia	1	1	1	3	1	1	1	2	2	2	15
<b>Growth Management States</b>											
Florida	3	3	3	3	3	3	3	2	2	2	27
Maryland	3	3	3	3	3	3	3	3	2	3	29
New Jersey	3	3	2	1	3	3	3	3	2	3	26
Oregon	3	3	3	3	3	3	3	2	2	2	27

**Table 2: State Requirements Specific to Smart Growth Goals (Three Point Scale)**

	Spatial Outputs					Environmental Protection			Affordable Housing		Unweighted Row Totals
	Compact Development		Coordination of Growth Patterns with Infrastructure Capacity			Effectiveness of State Policies to Preserve Agricultural Land	Effectiveness of state policies in protecting sensitive lands	Sufficiency of any dedicated funding stream for preservation of open space via procurement of easements or purchase	Strength of state guide-lines	Degree of financial support for affordable housing	
	Degree to which compact development is encouraged <i>State-wide</i>	Effectiveness of <i>Metro-Area</i> Urban Growth Boundaries (UGB's) or Urban Development Areas (UDA's) in growth containment	Strength of Concurrence or Adequate Public Facilities requirement	Utility of state provisions for exactions, dedications, and impact fees	Effectiveness of state limits on formation of special districts in order to slow sprawl						
<i>Non Growth Management States</i>											
Colorado	1	2	1	3	1	2	2	3	1	1	17
Indiana	1	1	1	2	3	1	2	1	1	1	14
Texas	1	1	1	2	1	1	2	1	1	1	12
Virginia	1	1	1	2	1	1	2	1	1	1	12
<i>Growth Management States</i>											
Florida	2	1	3	3	3	1	3	3	2	2	23
Maryland	2	2	2	3	1	3	3	3	2	1	22
New Jersey	2	1	3	2	3	3	3	3	3	3	26
Oregon	3	3	2	2	3	3	3	1	2	1	23

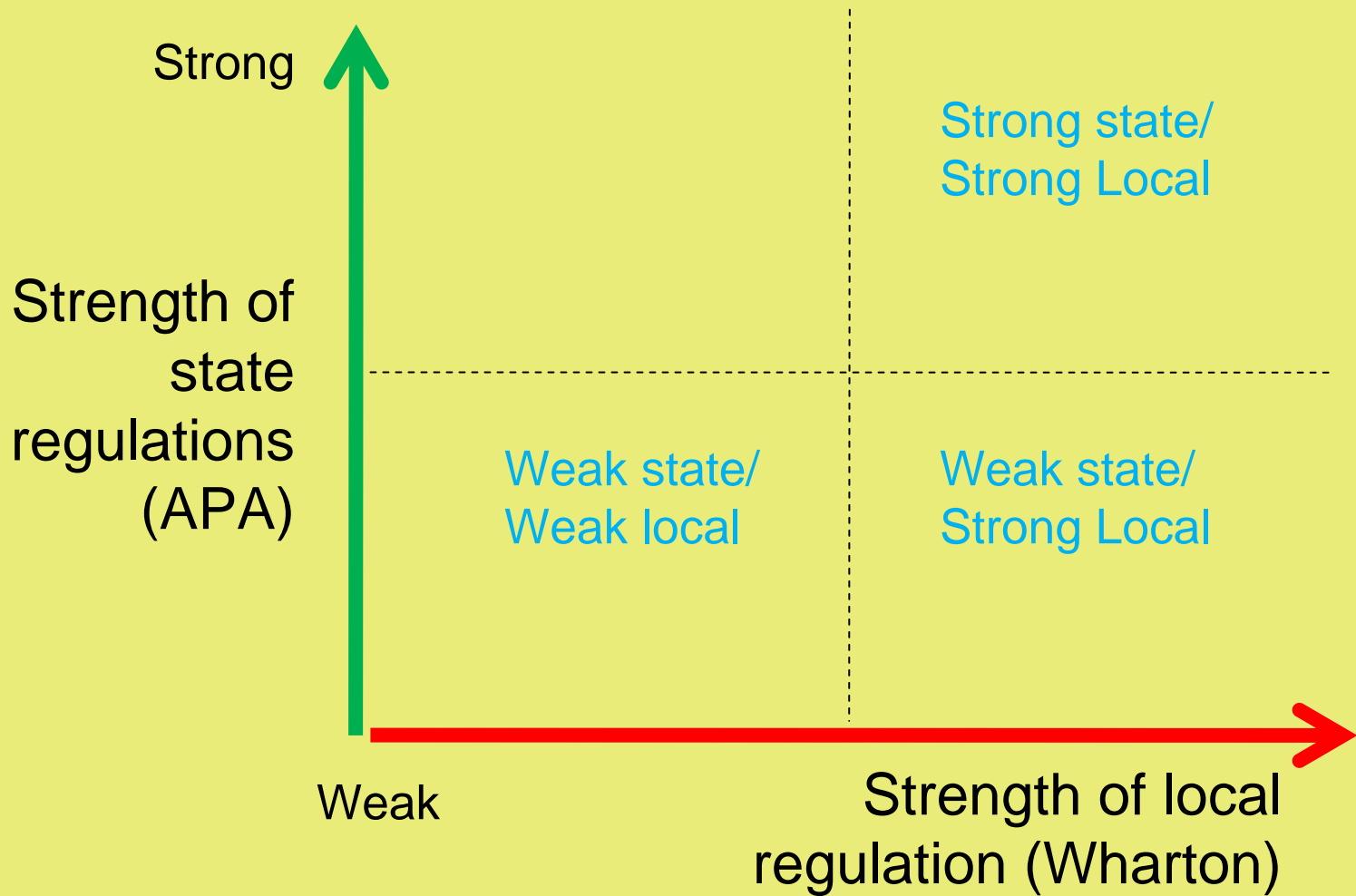
**TABLE 3. State-Level Statutory Policy/Planning Inputs and Intermediate Outputs**

Standardized Scores (100 maximum) by state, 2007

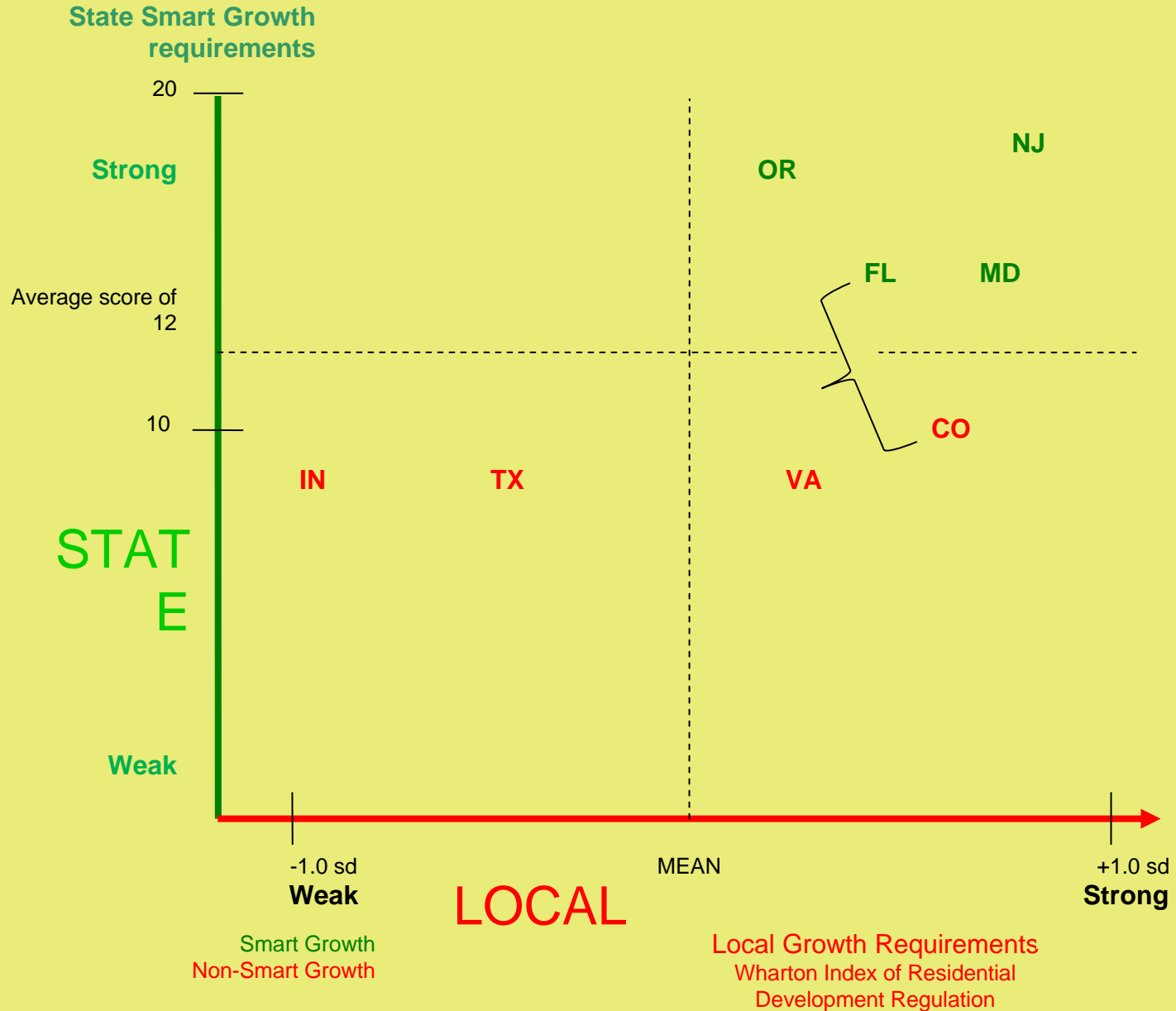
	Required Elements of State Regulatory System (from Table 1)			Specific Smart growth Requirements (from Table 2)				Sum	Rank
	State-Level Spatial Planning, Columns 1 & 2, Table 1	State Stipulations Regarding Sub-State Planning, Columns 3-7, Table 1	Degree of Acceptance of Municipal Regulatory Action, 2005, Columns 8-10, Table 1	Compact Development, Columns 1 & 2, Table 2	Coordination of Growth Patterns with Infrastructure Capacity, Columns 3-5, Table 2	Environmental Protection, Columns 6-8, Table 2	Affordable Housing, Columns 9 & 10, Table 2		
<i>Non-Growth Management States</i>									
Colorado	33	67	89	50	56	78	33	406	<b>5</b>
Indiana	33	47	56	33	67	44	33	313	<b>6</b>
Texas	33	33	67	33	44	44	33	287	<b>8</b>
Virginia	33	47	67	33	44	44	33	301	<b>7</b>
<i>Growth Management States</i>									
Florida	100	100	67	50	100	78	67	562	<b>4</b>
Maryland	100	100	89	67	67	100	50	573	<b>2.5</b>
New Jersey	100	80	89	50	89	100	100	608	<b>1</b>
Oregon	100	100	67	100	78	78	50	573	<b>2.5</b>

# Measuring Local Regulation: The Wharton Index

- Based on responses from over 2,649 chief local planning officials (2006)
- Focused only on the regulation of residential development
- Surveyed perceived impacts



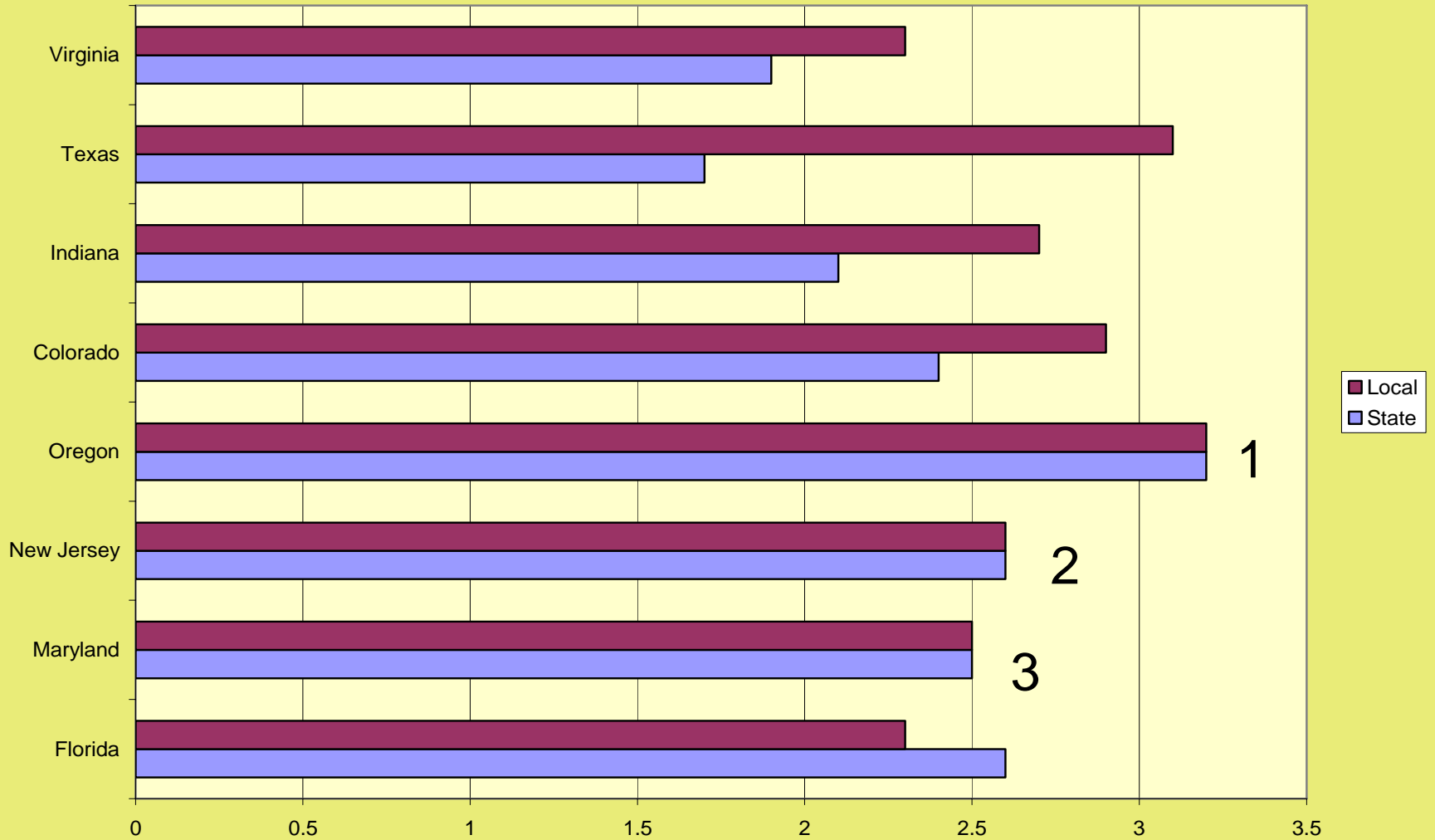
# Figure 1: State vs. Local Regulations



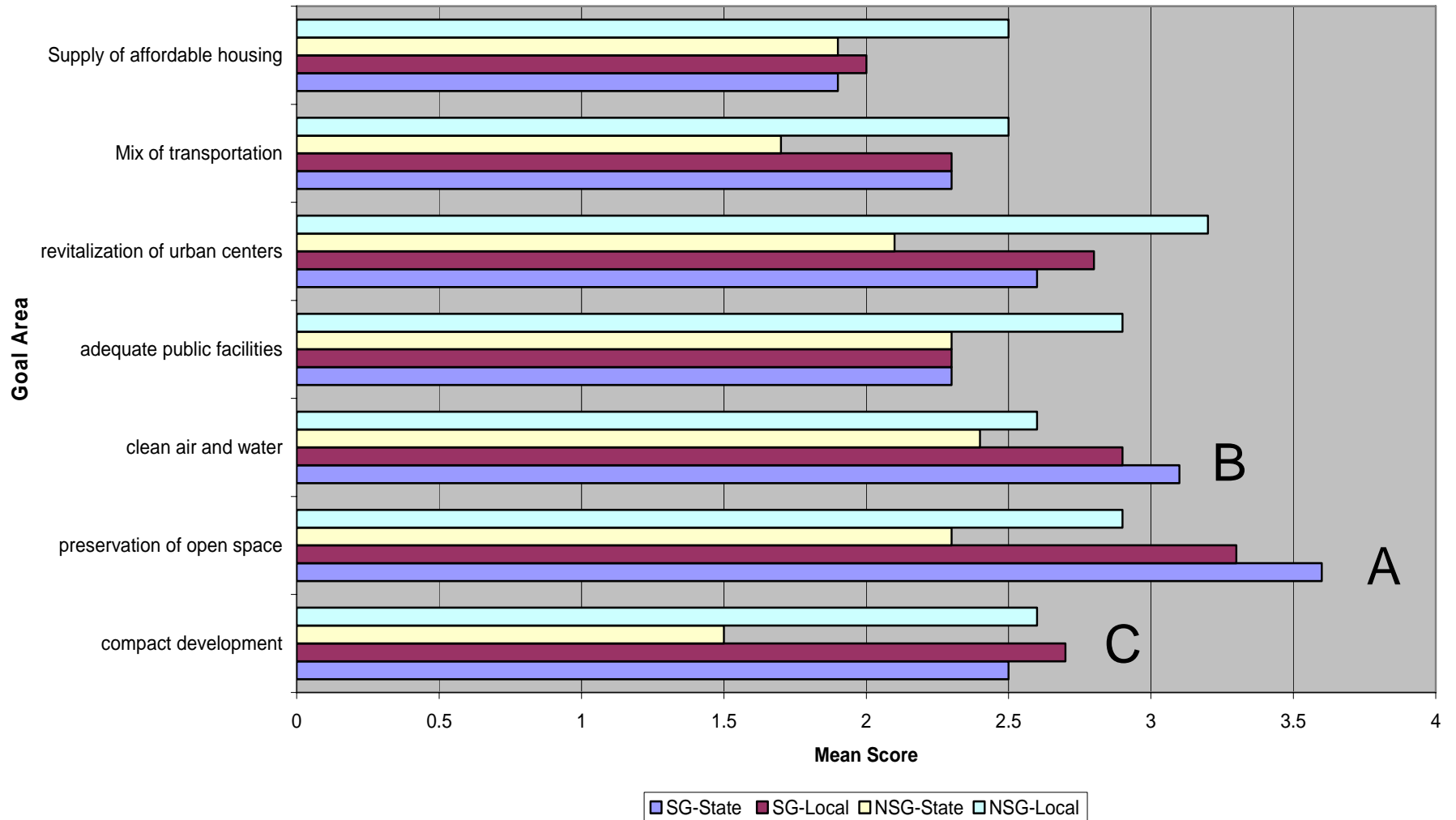
## 2. Survey of Opinion Leaders

- **Sample:** expert opinion leaders in the public, private and nonprofit sectors
- **Questions:**
  - Perceived effectiveness of state vs. local regulation in meeting smart growth goals statewide
  - Perceived effectiveness of state vs. local regulation in meeting smart growth goals at the metropolitan scale
  - Extent to which public participation is encouraged
  - Costs of regulatory compliance

Figure 3A. Overall Goal Effectiveness State vs. Local



# State vs. Local Effectiveness in Meeting Smart Growth Goals by Goal Area



## Effectiveness of Regulations in Coordinating Planning Across Local Jurisdictions Comprising the Largest **Metropolitan** Area: since 2000







	Smart Growth States		Non-Smart Growth States	
	State	Local	State	Local
(C) Compact development	2.4***	2.5	1.5***	2.3
(A) Preservation of open space	2.7***	2.5	1.8***	2.5
(B) Clean air and water	2.5***	2.6	2.1**	2.4
Adequate public facilities and infrastructure	2.1	2.3**	2.0	2.6**
Revitalization of existing urban centers	2.5***	2.7	1.8***	2.7
A mix of transportation alternatives	2.5***	2.5	1.9***	2.5
An adequate supply of affordable housing	1.9	1.9	1.7	2.1

\*\*\* Significant @ .001; \*\* Significant @ .05

## Extent to Which Participation is Encouraged in Planning Average (Mean) Rating

	Smart growth States		Non-Smart Growth States	
	State	Local	State	Local
The development of general, master and comprehensive plans	3.4***	3.7	2.1***	3.6
Approval of significant revisions to elements of the plans	3.3***	3.5	2.0***	3.4
Periodic updating of plans and goals	3.1***	3.5	2.0***	3.4

## Change in Costs of Regulatory Compliance: Since 2000

	Smart Growth States	Non-Smart Growth States
Cost of regulatory compliance		
Time required to meet review requirements		
Exaction Fees		



Costs a lot higher or somewhat higher



Costs somewhat higher or unchanged

# Position of Organization on Regulation of Development

Government's Role	Smart Growth States	Other Selected States
Government has a responsibility to guide the private development of new land in rapidly growing areas to protect the public interest	3.9	4.1
State government should defer entirely to local government, except in the placement of state-funded infrastructure, in guiding the development of local lands	<b>2.3***</b>	<b>2.9***</b>
When local land use decisions potentially result in consequences that would negatively affect neighboring jurisdictions, the state should intervene to assure equitable outcomes	<b>3.5*</b>	<b>3.1*</b>
Government's role in land use is simply to assure that land is not developed in a manner that creates a nuisance for neighboring owners or the general public	2.1	2.0

Findings: Do strong inputs predict (correlate with) strong performance?

- States with stronger regulatory systems are perceived to be more effective
- However, “*strength*” is a composite of state and local regulations (i.e., it is a continuous rather than a dichotomous variable)
- Imposing regulations adds to adds to development costs and the time required for project approval

B. Overtime, does performance change inputs (alter the regulatory system)?

*Assuming that strong regulation achieves strong performance, over time do states tend to move in the direction of strengthening their regulatory systems?*

1. Defining a typology of regulatory systems
2. Analyzing the adaptation of those systems overtime

# 3. Structures of Regulatory Systems

## Hierarchical Systems

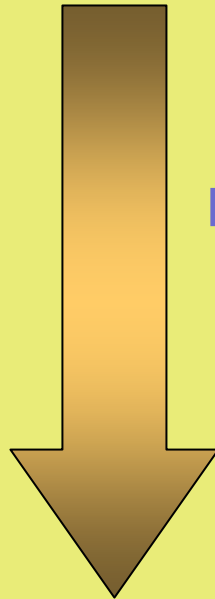
State-Level

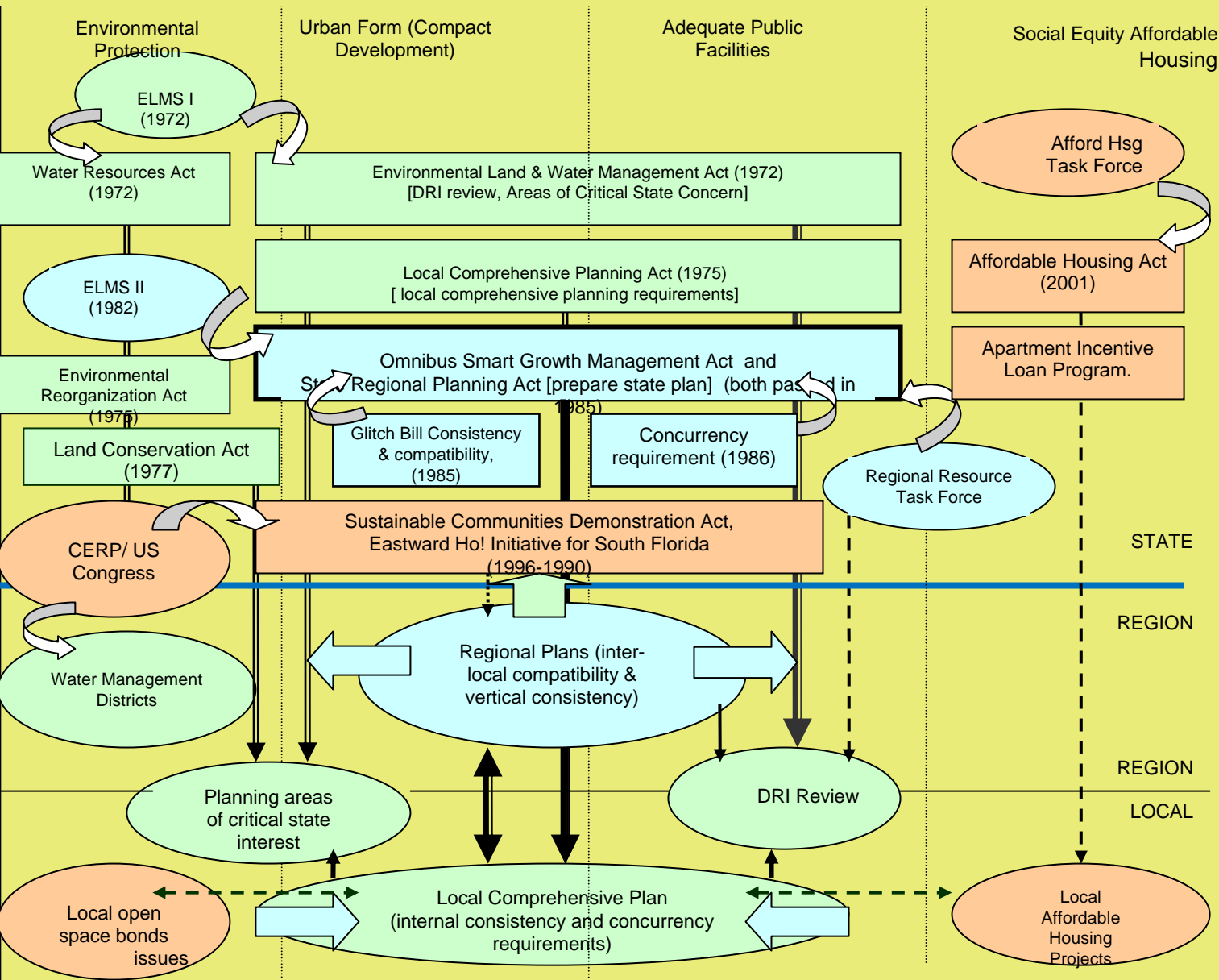
mandated

Regional-Level

Florida

Local-Level





# Florida's Hierarchically Structured System

Florida—major growth regulations & initiatives

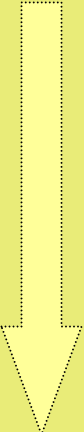
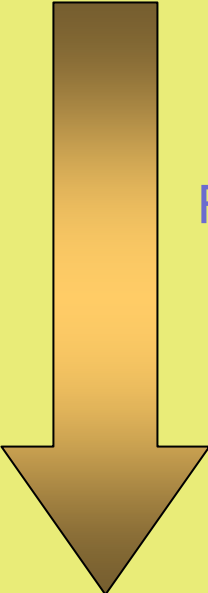
# Hierarchical Systems

# Entrepreneurial Systems

State-Level

mandated

enabled



Regional-Level

Florida

Texas

Local-Level



Hierarchical Systems

Entrepreneurial Systems

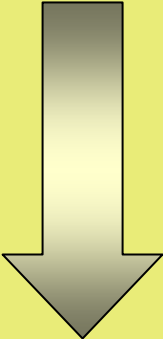
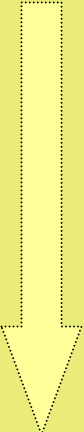
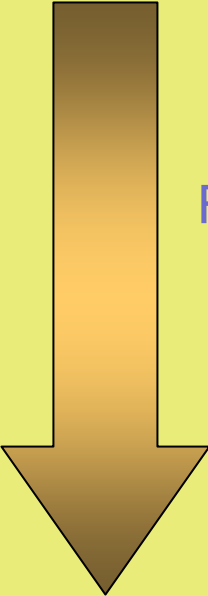
Mediated Systems

State-Level

mandated

enabled

conjoint



New Jersey

Regional-Level

Florida

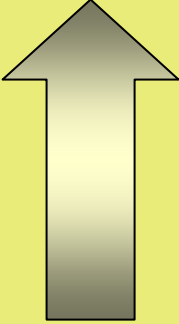
Texas



Colorado

Local-Level

collaborative

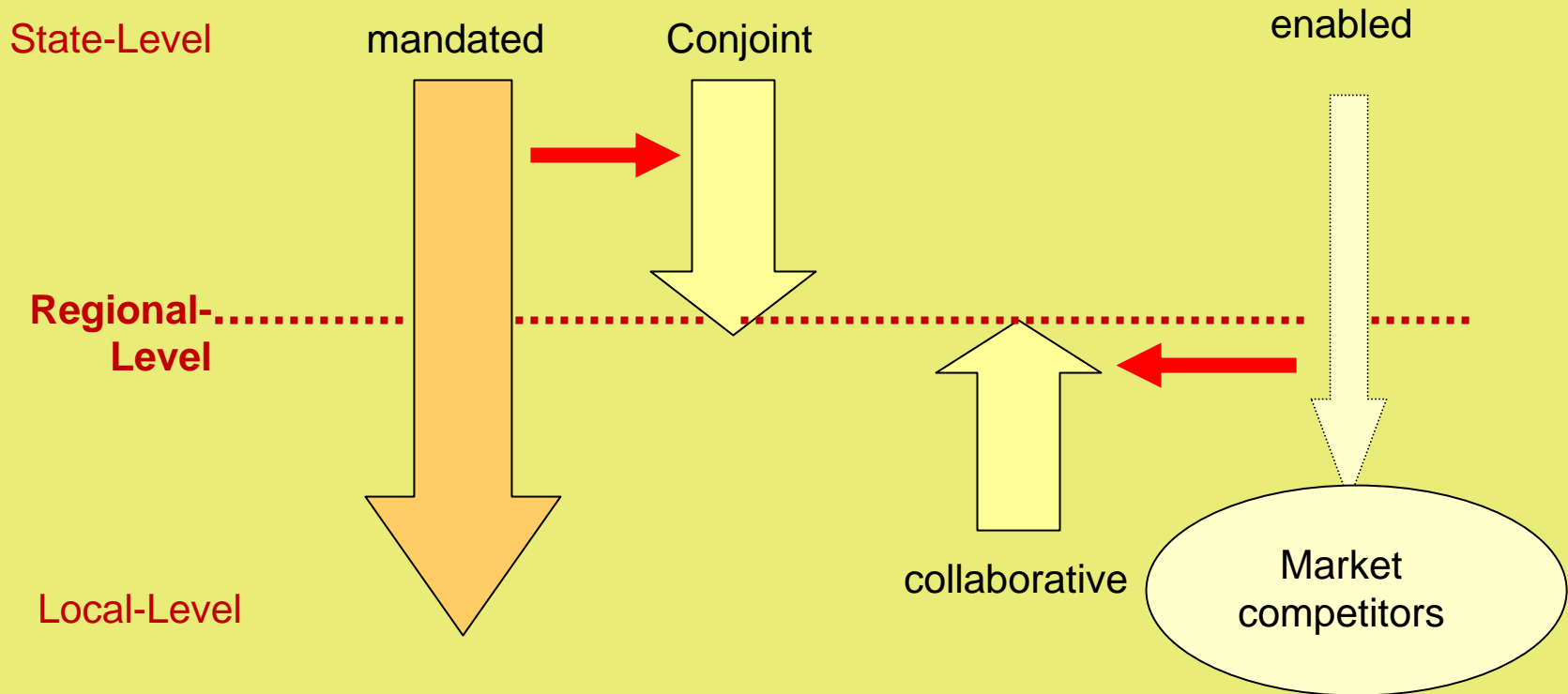


- Differences in regulatory systems seem to reflect normative values in state political cultures
- Changes that strengthen (i.e., improve performance) one regulatory system may not be acceptable in another because of cultural incompatibilities

# Patterns of System Adaptation

## Hierarchical Systems

## Entrepreneurial Systems



## Findings: Overtime, does performance alter inputs (alter the regulatory system)?

- Strongly hierarchical systems tend to come under attack (by statewide & local interests), and often respond by devolving responsibilities to the regional level.
- At the metropolitan level, strongly entrepreneurial systems are too weak to address issues of common concerns, and may respond by developing voluntary regional collaborations

# Contact/for more information

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