

County Government Institutions and Local Land Use Regulation

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Growth management policy decisions are political choices. Land use regulation can result in efficiency gains, but it also has distributive consequences. To date, motivations based in distributive consequences have not been given sufficient attention in efforts to explain when and where specific growth policies have been employed. Molotch (1976) depicted cities as an aggregate of competing land-based interests where decisions regarding growth determine who gets what. These interests refer not only to competition for economic development but also to interests pursuing exclusion or quality of life objectives under the heading of growth management. The consequences of growth management make it inherently distributive.

What factors account for local land use practices? While we know much about land use controls, such as zoning regulation and growth caps, we know far less about what factors account for restrictions on land use that result from comprehensive planning processes or rely on market incentives. Much attention has focused on state level adoption of growth management and planning mandates, but far less on local policies. Several important questions have not been addressed including local response to state mandates, efforts to reduce uncertainty in land regulation processes, the choices of policy instruments, and the role of political institutions.

Local governments exercise considerable discretion in term of how they implement comprehensive planning requirements. Inattention to how local regulations and planning responded to state mandates is particularly unfortunate because of the tremendous variation in the restrictiveness of regulatory processes at the local level (Feiock 1994; Anthony 2000; Feiock et al 2002).

The stability of land use rules is also deserving of additional attention. Extant research focuses attention on restrictions and costs resulting from land use rules but not the stability of those rules. This issue is particularly salient because recent work suggests that transaction costs from regulatory uncertainty increases development costs (Mayer and Sommerville 2000; Feiock and Stream 2001).

Choices among regulatory and market instruments for managing growth also have not been systematically investigated. The public policy literature directs attention to the specific policy instruments that governments employ to pursue policy goals (Salamon, 1989; Weimer and Vining, 1999; Peters and van Nispen, 1998; Salamon, 2001; Feiock Tavares and Stream, 2001). There are a wide array of regulatory and market based policy tools for managing growth.

We investigate the choices and dimensions of local growth management efforts by applying a framework that examines how local government institutions along with community preferences and political forces influence local growth management. We find that the institutional features of county governments in Florida shape incentives to control or manage growth and the policy instruments county governments employ in pursuit of these goals.

The Political Economy of Land Use Planning

Government institutions are important in land use because transaction costs in settling land use conflicts are often high. This is because property rights are not always clearly defined and easy to enforce, measurement of the effects of different kinds of externalities may be costly, and the amount of information available to homeowners and developers may be asymmetric (Barzel 1989).

The literature on distributive policymaking model applied to zoning adoptions by Arthur Denzau and Barry Weingast (1982) and later by James Clinermayer (1993; 2001) is valuable to understanding both regulatory and market based growth management policies. This explanation assumes public officials seek re-election by providing their constituencies with particularized benefits financed by broader constituencies. Since benefits are concentrated, local officials can easily claim credit for them. Yet because costs are diffused, the same officials can easily duck blame (Mayhew 1974). The specific land-use choices that local governments make reflect efforts to minimize political transaction costs incurred in dealing with contradictory goals among local constituencies. Because different groups and actors in a community have different attitudes and preferences regarding growth, land use decisions have highly political and distributive impacts.

Zoning is commonly used for purposes of exclusion (Heilbrun, 1987). Zoning variances and other land use modifications also have distributive consequence because changes to the rules of the game create winners and losers such as when developers or environmental interests lobby for and receive a zoning variance or land use change that breaks with previously established restrictions. A land use controls with similar distributive consequences is development impact development fees. Impact fees focus local officials' attention upon the preferences of politically salient existing residents (voters) and new comers may have little voice in the adoption of this land use management tool (Beatley, 1988; Nelson, 1995).

Still different goals and interests may be involved in the use of density bonuses or incentive zoning that allows private developers to buy out certain existing zoning restrictions in exchange for the provision of social equipment such as affordable housing,

day care centers, and job training (Kayden, 1992; Rubin, Seneca, and Stotsky, 1990; Schiffman, 1989). Adoption of these policy tools may reflect communities characteristics more in diverse, highly dense, and less wealthy communities because the opposition to these initiatives is less likely.

Land use policy could be the means by which high income individuals isolate themselves from lower-income individuals and therefore increase their property values and lower the cost of supplying local public goods (Maser, Riker, and Rosett 1977; Ihlanfeldt 2001). Responsiveness to constituency characteristics or imputed preferences in land use decisions has been found in much of the research on local zoning regulations (e.g., Fischel 1985; Hinds and Ordway 1986; Danielson 1976; Clingermayer 1993; 2001). The demands of these interests are shaped and aggregated by local political institutions.

Community Characteristics and Land Use Policy Choices

In examining how political institutions shape land use choices we need to take into account local demands, growth preferences and political forces. We expect characteristics of communities such as wealth, education and race to reflect preferences for slow growth and exclusion. Previous work describes a strong connection between income or affluence and growth management efforts. The literature portrays a social class bias in the adoption of growth controls (Navarro and Carson, 1991; Bollens, 1990; Donovan and Neiman, 1992). Communities with a higher per capita personal income and educational attainment levels and smaller poverty populations are expected to have a greater commitment to growth management land use controls. We also expect to find racial homogeneity to be an important predictor of the restrictiveness of the comprehensive planning process.

Communities with large and growing populations are expected to have more restrictive growth management. While these factors have been linked to growth management in general, questions of how they affect choices of specific policy tools to control or manage growth have gone unanswered.

Most recently, community preferences have been linked to the restrictiveness and stability of comprehensive plans (Feiock 2001). Neo-institutional work argues that political institutions are central to local government policy (Clingermayer and Feiock 2001; Sharp forthcoming). The theoretical underpinning of this role is derived from the study of structural reforms introduced by the progressive reform movement, and builds upon decades of institutional scholarship on local governments (Salisbury, 1969; Lineberry and Fowler, 1967; Ostrom, Bish and Ostrom, 1988). Nevertheless, with a few exceptions (Sharp and Elkins, 1991; Fleischman and Green, 1992; Feiock 2002), this literature has not addressed development, growth control, and growth management policy. In addition, almost all of the attention of urban institutionalists has been on municipal governments, ignoring the important role that counties play in land use decisions

County Political Institutions

Specific institutional arrangements affect the responsiveness of political choices to economic conditions. These include the characteristics of executive and legislative branches of county government as well as the centralization or decentralization of governments in a county. The Progressive reform movement changed the structure of city government and, at the municipal level, instituted city managers, at-large councils, and nonpartisan elections. Counties, however, were largely left behind by the reformers.

Counties are characterized by unique legal distinctions not applicable to many other local governments. Following British precedent, American counties were created as administrative arms of the state to provide local residents with judicial, electoral, and other services as a convenience to state government's exercise of power over large territory. State legislatures delegate powers, modify previous grants of authority, and pass other legislation essential for the functioning of county governments.

Counties generally have less authority over their form of government structure than do municipalities since home rule authority extends only as far as the constitution and statutes of a state allow. In nearly half of the states, counties are still essentially "Dillon's Rule" governments, having only those powers which are specifically and expressly delegated to them. Even in these states a partial or limited delegation of home rule authority can allow counties to select organizational forms. Among the 48 states with county governments, 37 permit some type of home rule authority. Of those, two dozen permit counties the opportunity to adopt a home rule charter; the others give counties a restricted grant of home rule authority.

In recent years county government forms have changed more than city forms, but a majority of counties still do not exercise home rule. Most counties have not taken advantage of the option to adopt home rule charters, but there has been more willingness to centralize executive authority and policy-making. Counties generally follow one of three forms of government: the commission, commission/administrator, and council-executive. The commission form is the traditional "unreformed" county government in which an elected commission exercises both legislative and executive authority. The commission usually selects a member to be the presiding officer. Typically, commissioners are elected by district. Members of the governing body divide

responsibilities to serve as department heads, or to oversee specific departments. Elected county commissioners are more heavily involved in operations than are city council members; only in counties does the governing body directly manage specific agencies. Commissioners often compete with a wide variety of autonomous or partially autonomous elected “row officers.” Row officers typically depend on the county’s governing board for funding.

The persistence of the commission form in county government is a visible reminder that the Progressive reform movement largely bypassed county government. Few cities today use the commission form, opting instead for council-manager or the mayor-council form. The majority of U.S. counties retain the commission as their organizational design. About a third of counties operate under a commission/executive system that grants legislative authority to a commission or council, but also employs an appointed county manager or administrator who manages the county day-to-day affairs. Thus, while a majority of counties still operate under the commission form, substantial numbers have shifted to the commission/administrator (manager) form. The International City and County Management Association (ICMA) recognizes over 300 counties that generally meet the requirements of the single executive, with over 60 percent of those located in the South

The elected executive plan is employed in over 60 of the larger county governments in the U.S. Generally, larger urban counties adopt this structure. Unlike the other forms, the elected executive form retains separation of powers. Elected county executives have the authority to veto ordinances enacted by the board or commission, and the governing board does not have overriding power with a majority vote. Strong executives formulate and administer budgets, appoint key administrators with council

approval, and provide executive-style political leadership. The elected executive form mirrors the strong mayoral system, which was the object of attack by the progressive reform movement. Elected county executives in the United States are analogous to strong mayors in municipalities. However, row officers are still elected in many of these counties, thus sharing the executive function. The political science literature suggests that a popularly elected executive officer provides greater access to decision-making. Elected executive forms of government attract leaders with different orientations, values, and career interests than serve under other forms of government.

Commission and elected executive forms have generally been considered more responsive to popular demands and pressures than commission-administrator structures that tend to insulate local decisions from demands and pressures in the community (Lineberry and Fowler, 1967; Marando and Thomas 1977). The election of the executive offers a different opportunity structure for local leaders. Elected executives are expected to be attuned to political credit claiming opportunities and have incentives for growth management entrepreneurship. The benefits available to potential entrepreneurs, and therefore the incentives for action, are largely a product of the powers of office. Schneider, Teske, and Mintrom (1995) found the presence of a strong elected executive position in local government was related to the emergence of pro and anti-growth entrepreneurs in cities.

Elaine Sharp (forthcoming) argues that the more politicized character of elected executives translates into outcomes that are responsive to interest group activism and mass political pressures as well as being more favorable toward entrepreneurial action and its associated credit-claiming opportunities. Conversely, because appointed executives have a greater orientation toward efficiency and economic development (Stein

1991), outcomes under council manager or commission governments may reflect a higher level of insulation from growth management pressures.

More than two-thirds of county governing boards have three to five members but some have as many as 50. Each commissioner may direct one or more functional departments and also have a policymaking role. County charters may require commissioners to be elected at-large, by district or a some combination of at-large and district representation. District representation may create support for policies that concentrate benefits on specific geographic areas, but it may impede policies that require cooperation or exchange. The character of local politics is also shaped by the configuration of local governments in a community. Because cities will likely resist county-wide regulation, where there are more municipal governments in a county we expect less restrictive growth management programs.

Land Use Choices

There are a number of approaches available to communities to manage growth. Two broad categories are regulatory and market based strategies, but within and between these categories multiple policy instruments are available. Regulatory approaches include first generation growth controls such as zoning and building caps, but also include comprehensive planning restrictions on land use and urban service boundaries.

There is near consensus that regulatory policies raise housing prices because they reduce the supply of land or its developmental potential (Dowall, 1981; Schwartz, Hansen, and Green, 1981; Denzau and Weingast, 1982; Landis, 1986; Engle, Navarro, and Carson, 1992).

While still not widely used, market approaches have become increasingly popular. Market tools include transfer of development rights, incentive zoning or density bonuses, and development impact fees. Even though regulation of land uses has the potential to reduce uncertainty costs faced by consumers/movers as compared to an unregulated market, there are other ways of accomplishing the same goal, and possibly improve the actual market allocation in terms of minimization of transaction costs. Mills (1989) suggests the transfer of development rights (TDR) is one possible alternative. TDR assumes that the development rights of a parcel, as part of the right to convert, can be sold and used in another parcel. The motivation for the creation of a TDR program is often the preservation of environmentally sensitive areas, agricultural land, open space, and historic landmarks (Schiffman, 1989).

Incentive zoning or density bonus is a fairly recent land use practice which works in the opposite direction of traditional zoning. While zoning is concerned with avoiding negative externalities between land uses and works to limit these conflicting uses, incentive zoning allows developers to build at higher density in exchange for the provision of social and environmental amenities producing positive externalities such as parks, open space areas, schools, affordable housing (Goldberg and Chinloy, 1984). This growth management technique is also considered a market-based approach, since the price at which the local government buys each amenity is the amount of bonus provided to the developer. The determination of the optimal price, however, is difficult to achieve because local governments can only recognize if an incentive was *sufficient* to engage the developers in the transaction, not if it exceeded the optimal price. Additional social costs are imposed when “too much” bonus is given to developers.

Impact fees are generally regarded as tools to manage (or even limit) growth because they shift the burden of financing new infrastructure from existing owners to developers. Nevertheless, Nelson (1995) contends impact fees increase the supply of developable land and facility capacity to deal with demand. Development impact fees have distributive consequences similar to zoning ordinances (Nelson, 1995; Snyder and Stegman, 1987; Phillips and Goodstein 2000). In a competitive market, the burden of the fee falls on consumers and landowners (O'Sullivan, 1996), producing distributive consequences by excluding moderate and low-income families from the jurisdiction (Nelson, 1995).

Political Transaction Costs and Regulatory Growth Controls

Concentrating upon the social and economic benefits and costs of growth controls allows us to better establish the motivation for their adoption. Even if specific choices may not be economically efficient, they are valued by local officials because they minimize political transaction costs incurred in dealing with contradictory goals among their constituencies

Communities where moderate and low-income families prevail may be less likely to rely on market approaches to growth management. The opposite might occur in wealthier communities, where exclusion of these groups might be achieved through the implementation of this type of land use instrument. Either way, the decision regarding land use policies rests primarily in the hands of local officials who may be primarily concerned with the maximization of their political goals. This may be particularly real in the case of market based growth controls if local officials focus attention upon the

preferences of existing residents (voters) to the neglect of other interests (Beatley, 1988; Nelson, 1995).

Commitment costs can be minimized when elected decision-makers choose the combination of tools that can yield them reelection. We expect regulatory growth controls are most likely to be adopted in predominantly white and conservative communities where growth pressures are being felt and the power of interest groups is generally less relevant with the exception of neighborhood associations. Hence, local officials will find more support to commit to growth control strategies in this context. Once enacted in this context, these policies may be difficult to reverse due to local opposition and high electoral costs incurred by local governments. Because growth controls are often exclusionary in nature, local officials find it politically beneficial to adopt them to the benefit of local residents and detriment of newcomers.

We expect form of local government to be a good predictor of the adoption of certain growth controls. Specifically, because commission/administrator governments are more insulated from political influence and more attentive to inefficiencies generated by growth, we expect actions to manage rather than control growth. Elected executive-council governments are anticipated to be more likely to respond to constituency political pressure; and frequently modify land use decisions to accommodate development and environmental demands.

Political Transaction Costs and Market Techniques

Reliance on the market to regulate land use produces different patterns of support and distributive consequences from traditional land use controls. Commission-administrator governments may tend to favor certain growth management techniques

because they help redirect growth at lower cost when compared to command-and-control instruments. More liberal communities may favor these policies over growth controls because they are thought to be less exclusionary. Market based growth management techniques are generally thought to be less intrusive than regulatory growth controls. Administrative costs of market based growth management techniques should be lower than regulatory approaches of less government intervention. The exceptions to this rule are transfer of development rights (TDR) programs that may involve the creation of TDR banks managed by local and/or state governments and, therefore, become costly to administer. On the other hand, incentive zoning and impact fees are used frequently as a means to provide infrastructure and amenities at lesser cost in situations where local governments are experiencing financial stress (Urban Land Institute, 2001).

Some distinctions can be made among these market based growth management instruments. TDR programs and impact fees may be preferred in communities with larger percentages of white, more affluent and educated citizens and homeowners because homogeneity facilitates exchange. On the other hand, the relationship between these socio-economic factors and density bonus adoption might be negative since, in the majority of cases, this policy tool is associated with affordable housing provision and higher densities.

Finally, there is a clear ideological dimension to the choice of instrument. We expect market based regulatory approaches are more likely to be adopted in ideologically conservative areas and land use regulations are more likely in liberal communities (Kayden, 1992).

Growth Management Regulation in Florida

Land use management involves conflicts of interests between opposing views and interests. The decisions of local officials reflect a balance of the conflicting interests and, responses to pressures exerted in the context of decision-making. Florida's growth management effort has sought to reduce the social and environmental costs and externalities resulting from rapid growth, preserve desirable community attributes, and ensure orderly and responsible development (DeGrove, 1992; Stein, 1993). Critics argue that these benefits come at a substantial cost in lost development.

Florida has been at the forefront of land use planning for growth management. Explosive growth in the last half of the twentieth century prompted several pieces of legislation requiring local comprehensive planning as a mechanism to manage growth. In 1975, the Florida Legislature passed the Local Government Comprehensive Planning Act (LGCPA) which required the adoption of a comprehensive plan by every general purpose local government in the state. The impact of the LGCPA was limited by the lack of substantial new funding to support local planning efforts, and the lack of enforcement mechanisms to assure local compliance. The 1980s extended Florida's quiet revolution. In 1985, the Legislature adopted the Local Government Comprehensive Planning and Land Development Regulation Act. This Growth Management Act of 1985 centralized comprehensive planning at the state level and set minimum criteria for local comprehensive plans. Local governments prepared comprehensive growth management plans that were subject to review and acceptance by the Florida Department of Community Affairs (DCA). Land development regulations were required to be consistent with the local comprehensive plan. Final plans were approved in the early and

mid 1990s. The revised land development regulations based on the plans were implemented shortly afterwards.

In addition, concurrency provisions to the GMA adopted in 1986 mandate adequate public facilities be available "concurrent with the impacts" of new development and have increased housing prices (Anthony 2000), reduced new housing starts and limited the physical supply of housing (Feiock 1994; Denslow 1993) and reduced housing affordability (Anthony 2000; 2001).

Research Design

Dependent Variables. We examine three regulatory and three market based growth management programs employed by county governments in Florida. The first regulatory policy measure is the number of provisions and restrictions specified in growth management comprehensive plans. For our second measure, we track the stability of growth management plans over time. Third we examine the use of urban service boundaries. The first two measures were derived from an ongoing study of Florida comprehensive planning documents. The third was derived from a survey of county planning directors.

During summer and fall 2001 we analyzed the comprehensive plans submitted by 66 of the 67 Florida counties on file at the Planning Library of Florida DCA in Tallahassee. The state mandates a standard format for local comprehensive plans that requires local governments to enumerate goals, objectives, and policies within each of seven plan elements. The goals are general statements of purpose, the objectives are more specific strategies to achieve the goals, and the policies are specific policies, program or restrictions that implement the strategy. These policies are required to be

incorporated into the local building and land development regulations. The comprehensive plan elements for which these policies directives are collected include: the future land use element, traffic circulation element, housing element, conservation element, recreation and open space element, intergovernmental coordination element, and capital improvement element. Because each policy represents a specific provision or restriction that is incorporated into the land development regulations, the count of the number of policies indicates the complexity and restrictiveness of growth management regulation in a county.

Our second measure is intended to tap the stability of local land use rules. Recent work suggests uncertainty that results from frequent or unpredictable changes in regulations greatly increases transaction costs (Feiock and Stream 2001). Mayer and Sommerville conclude that “purely financial regulations such as development fees have a much smaller effect on new construction activity than regulations that induce additional delays and lengthen the construction process”(2000: 640). For each plan we tracked and recorded the number of amendments each year from 1995-2000. Most of the amendments involve change in land use designations on the land use map.

Our third measure of growth management policy is the use of urban service boundaries in the last two years. This measure is derived from a mail questionnaire that was sent to all 67 county planning directors in Florida in the spring and summer of 2002. As of May 24, usable responses were received from 43 counties, a response rate of 64% (see Appendix 1). The three market based growth management policy measures were also derived from the county planner’s survey. The first is an indicator of the use of transfer of development rights, the second, whether the county has used incentive zoning, and the third is the use of development impact fees in the last two years.

Independent Variables. In order to estimate the growth management policies we operationalize a model based on the description of the political economy of growth management presented earlier. The data to estimate this model are drawn from several sources. Demographic characteristics of county populations are included that we expect to reflect citizen growth management preferences. These include population per capita personal income, the percent of the county population that is black, the percent of the population holding a graduate or professional degree, and the proportion of the population with incomes below poverty level. These citizen characteristics were taken from the 1990 Census of population.

Form of government was measured based on whether or not the county government had an elected executive office and whether there was an appointed administrator. We also measure the number of commissioners elected by district rather than at large and the number of incorporated municipal governments in the county. This was compiled with data from the International City and County Management Association and the National Association of Counties. Partisanship is measured by the proportion of the electorate registered Democrat in 1994 as reported in the *Almanac of Florida Politics*.

Findings

Table 1 below estimates the influence of local institutions and community preferences on regulatory policies. OLS is used to estimate the number of policies specified in the comprehensive plan and the number of major amendments to the plan. Binary probit was used to estimate the use of urban service boundaries. Column 1 in Table 2 reports estimates for the number of specific restrictions contained in county comprehensive plan document.

Table 1 here

We find mixed support for several of our explanations. While education had a modest effect, there was no evidence that income levels, poverty populations, or percent black influenced the restrictiveness of growth management plans. This result runs counter the argument that comprehensive planning is primarily used as a tool of exclusion by affluent white citizens. We also find more restrictive growth management plans in large counties. We find strong support for our hypotheses regarding government structure. The presence of an elected executive has a large positive effect on the number of specific policies incorporated within comprehensive plans.

Column 2 examines the frequency with which communities alter the land use rules contained in the comprehensive plan. We estimate the number of major amendments from 1995-2000 using the same explanatory model. While the strength of the relationships were not as strong, we find that institutional and political factors influence change in plans in much the same way they shape the scope of comprehensive plans in the first place. Counties with elected executives and a smaller portion of the population voting democratic amend their growth plans most frequently. This is consistent with city level research that finds that government intervention on behalf of development and other interests to be common with elected executives (Sharp 2002). The results for urban service districts in the third column do not provide support for the influence of local government institutions.

Table 2 here

The adoption of three market based growth management programs are estimated in Table 2. Transfer of development rights was more common in populous counties that

are racially and economically homogeneous. Poverty populations and the percent of the population black reduced the likelihood of TDR being employed. While electoral representation structures did not affect any of the regulatory programs in Table 1, it had a substantial influence on TDR. The use of district representation reduced the likelihood of adoption of a TDR program. This may indicate representation of geographic interests in local politics makes the types of exchanges and agreements necessary for TDR more difficult to achieve.

We did not find the anticipated relationships between race, income, and incentive zoning. Instead, we find that minority populations reduce the likelihood of incentive zoning. Similarly, the percent of the population black had a negative effect on development fees. Local government institutions had a strong influence on the adoption of impact fees. Both elected executive and commission administrator systems were negatively related to impact fee adoption, indicating that this approach is most popular under the commission form of government.

Discussion

While only a first step, the findings reported here may have implications for the study of local land use management. There is a need to tap multiple dimensions of the implementation of growth management programs. By looking at the scope stability and policy tools of growth management regimes together we can gain a more complete picture of the forces leading to growth restrictions.

While Florida's Growth Management Act defines a standard set of requirements for local growth management plans and requires state level approval, there is tremendous variation in how local governments carry out these tasks and the restrictiveness of the

growth management regimes they institutionalize (Anthony 2000). Previous work has neglected the role political forces and government institutions play in local growth policy. In particular, we find evidence that the elected executive government is linked to regulatory approaches to growth management. This governance institution may offer different opportunity structures for local leaders and create incentives for responsiveness to anti-growth interests. On the other hand, the commission form of government encourages the use of development impact fees. The reputation of commission government as protective of the status quo is consistent with support for impact fees that claim to shift the cost of new development off of current residents. One unanticipated finding is that the size of minority populations is a barrier to the use of market based growth management programs that might reduce exclusion and provide affordable housing and other social goods. We find these policies are more likely to be adopted in racially more homogenous white counties and not in counties with significant black populations.

This project is an initial step in a journey that we hope will lead us to a better understanding what accounts for the use of land use regulation and market based growth management policy tools. There is potential for future work to extend this research to a larger set of policy instruments that communities can employ in their efforts to control or manage development and to examine the influence of various groups interests and organizations in the community. The alternative policy tools at the disposal of governmental decision-makers can produce economically as well as politically efficient combinations, which can be achieved by minimizing a series of economic and political transaction costs.

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Table 1
Regulatory Growth Management Programs

| | Growth Plan Regulations | | Growth Plan Amendments | | Service Boundary | |
|-------------------------|----------------------------|---------------|---------------------------|---------------|---------------------|---------------|
| | Coefficient | Std. Error | Coefficient | Std. Error | Coefficient | Std. Error |
| Population | 0.001 * | 0.000 | -0.001 | 0.000 | 0.000 | 0.000 |
| Income Percapita | 0.001 | 0.005 | -0.001 | 0.000 | 0.000 | 0.000 |
| Percent Poverty | -1.008 | 4.771 | -0.006 | 0.080 | -0.239 | 1.420 |
| Density | 0.011 | 0.046 | 0.001 | 0.001 | 0.001 | 0.009 |
| Percent Black | 26.483 | 186.681 | 0.674 | 3.139 | 1.140 | 0.017 |
| Education | 0.016 * | 0.005 | 0.000 | 0.000 | 0.000 | 0.751 |
| Democrat | -234.34 | 166.579 | -6.537 * | 2.780 | -1.351 | 0.035 |
| Cities | -2.794 | 3.249 | 0.079 | 0.054 | 0.080 | 0.362 |
| District Reps | 4.519 | 6.008 | 0.117 | 0.100 | -0.069 | 0.087 |
| Elected Executive | 125.57 * | 50.733 | 1.657 * | 0.848 | 6.240 | 0.106 |
| Comission/Administrator | 29.541 | 42.658 | 0.722 | 0.705 | -1.359 | 0.650 |
| Constant | 352.541 | 181.429 | 7.775 | 3.015 | 5.048 | 0.492 |
| R ² | 0.59 | | 0.50 | | 0.46 | |
| N | 66 | | 66 | | 43 | |

Table 2
Market-Based Growth Management Programs

| | Transfer of Development Rights | | Incentive Zoning | | Development Impact Fees | |
|-------------------------|-----------------------------------|---------------|------------------|---------------|----------------------------|------------|
| | Coefficient | Std. Error | Coefficient | Std. Error | Coefficient | Std. Error |
| Population | 0.000 * | 0.000 | 0.000 * | 0.000 | 0.000 | 0.000 |
| Income Percapita | 0.000 | 0.000 | -0.000 | 0.000 | 0.000 | 0.000 |
| Percent Poverty | -0.396 * | 0.303 | 0.071 | 0.141 | -0.200 | 0.186 |
| Density | -0.004 | 0.009 | -0.004 | 0.004 | -0.002 | 0.004 |
| Percent Black | -22.261 | 18.972 | -17.011 * | 12.594 | -33.110 * | 17.122 |
| Education | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Democrat | 28.388 * | 19.126 | 5.714 | 5.561 | 1.247 | 7.707 |
| Cities | -0.539 | 0.462 | -0.058 | 0.095 | -0.042 | 0.172 |
| District Reps | -1.551 * | 0.673 | -0.186 | 0.213 | -0.065 | 0.258 |
| Strong Mayor | 18.601 | 62.048 | 1.286 | 1.936 | -2.340 * | 1.251 |
| Comission/Administrator | 14.496 | 61.911 | 1.732 | 1.529 | -2.249 * | 1.639 |
| Constant | -25.251 | 62.802 | -4.839 | 4.801 | 6.555 | 7.737 |
| R ² | 0.73 | | 0.46 | | 0.68 | |
| N | 43 | | 43 | | 43 | |

APPENDIX 1
Land Use Planning Survey 2002

1. **In considering the last five years, how controversial would you say residential development issues are in your jurisdiction?** Please circle the number preceding one of the following.

- 1 NOT AT ALL CONTOVERSIAL
- 2 SOMETIMES CONTROVERSIAL
- 3 OFTEN CONTROVERSIAL
- 4 ALMOST ALWAYS CONTROVERSIAL

2. **Which of the following LAND USE MANAGEMENT TECHNIQUES (if any) has been used by your jurisdiction in the last two years?** Circle the numbers preceding all that apply.

- | | |
|-------------------------------|---|
| 1 CLUSTER DEVELOPMENT | 18 PROVISION OF PUBLIC FACILITIES BY DEVELOPERS |
| 2 DENSITY BONUS | 19 PUBLIC LAND DEDICATION |
| 3 ENTERPRISE ZONES | 20 TAX INCENTIVES TO PRESERVE AGRICULTURAL USE |
| 4 FARMLAND PRESERVATION | 21 MANDATORY TRANSFER OF DEVELOPMENT RIGHTS |
| 5 FLOODPLAIN ZONING | 22 VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS |
| 6 HISTORIC DISTRICT ORDINANCE | 23 URBAN SERVICE BOUNDARIES |
| 7 IMPACT FEES | 24 ZERO LOT LINE HOUSING |
| 8 LAND ACQUISTION | 25 ZONING TO PRESERVE ENVIRONMENTALLY SENSITIVE AREAS |
| 9 LAND BANKING | 26 TRANSIT ORIENTED DEVELOPMENT |
| 10 LARGE LOT ZONING | 27 OTHER (SPECIFY) |
| 11 MIXED-USE DEVELOPMENT | |
| 12 OPEN SPACE ZONING | |
| 13 OVERLAY ZONES | |
| 14 PERFORMANCE ZONING | |
| 15 PLANNED UNIT DEVELOPMENT | |
| 16 POPULATION/BUILDING CAPS | |
| 17 PROPERTY TAX ABATEMENT | |
-

3. Does your jurisdiction impose IMPACT FEES on new development?

1 NO → IF YOU DO NOT IMPOSE IMPACT FEES, SKIP TO QUESTION 7.

2 YES



4. **When were impact fees adopted for the first time in your jurisdiction?**

_____ (YEAR)

5. **What types of impact fees are currently charged by your jurisdiction?** Circle all that apply.

- 1 PARKS AND RECREATION
- 2 SCHOOLS
- 3 SEWAGE
- 4 STORMWATER FACILITIES
- 5 TRANSPORTATION FACILITIES
- 6 WATER SUPPLY
- 7 OTHER(S) (SPECIFY) _____

6. **Has the number of government services covered by impact fees changed in your jurisdiction during the last five years?** Circle the one that best applies.

- 1 LARGE INCREASE
- 2 SMALL INCREASE
- 3 NO CHANGE
- 4 SMALL DECREASE
- 5 LARGE DECREASE

7. **If your jurisdiction uses DENSITY BONUSES or INCENTIVE ZONING, what types of facilities/services are provided by developers?** Circle the numbers preceding all that apply.

- 1 PARKS AND RECREATION
- 2 DAY CARE CENTERS
- 3 LOW INCOME HOUSING
- 4 HISTORIC PRESERVATION
- 5 JOB TRAINING
- 6 RETAIL ACTIVITY AT STREET LEVEL
- 7 OTHER(S) (SPECIFY) _____

8. **Which of the following, if any, has been used to promote AFFORDABLE HOUSING production?** Circle the numbers preceding all that apply.

- 1 DIRECT CONSTRUCTION BY YOUR JURISDICTION
- 2 REGIONAL CONTRIBUTION AGREEMENT
- 3 DENSITY BONUS
- 4 REHABILITATION
- 5 OTHER (SPECIFY) _____

9. **What percentage of the following requests were approved during the past 12 months?** (Circle the range that best applies)

| VARIANCES USE PERMITS | CONDITIONAL DECISIONS | UPZONING DECISIONS (Higher Density) | DOWNZONING (Lower Density) |
|--------------------------|--------------------------|---|-------------------------------|
| 0-20% | 0-20% | 0-20% | 0-20% |
| 21-40% | 21-40% | 21-40% | 21-40% |
| 41-60% | 41-60% | 41-60% | 41-60% |
| 61-80% | 61-80% | 61-80% | 61-80% |
| 81-100% | 81-100% | 81-100% | 81-100% |

10. **In your jurisdiction, what is the minimum size (in acres and population) of development projects that require the preparation of environmental impact assessments?**

_____ (ACRES) and _____ (POPULATION)

11. **If your jurisdiction has a policy that limits the total number of permits issued in a given year, circle all the types of permits that this policy is applied to.**

- 1 ALL BUILDING PERMITS
- 2 SINGLE-FAMILY HOUSING
- 3 MULTI-FAMILY HOUSING
- 4 OTHER (SPECIFY) _____

12. **Has your jurisdiction imposed a moratorium on growth in the last two years?**
- 1 NO, OUR JURISDICTION DOES NOT HAVE SUCH
 - 2 NO, OUR JURISDICTION HAS SUCH POWERS BUT CHOSE NOT TO USE THEM
 - 3 YES

13. **If yes, what is/was the length of the most recent moratorium?**

_____ (MONTHS)

14. **Does the jurisdiction provide one-stop permit issuance for new development?**

- 1 NO
- 2 YES

15. **In thinking about the last five years, would you say that the TIME required to complete the review of residential projects in your jurisdiction has:**

- 1 DECREASED
- 2 STAYED THE SAME
- 3 INCREASED
- 4 INCREASED SUBSTANTIALLY

16. **Please review the following list of issues and circle the number that you feel best describes the extent to which each issue is a priority in your community. (“1” being LOW PRIORITY problem, “5” being HIGH PRIORITY problem).**

| | LOW-----HIGH | | | | |
|--|--------------|---|---|---|---|
| 1 SUPPLY OF LAND FOR RESIDENTIAL USE | 1 | 2 | 3 | 4 | 5 |
| 2 SEWER CAPACITY LIMITS | 1 | 2 | 3 | 4 | 5 |
| 3 WASTEWATER TREATMENT FACILITY CAPACITY | 1 | 2 | 3 | 4 | 5 |
| 4 SCHOOL CROWDING | 1 | 2 | 3 | 4 | 5 |
| 5 INSUFFICIENT WATER SUPPLY | 1 | 2 | 3 | 4 | 5 |
| 6 URBAN SPRAWL | 1 | 2 | 3 | 4 | 5 |
| 7 INSUFFICIENT LOW INCOME HOUSING | 1 | 2 | 3 | 4 | 5 |

17. **What influence has the adoption of Land Development Regulations had on the following issues? (“1” being LARGE DECREASE, and “5” being LARGE INCREASE):**

| | DECREASE-----INCREASE | | | | |
|-----------------------------------|-----------------------|---|---|---|---|
| 1 URBAN SPRAWL | 1 | 2 | 3 | 4 | 5 |
| 2 AFFORDABLE HOUSING UNITS | 1 | 2 | 3 | 4 | 5 |
| 3 NUMBER OF NEW RESIDENTIAL UNITS | 1 | 2 | 3 | 4 | 5 |
| 4 NUMBER OF NEW NON-RESIDENTIAL | | | | | |

22. **Does your jurisdiction have a separate capital improvements plan?**
- 1 NO
 - 2 YES
23. **If your jurisdiction has a separate CAPITAL IMPROVEMENTS PLAN, are capital improvements and public works projects used to control the rate or location of residential development in your jurisdiction?**
- 1 NO
 - 2 YES
24. **In general, to what extent is there coordination between the separate departments in the jurisdiction on planning and development issues? Please circle the response below that best applies.**
- 1 ALMOST NO COORDINATION
 - 2 LOW LEVEL OF COORDINATION
 - 3 MODERATE LEVEL OF COORDINATION
 - 4 HIGH LEVEL OF COORDINATION
25. **To what extent do economic development and growth management policy goals conflict in your jurisdiction?**
- 1 NOT IN CONFLICT
 - 2 SOMEWHAT IN CONFLICT
 - 3 IN CONFLICT
26. **To what extent is there competition with neighboring communities to attract economic growth?**
- 1 NO COMPETITION
 - 2 SOME COMPETITION
 - 3 STRONG COMPETITION
27. **In general, what is the level of coordination between your jurisdiction and adjacent jurisdictions in the implementation of the comprehensive plan?**
- 1 NO COORDINATION
 - 2 LOW LEVEL OF COORDINATION
 - 3 MODERATE LEVEL OF COORDINATION
 - 4 HIGH LEVEL OF COORDINATION

28. **Regarding your jurisdiction's GROWTH MANAGEMENT GOALS, how supportive are the following individuals or groups?** Circle the number corresponding to your assessment, where

1 = Strongly Oppose 2 = Moderately Oppose 3 = Neutral 4 = Moderately Support 5 = Strongly Support.

| | OPPOSE-----SUPPORT | | | | |
|----------------------------------|--------------------|---|---|---|---|
| 1 COUNTY DEPARTMENT HEADS | 1 | 2 | 3 | 4 | 5 |
| 2 COUNTY COMMISSION/LEGISLATURE | 1 | 2 | 3 | 4 | 5 |
| 3 COUNTY MANAGER (IF APPLICABLE) | 1 | 2 | 3 | 4 | 5 |
| 4 CITY GOVERNMENT OFFICIALS | 1 | 2 | 3 | 4 | 5 |
| 5 CHAMBER OF COMMERCE | 1 | 2 | 3 | 4 | 5 |
| 6 NEIGHBORHOOD ORGANIZATIONS | 1 | 2 | 3 | 4 | 5 |
| 7 ENVIRONMENTAL GROUPS | 1 | 2 | 3 | 4 | 5 |
| 8 REAL ESTATE DEVELOPERS | 1 | 2 | 3 | 4 | 5 |
| 9 HOMEOWNERS ASSOCIATION | 1 | 2 | 3 | 4 | 5 |
| 10 LOCAL BUSINESSES | 1 | 2 | 3 | 4 | 5 |
| 11 THE MEDIA | 1 | 2 | 3 | 4 | 5 |
| 12 GENERAL PUBLIC | 1 | 2 | 3 | 4 | 5 |

29. **How supportive of ECONOMIC DEVELOPMENT are the following individuals or groups?**

Circle the number corresponding to your assessment? Circle the number corresponding to your assessment, where 1 = Strongly Oppose, 2 = Moderately Oppose, 3 = Neutral, 4 = Moderately Support, and 5 = Strongly Support.

| | OPPOSE-----SUPPORT | | | | |
|----------------------------------|--------------------|---|---|---|---|
| 1 COUNTY DEPARTMENT HEADS | 1 | 2 | 3 | 4 | 5 |
| 2 COUNTY COMMISSION/LEGISLATURE | 1 | 2 | 3 | 4 | 5 |
| 3 COUNTY MANAGER (IF APPLICABLE) | 1 | 2 | 3 | 4 | 5 |
| 4 CITY GOVERNMENT OFFICIALS | 1 | 2 | 3 | 4 | 5 |
| 5 CHAMBER OF COMMERCE | 1 | 2 | 3 | 4 | 5 |
| 6 NEIGHBORHOOD ORGANIZATIONS | 1 | 2 | 3 | 4 | 5 |
| 7 ENVIRONMENTAL GROUPS | 1 | 2 | 3 | 4 | 5 |
| 8 REAL ESTATE DEVELOPERS | 1 | 2 | 3 | 4 | 5 |
| 9 HOMEOWNERS ASSOCIATION | 1 | 2 | 3 | 4 | 5 |
| 10 LOCAL BUSINESSES | 1 | 2 | 3 | 4 | 5 |
| 11 THE MEDIA | 1 | 2 | 3 | 4 | 5 |
| 12 GENERAL PUBLIC | 1 | 2 | 3 | 4 | 5 |

30. **Which of the following do you believe describes the influence of residential development issues on your jurisdiction's elections?**

- 1 GROWTH ISSUES HARDLY EVER AFFECT LOCAL ELECTIONS
- 2 THERE HAVE BEEN A FEW TIMES WHEN GROWTH ISSUES HAVE AFFECTED THE OUTCOMES OF THE LOCAL ELECTIONS
- 3 LOCAL GROWTH ISSUES HAVE OFTEN BEEN INFLUENTIAL IN AFFECTING THE OUTCOMES OF LOCAL ELECTIONS

31. **When adopting the comprehensive plan, the County Legislature / Board of Commissioners considered the impact of the comprehensive plan on neighboring cities and counties.**

- 1 STRONGLY DISAGREE
- 2 DISAGREE
- 3 NEUTRAL
- 4 AGREE
- 5 STRONGLY AGREE

32. **Our jurisdiction uses SANCTIONS/PENALTIES to achieve compliance with the land use regulations.**

- 1 STRONGLY DISAGREE
- 2 DISAGREE
- 3 NEUTRAL
- 4 AGREE
- 5 STRONGLY AGREE

33. **The implementation of the comprehensive plan has affected the level of the following items.**

Please indicate your assessment by circling the appropriate number where 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree, and 5=Strongly Agree.

| | | STRONGLY DISAGREE | | | | STRONGLY AGREE |
|---|--------------------|----------------------|---|---|---|-------------------|
| | | 1 | 2 | 3 | 4 | 5 |
| 1 | FEES | 1 | 2 | 3 | 4 | 5 |
| 2 | PROPERTY TAXES | 1 | 2 | 3 | 4 | 5 |
| 3 | BORROWING | 1 | 2 | 3 | 4 | 5 |
| 4 | PUBLIC ENTERPRISES | 1 | 2 | 3 | 4 | 5 |

34. **Does your jurisdiction have ENVIRONMENTALLY SENSITIVE LANDS?**

- 1 NO \longrightarrow IF YOU DO NOT HAVE ENVIRONMENTALLY SENSITIVE LANDS, SKIP TO QUESTION 37.

2 YES



35. If your jurisdiction uses any of the following **REGULATORY TECHNIQUES** in protecting environmentally sensitive lands, how frequently have the following techniques been used in the last 5 years? (where 1 = NEVER, 2 = OCCASIONALLY, and 3 = ALWAYS)

| | NEVER | OCCASIONALLY | ALWAYS |
|---------------------------------------|-------|--------------|--------|
| 1 TRANSFER OF DEVELOPMENT RIGHTS | 1 | 2 | 3 |
| 2 ORDINANCE THAT LIMITS LAND CLEARING | 1 | 2 | 3 |
| 3 ORDINANCE PROTECTING WETLANDS | 1 | 2 | 3 |
| 4 MANDATORY SETBACK FROM SHORE | 1 | 2 | 3 |
| 5 EROSION CONTROL ORDINANCE | 1 | 2 | 3 |
| 6 SUBMISSION CONTROL ORDINANCE | 1 | 2 | 3 |
| 7 LARGE LOT ZONING | 1 | 2 | 3 |
| 8 CLUSTER DEVELOPMENT | 1 | 2 | 3 |

36. How frequently were the following **NON-REGULATORY TECHNIQUES** to protect environmentally sensitive lands used in the last 5 years? (where 1 = NEVER, 2 = OCCASIONALLY, and 3 = ALWAYS)

| | NEVER | OCCASIONALLY | ALWAYS |
|--|-------|--------------|--------|
| 1 LAND ACQUISITION | 1 | 2 | 3 |
| 2 VOLUNTARY AGREEMENTS WITH LANDOWNERS | 1 | 2 | 3 |
| 3 VOLUNTARY MANGEMENT PLUS | 1 | 2 | 3 |
| 4 LANDOWNER INFORMATION | 1 | 2 | 3 |
| 5 OTHER (SPECIFY) _____ | 1 | 2 | 3 |

37. What role has the **STATE GOVERNMENT** played in influencing land use planning in your jurisdiction in terms of: (Use a scale where 1 = VERY WEAK SUPPORT and 5 = VERY STRONG SUPPORT)

WEAK SUPPORT-----STRONG SUPPORT

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | DEFINING SPECIFIC GOALS | 1 | 2 | 3 | 4 | 5 |
| 2 | ESTABLISHING A HIERARCHY OF GOALS | 1 | 2 | 3 | 4 | 5 |
| 3 | PROVIDING INCENTIVES TO INDUCE COMPLIANCE | 1 | 2 | 3 | 4 | 5 |
| 4 | CREATING SANCTIONS TO COERCE COMPLIANCE | 1 | 2 | 3 | 4 | 5 |

38. **In the development of LDRs based on the comprehensive plan, the STATE GOVERNMENT has provided support that is:** (Use scale, 1= VERY WEAK, 5=VERY STRONG):

WEAK-----STRONG

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | TECHNICAL ASSISTANCE | 1 | 2 | 3 | 4 | 5 |
| 2 | STAFF TRAINING | 1 | 2 | 3 | 4 | 5 |
| 3 | FINANCIAL ASSISTANCE | 1 | 2 | 3 | 4 | 5 |
| 4 | SUPPORT IN THE DEVELOPMENT OF DATABASES AND MAP | 1 | 2 | 3 | 4 | 5 |

39. **In the development of LDRs based on the comprehensive plan, the REGIONAL PLANNING COMMISSION has provided support that is** (Use scale):

WEAK-----STRONG

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | TECHNICAL ASSISTANCE | 1 | 2 | 3 | 4 | 5 |
| 2 | STAFF TRAINING | 1 | 2 | 3 | 4 | 5 |
| 3 | FINANCIAL ASSISTANCE | 1 | 2 | 3 | 4 | 5 |
| 4 | SUPPORT IN THE DEVELOPMENT OF DATABASES AND MAP | 1 | 2 | 3 | 4 | 5 |

40. **Has your jurisdiction been granted exemptions from the transportation concurrency requirement of the state growth management mandate?**

- 1 NO
- 2 YES

41. **Which of the following best describes the planning office in your jurisdiction?**

- 1 WE HAVE A SEPARATE, IN-HOUSE PLANNING DEPARTMENT/OFFICE

- 2 WE HAVE A SEPARATE, IN-HOUSE PLANNING DEPARTMENT/OFFICE, BUT WE PRIMARILY CONTRACT FOR THIS SERVICE
- 3 WE HAVE A PLANNING DEPARTMENT, BUT IT IS PART OF ANOTHER UNIT IN OUR JURISDICTION

42. **What is the approximate number of full-time planning and growth management personnel employed by your jurisdiction at least 9 months a year? _____**

- A. **How many full-time staff are devoted to reviewing development proposals, including standard or routine proposals as well as requests for variances, amendments, exemptions, or other departures from existing policies? _____**

43. **What is the government structure of your jurisdiction?**

- 1 COUNCIL-MANAGER
- 2 MAYOR-COUNCIL
- 3 OTHER (specify) _____

44. Date of comprehensive plan implementation by LAND DEVELOPMENT REGULATIONS (LDRs):

_____ (MONTH) _____ (YEAR)

45. Which, if any, of the following techniques has the jurisdiction used to obtain CITIZEN INPUT into the REVISION(S) OR AMENDMENTS TO THE COMPREHENSIVE PLAN? Circle all that were used.

- 1 APPOINTED ADVISORY GROUPS
- 2 PUBLIC HEARINGS
- 3 OPEN WORKSHOPS OR FORUMS
- 4 CITIZEN SURVEYS
- 5 OTHER (SPECIFY) _____

