An essential element to the success and effectiveness of these consensus driven discussions was the background report that is provided to all participants prior to the Town Hall. In a remarkable demonstration of its talent and its dedication to our state, Arizona State University prepared a detailed and informative background report that will provide a unique and unparalleled resource far into the future.

For their dedication to the concept that ASU should be embedded in the community and thereby assuring that resources would be available for producing the best possible background report, our sincere thanks are extended to ASU President Michael Crow, Chief of Staff Jim O’Brian and Debra Friedman, Dean of ASU’s College of Public Programs. For sharing their wealth of knowledge and professional talents, our thanks go to the many individual authors who contributed to the background report.

Our special thanks go to Professor Pat Gober who spearheaded this effort and Research Associate Nancy Jones who provided substantial supporting assistance. Pat and Nancy served as contributing authors, marshaled top talent to write individual chapters, ensured all deadlines were met (often ahead of schedule), and essentially created what well may be the best resource currently in existence on land use in Arizona.

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1. Over tourism: the Elephant in the room

2. Usage fees for improvement of transportation corridors necessitated by development

3. Alternative means of transportation: bike lanes

4. Maintaining and increasing quality of life factors: avoid displacing community assets with tourist attractions (schools, affordable housing, parks, art, cultural assets, etc. vs. fast food restaurants, amusement facilities, novelty shops, overpriced services and commodities, lodging for short term stays)

5. What has happened to the Smart Growth effort in Arizona, and in particular, Yavapai County? When did the YC BOS put an end to local comprehensive plans for unincorporated areas and why?

6. If comprehensive plans have been abolished by the BOS, how can the BOS make intelligent decisions regarding development and its consistency or lack of consistency with a comprehensive plan that does not exist and therefore does not address specific issues related to that unincorporated area.

7. What is the status of the (A) Growing Smarter Commission established by Gov. Jane Hull; (B) Growing Smarter Oversight Council; (C) Annual report of the GSOC after 2006?; (D) Growing Smarter Guiding Principals for Arizona (Sept. 2006); (E) Growth Cabinet – Arizona Smart Growth Scorecard); (F) Office of Smart Growth – Arizona Department of Commerce -602-771-1191 - number not monitored? Now: Arizona Commerce Authority 602-845-1200, but they referred me to the Arizona Department of Transportation: 602-255-0072: Questions: 1. Is there a Smart Growth office?; 2. What took its place; 3. Statistics or reports regarding compliance with Smart Growth statutes; 4. Annual report?; 5. Any comments they have to be included in our background report regarding Smart Growth as it stands today in Arizona? ADOT “Mary” says she has worked there 14 years and never heard of an office of Smart Growth. Referring my info to the legislative committee.

Excerpts:

Four factors have **limited the effectiveness of Smart Growth efforts** nationwide: lack of widespread adoption by any one level of government, lack of consistency across levels of government (i.e., state and local), lack of rewards for implementing Smart Growth programs, and market forces that continue to favor sprawl.

**Key recommendations** for developing Smart Growth programs include the following: recognize that one-size-fits-all programs do not work, and that effective programs are tailored to the needs of communities with differing values and at different phases in the life cycle of development; combine state and local efforts; balance carrots and sticks; include market incentives when appropriate; and focus on issues of importance to local constituents.

Arizona enacted **Growing Smarter in 1998 and Growing Smarter Plus in 2000**, which required cities, towns, and counties to prepare long-range plans that included consideration of such issues as land use, transportation, water supplies, open space and the environment. Local zoning was required to be consistent with these plans and, for larger cities and towns, the plans have to be approved by residents in local elections.

Communities should achieve a balance such that their **zoning process** is strict enough to protect the community’s historical landscape and cultural identity, but flexible enough to adapt to the inevitable challenges that accompany transition from rapid growth to more mature stages of development.

A **regional perspective** often is needed to manage rapid growth and avoid its unintended consequences. Arizona might consider Florida’s system for reviewing “developments of regional impact.” Also, dividing the state into regions, establishing a regional council, and giving them a voice in decisions about development might be considered.

Prop 207 has **two immediate consequences for Arizona land-use regulation**. First, it has slowed down cities attempting comprehensive revision of their zoning ordinances. Second, it has added new layers of legal and planning review to consider 207 implications.

Continued rapid growth and urbanization are beginning, however, to compromise some of the assets that traditionally have drawn people to Arizona. Areas of concern include increasing land costs, declining housing affordability, increasing commuting times, sprawl and haphazard development, urban heat island effects, and loss of views, open space, habitat, and biodiversity. Effects of growth depend on the pace, location, and character of growth (e.g. compact development or sprawl, planned or unregulated development), as well as on the make-up of the population.

Smart Growth is an urban design and planning movement that seeks to manage urban growth in ways that: 1) enhance the quality of life for existing and future residents, 2) protect the natural environment, and 3) facilitate efficient and affordable provision of services, particularly transportation, to communities. The goal of Smart Growth is to change how and where a state grows, the mix of land uses within individual communities, and what the cities and towns, rural areas, and state as a whole will look like in the future.

The cornerstone of Growing Smarter is the requirement for public participation. The governing body of each jurisdiction must adopt written procedures for effective public participation to guide the development, updating, and amendment of its general and comprehensive plans (hereafter referred to simply as “plans,” unless we are specifically referring to just the comprehensive or just the general plan). In addition, large

(greater than 10,000 population) or fast-growing (greater than 2% per year) cities and towns must obtain voter approval of their general plans at least every ten years. Arizona is the only state to require public votes on local land-use plans, and this unique requirement, though adding costs and time to the planning process, has been credited with increasing citizen participation in long-range planning. Three communities had their general plans fail at the ballot in 2002 and 2003, but with slight modifications all were successfully ratified the second time around.

Growing Smarter also sought to strengthen the connection between the plan and local land-use changes, such as would result from approval of a new housing development or shopping center. Prior to Growing Smarter, zoning (local laws specifying the type of use allowed on a piece of land) had only to be in basic harmony with local plans. Now all changes in zoning must conform strictly to the approved plan, such that incompatible zoning changes cannot be made without first changing the plan. Some experts agree that this has greatly increased the importance of the plans in the development process. Others feel that it has only led to simultaneous zoning and general-plan changes in many communities and has not had the intended effect.21

Counties are authorized to impose development fees to offset capital costs for water, sewer, streets, parks, and public safety facilities, as long as a capital-improvement plan has been adopted (cities and towns already had this authority).

• Counties are authorized to enter into development agreements (cities and towns already had

this authority).

**Responsibility and Accountability**

State and local governments should assume responsibility for oversight of the community development

toward long-term growth. The expectation of the property owner is key to successful outcomes, but the

overall welfare of the community is the guiding principle in planning, revenue sharing and development.

**Preservation of Community Character**

Citizens should be encouraged to participate in creating a vision for the future of their community based

on their desires, the history of their area and the character of the region. This would form a base for

planning decisions that reflect a strong “sense of place.”

**Stewardship**

Maintaining clean air and water are absolute for preserving the quality of life for future generations. Just

as critical are natural areas, wildlife protection, and allowances for sufficient open space.

**Opportunity**

Arizona communities of the future should assure the availability of a range of choice in housing,

employment, education and other essential services. Development plans must incorporate the need for

school sites and recreation facilities in conjunction with housing.

**Infrastructure**

Smart planning means taking into account a community’s long-range needs for transportation, water,

sewer, power, communications, and public facilities. Partnerships among public and private entities will

ensure the cost of all amenities is borne equally.

The Sonoran Institute, an Arizona-based conservation and environmental organization, reviewed the plans

for all Arizona communities and concluded that “the plans predicted and considered issues related to continued growth, but failed to provide robust policies for directing such growth in a desirable pattern.”24

Today, Arizona land-use regulation is complex, sophisticated, and extensive. It is also more political and

more ad hoc in character than in many other states. The original use of zoning regulation to segregate land uses largely has been supplanted by a system that solicits extensive community input on individual projects and reviews such projects to insure overall character and quality.

Institutions that generate a regional perspective tend to be effective in managing rapid growth. Inter-local

cooperation and coordination are necessary to avoid unintended effects of growth. For example, in order to deal with the regional effects of large developments, Florida has divided the state into regions and has established a regional council for each. In each region, Florida has authorized a Regional Planning Councils (RPC) to serve as an intermediate reviewing agency in conjunction with the state agency.11 Arizona might consider a similar institutional arrangement that allows for the identification of developments that may have regional impacts and facilitates coordination to manage them. Although the Arizona Council of Governments can play an important role in providing planning assistance, policy making, and coordination within regional communities, they do not have authority in approving developments that may affect more than a single jurisdiction. Regional perspectives on land-use regulation help to avoid the negative impacts of incompatible neighboring land uses and to facilitate inter-local coordination and cooperation.

Proposition 207 added a new Arizona statute, ARS§12-1134, which states: “If the existing rights to use,

divide, sell or possess private real property are reduced by the enactment or applicability of any land-use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property, the owner is entitled to just compensation from this State or the political subdivision of this State that enacted the land-use law.”

As a result, the first response of Arizona cities and towns was to adopt procedures to request that individual property owners waive their 207 claims whenever they are seeking permission from the City to do anything to their property or make any changes to the regulations

relating to their property. Some cities began imposing mandated property-owner waivers on such minor

approvals as building permits, site plan reviews, conditional use permits, and virtually any other city permission. Requiring these waivers as a condition of approving—or in some cases as a condition of receiving an application—for minor development was immediately met with a backlash from newspaper commentators and the development community, who felt that cities had gone overboard in trying to punish members of the electorate for adopting Prop 207.