GROWTH MANAGEMENT STRATEGIES
IN THE AMERICAN WEST -
A CASE STUDY OF
INTERGOVERNMENTAL COOPERATION IN
COLORADO

by
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B.A. in Growth and Structure of Cities
Bryn Mawr College, 1994

Submitted to the Department of Urban Studies and Planning
on May 23, 1996 in Partial Fulfillment of the
Requirements for the Degree of

Master of City Planning

at the
Massachusetts Institute of Technology

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ABSTRACT

The American West has experienced waves of rapid population
growth and urbanization, the majority of which has occurred in
the post-World War Two period. Development has therefore taken
the dominant American urban form of low-density, high-area
sprawl. Urban growth management and control in reaction to
this pattern has become a focal point of local and regional
planning, although the political atmosphere of these Western
states emphasizes private property rights and individualism.

While the most obvious means of managing or planning
metropolitan growth is through regulatory state control, this
thesis explores alternative strategies. Local and regional
planning power is derived from the state constitution, so growth
management strategies can be traced to state leadership and law.
Western states have adopted aspects of three basic models of
growth management, which I term: Top-Down Direct
Intervention (as with the California regional commissions), Top-
Down Conjoint Planning (as in Minnesota and Oregon), or Guided
Local Action (evidenced in California, Oregon, and Colorado).

A case-study investigation of Colorado reveals that it has
enhanced local growth management and planning with state-
level information, guidance, coordination, and empowerment of
inter-jurisdictional cooperative planning and
intergovernmental agreements. The resulting ad hoc, voluntary
regional planning network seems to have addressed urban form,
urban services provision, and land conservation issues as
effectively as the other cases. While this system has both
benefits and limitations, it also has real potential for addressing
regional planning problems in areas where citizens are skeptical
of increased regulation and government.

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Thesis Reader: Terry S. Szold
Title: Lecturer in Urban Studies and Planning
# CONTENTS

**LIST OF TABLES AND FIGURES**

**ACKNOWLEDGEMENTS** 7

**CHAPTER ONE. INTRODUCTION** 9

A. Why Study Urbanization and Growth Management in Western States? 9
B. Methodology 10

**CHAPTER TWO. URBANIZATION IN THE AMERICAN WEST** 12

A. Sprawl in the American West 12
   1. The Significance of the American West 13
   2. Western Characteristics 13
   3. Political Climate 14
   4. Urbanization patterns 15
B. Sprawl and Planning 17
   1. The Anti-Sprawl Paradigm 17
   2. Sprawl, Growth Management, and Regionalism 18

**CHAPTER THREE. GROWTH MANAGEMENT STRATEGIES** 20

A. Gaining Perspective on Growth Management 20
   1. Growth Management and Planning 20
   2. Growth Management Policy 21
   3. The Debate 26
   4. Regionalism 27
B. State and Regional Growth Management Models in the West 28
   1. Top-Down Direct Intervention 30
      a) California Coastal Commission 30
   2. Top-Down Conjoint Planning 32
      a) Statewide 33
         1) State Growth Management Planning in Oregon 33
      b) Regional 41
         1) Twin Cities Metropolitan Council 41
   3. Guided Local Action 43
      a) Portland Metropolitan Service District 44
      b) California State System 44
      c) Colorado State case 47

**CHAPTER FOUR. CASE STUDY: REGIONALISM WITH INDIVIDUALISM IN COLORADO** 48

A. Background 48
   1. Geography of the Urban Corridor 48
   2. Current Population Boom and Resulting Planning Problems 52
B. Planning and Growth Management Activity 54
   1. State Level 54
      a. The Smart Growth Initiative 55
### Great Outdoors Colorado

57

### Statewide Development Factors

57

### Regional Planning - Patterns, and Issues

58

### Local and County Planning Projects

59

1. State Structure for Local Planning
   59
2. Growth Control in Boulder
   61
3. Fort Collins’ Performance Zoning
   61
4. Infrastructure Linkage in Colorado Springs
   62

### Cooperative Planning and Intergovernmental Agreements

63

1. An Emerging Planning Strategy
   63
   a. Definition, Explanation of Intergovernmental Agreements
   63
   b. Inter-jurisdictional Planning
   65
2. Cases of Intergovernmental Agreements and Planning in the Front Range Region
   66
   a. Urban Growth Boundaries
      67
      1) Larimer County
         67
         Fort Collins and Loveland
         67
         Windsor
         71
      2) Boulder County
         72
         Boulder Valley Comprehensive Plan
         72
         Lafayette, Erie, Boulder County Intergovernmental Agreement
         75
   b. Joint Planning Studies
      77
      1) The Northern Colorado Regional Planning Study
      77
      2) Front Range Mountain Backdrop Planning Study
      80
3. Intergovernmental Agreements and Planning
   83

### CHAPTER FIVE: ANALYSIS AND CONCLUSION

87

A. **Summary**

87

B. **Comparison of Models and Cases**

88

1. Common Goals
   89
2. Characteristics
   90
   a. Top-Down Direct Intervention
   92
   b. Top-Down Conjoint Planning
   92
   c. Guided Cooperation
   94

C. **Colorado Assessment**

95

1. Regional Successes
   95
2. Weaknesses of the System
   97

D. **Recommendations and Conclusion**

98

1. Assessment
   98
2. Recommendations Conclusions
   99

### APPENDICES

103

1. Growth Management Legislation Chronology
2. Inventory of Intergovernmental Agreements and Planning Partnerships in the Front Range Region of Colorado
3. Example Intergovernmental Agreements
   Intergovernmental Agreement for the Fort Collins Urban Growth Area
WORKS CITED

List of Contacts
LIST OF TABLES AND FIGURES

Tables

Table 1. Population Growth in Rocky Mountain States, 1992-93.
   Inside the Portland UGB, 1985-89.
8. Comparison of Goals of Example Cases
9. Concluding Comparison of Growth Management Cases
10. Summary Assessment of Colorado Case

Figures

Figure 1. US Census Map of States and Regions.
3. Urban Growth Boundary Concept Illustration.
4. Diagram of the California Coastal Commission System.
8. Map of the Twin Cities Metropolitan Region.
10. Distribution of Growth Management and Control Measures
    in California.
11 Diagram of the California State System.
12. The Urban Corridor, Viewed From the Foothills in Larimer County.
13. Map of Colorado, Designating the Front Range Region.
14. Illustrative Topographic Map Illustrating the Front Range Region.
16. Photograph of New Unincorporated Residential Development North of
    Denver.
19. Fort Collins and Loveland Urban Growth Boundaries.
20. Photograph of the Protected Kathy Fromme Prairie Land,
   Part of the “Region Between.”
22. New Housing in Superior, Typical of the Ring of Residential
   Development Surrounding Boulder.
23. Regional Framework Map of the Northern Colorado Regional
   Planning Area.
26. Illustrative Map of Intergovernmental Planning Activity.
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Through the many late nights, early mornings, and long days during the last two years, I have been surrounded by a group of incredible classmates, whom I thank for their conversation, intelligence, and laughter. I would also like to express gratitude to Professors John DeMonchaux and J. Mark Schuster for including me in their Salzburg Seminar project and all of its ramifications. I am especially grateful for the confidence and support granted to me by friends and family over the past two years. This thesis is dedicated to my parents, without whose unending support it would not have been possible.
CHAPTER ONE. INTRODUCTION

A. Why Study Urbanization and Growth Management in Western States?

The motivating issue of this thesis is the urbanization pattern of America’s fastest-growing region, the Rocky Mountain West (Figure 1). In other regions, planning policy has been developed to address the impacts of similar automobile-dominated sprawling development through combinations of urban growth management and control legislation. Rocky Mountain states have recently experienced rapid population growth, threatening both the natural environment and the much-valued quality of life (Table 1). Despite this, none of these states have instituted growth management statutes.

<table>
<thead>
<tr>
<th>Table 1. Population Growth in Rocky Mountain States, 1992-93.</th>
</tr>
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<tbody>
<tr>
<td>Arizona</td>
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<tr>
<td>Colorado</td>
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<tr>
<td>Idaho</td>
</tr>
<tr>
<td>Nevada</td>
</tr>
<tr>
<td>New Mexico</td>
</tr>
<tr>
<td>Montana</td>
</tr>
<tr>
<td>Utah</td>
</tr>
<tr>
<td>Wyoming</td>
</tr>
</tbody>
</table>


As “sprawl consumes the quality of life people seek” (Gersh) in this region, urban growth management continues to be an important issue in both local and state levels of discourse. Due to a number of characteristics common in the American West, state-level control of local growth has not emerged as it has in other parts of the country (see Appendix One for a Listing of Growth Management Legislation in the U.S.). In order to consider strategies relevant for growth management at the regional level (the level at which the impacts of low-density urban development are experienced), this thesis examines existing growth management and control policies in many states. The focus is on states in the American West, because these tend to share the political characteristics that have made similar legislation unlikely in the Rocky
Colorado is one of the states that has seen dramatic growth rates translate into land-consuming, low-density development. The primary case study in Chapter Four of this thesis explores the urban planning and growth management activity in Colorado’s Front Range urban corridor, where an ad hoc, voluntary network of planning partnerships and intergovernmental agreements have emerged to address regional urban growth concerns. In the concluding chapter, I consider how this approach to regional growth management compares to the more traditional and hierarchical systems in other states, and whether it is a model for addressing similar concerns in other Rocky Mountain states.

B. Methodology

The topic of this paper originated from the personal experience of observing the dramatic growth of Colorado’s Front Range region over the past six years. The broader frame of urbanization in the American West is rooted in personal exploration of the difference between Western myths and realities, and what differentiates the West and its cities from other areas of the United States. Through this project I have sought to confront my own environmental and geographical biases as well as to understand one of the dominant planning issues in the American West.

The case study of the Colorado Front Range began with the question, “given the dramatic recent urban growth, how are the state, counties, and municipalities responding?” During three weeks in Colorado, I conducted research and discovered the network of partnerships that had evolved. I read plans and reports, interviewed planners, leaders, land trusters, and others about recent trends, relationships, and reactions to the growth. Upon returning to MIT, I began a literature search on growth management and regional strategies for addressing rapid urban growth. While the case study is based on first-hand interviews, observations, and research, the comparison cases are largely from second-hand sources and reports.

The policy analysis framework, especially the five categories of policy tools, is based on the work of Professors Schuster and DeMonchaux at MIT. They used this approach to organize a Salzburg Seminar in 1995, where I was influenced by stimulating debate
regarding the purpose, possibility, and meaning of government policy in historic preservation specifically, and urban design and planning in general.
CHAPTER TWO. URBANIZATION IN THE AMERICAN WEST

A. Sprawl in the American West

1. The Significance of the American West

The western United States has a different history and development pattern than the eastern and southern regions. It is important to recognize these differences in order to understand how current land-based issues in the West can be addressed and why the solutions may differ from those used in other regions of the country. Even among experts, the definition of the American West is disputed. Many argue that the area commonly referred to as “the West” is too incoherent and has too many subregions to be considered a region of the United States. Others find important trends which serve not to unify the states, but to draw out what distinguishes them from other areas of America.¹ There are many cities in the West, with diverse approaches to planning and growth management. Even so, the region can be broadly characterized by its frontier heritage, political trends, and urbanization patterns, all of which are tied to the image and development of the land.

Figure 1. US Census Map of States and Regions. (Source: US Census.)

¹ See Limerick, Athearn, White, Nash, Frost, Weatherby.
Scholarship on Western history has evolved from merely heroic storytelling and discussing the meaning of the “closing of the frontier” (Turner) to a serious examination of the region’s social and land patterns. Patricia Limerick, a leader in the New Western History movement, stated that “if Hollywood wanted to capture the emotional center of Western history, its movies would have been about real estate” (54). Central to this paradigm is the recognition that modern development and land use politics are informed by the past. A consistent criticism of the old model of Western history was that it “relentlessly trivialized the West, ignoring the enormously complex convergence of diverse people, rendering the nineteenth century past irrelevant to the twentieth century present” (Limerick 69). Authors in the New History Movement claim instead that many of the forces that shaped Western development patterns in the nineteenth century are still relevant today (White).

2. Western Characteristics

One of the New Western History movement’s most significant contributions has been an analysis of the Western Frontier mythology and recognition that early views of the land as open and waiting to be conquered still affect contemporary land use law and development patterns. The persistent “Wild West” image and land ethic tends to discourage planning and realistic assessment of the land’s limitations (Wilkinson). Frank J. Popper argues that the frontier still exists outside of the heavily urbanized areas, and that it “helps to explain the West’s special resistance to federal and even state regulation of private land...why many Western rural localities have never adopted zoning...[and] why Western states are in the forefront of the national search for alternatives to our present land use and environmental regulations” (662).

Beginning with the Land Ordinance of 1785, a series of federal policies demonstrated the struggle to understand and settle the vast, arid land of the American West. By the 1880’s, when individual settlement appeared to have ended, congressional reformers argued for a national land policy for the West. In 1878, John Wesley Powell’s criticism of the land system, Report on the Lands of the Arid Regions of the United States, recommended what amounted to “zoning on a massive scale,” subject to water rights. He proposed overhauling American conceptions of land use and argued in favor of “planning instead of chance, for conducting settlement according to the realities of the West instead of people’s hopes about what the West would be” (White 153). This proposal for planning at the national level emphasized what most growth
management programs still do: efficiency and cooperation toward the common good. As urban uses spread across the landscape, Powell’s concerns are still relevant today, and leaders are still struggling with how to address them.

3. Political Climate

The frontier mentality influences political processes in the American West and coincides with low-density urban and rural development patterns. The Western political climate differs from that of other areas in its history of searching for outside capital, weaker party loyalty, populist and individualist tendencies, and strong ties to the federal government (including economic subsidies and the holding of vast public lands) (White 353). Strong Western municipal reform and property tax revolt movements have shaped local and state politics (Weatherby 5).

Many Western state constitutions bear the mark of the republican and democratic principles of the late nineteenth century, when they were written (Cronin). In addition, there are differences in political process. Though the New England town meeting is rarely recreated, in the West citizens do have access to their own governance. Irate voters have the opportunity to act on their individualist and populist beliefs through the initiative and referendum political devices. Under the initiative system, any voting citizen may put an amendment to the state constitution on a statewide ballot upon collecting the supporting signatures of at least a set percentage of the voting population (five percent in California and Colorado, for example) (Cronin 94). This mode of direct democracy has been used heavily for tax protest and growth limitations (Weatherby).

Significant relationships with the federal government are a recurring element of Western politics. Currently, the federal government owns approximately two-thirds of Western land, and has played a major role in its growth and development through subsidies and military installations. This represents an ongoing, complex dynamic between the individualist frontier mentality and reliance on the federal government for stability and economic development (Cronin).
4. Urbanization patterns

Related to these political distinctions, Western states also claim a similar urbanization history. A “discrete solar system” of regional centers developed concurrently with the farms and ranches: San Francisco, Denver, Portland, Omaha, Los Angeles, Salt Lake City, Dallas, Houston, and Seattle (White 391). Subject to many plans and influences, these cities all experienced a history of booms and busts. Most have followed the highway-dominated development pattern of suburban sprawl over their entire metropolitan expanse. Following World War II, metropolises such as Los Angeles, Houston, and Phoenix were referred to as helter skelter growth centers, formless, non-cities, and nowhere cities (Abbott). This pattern soon appeared in metropolitan areas across America, as Western cities became role models of modern American development.

Contrary to the national image of the West as “wide open” and provincial, by the 1880’s the percentage of the Western population that lived in cities was higher than in the rest of the country, a trend that has continued (White 391). The 1990 U.S. Census reported that the ten most rapidly growing cities (by percentage in population) were in the West. Of the 60 fastest, 51 were in the West. Over the period of 1990-1994, eight of the 10 fastest growing Metropolitan Statistical Areas were in the West (see Table 2). While this trend is notable in itself, it is even more significant to note that such growth has been accommodated largely in the form of highway-dependant suburban sprawl. While dramatic landscapes (and their resources) attracted thousands of immigrants, development took precedence over conservation. It seems every new Western migrant wants a home on the range, with urban amenities. As illustrated in Figure Three below, this growth trend is predicted to continue.
### Table 2. Fastest Growing Metropolitan Statistical Areas, 1990-1994

<table>
<thead>
<tr>
<th>Rank</th>
<th>Metropolitan Statistical Area</th>
<th>% Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Las Vegas, NV-AZ</td>
<td>26.2%</td>
</tr>
<tr>
<td>2.</td>
<td>Laredo, TX</td>
<td>22.4%</td>
</tr>
<tr>
<td>3.</td>
<td>McAllen-Edinburg-Mission, TX</td>
<td>20.2%</td>
</tr>
<tr>
<td>4.</td>
<td>Yuma, AZ</td>
<td>19.4%</td>
</tr>
<tr>
<td>5.</td>
<td>Boise, ID</td>
<td>17.6%</td>
</tr>
<tr>
<td>6.</td>
<td>Naples, FL</td>
<td>16.0%</td>
</tr>
<tr>
<td>7.</td>
<td>Brownsville-Harlington-San Benito, TX</td>
<td>15.2%</td>
</tr>
<tr>
<td>8.</td>
<td>Fayetteville-Springdale-Rogers, AR</td>
<td>15.0%</td>
</tr>
<tr>
<td>9.</td>
<td>Las Cruces, NM</td>
<td>14.7%</td>
</tr>
<tr>
<td>10.</td>
<td>Richland-Kennewick-Pasco, WA</td>
<td>14.6%</td>
</tr>
</tbody>
</table>

*Source: US Census Bureau, 1995.*

### Figure 2. Projected Percent Change in State Populations, 1990 - 2000.
*(Source: Census 1994)*
This post-industrial pattern of city growth contradicted traditional form of urban cores. In The New Urban Frontier, Lionel Frost argues that the nineteenth century saw a Pacific-oriented group of cities (as opposed to older European and East Coast Atlantic-oriented ones) in Australia and the American West take on a distinct new shape. The low-density form of these cities reflected society's abhorrence of the perceived industrial horrors of the dense urban core. Suburbs took advantage of the automobile and modular housing, but they “eventually so outran the public transport network that the functioning of giant metropolises such as Los Angeles and Houston became, as it is now, totally dependent on freeways” (159). The nature of this growth pattern quickly turns land use and resource decisions into regional issues, though often no regional framework is used to balance local urban interests.

C. Sprawl and Planning

1. The Anti-Sprawl Paradigm

Attributable to the automobile, the country’s size, Euclidian planning, the American dream, and the frontier spirit, the modern mode of urban and suburban development has been glorified and criticized, and is now one of the planning field’s primary foci. The Michigan Council of Governments defined sprawl in 1991 as “a land-use pattern characterized by low-density and/or uneven physical development occurring at the fringe of the urbanized area,” and stated that “sprawl is the regional result of many local land-use decisions made by individuals, businesses, and communities,” which are usually locally consistent and economical (in APA 1991, 1). This decentralized form is significantly driven by the desire for, and availability of, single family housing on one-half to one-acre lots. It also usually coincides with a disinvestment and disintegration of the old city center (Einsweiler).

Many recent projects and research papers have challenged the sprawling pattern of low-density development that has prevailed in twentieth century America. Critics of sprawl compared the costs of low-density, high-acreage development with traditional core-centered urban form (Nicholson). The economic and aesthetic critiques of suburbia have led planners and architects to reassess common development patterns, including aspects of aesthetics, civic elements, and

2 See Kunstler, Duany and Plater-Zyberk, Calthorpe, Tunnard.
Crime and threatening urban changes caused physical separation of new residential areas from the old city. The resulting pattern, however, heightens these problems by encouraging disengagement. In addition to social costs, the financial demands of sprawling development are high. Larger areas require more streets and an expansive water and power system. Low-density development consumes large quantities of new land, contributing to the destruction of agricultural land, open spaces, wildlife habitat, and other natural resources such as water, woodlands, and wetlands (Einsweiler). As uses are separated and roads spread out, private automobiles are necessary for basic, local movement, resulting in low air quality, pollution, and traffic congestion. In short, the urban malignancies suburbia was supposed to escape have now been spread out over larger areas of the country.

Sprawling development is common in the West, and for years there has been concern that such poorly planned sprawl could destroy the natural environment that drew so many people there in the first place.

2. Sprawl, Growth Management, and Regionalism

For the past two decades, many Western communities experienced the social and economic consequences of sprawl, and sought to limit further physical growth while still encouraging economic growth. Current approaches vary widely, from state planning in Oregon and Washington to minimal public planning in most of Texas. In most states, however, a longtime emphasis on local control and skepticism of limitations on property rights takes precedence, even while trying to preserve the Western frontier aesthetic of open spaces and lifestyle. Western political dynamics are less likely to allow for strong central control over physical development. However, population and economic growth booms have raised real issues about the quality of development that takes place and the ability to maintain the quality of life so connected to the environment.

These seemingly conflicting paths have resulted in innovative planning as well as heated debate in Western urbanizing areas such as the Willamette Valley in Oregon; Jackson, Wyoming; Tempe, Arizona; San Diego, California; and the Front Range region in Colorado. Even those communities which respond least enthusiastically to land use planning and controls, such as ranching communities in rural Wyoming,
are seeking strategies to proactively address population growth pressures. Growth management and controls take many forms and are the result of local and state politics, individual vision, resident preferences, and citizen initiative.

A number of states have developed programs to solve conflicts resulting from rapid and sprawling growth. The following chapter explores some of these cases in order to clarify alternatives and understand the strengths and weaknesses of different approaches.
CHAPTER THREE. GROWTH MANAGEMENT STRATEGIES

A. Gaining Perspective on Growth Management

1. Growth Management and Planning

Popular and powerful policies have aimed to control and manage the low-density development pattern of most new construction in the past forty years. The perceived negative consequences of population growth - pollution, congestion, and permanent disruption of agricultural and scenic open lands and viewsheds - often fuel initiatives seeking to modify market-driven development (Chinitz 4).

The broad concept of land use planning now includes growth management tactics as well as zoning regulations. Like zoning, growth management is a legally-accepted part of a municipality’s police power. Growth control and management policies are, in many ways, merely an extension of traditional zoning and planning activities. While the latter regulates the uses that are permissible on a certain piece of land, growth management policies guide, shape, or limit development throughout a community. In this sense, where what has become known as ‘Euclidian’ zoning is passive and static, growth management planning is active and dynamic (ibid). Growth management policies exist across the country in areas such as “exurban” New Hampshire (Porter 1989, 34) and Tucson, Arizona (Porter 1985, 26) that have been impacted by the national migration away from older urban cores.

Governments have always controlled the location and intensity of new development through comprehensive plans, subdivision controls, and zoning ordinances. In the 1950’s and 1960’s, municipalities began expanding these efforts, reacting to strains on their ability to provide services for new residents (Deakin 4). Growth

---

3 In Berman v. Parker, 1954, the Supreme Court declared “the power to regulate for the public welfare should be given a broad reading,” which has provided the precedent for many subsequent land use cases (Interpretation of 348 U.S. 26 (1954) in Schiffman 14.)

4 This term comes from the first United States Supreme Court decision upholding the use of zoning under the Fourteenth Amendment (Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)). It has also come to refer to the conventional engineering model of planning (Friedmann 482).
management as a distinct category of planning strategies developed in the 1970's as the environmental movement brought issues of environmental impact into policy debates and planning processes.

The "no growth" movement in the United States at this time was "consistent with a fundamental change among many Americans questioning the environmental, fiscal, and social costs of local land use policies" (Schiffman). These growth management programs emphasized protecting scenic open land and wildlife habitat, and relied on physical boundaries and permit caps to slow community growth rates. With the tax revolts of the late 1970's came strong initiative for municipal and regional growth control. Measures such as California's Proposition 13, passed in 1978, decreased public funding to local government, while booming construction made increasing demands on service provision (Glickfeld 4; Nicholas, 1993).

Following the economic recession of the late 1970's, however, most parties retreated from the no-growth stance. As DeGrove summarizes the change, the "near-collapse of the construction industry in some areas changes the political context within which growth management actors...played the game...The political sophistication of the players...quickly adapted to a position supporting jobs and economic development while at the same time protecting the environment" (DeGrove 1988). This jarring of priorities was reflected in the next wave of the movement, which has tended to emphasize "management" over "control."

Current growth management initiatives respond to dynamic changes in population growth rates, sprawling suburban development patterns, and changing public attitudes about growth. Though historically urban theorists have argued in favor of rapidly growing cities which attract jobs and investment (Peterson 1981), this has been challenged by theories of "sustainable development." Community growth management initiatives, which have come to take many different forms, reflect these ideas (Glickfeld).

2. Growth Management Policy

With any public policy decision, the policy an authority selects to carry out the program’s goals also sends a message about its intent, philosophy, and expectations. Schuster and de Monchaux’s model for categorizing urban design policy includes
five metaphorical "tools" for government action: information and education, incentives, regulation, ownership and operation (acquisition), and legal property rights (Schuster). Most traditional planning policy comes in the form of public regulation of private development. This assumes that there is a public good, which will be served by limiting individual rights to freely develop a piece of property. Often, this puts public authorities and individuals in adversarial positions. Each of these policy tools may be used to send different messages.

While planners have discovered the benefits of influencing the environment through non-regulatory policy (such as decreased administration and cost, and a higher degree of cooperative compliance), there is a parallel political trend in America against government regulation of the private sector. While there are resources and common goods that should be protected through sustained public control, planners must consider alternative problem-solving tools. Even if regulation is the "best answer" for some problems, it may not always be politically, socially, or financially feasible. Planners and officials should be able and willing to explore alternative models.

Some authors suggest that public policy is moving away from regulatory-driven action, and therefore it is useful to delineate a program's intent in order to develop new modes of problem-solving in the public realm (Salamon 1989). Categorizing policies by action and intent clarifies their meaning and the urgency of the desired result. The following list explains the five categories of government action, as articulated by Schuster and de Monchaux, with examples of growth management and control policies.

a) Regulatory - Urban Growth Boundaries

One common growth management tool is the urban growth boundary (Figure 3). This concept may be called an Urban Service Area (outside of which the municipality will not provide urban services or infrastructure), an Urban Growth Area, or an Urban Growth Boundary (not necessarily coinciding with the incorporated urban area). Similar to the notion of the medieval walled city, which controlled or denied access for outsiders, these boundaries physically limit land available for new urban development. Usually created
through a joint agreement between the municipality and a county, this boundary is then incorporated into the regulatory framework of the region’s land use policy. The government is sending the message to the land owner outside the boundary, “your land must remain rural.”

Figure 3. Illustration of the Urban Growth Boundary Concept.

b) Government Ownership - Greenbelt/Open Space Acquisition

A similar physical approach is to guide development by creating a “greenbelt” around a city, as has been done in Boulder, Colorado (see Figure 18). Municipal or county governments acquire significant open land, often with special tax proceeds or through private land trusts. In doing so, the government relieves the private landowner of the burden of protecting the land and the government sends the message, “this land is so important that we will take responsibility for its conservation.”

c) Incentives - Governmental Planning Grants

Incentive-based techniques send a different message to the “actor” (i.e., the property owner or the developer): they imply that “you should do this - and we will reward you” rather than the regulatory implication of, “you must do this.” Of course it is less certain that “this” will be accomplished, but the relationship is more cooperative and therefore the action is more likely to be cooperative as well. An example is a state grant program to fund local
planning projects that meet state development goals or criteria.

d) Information and Education - Public Interaction and Resource Provision

Carefully orchestrated information and education policies can be powerful as well. In general, this category includes providing reports and maps on changing demographics and development patterns, publishing design guidelines, holding design charrettes and other public involvement sessions, or merely updating the community about important development trends in a local newspaper. This policy strategy focuses on the citizen's ability to act and make decisions, and uses dissemination of information as a means of empowering the constituency.

e) Property Rights - Transfer of Development Rights

Property rights strategies involve altering existing legal rights and development allowances. When applying this strategy, the government alters existing legal rights of the property owner. With the transfer of development rights (TDR), used for guiding development away from cultural and natural resources, the government designates “air rights” or “development rights” as a separable property right. When these are sold to be applied elsewhere, the owner is financially compensated for conservation of the valued resource (Costonis). Alternatively, property rights can be decreased when land owners are compensated by “selling” an easement on the land (often for tax benefits) to ensure its conservation.

The matrix in Table 3 separates the tools and goals of growth management and control policies in order to distinguish the range of policies available. It also facilitates comparison of growth management cases.
Matrix of Growth Management Policy

<table>
<thead>
<tr>
<th>GOALS</th>
<th>Influence the Location &amp; Design of New Development</th>
<th>Offset Public Infrastructure Costs</th>
<th>Reduce the Pace of New Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulation</strong></td>
<td>Zoning Impact Fees, Subdivision Control, Urban Growth Boundary, Utilities Control, Contiguity Requirement, Design Review</td>
<td>Phased Growth, Adequate Facilities Requirement, Administrative Fees, Concurrency Requirement, Square Footage Caps, Commercial Rate Cap</td>
<td>Permit Caps Quotas Concurrency Requirement</td>
</tr>
<tr>
<td><strong>Public Ownership</strong></td>
<td>Greenbelt Acquisition, Land Banking, Annexation Policy, Partnership with Developer</td>
<td>Capital Improvements</td>
<td></td>
</tr>
<tr>
<td><strong>Negotiated Property Rights</strong></td>
<td>Transfer of Development Rights, Conservation Easements</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Incentives (Policy and ad hoc)</strong></td>
<td>Encourage Cluster Development, Allow Planned Unit Development, Density Bonus Program, Performance Zoning, Conditional Rezoning, Planning Grants</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Based on Policy Tools Framework for Urban Design developed by Schuster and DeMonchaux.
3. The Debate

While growth management policies develop around the United States, academic and professional debate continues as to the meaning, relevance, and benefits of policies such as Urban Growth Boundaries, building permit caps, and transfer of development rights. Critics of these policies do not dispute the problems municipalities experience as a result of rapid growth (Deakin). It is agreed that low-density development over vast areas is inefficient. The debate is focused instead on whether development impacts can be effectively addressed through growth management policies without creating equally serious problems such as housing shortages and exclusivity (Porter 1992, x).

As is the case with zoning in general, many growth management strategies are criticized as serving exclusionary factions who wish to protect their land from newcomers and “undesirables.” Perhaps the strongest critique is that physical regulations (such as growth boundaries) limits the supply of buildable land while demand is steady or increasing, and this will cause an increase in the cost of land, and therefore housing. Furthermore, Fischel argues that growth controls do not even solve their target problems - that they contribute to sprawl by encouraging “leapfrog” development (which he defines as “discontinuous development in suburban fringe areas”) and low-density fringe development through large-lot zoning (342). When growth controls originate at the state or regional level, there is frequently an additional concern over the loss of local control over land use decisions as well as skepticism about the effect of more complex bureaucracy in the development process.

Growth management is supported as a solution to the problems laid out in Chapter Two - needs for environmental protection, municipal budget strain, and concern over losing place-based identity and quality of life. Following her review of the growth management literature, Deakin concludes that “growth management activity is stimulated by citizen perception of severe fiscal and environmental concerns - not just elitist desires for self-enrichment and exclusivity,” but also that “growth management measures have a less straightforward effect on community satisfaction than hoped and often have limited or mixed success in addressing their goals. Growth management policies have adverse economic effects - housing prices - but they are smaller than

previously thought, sometimes negligible or mitigable” (Deakin 17-18).

Growth management and control have emerged as a dynamic and pressing issue in the planning field. As such, there is no current consensus on the answers to these problems, just a widespread recognition of their complexity and many calls for further research (Deakin, Landis; Porter, 1993).

4. Regionalism

As population growth and sprawling urban development threaten valued scenic views, lifestyle symbols, and landscape environments, Western states have begun to confront urban growth. While the urban pattern may be the same throughout the region, the approach to managing or controlling the growth is not. While sharing the need to balance environmentalism, regionalism, and individualism, Western states have adopted one (or a combination) of several models for setting growth priorities and policy.

Just as ecological systems cross property lines, problems resulting from rapid and sprawling urban growth (such as pollution, traffic congestion, loss of open space, and a decentralized tax base), cross official jurisdictional boundaries. Logically, therefore, it is unreasonable to address growth issues only on a local, isolated level. Politically, however, this is how most planning systems in America derive their authority; more integrated approaches are the result of deliberate rearrangement. While America’s locally-based and “politically fragmented” system is aimed at reducing political alienation, there are also environmental and economic arguments for problem-solving at the regional scale (Baldassare).

Most metropolitan areas in the United States have had at least one campaign to establish regional governance since the 1920’s (Kirlin). Many such movements, especially in rapid-growth areas, cite the lack or inadequacy of local planning as a reason for regional level management. Most regional and state growth management movements and systems are based on a shared vision or fear of what the environment may become. This can take the form of a “last one in” exclusionism, as newcomers join natives to protect a place’s “quality of life” and seek to restrict access to subsequent in-migrants. Alternatively, a strong, shared vision of a region’s environmental or community strengths can stimulate cooperation and trust.
Concerns for region-wide impacts increase as large metropolitan areas come to be understood as the significant modern unit of American settlement, with ramifications larger and broader than can be addressed by each of the local governments involved (Keefe 116).

B. State and Regional Growth Management Models in the West

To address the impacts of regional growth and development pressures, a state has three structural policy models to choose from: Top-Down Direct Intervention, Top-down “Conjoint Planning” (Bollens), or State-Guided Local Action (see Table 4)6. Significant variables among these models are the amount of regulation, the degree to which problem-solving is left at the local level, the degree of permanence, reliability, and predictability; and openness of process. I propose that these factors are important qualities of public planning policy. All of these models must balance with what Kirlin terms “current problems of governance:” weaknesses of large scale government, dramatic withdrawal of state and national funding, and citizens’ resistance to more government and increased taxes (122). These factors define the political framework in which planning problems must be solved.

The following sections and Table 4 elaborate on these three models for regional growth management. While many states adopt policies that blend the models, cases presented here are intended to illustrate the major distinctions among the respective models.

---

6 In Scott Bollens’ article, “State Growth Management - Intergovernmental Frameworks and Policy Objectives,” he developed three categories of intergovernmental structures of state/regional growth policies: Preemptive/Regulatory, Conjoint/Planning, and Cooperative/Planning. I have built my categories from his, accepting the first category, but altering the last two according to my observations.
Table 4. State Growth Management Models.

<table>
<thead>
<tr>
<th>Model</th>
<th>Characteristics</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Reg. Interv.</td>
<td>Direct state preemption of local authority where development is of more than local importance (Bollens).</td>
<td>Vermont (1970)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Florida (1972)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hawaii (1961)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lake Tahoe, CA/NV (1969)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adirondack Park, NY (1971)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>California (Coastal Commission) (1972)*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Martha's Vineyard, MA (1974)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cape Cod, MA (1989)</td>
</tr>
<tr>
<td>Top-Down Conjoint Planning</td>
<td>Local implementation of state goals and standards through required or voluntary planning. Penalties and incentives used to attain consistency (Bollens)</td>
<td>Oregon (1973)*</td>
</tr>
<tr>
<td>(Bollens)</td>
<td></td>
<td>Florida (1985)</td>
</tr>
<tr>
<td>A. Statewide</td>
<td>Statewide program.</td>
<td>Hawaii (1978)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rhode Island (1988)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maine (1988)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Washington (1990)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Jersey (1985)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vermont (1988)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Georgia (1989)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maryland (1992)</td>
</tr>
<tr>
<td>B. Regional</td>
<td>State goals applied to a strategic region.</td>
<td>Adirondack Park, NY (1971)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Jersey Pinelands, NJ (1979)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chesapeake Bay, MD (1984)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Twin Cities Metropolitan Council, MN (1967)*+</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cape Cod, MA (1989)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arizona +</td>
</tr>
<tr>
<td>State Guidance,</td>
<td>State takes an interest in regional and local growth, through minimal</td>
<td>Oregon (Metro)**</td>
</tr>
<tr>
<td>Local Action</td>
<td>regulation. Initiative and power is at the local level.</td>
<td>California**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Colorado**</td>
</tr>
</tbody>
</table>

* Cases included in this thesis.
+ Cases added to Bollens’ categorizations.

Table expanded from Scott Bollens' Intergovernmental structures of state/regional growth policies (462, Table 2).
1. **Top Down Direct Intervention**

If development concerns span an area larger than a single county, which they do in the case of metropolitan growth, the next traditional level of government is the state. The most direct way for a state to address growth management over large areas is to directly control all of its land through a state plan. No state has yet ventured this far, and it is very unlikely that any will. The state level of government, however, can actively lead growth management through other strategies. Bollens categorizes programs in this genre as having a “preemptive regulatory” structure, in which the state appropriates local authority “where development is of more than local importance” (462). This is a model of direct intervention in a hierarchical fashion, examples of which include the Cape Cod Commission in Massachusetts and the California Coastal Commission. The latter case is outlined briefly below, for purposes of comparison.

a) **California Coastal Commission**

Despite California’s notorious skepticism of state control and taxation, which many argue has led to statewide damage from sprawling development in the past 30 years (Fulton, Garreau), California has three regional agencies with direct power over land use planning - the San Francisco Bay Conservation and Development Commission (1965), the Tahoe Regional Planning Agency (1969), and the Coastal Commission (1972). These programs have sustained many battles and received both praise and criticism, but generally seem to have successfully integrated popular environmental concerns into the planning process in these special areas (Fulton). The San Francisco Bay Commission was a popular reaction to nearly a century of filling and dredging the bay. In the following years, interest in coastal management led to the Marine Resources Conservation and Development Act of 1967, which took a research and advisory approach.

The movement towards a coastal zone management act was popular, but slow. Riding a national tide of environmentalism, Californian activists criticized local governments for failing to protect the coast (DeGrove). A conservative senate committee repeatedly killed a bill proposing a coastal commission in 1970, 1971, and 1972. In a landmark use of the California citizen initiative system, environmental activists collected the necessary signatures (a minimum of five percent of the state’s
voters) to place the measure on the ballot as Proposition 20. It passed, and created coastal planning requirements and the Coastal Commission as the coastal planning agency. Under this first law, six regional commissions joined the state commission to prepare a long-term coastal plan and permitting system regulating coastal development. The plan evolved through “countless hours of public hearings, public review of draft proposals, and informational meetings - public participation in resource planning on a scale unmatched in California” (M.B. Lane, Chairman of the CCC, in DeGrove 201).

Due to a so-called “sunset clause” in the Act of 1972, it was necessary in 1976 to renew the Commission’s power in order to begin implementing it’s recommendations. Under senate bill 1277, the California Coastal Law, key responsibility for planning and implementation remains at the local level. Municipalities had to prepare coastal plans incorporating CCC policies and have them certified, a process that took much longer than anticipated. Under the law, the state (through the CCC) holds the authority for coastal planning. When local plans were approved by the Commission, development authority was returned to the municipality, but in the event of regionally-significant development projects, the CCC has the power to supersede local authority (Fulton 175).

The California Coastal Commission’s Five Basic Goals -

1. To protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
2. Assure orderly, balanced utilization and conservation of coastal resources, taking into account the social and economic needs of the people of the state.
3. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound conservation principles and constitutionally protected rights of private property.
4. Assure priority for coastal-dependant development over other development along the coast.
5. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. (Cal. Pub. Res. Code. Division 20 Sections 30000-30001.2 in DeGrove 215)
Over the years there have been several “strong efforts to abolish or weaken the coastal program” (DeGrove 229), and its structure has been altered somewhat. The Commission accepted a reduced role in the 1980's once it had approved local plans, but it is still a powerful entity - it must approve all plan amendments (Fulton 176). The regional coastal commissions disbanded in 1981, and funding and permitting systems have been altered. Though it has served an important role in influencing urban growth along the California coast, even among supporters the CCC case is criticized for its weak monitoring and enforcement system.

<table>
<thead>
<tr>
<th>Structure</th>
<th>Policy Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td>State legislature or Citizen Initiative</td>
<td>Regulation</td>
</tr>
<tr>
<td>Coastal Commission</td>
<td>Information, Regulation, Incentives, Legal Rights</td>
</tr>
<tr>
<td>5 Policies</td>
<td>Information</td>
</tr>
<tr>
<td>Local Coastal Plans</td>
<td>Regulations, Incentives, Consistency, Acquisition, Legal Rights</td>
</tr>
</tbody>
</table>

Figure 4. Diagram of the California Coastal Commission System.

2. Top-Down Conjoint Planning

Bollens also developed a category of growth management that is hierarchical and 'top-down' but is implemented through local authority. The state level of government develops goals and a program (such as requirements and reviewing bodies), but the state goals are implemented through required or voluntary local planning. Typically, penalties and incentives are used to create consistency. I have further broken this category into statewide and regional programs. In the former,
the program is developed for all areas of the state (or potentially all, as in Washington), while the regional programs are developed by the state to be applied strategically to a region.

a. Statewide

1. State Growth Management Planning in Oregon

The most “regulated landscape” in the United States is the state of Oregon (Knaap, DeGrove). Since the first statewide land use law, senate bill 10, passed in 1969, Oregon has developed a growth management system that serves as a national model for state-level growth management (Knaap, Nelson, Abbott).

In the 1970’s, Oregon and Washington began to experience similar growth pressures as had existed in California for decades. Much of the Oregon planning movement was essentially a reaction to observed effects of growth in California. Similar development pressures had spread to Oregon, especially along the coast (DeGrove 1984). Oregon at this time was already considered a national leader in the environmental movement. Under the threat of California-style development, a movement for control over land use and growth management picked up steam.

Along the Oregon coastline and in the Willamette Valley, rapid growth was evident. Much of the state’s land was already shut off from private development (54 percent owned by the federal government), but much of the remaining land was agriculturally valuable or ecologically sensitive. The Willamette Valley, extending from the Columbia River south to Eugene, is a strip approximately 120 miles long and 20-50 miles wide containing both the state’s most productive agricultural land and 75 percent of its population (Knaap 20). Here the struggle between agricultural and urban uses has been dramatic.
The Land Use System

After a brief trial with senate bill 10, the state legislature passed an improved program in 1973 under senate bill 100, setting up Oregon's current land use system. Senate bill 100 created the organizational framework, the Land Conservation and Development Commission (LCDC) and the Oregon Department of Land Conservation and Development (DLCD), later to be joined by the Land Use Board of Appeals (LUBA).

More than other state programs, Oregon has a clear vision of its desired urban form - "compact urban centers of variously sized cities embedded in a rural landscape devoted primarily to resource activities which itself is sprinkled with rural settlements of varying densities" (Nelson 1994, 33). A widespread public participation process refined the urban vision and translated it into a series of statewide goals. The land use system is structured around these nineteen goals (summarized below).  

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7 Fourteen goals and guidelines were put into place in 1975, originally carrying over the ten goals from senate bill 10. In 1976 four goals concerning the coast and the Willamette Greenway were added (DeGrove 1984, 251)
Oregon Statewide Planning Goals (LCDC, 1990)

1. Develop a program that insures citizen involvement in all phases of planning.
2. Establish a land use planning process and framework as a basis for all land use decisions and to assure a factual base for such decisions.
3. Preserve and maintain agricultural lands.
4. Maintain forest land base and protect the state’s forest economy.
5. Conserve open space and protect natural and scenic resources.
6. Maintain and improve the quality of the air, water, and land resources of the state.
7. Protect life and property from natural disasters and hazards.
8. Satisfy the recreational needs of the citizens of the state.
9. Provide adequate opportunities for a variety of economic activities.
10. Provide for the housing needs of the citizens.
11. Plan and develop a timely, orderly, and efficient arrangement of public facilities and services as a framework for urban and rural developments.
12. Provide and encourage a safe, convenient, and economic transportation system.
13. Conserve energy.
14. Provide for an orderly and efficient transition from rural to urban land use.
15. Protect, conserve, enhance, and maintain the Willamette River Greenway.
16. Recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands.
17. Conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of all coastal shorelands.
18. Conserve, protect, where appropriate develop, and restore the resources and benefits of coastal beach and dune areas.
19. Conserve the long-term values, benefits, and natural resources of the nearshore ocean and continental shelf.

These goals are the foundation of the entire system, and though developed with a high level of public participation and openness, they are fixed. During the local planning process, for instance, local opinion cannot override these state-level goals (Leonard 38).

The statewide land use planning system has three basic elements: plans, consistency, and growth boundaries. All 278 municipalities and counties must prepare a comprehensive plan consistent with state goals, which must then be “acknowledged” by the LCDC, an appointed body. It took nearly ten years for all plans to be completed and acknowledged, reflecting the complexities of spreading responsibilities among three or four levels of government, defining policies as they proceeded (DeGrove 1984).

Primarily, the case relies on Urban Growth Boundaries around each town and city to control not the population growth itself (as caps on building permits do) but where
physical development occurs. Each municipality had to negotiate a UGB with its county. In this sense, 'horizontal' consistency is achieved through required coordination and cooperation among counties and municipalities, which makes "counties enter into a series of agreements with cities, special districts, federal and state agencies...expressing [their] intention to work cooperatively to comply with state land use planning goals" (Leonard 40). Boundaries were drawn encompassing current city limits and the minimum amount of "urbanizable land" necessary to hold forecasted development until the year 2000.

In order to insure that communities would not grow together, municipalities create boundaries, zone land inside the boundary as urban, and zone land outside as rural. Making sure that towns allow for their "fair share" of growth was also important, as well as the process by which the municipality predicts future growth needs. Under senate bill 100, there are seven criteria cities and counties must consider when drawing Urban Growth Boundaries:

1) demonstrated need to accommodate long range population growth
2) need for housing, employment opportunities, and livability
3) orderly and economic provision for public facilities and services
4) maximum efficiency of land use areas within and on the fringe of existing urban area
5) environmental, energy, economic, and social consequences
6) retention of agricultural land as defined and prioritized
7) compatibility of proposed urban uses with nearby agricultural activities

(Metro)
By drawing a growth boundary, the authorities also imply limits on urban services provision (APA). Land outside UGBs is zoned primarily as “exclusive farm use” and “forest,” and land within the UGB (but outside city limits) is zoned as “urbanizable” subject to infrastructure concurrency (Howe 1993, 63). This means that any new development must coincide with adequate infrastructure, a growth management tool used extensively in Florida. 

Though Arthur Nelson has described Urban Growth Boundaries as the “sole technique that has been successful at discouraging sprawl” (Nelson 1994, 25), they have been somewhat controversial. Urban economists (and land owners, for that matter) challenge the fact that UGBs “fundamentally change the urban land market by calling into question the very assumptions of economics and tenets of property rights” (ibid 29). Numerous studies have explored the effects of UGBs on land and

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8 See Ch. 2. in DeGrove, 1992; Ch. 5 in Stein, 1993, Ch. 4 in DeGrove, 1984.
housing costs. The cumulative consensus seems to be that, because land already within the boundary is valued higher than land outside (with land closest to the inside of the boundary valued most), over time there is a gap in land values surrounding a UGB. This was shown in Portland and Salem (ibid; Knaap; Whitelaw; ECO Northwest). Affordable housing is one of the state goals as well, and it is intended that housing programs will offset the negative effects of the UGBs on affordability.

Consistency

By mandating that all local plans adapt to the state goals and guidelines, Oregon keeps local decision-making at the local level while ensuring “consistency,” both vertically (from state to county to municipality) and horizontally (among municipalities). Though it is a “top-down” system, Oregon nonetheless strengthens local planning. Every municipality and county must develop plans, and all are eligible for LCDC grant money. In fact, despite the presence of one of the strongest statewide planning programs, the United States Advisory Commission on Intergovernmental Relations ranked Oregon cities first in the degree of local discretionary authority among Western cities in 1982 (Weatherby 262).

Local level cooperation is formalized through mandated planning coordination. Local governments must have both regional and adjacent local governments “sign off” on a plan. This serves to “force local governments to settle disputes...that would otherwise remain unresolved or require costly litigation” (Knaap 215). The enforcement of cooperation policies is regulatory, and local governments may lose planning power if intergovernmental cooperation is not achieved.

Power

Maintenance of the Oregon Land Use System, though it is institutionalized and legally established, is dependent upon state-level leadership, and popular support. Initiative in the Governor’s office has been important from the start, and the legislature has honed the process and regulations over time with major changes to the LCDC review procedures in 1981 and 1983. The legislature and political parties in Oregon, however, are relatively weak (Abbott 1994, 6). A great deal of power rests with petition-driven citizen initiative ballot measures.

The Oregon land use law has been challenged by citizen initiative at least four times

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9 See Knaap, Deakin.
and survived (in 1970, 1976, 1978, and 1982). Analysis of these votes has shown that, as with the original passage of senate bill 100, popular opinion is split geographically with support chiefly located in the Willamette Valley. Though municipalities resented state intervention early on, “local government opposition... seemed to diminish as popular support grew...and courts consistently upheld intent of the law” (DeGrove 1984, 277). Especially in Oregon’s eastern plains, many plans and decisions have been controversial. As Abbott notes, although the 1973 law partially addressed ineffective local planning, in many rural areas the “weak government control over development...reflected local desires for less intervention rather than a lack of capacity to intervene” (Abbott 1994, 6).

Private-sector support has been key to sustaining the system over the past 20 years. Many private sector development industry groups, which opposed the state land use effort early on, have developed a relationship with the system that has made it workable and strong. The Oregon Homebuilders Association, for example, supports “effective land use planning,” but wants more focus on the state’s housing goals (DeGrove 1984, 279). One nonprofit organization that has been deemed essential to the long-term success of the system is a public interest law firm, 1000 Friends of Oregon, which serves as a citizen watchdog group. By challenging the government’s implementation of the goals and policies, 1000 Friends has strengthened senate bill 100 through legal decisions. In the process, the state system has remained open to grassroots involvement.

Assessment

The first statewide system of its kind, Oregon has long been a national model of large-scale planning and growth management. It is more studied than any other program (Knaap), and as the timeframe for the UGBs draws to an end, much attention is focusing on evaluating their accomplishments. While the case is generally hailed as a success, specific issues remain. There is concern over housing and land prices and authorities express uneasiness over infrastructure funding and costs. Has the system avoided the pattern of sprawl? While the UGBs have contained sprawling development, studies by LCDC show that within the boundaries the familiar low density pattern has prevailed. As shown in Table 5, densities inside Portland’s UGB are lower than planned, while densities outside are higher (ECO Northwest).
Table 5. Actual vs. Allowable Density of Single Family Residential Development Inside the Portland UGB, 1985-89.

<table>
<thead>
<tr>
<th>Study Area*</th>
<th>Actual Density</th>
<th>Allowable Density</th>
<th>% of Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>4.9</td>
<td>7.5</td>
<td>65%</td>
</tr>
<tr>
<td>Urban</td>
<td>4.9</td>
<td>7.2</td>
<td>68%</td>
</tr>
<tr>
<td>Urbanizable</td>
<td>4.7</td>
<td>8.3</td>
<td>59%</td>
</tr>
</tbody>
</table>

*Clackamas, Multnomah, and Washington Counties, Oregon.
(Source: Oregon Department of Land Conservation and Development, 1990, in APA 19)

Oregon's case has been influential in the subsequent development of state growth management systems in Vermont, Georgia, Maryland, Rhode Island, New Jersey, Florida, and Washington (see Appendix One). DeGrove considers the most influential concepts for other states to be those of consistency, urban growth boundaries, protection of farm and forest lands, positive affordable-housing strategy, focus on economic development, mandates leading to certainty and timeliness by local government planning, and the existence of a watchdog group (DeGrove 1994, 228).

<table>
<thead>
<tr>
<th>Structure</th>
<th>Policy Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td>State legislature</td>
<td>Regulation, Empowerment</td>
</tr>
<tr>
<td>Land Conservation &amp; Development Commission</td>
<td>Process, Information, Regulation, Incentives</td>
</tr>
<tr>
<td>19 State Goals</td>
<td>UGBs, Leadership, Consistency</td>
</tr>
<tr>
<td>Local Plans</td>
<td>Concurrency, Fair Share Policies, Regulations, Incentives, Consistency</td>
</tr>
<tr>
<td>Optional Regional Authority</td>
<td></td>
</tr>
</tbody>
</table>

Figure 7. Diagram of the Oregon State System.
The second conjoint approach is to strategically focus growth management policies on significant areas, such as a metropolis or an important natural environment. Instead of directly overseeing land use and growth management, the state government organizes metropolitan or regional authorities. This case is more focused than the previous one, drawing attention to the growing areas rather than the whole state. Though there is a recent example of this developing in Arizona, I will illustrate it with Minnesota’s Metropolitan Council, because it has survived over a long period and been subject to a sufficient amount of study and review.

1) Twin Cities Metropolitan Council

Minnesota’s primary metropolitan area, Minneapolis-Saint Paul, is home to approximately one-half of the state’s population, spread over 3,000 square miles in seven counties. The administrative body overseeing this region’s 195 local government units is the amalgamation of a unique set of relationships that have been carefully built over the past thirty years. In 1967, the state legislature created an appointed council of 15 members to solve the serious metropolitan sewage problems (APA 1992). Such practical problems motivated a regional governance movement, which was supported by many citizen groups as well as the Association of Metropolitan Municipalities, a voluntary governmental organization.

Figure 8. Map of the Twin Cities Metropolitan Region (Source: APA 25).
Early studies carried out by the Metropolitan Council aided future regional cooperation. The Council demonstrated that urban services for forecasted uncontrolled development would exceed the projected cost of services for controlled development within an Urban Services Area by $2.2 billion over 20 years (Keefe 100). With a great deal of cooperation from local government, the 1976 Minnesota Metropolitan Land Planning Act further defined the role of the Metropolitan Council. Designed to protect local autonomy as much as possible, the Act left control of development at the local level except for projects that have a regional impact, in which case the Council was given limited control. The Act mandates that municipalities submit a local development plan for Council approval, but does not require consistency except in matters of direct regional impact (such as highways, sewers, water supply, and parks).

A Metropolitan Urban Service Area (MUSA), similar in concept and form to Oregon's Urban Growth Boundary, was created around the region. Crossing all seven counties, it includes areas where development is encouraged and discouraged. Expansion of the MUSA is negotiated by city, as is the expansion of urban services within it (APA).

The vision and commitment to a regional strategy can in this case be attributed to two important aspects of the process: conflict management between the cities and the council, and a set of shared fundamental values:

1. Protection of the Regional Environment
2. Protection of the Regional Economy
3. Management of Public Conflict
4. Fairness to Each Other

The Council has little direct responsibility or role in daily local governance. According to Steve Keefe, former Council chairman, its role is that of a "proactive entity for policy development within the region" (105). To carry out its policies and deliver regional services, the state legislature has created a series of single-purpose agencies with varying relationships with the Council.10 Carefully defining the role of the Metropolitan Council in this manner has been important to its endurance. By centralizing research and policy but not implementation, the system protects local autonomy. The Council is not an end in itself, but a “mechanism for accomplishing

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10 These agencies are the Metropolitan Waste Control Commission, the Regional Transit Board, the Transportation Advisory Board, the Minnesota Dept. of Transportation (highways), the Metropolitan Airports Commission, the Parks and Open Space Commission, and the Metropolitan Housing and Redevelopment Authority.
more widely-agreed-upon ends" (Keefe 115) by serving as a voice for regional concerns.

Since 1971, the Metropolitan Distribution Act has added a unique fiscal cooperation element into the regional framework. Within the seven-county metropolitan region, 60 percent of new industrial-commercial tax base revenue accrues to the local government and 40 percent is contributed to a shared regional fund (Keefe, 102). In theory, this policy helps to offset the uneven development restrictions and decrease competition for high density commercial development.

<table>
<thead>
<tr>
<th>Structure</th>
<th>Policy Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td>State legislature</td>
<td>Regulation, Empowerment</td>
</tr>
<tr>
<td>Metropolitan Council</td>
<td>Process, Information, Regulation, Incentives, Fiscal Regulation (Tax Base Sharing), Limited Local Power, Urban Service Area</td>
</tr>
<tr>
<td>Land Related Laws (Agricultural Land)</td>
<td>Implementation, Regulation, Government Ownership</td>
</tr>
<tr>
<td>Regional Authorities</td>
<td>Regional Elements, Local Elements Regulations, Incentives, Some Consistency</td>
</tr>
</tbody>
</table>

**Figure 9.** Diagram of the Twin Cities Commission System.

3. **Guided Local Action**

There is a third approach to regional growth management, in which the state government asserts interest and priorities regarding metropolitan growth and development, but leaves planning and regulation to the local level of government. This has been the most common approach in American states, including most Western states.
Planning and zoning, home rule, and annexation power are usually granted to municipalities and counties in the state constitution. This model of regional growth management merely operates within this existing system. One of the more pervasive forms of this model has been in the form of Councils of Governments (COGs). In the 1970's, a preponderance of COGs swept the country along with the "quiet revolution" in land use planning (Bosselman). Except where they were empowered or funded by the state, most faded due to lack of regulatory bite, municipal cooperation, or constituent interest (Popper 1989).

a. Portland Metropolitan Service District

Within Oregon’s system, counties are allowed (subject to popular vote), to create a regional planning authority responsible for county planning. During the formation of Oregon’s Land Use Law, the Portland Metropolitan area counties were voluntarily members of the Columbia Regional Association of Governments (CRAG). In 1978, voters of Multnomah, Clackamas, and Washington counties agreed to merge CRAG into the Metropolitan Service District, creating Metro, the only elected regional authority in the United States. The concept was inspired by the Twin Cities Metropolitan Council, with the additional mechanism of direct elections (Abbott 1983).

b. California State System

Though California does not have a state-level growth management program per se, it’s case worth including in this review because the state is a powerful trend-setter in both politics and urban form. Politically, California has served as the lead example of populist Western movements (such as the property tax revolt), while at the same time being a model of what newer Western growth centers do not want to emulate in their physical development patterns. Though most Western voters seem to share the notorious Californian distrust of additional government and state control over private property, they abhor the thought of becoming “another Los Angeles.”

Ironically, in spite of its ‘chaotic growth’ image, there has been a great deal of local growth management activity in California. It is therefore important to understand

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11 Both Oregon and Washington’s growth management movements were direct responses to "California-style" growth (see DeGrove), while since the 1970’s bumper stickers have circulated in Colorado proclaiming, “Don’t Californicate Colorado.”
and critique California's case, since it is an option for metropolitan growth management, and perhaps the most obvious solution.

Population growth in California has been dramatic for nearly a century, and has only increased in intensity in recent years. Glickfeld and Levine cite four major trends in California's growth: 1) it is accelerating, 2) it is increasingly consisting of international immigrants, 3) it has taken the form of a suburban and exurban sprawl (including decentralized commercial centers), and 4) there has been a major shift in public attitudes on the value and necessity of growth (Glickfeld 1992, 1).

Increasingly, the level of decision-making regarding land use and growth management measures has been the citizen initiative - also called "ballot box zoning" (Glickfeld, 1992; Fulton, 1991, 1993). Following the state Supreme Court case *Arnel Development Company v. City of Costa Mesa* in 1980 (ruling that all land use decisions could be determined through popular vote), there was a boom in the use of citizen initiative ballot measures to implement growth controls and management policies. Thus, the growth management process in California is very populist, a "series of networked but independent actions by local groups addressing growth in hundreds of communities throughout the state" (Glickfeld 1992, 1).

The state government has, however, taken some responsibility for planning and growth management. Under a detailed state law, all municipalities are required to plan for future growth and implement the plan. With this, the state has communicated an interest in growth management, but is leaving the responsibility for land use to the local level of government. In addition to the local planning requirement, many state laws affect development, including the California Environmental Quality Act. Another state-level measure with an overriding impact on local land use and development patterns throughout the state was the passage of initiative-driven Proposition 13 in 1978. Cutting property taxes by approximately two-thirds, the measure limits the income of local and county government. The result has been what Fulton terms a "fiscalization of land use," as municipalities make planning and land use decisions based on fiscal needs. Over time it "has lead to an 'every city for itself' attitude that is damaging to planning and quality of life at a regional level" (Fulton 1991, 17).
Many innovative local growth control and management schemes have been developed and implemented in California over the past twenty years. The city of Petaluma initiated residential growth caps in 1972, shortly following the court approval of the landmark growth control plan in Ramapo, New York (Golden v. Town of Ramapo, 1972). The keystone of Petaluma’s plan involved awarding the valuable building permits according to aesthetics, amenities, and infrastructure provisions. (Fulton, 1991). Such growth control methods were employed elsewhere, and were joined by other management approaches over the next twenty years. In most cases, the planning focus was on local competition, possibly exacerbating the problems of sprawl and “leapfrogging” development (new development which “jumps” the urban area out to a fringe location) on a state and regional scale (Fulton, 1993).

This approach to growth management is perhaps the most obvious and the easiest to sell to a regulation-weary population. With minimal direction from upper levels of government (except in coastal areas, which must comply with the Coastal Commission), municipalities can address problems and restrict growth as needed. Though such growth policy is occurring throughout the state, planning is essentially local and regional problems are not systematically tackled.
c. Colorado

The following case study investigates the regional growth management structure in the state of Colorado. It is a clear illustration of the third model of state growth management, where all planning and land use decision-making is left to the municipalities and counties. For over twenty-five years, politicians and citizens have clamored that they do not want to be "another California," while continuing to follow that state's growth management model. Recently, however, state-level leadership and a significant level of cooperation between levels of government has created a de facto, though ad hoc, regional growth management system with no additional regulatory structure. There are great potential advantages of this ad hoc system in the Western states, where both population growth and skepticism of regional planning are significant. The following case study explores the system and its inter-jurisdictional relationships and how it compares to those surveyed above in guiding development and curbing sprawl in the growing metropolis.

Just as the policies an authority uses to address a goal send messages about its intent, use of power, and priorities, so does a state's response to regional urban growth reflect these values. When urbanization is rapid and high-impact (conflicting with open space and agricultural uses), few states are truly disinterested. As demonstrated, even California state policies reveal concern about urban growth. The three models outlined here demonstrate that there are many ways to structure a growth management system to impact and guide urban form on a regional scale, and it is possible to confront the impacts of sprawl while allowing for the local political atmosphere, which may or may not condone centralized planning power.
CHAPTER FOUR. CASE STUDY: REGIONALISM WITH INDIVIDUALISM IN COLORADO

A. Background

1. Geography of the Urban Corridor

The Front Range region is home to 81 percent of Colorado’s residents (US Census). From the Colorado-Wyoming border, an almost constant string of cities proceeds south through metro Denver to Colorado Springs. An economic heritage of agriculture and mining has given way to an increasingly diverse mix of industry, commerce, education, technology, military installations, and tourism. The land is relatively flat, arid, and high (the altitude is between 4,500 and 7,000 feet), lending itself easily to urbanization (Figure 12). This corridor sits where the Plains grasslands meet the foothills of the Rocky Mountains (see Figures 13 and 14). As a result, each town claims visual, physical, and emotional connections to the mountains, which rise dramatically from the plains on the western edge of this region.

![Figure 12. The urban corridor, viewed from the foothills in Larimer County.](image)

12 Technically, the Front Range is the name of the eastern most range of the Rocky Mountains, but it is now also used to describe this urban region as well.
Figure 13. Map of Colorado, designating the Front Range region.

Figure 14. Exaggerated topographic map illustrating the Front Range.

Although recent urbanization has blurred many civic boundaries, many of the cities and towns maintain their distinct character. Denver, the state capitol of Colorado and the dominant city of the Rocky Mountain region, has experienced many typical problems of large American cities, losing population and wealth to the rapidly
growing suburbs during the last three decades. Fort Collins, the northernmost city, is recognized as a formerly rural university town with an agricultural heritage. Boulder, another university town nestled against the distinctive Flatirons, is known for its socially and politically liberal atmosphere. Colorado Springs, the state's second-largest city, is home to the US Air Force Academy and headquarters for many conservative political and social groups. Located between these cities are many small towns and large suburbs, with varying relationships to the region's employment centers.

Table 6: 1993 Population Estimates of Front Range Municipalities

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arvada</td>
<td>94,726</td>
</tr>
<tr>
<td>Boulder</td>
<td>91,685</td>
</tr>
<tr>
<td>Castle Rock</td>
<td>10,903</td>
</tr>
<tr>
<td>Colorado Springs</td>
<td>305,701</td>
</tr>
<tr>
<td>Denver</td>
<td>493,559</td>
</tr>
<tr>
<td>Fort Collins</td>
<td>93,181</td>
</tr>
<tr>
<td>Lakewood</td>
<td>134,314</td>
</tr>
<tr>
<td>Lafayette</td>
<td>15,809</td>
</tr>
<tr>
<td>Loveland</td>
<td>40,628</td>
</tr>
</tbody>
</table>

(Source: Colorado Division of Local Government, City of Fort Collins Planning Department.)
Figure 15. Map of Front Range Cities

- Urban Centers
- Towns and Small Cities

Approx. scale: 0 10 30 60 miles
Like most of the American West, Colorado has seen a series of population booms. During these periods, growth has been fast-paced, followed by an economic recession. The early booms, of course, were the gold and silver mining rushes in the late nineteenth century. Following World War II, government investment in military installations such as the Air Force Academy and Lowry Air Force Base stimulated the economy and contributed to growth. In the 1970's, the population boom was linked to mineral and oil extraction. The latest growth spurt, significantly, does not have a single cause. While much credit can be given to years of active economic development efforts at all levels of government (Sheehan), this boom is also part of a national trend of westward migration. It is heavily reliant on the Rocky Mountains and the environment not as mining resources, but as a mecca of tourism and Western lifestyle appeal.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1980</td>
<td>1994</td>
</tr>
<tr>
<td>Adams Co.</td>
<td>243,350</td>
<td>294,083</td>
</tr>
<tr>
<td>Arapahoe</td>
<td>290,900</td>
<td>443,327</td>
</tr>
<tr>
<td>Boulder Co.</td>
<td>189,625</td>
<td>247,510</td>
</tr>
<tr>
<td>Denver</td>
<td>492,694</td>
<td>490,801</td>
</tr>
<tr>
<td>Douglas Co.</td>
<td>25,153</td>
<td>83,200</td>
</tr>
<tr>
<td>El Paso Co.</td>
<td>309,424</td>
<td>43,2752</td>
</tr>
<tr>
<td>Jefferson Co.</td>
<td>371,753</td>
<td>474,311</td>
</tr>
<tr>
<td>Larimer Co.</td>
<td>149,184</td>
<td>203,501</td>
</tr>
</tbody>
</table>

(Source: U.S. Census, DRCOG.)

Over the past twenty years, Colorado experienced substantial population growth, which has intensified in the past five years. Colorado's population grew by almost 100,000 new residents annually between 1991-1994, a growth rate of about three percent (Clarion, section I). This population surge has been concentrated in the Front Range and Western Slope regions (the latter being the location of many of Colorado's popular ski areas). Some areas, including Douglas, Summit, and San Juan Counties, areas of Eagle County, and the towns of Lafayette, Louisville, and Aurora, have seen growth rates as high as seven percent. The economic benefits of such tremendous growth are evident. In 1995, the state unemployment rate was four percent, compared to a national rate of 5.6 percent (Denver Post Jan. 28). At the same
time, the state is grappling with physical growth controls and efforts to protect open land. Projections indicate that this boom, unlike those of previous decades, is likely to continue, though at a more relaxed pace due to Colorado’s diversified economy (Center for Business and Economic Forecasting).

This dramatic population and development boom became a focal point of planning and debate. According to a public opinion poll conducted before the State’s Smart Growth and Development Summit in 1995, Coloradans are concerned that the population is growing too rapidly, and that their communities are “losing their distinctive features,” but they are not anti-development. While many individuals and cities have enjoyed the economic boom, even they would agree with Representative Patricia Schroeder’s concern that Colorado could “kill the goose that lays the golden egg” (Colorado Business). Such concerns have spawned political action, but not only in the form of increased regulation. Growth control petitions have increased immensely in the past five years, but so has land trust activity (Colorado Open Lands, Zeller), and public dialogue. Colorado citizens and leaders are searching for solutions. As a former Colorado Springs City Council member observed, “land use is now the single most important issue in city and county government in Colorado” (Cronin 281).

Not only is the relative increase in population notable, but the impact of the accompanying housing and commercial development on the landscape has been startling. Most recent urban growth has taken the low-density, single-use sprawling pattern described in Chapter One. In the Denver region (Denver, Arapahoe, Adams, Jefferson, Boulder, and Douglas Counties), urbanization from 1960-80 proceeded at an average of one square mile per every additional 2,000 persons, while the average density declined from 4,800 to 3,080 persons per square mile (DRCOG 7). This trend has lead to three chief planning challenges common to rapidly urbanizing areas: 1) controlling the location where development occurs; 2) controlling the form it takes; 3) and limiting the impact on municipalities’ infrastructure and services budgets. All three issues are being explored and addressed in Colorado. For example, the so-called “New Urbanists” Peter Calthorpe and Andreas Duany are working (separately) on many urban design proposals in the Front Range (the Denver Post, November 12), and impact fees for new development have been instituted by many cities. This thesis addresses the first challenge: efforts to control the location of new

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development on the part of municipalities and counties that wish to guide and reign in the sprawling pattern of growth.

Figure 16. Photograph of a new unincorporated residential development north of Denver.

B. Planning and Growth Management Activity

1. State Level

Despite the state's emphasis on local home rule power, Colorado has had many strong governors who have often taken an active role regarding the economic growth of the state. Boosters such as William Gilpin, who in 1868 was a proponent of unrestrained growth, aimed to establish Colorado as capital of the "Rocky Mountain empire." In the 1970's Governor Richard Lamm, began his career as an environmental activist and sought to protect the state from damage that often accompanies growth. While Lamm has continued to write and speak on the subject, his successor, Governor Roy Romer, has taken a more moderate approach. During the current population boom, Romer has asserted the state government's role as a
leader in the dialogue on the implications of growth, while carefully emphasizing the economic benefits it has brought Colorado.

Colorado has been unevenly hit by the recent population boom. While regions such as the Front Range and the Western Slope have felt growing pains, many rural areas such as the eastern plains communities have lost population. Colorado state government has attempted to address both concerns in the past five years. Its approach has been innovative, though perhaps counter-intuitive. While many Colorado planners call for a state planning system and regulation, Governor Roy Romer is leading the state practically in the opposite direction.

a. The Smart Growth Initiative

In January of 1995, the State of Colorado, the Colorado Municipal League, and Colorado Counties, Inc. sponsored the first Colorado Leadership Summit on Smart Growth and Development. Over one thousand citizens from different backgrounds met in Denver “to tackle the tough issues raised by Colorado’s rapid growth and development” (Smart Growth Summit Report). The Governor led the tone of the meeting by proposing a “new growth ethic,” and emphasizing the importance of local outreach and cooperation. Following the Summit, regional meetings and panel studies continued throughout the state, with another meeting of almost 800 participants in November. The initiative has emphasized sharing information, discussion, cooperation, and involvement (Smart Growth Summit, Nine-Step Plan).

With a decidedly “bottom-up” approach, the Smart Growth initiative is striving to identify ways to solve local and regional problems. It is distinguished by two notable principles, that “most decisions regarding growth and development should be made at the local and regional levels,” and that the state “must encourage non-regulatory approaches such as collaborative decision-making, facilitation, negotiation, and dialogue among public, private sector, and community groups regarding growth initiatives” (Interregional Council Recommendations, i-iii).

The following fourteen Guiding Principles were originally posed by Romer at the Summit, then collectively revised by its participants. These were “used to guide and frame discussion,” and are paraphrased here as a parallel to state growth management goals developed for models outlined in Chapter Two.
Smart Growth and Development Guiding Principles

1. Our vision and the process we take to get there should fully develop the human potential of all our citizens.
2. Enhance the physical and human quality of our place, and cultivate an ethic of community.
3. Better coordinate growth planning at the local and regional level.
4. Expand the opportunities - such as better jobs, education, housing, and health care - that result from growth, and help Coloradans take advantage of those opportunities.
5. Make decisions as locally as it is possible for them to be effective, while assuring a positive response to the crucial statewide issues.
6. Continuously reform our tax revenue and regulatory framework and encourage non-regulatory approaches to foster cooperation and dialog.
7. Protect, enhance, and promote the value of our public lands, open spaces, natural resources, wildlife, parks, recreational opportunities, and historical facilities.
8. Foster a sustainable agricultural economy.
9. Collaborate to protect Colorado's citizens and environment from pollution.
10. Continue to develop economically, achieve economic diversity, and strike a balance between the “haves” and “have-nots.”
11. Be conscious of the need for sustainability, and work to mitigate problems related to past actions.
12. Foster a sustainable system of water management, and a conservation ethic.
13. Smart growth must be an inclusive and cooperative process. Private and non-profit sectors can be very effective partners with government and we should share data and experiences.
14. Be conscious of individual rights and responsibilities, including a respect for private property rights.

(Interregional Council Recommendations, ii-iv).

Meetings and panels continue, focusing on such topics as transportation planning, economic development, water, resource management, and land use. The “Priority Items” resulting from the Summit are not regulatory, but may inform policy decisions. Many action items involve enabling legislation (regarding transfer of development rights and annexation control) and communication recommendations. As a result of Action Item Six, Governor Romer issued the Executive Order, “Improving the Alignment of State Plans with Regional Visions” (D001195). Under this order, state agencies, facilities, policies, and plans must consult and be consistent with local governments and visions. While most states concerned with growth management speak of vertical consistency with regional or state plans, the Colorado state government is recommending quite the opposite, i.e., vertical consistency with local plans.
b. Great Outdoors Colorado

Great Outdoors Colorado (GOCO) is another significant state-level Colorado institution. Created in November 1992 when Colorado voters approved an amendment redirecting lottery proceeds towards their original purpose (parks and recreation), the State Board of GOCO is directed to “preserve, protect, and enhance that state’s wildlife, parks, rivers, trails, and open space heritage” (ibid 1). Many cite this fund as one of the most influential and important aspects of Colorado growth management for several reasons. First, its awards programs emphasize financial and organizational partnerships, and have encouraged and funded many inter-jurisdictional projects (Kirkpatrick). In addition, open space acquisition has become a favored urban design tool for many municipalities, serving the second motive of separating neighboring communities.

c. Statewide Development Factors

It is important to note two state policy influences on the evolving sprawl pattern of the Front Range urban corridor. Annexation powers and local and county tax structures often serve to encourage the expansion of urban areas. Since 1965, Colorado’s annexation laws have been liberal, allowing a municipality to annex any adjacent parcel of land if one-sixth of the boundary line of the parcel is contiguous with the city boundary (Cronin 268). It is assumed in most areas that municipalities (not counties) will provide services to urban areas. Because the land is so arid, new developments outside the city usually seek annexation in order to access city water and sewer services. A larger urban area serves to expand the municipalities’ tax base, which relies on sales tax revenues. As a result, cities have grown significantly not only in population, but also in land area, incorporating small settlements along the way.

The tax revolt movement has made its presence felt in Colorado as it has in other Western states. A current combination of the “Ghallager Amendment,” passed by state vote in 1982, and Amendment One (TABOR), passed in 1992, limit government’s ability to tax. By harnessing increases in mill levy (tax rate) and changes in the residential assessment rate, which together comprise property tax revenue, “traditional funding sources at federal and state levels are contributing less and less to the financing of county services” (Jefferson County Planning 18). Therefore, while sprawling development has increased urban services demands outside city
At the state level, therefore, the regulatory growth management framework is similar to that of California. The state has taken a leadership role in addressing issues of growth, but is using the strategies of information, education, incentives, and organization instead of regulation.

2. Regional Planning - Patterns and Issues

At the regional level, Colorado has come close to adopting a conjoint regional approach and creating regional authorities. During the growth boom of the 1970's, Colorado was considered to be on the forefront of state and regional planning (Kitsos, Cronin). Though there was no state growth management act, many state and regional planning bodies emerged.

Governor John Love established the Colorado Land Use Commission (LUC) in 1969, an act that has been described as beginning Colorado's movement for environmental concern (Kitsos 3). The LUC's state land use plan, however, strengthened local planning powers. In 1973, the Governor signed an Executive Order certifying thirteen regions as State Planning and Management Regions. State departments were ordered to realign their activities with these districts, and many Regional Councils of Governments (COGs) were created within. Following the defeat of public funding Denver's 1976 Winter Olympics, a state land use bill (the Colorado State Policies Act) was killed due to legislative fear of increasing state-level control over land. Under Colorado law, municipalities and counties may create Regional Planning Commissions and Regional Service Authorities, but the resulting policies need not be binding on the local governments (Clarion). Land use authority remains at the local level until the Regional plan is expressly adopted as the local plan by the local government. Due to lack of funding and regulatory authority, however, the Land Use Commission and most regional councils have virtually disappeared (Cronin).

Metropolitan Denver does maintain a regional body, known as the Denver Regional Council of Governments (DRCOG). It is a voluntary organization comprised of representatives from 46 municipalities and counties. It has been criticized as a self-important bureaucracy, but recently gained real power by receiving designation as the Inter-modal State Transportation Enabling Act (ISTEA) official planning body for
the Denver metropolitan region. Recent projects have focused on transportation and air quality, and have touched on growth management through population forecasting and a proposed UGB for the metro area (Mugler).

3. Local and County Planning Projects

a. State Structure for Local Planning

Most planning in Colorado occurs at the local level. Under Colorado law, a “statutory” town or city exists under predetermined laws passed by the state legislature. Most major cities (250 out of 267) are instead “home-rule” cities, operating under a locally-written and approved charter (Cronin 266). The state constitution grants these cities broad power and control over “municipal affairs,” limiting the state legislature’s ability to interfere. Such local power was weakened in the 1980’s as government was decentralized without additional funding to municipalities. Then in 1991, House Bill 91-1262 reversed this trend when the Colorado General Assembly “declared that local governments need not comply with any new state mandates unless the mandate was accompanied by new state funding” (Broadwell 20). Colorado’s emphasis on local power is reflected in the high levels of local planning activity in the high-growth regions of the Front Range and the Western Slope, and also sets the stage for unusual approaches to regional planning.

There is no state requirement for comprehensive planning in Colorado. Statewide, an estimated 80 percent of counties and 62 percent of municipalities have an adopted Comprehensive Plan or have one in process (CO Div. Local Government 1993, 3). Spurred on by a combination of state encouragement and population growth pressures, the level of official planning activity in the Front Range region has been high in the past five years. Most cities have recently undergone a comprehensive planning process. Even cities with long histories of development planning, such as Fort Collins, Boulder, and Westminster, found themselves reacting to the 1993 boom high point by instituting temporary moratoriums on construction just to evaluate the effectiveness of their own policies (Sheehan).

Over time, many municipalities have developed innovative land use and community planning tools. While some cities have actively tried to control growth through fees, acquisition of buffer land, and permit caps, frequently the result has been that
growth pressure has simply moved to the nearest available land outside the city. In order to portray the planning environment and activity at the local level, the following section is a review of local growth management planning in the Front Range municipalities of Boulder, Fort Collins, and Colorado Springs.

Figure 17. Map of Boulder's Greenbelt.
b. Growth Control in Boulder

Boulder’s substantial growth pressure began in the 1950’s and has not subsided. All along, Boulder residents have expressed concern over the impact of this growth. Early planning, which focused on retaining the cherished Boulder lifestyle in spite of continuing growth, may have worked too well. In 1958, the city created a “blue line” limiting the spread of development in the foothills, and residential growth rate caps have taken many forms. The open space acquisition program begun decades ago was strengthened by a 1970’s one percent sales tax to help fund the “greenbelt.” One cannot understand the significance of Boulder’s growth management program, however, without looking farther into the county. Outside of the city’s greenbelt, smaller towns scrambled to annex land. These towns have accepted suburban housing developments, demanded by workers who could no longer afford to build within Boulder. In this example, it appears that careful, progressive local planning in Boulder has exacerbated regional problems of sprawl in its immediate regional context.

c. Fort Collins’ Performance Zoning

Fort Collins also has active, though very different, growth management policies. The northernmost city in the Front Range Region, Fort Collins, incorporated the Land Development Guidance System (LDGS) in 1981 as a reaction to fast-paced development. Voters turned down a measure that would have instituted “artificial” limits on housing starts, so the planning staff devised an innovative legal process mechanism that incorporates several growth management techniques on a project by project basis. The result is what Einsweiler terms a “performance growth management system.” An addition to the traditional zoning system, LDGS is an option for developers if they wish to introduce a non-conforming use into the city, for example. The goals of the system are to encourage “orderly, positive development,...[encourage] infill and higher density development to curb leapfrog development that requires expansion of streets and utilities,... [encourage] mixed use of land...decrease the number and length of vehicle trips thereby reducing air pollution and wasteful energy use...[emphasize] community goals like energy conservation, protection of the environment and low-income housing,...[and provide] increased amenities and higher quality development” (City of Ft. Collins).
During the permitting process the application is reviewed by all City departments and utilities for "in-depth review" against 46 "absolute criteria" such as issues of neighborhood compatibility, site design, and adequacy of streets and utilities; and additional variable criteria, which include intensity and location of use, or incentives for filling community objectives such as open space or low income housing (City of Fort Collins). The system was intended to be development friendly, while serving growth management interests.

d. Infrastructure Linkage in Colorado Springs

The growth boom of the 1950’s experienced throughout the Front Range continued in Colorado Springs during the Cold War period. Federal money and jobs boosted the local development and economy as Peterson Air Field, Fort Carson, and the Air Force Academy grew in national prominence (Cronin 50). Due to a strong active and retired military population and, more recently, the headquarter sites for conservative Christian groups, this city can be characterized as middle class and conservative. Under the majesty of Pike’s Peak, the city has grown geographically eastward. The population has more than doubled since 1970, while the incorporated land has increased over 60 percent since 1980 (Einsweiler 60).

Reflecting the dominant political atmosphere, city control over sprawling development has taken a low-intervention route. The city’s sole growth management policy is fiscal - a "free-market approach to infrastructure management" (ibid). Through local annexation policy, developers shoulder the burden of infrastructure costs, which gives them an incentive to locate and plan so that infrastructure costs are low. It is intended to foster more contiguous development in this area where access to the city’s water supply is so important. This system rests on detailed negotiations between the developer and the city, which are binding (ibid).

This is merely a sampling of local planning and growth management activity in the Front Range urban corridor, where a wide variety of policies affect development. As the development pressure increased in the past five years, such proactive local policies proved to be insufficient. In order to discuss and address problems of pollution, transportation, housing, open space and heritage conservation, and infrastructure provision, municipalities and counties have voluntarily entered partnerships. The scale of this trend is significant and spreading, and deserves
attention. The following section explores the trend through examples in order to evaluate it as a model for regional growth management.

C. Cooperative Planning and Intergovernmental Agreements

1. An Emerging Planning Strategy

Due to local empowerment, dramatic regional growth, and strong leadership, a network of growth management partnerships has developed across the Front Range region. Beginning with Larimer County’s negotiated Urban Growth Areas with Loveland and Fort Collins in 1980, and including to the multi-jurisdictional cooperation involved in planning for the new Denver International Airport, intergovernmental agreements have become a dominant approach to regional growth management.

In the past twenty years, an abundance of cooperative plans and growth agreements between cities and counties have been “emerging as an alternative to state-authorized regional planning commissions or top-down state-mandated planning” in Colorado and throughout the Rocky Mountain West (Duerksen). The results of a 1993 Local Government Land Use Survey showed that the use of intergovernmental agreements (IGAs) on land use increased from 16 percent to 25 percent for municipalities, and from 40 percent to 46 percent for counties, from 1983 to 1992. The authors attributed this fact to the “increasing population and the increasing complexity of society,” and speculated that this trend can be expected to continue (Colorado Division of Local Government, 1993). This has definitely proven to be the case.

a. Intergovernmental Agreements

An intergovernmental agreement (IGA) is a legal document. A contract between two government entities, this device is commonly used nationwide in the area of urban services, fire and police protection, and transportation. The widespread use of such agreements for land use and growth management, as exists in Colorado, seems to be less common. The Colorado Chapter of the American Planning Association defined Intergovernmental Agreements as “the process of adopting and implementing
policies and contracts that provide a basis for cooperation between governmental entities for land use planning, growth management, and the provision of services or facilities" (16). Using these agreements facilitates partnerships, and thus facilitates regional problem-solving. They have enabled jurisdictions to solve strategic regional problems in a locally-meaningful manner, with little threat to autonomous local power.

Colorado state law liberally allows intergovernmental cooperation (CO Constitution Article XI Section 7, Article XIV, Section 18). The Colorado Revised Statutes (Section 29-20-105 (1)) also provides statutory authority for local governments or special districts to “cooperate and contract.” Even the Land Use Enabling Act, originally passed in 1974, was amended in 1988 to encourage cooperation. Governments were granted broad powers to jointly solve problems and enter into IGAs for land use planning (Widner 4). An IGA can include adoption of “mutually binding and enforceable comprehensive development plans” or a plan with regulations (zoning, building code, etc.) that may be used in lieu of local regulations. It may also apply to revenue sharing programs and its terms are enforceable in district court (ibid).

Colorado law enables cooperating parties to create a Regional Service Authority (C.R.S. 32-7-101 et. seq.). State legislation was recently enacted to facilitate the use of such authorities between counties and municipalities (Clarion).

The state government’s role in this intergovernmental strategy is primarily to provide enabling legislation for intergovernmental planning and the use of agreements. In addition, the Smart Growth recommendations encourage the use of these strategies, as do other regional- or state-level organizations. In its 1992 Vision Statement, Denver’s regional council, DRCOG sets a policy to “encourage local governments to execute intergovernmental agreements resulting in consistent planning for urbanization affecting their jurisdictions and identifying appropriate service providers for these areas” (17), and the Colorado Municipal League offers information and technical assistance with creating IGAs (Broadwell). Once established, IGAs and cooperative planning projects were recognized and encouraged as a powerful regional approach.
Voluntary cooperation in politics and planning is most often propelled by some sort of high visibility “crisis” situation (Brooks). In this case, it could be a combination of the growth rate itself, citizen reaction to the growth (anticipating unnecessarily restrictive ballot propositions), aggressive annexing by a neighboring jurisdiction, or a shared fear of losing a commonly valued good (such as open and scenic land).

b. Inter-jurisdictional Planning

There are at least three types of agreements. Informal policy agreements are not legally binding, and represent an intent to cooperate. Joint Agreements are legally binding agreements to cooperate, and Contracts legally bind the parties to more formal agreements and exchanges (Front Range Project). Each of these is used for a number of purposes, from land use planning and public works to health care and law enforcement. Though IGAs are supported by abundant legal authority (Broadwell), there exists a “general constitutional prohibition against governments that attempt to bind future legislative bodies” (Widner interpretation of U.S. Trust Co. v. New Jersey, 431 U.S 1 (1976)). Agreeing contractually on specific binding zoning would be illegal, “considered a bargaining away of the police power” (Widner 5, Ford Leasing Development Co. v. Board of County Commissioners, 528 P.2d 237 (Colo. 1974)). Therefore, these agreements must be carefully worded and legal consultation is necessary.
Intergovernmental planning agreements have evolved from a variety of existing and new relationships. Urban Boundary agreements usually evolve out of the existing city-county relationship, while strategic planning ventures can involve a combination of counties, municipalities, and private groups such as land trusts. While some agreements are merely a more explicit commitment stated within an existing relationship (i.e., between city and county), others evolve out of casual relationships or at the urging of an active leader.

In Colorado, recent examples of IGAs and planning partnerships have taken the form of a joint problem-solving relationship, a result of a conflict mediation process, or a combination of these two. In planning partnerships, such as the Front Range Mountain Backdrop Study, governments join forces to protect land or coordinate operating systems. In other cases, agreements result from conflict mediation to settle fierce “annexation wars” as cities scramble to expand their boundary and attract new commercial development, as in the case of the Boulder County - Lafayette - Erie agreement (Leonard 341).

The following section surveys recent notable cooperative planning efforts in the Front Range. In order to assess Colorado’s approach, I will evaluate the motivation, context, goals, process, and policy of these partnerships. This approach to managing the impacts of rapid urban growth shares some qualities of other approaches covered in Chapter Two. However, its dominant characteristic is the non-hierarchical quality and insistence on local sensitivity, while continuing to strive for environmental quality, local identity, and economic growth.

2. Cases of Intergovernmental Agreements and Planning in the Front Range Region

As in Minnesota, Oregon, Washington, and other states with high levels of growth management activity and concern, in Colorado the planning system is currently operating under a dual paradigm. While there is careful respect for individual property rights and popular love of (and need for) the automobile, planning policy is guiding urban form towards satellites of contained cities, and protection of the open and agricultural spaces between. Towards this end, many of the collaborative planning projects address the spaces between the subject cities. The natural areas are valued ecologically, recreationally, culturally, and as an important urban design tool. The following section explains how these ideas are carried forward in examples
of Urban Growth Boundary agreements and joint planning studies.

a. Urban Growth Boundaries

Following Oregon's example, a number of Colorado counties now include Urban Growth Boundaries or Urban Service Areas in their growth management arsenal. Among these, motivating factors include fiscal concerns and loss of community identity resulting from rapidly sprawling and leapfrogging new development.

1. Larimer County

Fort Collins and Loveland

The first significant Urban Growth Area (UGA) agreements in Colorado were orchestrated in the late 1970's and adopted in 1980 between Larimer County, the city of Fort Collins, and the town of Loveland. There was a great deal of popular and professional concern at the time that Fort Collins and Loveland would "grow together" if development remained unchecked.

According to Carole Gildea Garvey's assessment of the UGA adoption process in Fort Collins, the city planning in the late 1970's was laissez faire and inadequate, given the rapid influx of residents. In addition, the working relationship between the City and the County was rocky at best. In 1976, Fort Collins sued the County over a new housing development, and though this suit was dropped, it symbolized the animosity between the two entities. The County adopted its first Land Use Plan in 1976, but development pressure and boosterism resulted in inconsistent implementation of planning regulations at both planning levels (Garvey 25). As difficulties of urban services provision arose for both the County and the City, the concept that there were overlapping interests gained momentum. The City wanted to see less urban development occurring without urban services (particularly roads) and the County did not want to provide those services everywhere, preferring that the city annex the land (Widner 2).

The City first mentioned the establishment of an urban service boundary as a planning goal in its 1977 Comprehensive Plan. Over the next four years, debate ensued in a series of task force studies, public meetings, consultant reports, and meetings between city and county officials. They then negotiated annexation and
development policy and set the Urban Growth Area boundary. The local newspaper described the negotiated agreement as a “landmark in intergovernmental cooperation in Larimer County” (Fort Collins Coloradoan).

The UGA was grounded in responsibility and control over urban services provision, and conceptually based in Ian McHarg’s technique of urban land suitability overlays (158). Concurrent with the agreement, land use plans of both the City and County were adjusted to address incorporated and unincorporated areas. The agreement, a “united, cooperative city/county front toward developmental goals and policies within the greater metropolitan areas” (Larimer County Planning, intro.) has been updated in 1982, 1983, 1988, and will soon be updated again following current local and county planning processes.14

Upon drawing the urban development boundary, the City agreed to “consider annexation of all properties within the unincorporated area of the Urban Growth Area as soon as it became eligible” (Section 1.6) and not to annex land outside this boundary. A combined City and county UGA Review Board reviews development in the UGA but outside of Fort Collins City Limits. A 1983 amendment to the agreement put further restrictions on land outside the UGA but “within the area of joint planning concern” (Section 3). A Rural Non-Farm Development Area was created for the land between the Fort Collins and Loveland UGAs to help “maintain the visual and geographic separation of Loveland and Fort Collins as they expand.” Development in this area, intended to be large lot residential and open space, is subject to the County master plan, but under joint planning advisement. The fact that the IGA does not specifically address land use outside the UGA has been cited as one of the agreement’s flaws (Widener 3).

14 Fort Collins City Plan and the Larimer County Partnership Land Use System.
Figure 19. Fort Collins and Loveland Urban Growth Boundaries
(Source: Larimer County 1991).
Though setting the UGAs created a great deal of debate and some protest from property owners, the area within was quite generous, and almost twenty years later still leaves room for much development to the north and the east of Fort Collins. This raises the question (as in Oregon) as to the effectiveness of the UGA in reducing low-density sprawl. Recently, the City of Fort Collins Planning Department announced its intention to direct growth towards the core, well within the UGA (Balandran). Such a proposed shift away from “fringe” development (which would be accomplished through the City’s operating points-based zoning system) demonstrates that the City-County UGA has defined respective roles and responsibilities, but has not usurped local control.

The County intended the UGA to be flexible, updated every two years. Some problems arose when the UGB changed, especially in the case of highly visible projects. The area between the two cities has continued to pose problems as residential developments with negotiated densities failed to follow the City-County UGA Plan (Cadera). In addition, Loveland began annexing and expanding east much faster than the County had envisioned. By the time growth was booming again in the early 1990’s, concern arose that the cities may still lose their respective individuality. In 1993 elected officials gathered and began to develop a plan for the Rural Non-Farm Development Area between the two cities. A highly representative citizens’ task force prepared the Plan for the Region Between Fort Collins and Loveland, which has been adopted by Larimer County, Fort Collins, and Loveland.

Figure 20. Photograph of the protected Kathy Fromme Prairie land, part of the “Region Between.”
Though the IGAs with Loveland and Fort Collins need to be renegotiated, they have been widely judged as successful and have become a model of cooperative planning in Colorado (Widener, Duerksen). While conducting an update of its own land use system, Larimer County has negotiated similar IGAs with smaller towns. In 1994, the County entered into an interim IGA with the Town of Berthoud, agreeing to jointly plan its buffer area and guide the development pressure to designated growth areas (Duerksen 2, Larimer County 1995). Interim agreements have also been made with the mountain town of Estes Park and Windsor, in Weld County.

**Windsor**

As the town of Windsor, located in western Weld county, responded to development pressure, it sought aggressively to annex land to the west to incorporate commercial and residential development along Interstate 25, which leads to Denver. By 1994 Windsor sought to annex land in Larimer County, becoming its first multi-county town. Town-County negotiation led to a mutual realization that increased coordination regarding development would be desirable.

An intergovernmental agreement was drawn up in 1994 to assure the “mutual intent of the Town and the County to appropriate funding for the preparation of a Land Use Plan for the Windsor/Larimer County Planning Area and for the development and designation of an Urban Growth Management Area” within (Larimer County, Dec. 1994). The agreement also designates responsibilities and expectations regarding plans, development, municipal services, fees, and annexation. Though this agreement primarily creates a framework for a cooperative planning relationship, it also designates a Windsor/Larimer Planning Area, required cross-referrals when either party receives annexation or development proposals in the joint planning area, and makes all infrastructure improvements the responsibility of the developer. All development and annexations must be consistent with a jointly created land use Plan for the area (Section 3).

The IGA also includes a section on enforcement, declaring that “it is the specific intent of the County and the Town that this Agreement be binding upon them, and that either party shall be permitted to specifically enforce any provision of this Agreement in a court of competent jurisdiction” (Section 4). It is hoped that this form of agreement will facilitate future interaction by clarifying roles,
2. Boulder County

Another predominant model of cooperation in Colorado planning has evolved in Boulder County. The City of Boulder and the County of Boulder have developed an intergovernmental planning process and comprehensive plan based on concerns for open space protection and infrastructure provision. Though similar to Fort Collins in many ways (both support just under 100,000 people and state universities, are set against the foothills, and exhibit an outdoors-oriented, youthful lifestyle), Boulder's attentive local planning has created a somewhat unique situation. When Neal Peirce and Curtis Johnson were invited to assess the county's circumstance, they mused that "since the boom began in the 1950's, [Boulder] has been a magnet for the very sort of growth most American communities would hock the family farm to get" (3).

Boulder Valley Comprehensive Plan

The City’s veteran growth management system has fostered a no-growth atmosphere and resulted in clear distinctions between urban and non-urban areas. These policies, however, also stir debate over its social impact (Boulder County Healthy Communities program, Peirce). Many workers are, in effect, excluded by the housing permit cap. Boulder’s affordable housing and child care programs, it is argued, do not matter if the person who works in Boulder can only afford to reside in Erie.

The cooperative planning effort and intergovernmental agreements that culminated in the Boulder Valley Comprehensive Plan were voluntary. According to City Planner Peter Pollack, the County had “decided a long time ago that it didn’t want to be an urban service provider and wanted to focus growth in cities.” Though the City of Boulder had been actively planning for (and against) urban growth since the early 1970’s, the County was “concerned that a population explosion was merely being relocated, so Boulder County officials persuaded surrounding rural areas to join in the creation of the Boulder Valley Comprehensive Plan in 1978” (Leonard). The current document, however, only involves the city of Boulder.

The City and County entered into a Cooperative Agreement in 1990 “for the purpose of
planning and regulating development of land in the Boulder Valley” (section I). This agreement, made following the joint planning process for the Boulder Valley Comprehensive Plan committed the parties to adopt and implement the Plan’s recommendations. The designated joint planning area is separated into three categories - Area I is the urbanized area of the City, Area II is phased urbanizing areas of the County to be annexed by the City, Area III is the remaining area of the Boulder Valley under County jurisdiction (section 2.01). This layout then adds another level onto Oregon's UGB model - the recognition of the existing urban core and phasing development even in the designated fringe urban area.

This Plan encourages “an urban development pattern that is compact and efficient and that permits the most effective and cost efficient provision of city facilities and services” (Section 2). The Plan is tied closely to urban services provision and open space conservation. The City and County mutually agree that within this planning area, no new development can occur without adequate urban services. These will only be provided by the City, and only when it has annexed the subject land (Sections 3.01-3.03).

While the plan was intended to be reviewed annually and at five-year intervals, it was “presumed that the Area II/Area III boundary line will be changed infrequently” (30). A Referral Process is outlined within the Plan, intending to formalize continued cooperation and communication (38). While the City of Boulder has proactively dealt with seemingly incessant growth through local controls and city-county management, it has not prevented further immigration. Over the past ten years, there has been a significant increase in housing development just outside of Boulder's 26,000 acres of open space greenbelt.

The impact and success of the Boulder Valley Comprehensive Plan is parallel to that of the City’s policies. The City-County alliance has given the Plan strength and power, which has been backed up by citizen and City Council growth management concerns. There is a local saying that “Boulder is a square mile surrounded by reality.” Similarly, the growth tensions experienced in the rest of the County are perhaps the biggest detraction from the BVCP. Though in isolation it is an ambitious, holistic plan that meets its intentions and has become a national model of comprehensive planning, regionally Boulder seems to be the focus of resentment.
Figure 21. Boulder's Three Urban Growth Areas
(Source: Boulder Valley Comp. Plan).
Partially in reaction to the extra-Boulder growth pressure in Boulder County, a number of growth management IGAs have been negotiated there. Small towns such as Superior, Erie, Louisville, Longmont, and Lafayette have received many of the new arrivals who work or desire to live in Boulder, but due to lack of new or affordable housing, cannot. This outer ring of development pressure caused the municipalities to aggressively annex land. As the new housing developments spread out across the landscape, especially along the commuter route to Denver (Highway 34) concern arose about the destruction of natural land and community identity.

Figure 22. New housing in Superior, typical of the ring of residential development surrounding Boulder. (Source: Peirce).

The Lafayette/Erie/Boulder County Intergovernmental Agreement consists of a negotiated agreement to develop eastern Boulder County through a jointly developed comprehensive plan. This solution to rampant growth seems to be modeled on the agreement outlined above. Rather that being the product of collaboration, this IGA was the result of competition.
As annexation became increasingly aggressive in the early 1990’s, Lafayette and Boulder County sued Erie over two approved annexations, and Erie sued Lafayette over annexation of a Highway 287 right-of-way. There were many “squabbles and conflicts” between the towns, many after hours meetings between the mayors, planners and councils (Star). The mediation discussions began in 1994 between the two Towns and the County to mitigate the lawsuits, and address the larger issues of competitive annexation, loss of farmland, and development impacts. Led by one of the Boulder County Commissioners, the talks resulted in a “historic and far-reaching” land use agreement that saved 7,000 acres from urban development (Smart Growth and Development Awards, 37).

The IGA, signed in December of 1994, froze current County zoning and densities on the approximately 7,000 acres of land between Erie and Lafayette. Each town settled its lawsuit, agreed to disclose its annexation plans, and agreed not to annex land in the subject area for 20 years (Star, East Central Boulder County IGA). The IGA includes a detailed section on services provision (section 4), which is once again a cornerstone of the growth management plan. This agreement stemmed from not only a general fear of expensive services provision, and losing open land and identity, but from conflicts over specific parcels, their allowed use, and where their services would come from. The agreement document reflects this in its clear distribution of roles and responsibilities among the three parties.

Lafayette, which had developed an earlier IGA with Louisville in 1984 for a smaller area, has been pursuing additional partnerships in Boulder County. Lafayette planner Bonnie Star reported that the town is working on an agreement with Boulder involving land use, water rights, and growth management. Such agreements have become a cornerstone of the Lafayette’s growth management approach, even while growth controlling population caps were proposed by citizen initiative and passed in the 1995 elections (contrary to the Planning Department’s wishes) (Star).

Urban Growth Boundaries are the most common example of land use IGAs, because by their very nature they must be intergovernmental. These partnerships have been contractually agreed upon, though with concepts that are legally binding to different degrees. Partnerships can be entered into without a legal contract, but one does clarify the interests and responsibilities of each party. Even in the joint planning projects with no inherent limitations on local policy, such as those discussed below, IGAs are frequently entered into merely to commit funding and
support.

b. Joint Planning Studies

Though the projects in this category may or may not be tied to regulatory policy or binding commitment, they have been effective in generating the exchange of data, concerns, resources, and ideas. Even if land use planning policy remains solely at the local level, regional studies and the establishment of a regional framework can inform local decision-making so it no longer occurs in isolation.

1. The Northern Colorado Regional Planning Study

Intergovernmental agreements can effectively set up a formal relationship between governments to serve regional interests. It can be argued, however, that these do not fit into an established framework. Though local cooperation occurs, there is no consistency or broad agreement on goals. In order to fill such gaps, a number of communities and the counties of Larimer and Weld Counties cooperatively embarked on the Northern Colorado Regional Planning Study.

Beginning as a series of informal meetings and discussions in 1991 between the City Managers of Fort Collins, Loveland, and Greeley (the area’s three largest cities), this project evolved into a full planning study carried out by consultants jointly jointly by the participating governments. In 1993, the Fort Collins City Manager suggested that the group, then known as the “Tri-Areas Group,” create a regional plan to address common problems and visions (Bruno). As the idea developed more towns became interested and got involved, expanding the group to five towns (Berthoud, Johnstown, Milliken, Windsor, and Wellington), four cities (Evans, Fort Collins, Greeley, and Loveland), and two counties (Larimer and Weld).

The process for this plan was not as open and interactive as other regional plans, such as the Fort Collins/Loveland Area Plan or the Boulder Valley Comprehensive Plan, partially because it was intended to be not a policy-setter, but rather a discussion-provoker. The goals and ideas set forth in the study were not seen as extremely divisive or property-specific because they do not confront implementation issues. According to City Manager Frank Bruno, the plan spent over a year in
production, and then public presentations were given all over the region, including at the International City Managers Annual Meeting in Denver in 1995.

The information-based strategy of this document is to assess resources and threats, and identify potential cooperation nodes. It includes a regional survey of natural areas and open space, an inventory and analysis of local growth management and planning policies, information and recommendations on a Regional Framework and Plan, regional growth projections, and infrastructure linkage opportunities. Spaces between the urban areas are its focus, in order to "identify opportunities for coordination and collaboration on land use issues amongst the communities in Northern Colorado" (iii).

The objectives discussed in the study were established in 1994:

- Identification of natural areas of regional significance,
- Identification of opportunities for regional open space and trail linkages
- Identification of opportunities for community separation areas, in order to retain a sense of unique identity and preservation of a regional mosaic of communities
- A review of community planning and growth management policies and objectives in order to insure that they are supportive of these objectives

In addition to this regional process, all of the individual jurisdictions were undergoing a comprehensive planning process in reaction to the immense growth pressures. Therefore, this study was meant to be a "broad brush" look at the region (Bruno), trying to coordinate efforts where meaningful and possible. The details of implementation and planning are left to the municipalities and counties. Currently, the group is considering hiring a Regional Planning coordinator to carry out the recommendations and facilitate IGAs and planning cooperation. Funding and participation would be joint and voluntary, which may put the position at risk. According to Bruno, who also served as the Project Manager for the Regional Study, the intense recent population and development growth in the region has spurred discussion of issues and problems that have existed for years. The population boom, he said, gave the group real reason to work together - a real sense of urgency.
Figure 23. Regional Framework Map of the Northern Colorado Regional Planning Area.
This ad hoc planning group at first glance closely resembles the Larimer County-Weld County Council of Governments, which was established by statute in the 1970's, and dissolved due to lack of interest and authority in the mid 1988 (Cadera). Despite their willingness to cooperate and plan together, however, Bruno reports that when anyone mentions a COG, elected officials get "fidgety and upset." Nobody wants another layer of bureaucracy. The strength of the study's cooperative approach is it emphasizes on the voluntary nature of participation, creates only one extra governmental position, and leaves all planning power at the local level.

The strongest use of this document has been as an information and discussion tool. It is not regulatory or legally binding; it has no "bite." It will only be truly effective and make an impact if the ideas and information compiled here are absorbed by the respective planning departments into their local plans. Some doubt exists among local planners I spoke with, one of which expressed skepticism about the study and using its recommendations as the basis for planning due to the low level of public participation (McKenzie).

This planning study rose directly out of the collegiality and innovation of the local leaders, without which there would have been no initial sharing of problems and information. Without this "keen" local interest, such a multi-departmental, multi-jurisdictional project could never have been successfully launched. Even after winning a Smart Growth and Development Award as a state model of Public Regional Partnerships, there is some concern over the leadership of the project. Bruno is sensitive to possible impressions that Fort Collins, the largest city, is always leading instead of listening to the needs of the smaller towns. Still, this partnership has allowed for the development of a shared vision and a possible regional framework for further joint agreements and planning.

2. Front Range Mountain Backdrop Planning Study

One of the most interesting projects currently underway is a multi-jurisdictional planning study involving the protection of the "mountain backdrop" of the Front Range foothills, which run north-south alongside the urban corridor. This project, which the Rocky Mountain News called an "unprecedented cooperative effort," originated with and has been led by, the Jefferson County County Commissioners and Open Space Department. The view of the foothills is an undeniable unifying image
for the Front Range region, as well as an extremely valuable resource of accessible recreation and natural areas. While the foothills have long been dotted with small towns and isolated rural residences, recent development pressure has begun to threaten the non-urban qualities of the foothills.

![The foothills frame development in Arvada.](Source: Adams 33)

The project addresses the “critical urban/rural interface where the Plains ecosystems and land use patterns transition into the Lower Montane foothills” (3). Because the land involved is mostly unincorporated and private, this project is motivated by a common fear of someday looking off to Long’s Peak and seeing condominiums all the way up, or worse, blocking the view entirely. Threats to the backdrop include fire suppression policies, fragmentation of wildlife movement corridors, elimination of wildlife habitat, indiscriminate mining and quarrying, increased impervious surfaces, groundwater pollution, loss of archaeological sites, and visual deterioration” (3-4).

While Jefferson County Commissioner Gary Laura emphasizes the plan’s intention to protect the fragile ecosystem and habitat that exist to the east of the cities, the
strength of the proposal, and what will likely drive the partnership, is the protection of the mountains as a symbol of place, heritage, and common experience. Involving Larimer, Boulder, Jefferson, Douglas, and El Paso Counties, the land under evaluation stretches almost 200 miles from the Wyoming border to south of Pikes Peak.

Figure 25. Map of Front Range Backdrop Planning Area
(source: GOCO grant proposal).
Once Laura had contacted and assembled the County Commissioners from the various Counties, they signed an intergovernmental agreement to conduct and fund a planning study. It was given a boost when Great Outdoors Colorado (GOCO), a state lottery-funded grant-giving board, awarded the project a $50,000 planning grant.

In the project's proposal to GOCO, the Counties presented the joint study's objective as "to focus attention on this area as a distinct multi-jurisdictional ecosystem and land management unit, establishing a common data base, identifying the most critical open space parcels within each category, and fostering potential opportunities for inter-jurisdictional cooperation in protection and enhancement for inter-jurisdictional coordination in protection and enhancement of this unique and vital resource known as the mountain backdrop" (1).

To develop the goals, members of the five county coalition met monthly to discuss existing protection and planning and perceived threats to the Backdrop. They also "initially agreed that it is economically more feasible to join forces in sharing costs and that a collaborative effort offers greater opportunities to set up additional public/private efforts" (2). Hoping to build public understanding and support, this project emphasizes partnerships. The counties intend to involve municipalities, land trusts, public land management agencies, conservation groups, and the business community in the project. This objective was demonstrated in the GOCO grant, where letters of support were included from such different organizations as the Boulder Area Board of Realtors, the Jefferson Economic Council, and the Rocky Mountain Chapter of the Sierra Club.

Comparatively, this effort corresponds to the establishment of the California Coastal Commission, except for the significant fact that it is entirely voluntary. There is no requirement for regional planning, but instead a strong common vision, innovative leadership, and a crisis-like threat to the perceived common trust. The state's role in this has been the liberal allowance of inter-jurisdictional planning and agreements, encouragement through the Smart Growth and Development program and awards, and funding through GOCO.

3. Intergovernmental Agreements and Planning

Cooperative planning and intergovernmental agreements have increased in number and developed in complexity across the Front Range region over the past decade. The
network of partnerships is a reaction to the recent dramatic, region-wide population growth, the collective fear of the environmental damage more low-density development can cause, the liberal allowance of intergovernmental relationships, and political avoidance of an additional regulatory structure. Rapid growth has created planning problems that are larger than local policy can address, and thus, in the absence of a regional authority, municipalities are joining forces to solve problems.

This network of fairly low-risk, low-investment projects and partnerships have begun to confront regional issues of transportation, air and water quality, services provision, and land use. It is not a "system" per se, but rather an ad hoc response to a dramatic situation. The state-level structure of these partnerships is not based in a regulatory structure. Alternatively, the state has established a legal framework (allowing intergovernmental agreements, regional, and local planning), and actively used an "information and education" strategy to stir discussion, spread information, get citizens involved in planning, and encourage cooperative solutions.

The resulting agreements and plans at the local level carry with them both the benefits and shortfalls of any cooperative relationship. Benefits of cooperation include avoiding duplication of services, facilitating communication, and the ability to address inter-regional land development issues. Partnerships are a "means of implementing 'bottom-up' regional planning in the face of threatened state-mandated measures" (Widner) Governments cooperate for many reasons - mediation in territorial disputes, a shared vision, or a mutual fear. There are also financial benefits, especially regarding urban services and project funding. Because these partnerships are negotiated voluntarily, "participating governments do not feel coerced into participating." Therefore, the recommendations and commitments are easier to enforce. The agreement can address many issues and the negotiation of IGAs establishes a valuable working relationship among neighboring authorities (Duerksen 3).
Figure 26. Illustrative map of intergovernmental planning activity. See Appendix Two for a listing of the partnerships shown here.
Criticisms of this approach are apparent. The very essence of the system - that the relationships are voluntary - indicates that they may not happen when and where they need to. Cumulatively, the network of agreements and plans may miss (or avoid) key issues or encompass an inadequate geographic area. Whether they are legally binding or not, a great deal of the agreement may be posturing and politics. There is also concern that such agreements and relationships may not be enforceable or stable over time and may fail for lack of leadership and authority. Comparing this ad hoc system of regional growth management with the more established alternatives described in Chapter Two will provide some criteria for evaluating its general applicability as a planning model in Chapter Five of this thesis.
A. Summary

As developed in Chapter One, Western states continue to experience fast-paced urban growth, most of which commonly takes the form of low-density, high-land area development. Colorado is representative of the Rocky Mountain states of the American West, where the population growth rate is high and manifesting itself in low-density sprawl, but where the political and cultural climate makes hierarchical growth management solutions unlikely. Many other states are confronting urban growth challenges similar to Colorado’s. Municipalities, counties, and state governments are using a variety of policy tools to solve conflicts related to transportation, pollution, loss of open space and agricultural lands, and urban services provision.

As described in the previous chapter, Colorado is currently experiencing a wave of regional growth management activity, despite the fact that it is not required at any level of government. Though the state government has long taken an interest in urban development patterns and growth planning, there is no state requirement for municipal planning. Authority for land use planning and any subsequent growth management policy falls to the local government, as it does in California. And, as in California, local responses to growth have taken many forms through regulatory, incentive, information, legal, and acquisition policies. However, even California, the reputed land of regional sprawl and localized planning, has some state-level planning regulation. Despite a period in the 1970’s when it appeared that Colorado might follow Oregon’s lead, the Rocky Mountain state has a minimal regional or statewide growth management system.

Despite this lack of a state-level regulatory framework for growth management, the Front Range urban corridor is experiencing a “bottom-up” intergovernmental growth management movement. The system that has developed involves three key factors: 1) a dramatic population boom (which led to a perceptible change in the regional landscape); 2) leadership, allowance, and encouragement from the state level; and 3) a network of innovative citizens, planners, and politicians who are
willing to collaborate and explore alternative means of accomplishing the management of urban growth and its impacts.

Is this emerging bottom-up, locally responsive, voluntary network of intergovernmental agreements and planning partnerships a satisfactory alternative model for regional urban growth management? As Colorado’s cooperative trend continues and matures, it is also appropriate to consider how the system can be improved to foster more effective solutions. The answers to these questions will determine the wider relevance of Colorado’s system to other Rocky Mountain states.

The cases of California, Minnesota, and Oregon, described in Chapter Three, can be categorized by the amount and nature of direct state action. Because one of the defining characteristics of the Colorado case is a lack of state regulation, I will use these categories to structure an analysis and comparison with the selected cases, all of which are also in the West, save for Minnesota.

B. Comparison of Models and Cases

When analyzing policies such as land use and growth management at least two distinctions can be made: the actual policies in place, and the overarching approach to which they belong. This is especially the case with regard to complex intergovernmental issues such as regional growth management, where policy involves many actors and often just as many policy interventions. Just as government intervention in the arena of land use and development can locate on a spectrum ranging from persuasion to coercion (Throsby), the approach adopted by the government can be laissez-faire or impose requirements.

In Chapter Three, models of state and regional growth management were presented: Top-Down Direct Intervention, Top-Down Conjoint Planning, and Guided Local Action. These models are, fundamentally, different approaches to intergovernmental problem-solving. The five growth management cases covered here have similarities and differences. Most are reacting to the same development pattern of low-density sprawl, and their goals and objectives reflect this. They differ, however, in relation to aspects important to planning policy: the source and location of power (who creates the system and who carries out the policy), reliability, citizen representation, degree of local input and power, and certainty of the outcome. As Bollens (who
developed the categories from which my first two models evolved) observed in his article, "states are evolving from purely regulatory and preemptive interventions to more collaborative planning models and standards" (462). If this is the case, then Colorado's approach is merely extending the existing collaborative planning model further.

To fully evaluate and compare these cases, one would need to collect qualitative and quantitative data over a long period of time on such aspects as cost, land transferred from rural to urban uses, political atmosphere, popular support, and density of development. While such studies have been undertaken on Oregon (Knapp, ECO Northwest), it is more difficult to thoroughly compare all of the cases as they develop inconsistently over a long period of time. While I have sought to understand the important elements of regional growth management policy by categorizing the selected cases, the following evaluation is not meant to find the "best" solution to the common problem of rapid urban growth, but rather to determine how the newer Colorado system of relying on local collaborative planning compares to the more traditional regulatory systems. I am comparing the different cases against a set of criteria (mentioned above) that I assert to be important qualities of planning policy. The following sections evaluate the cases according to these qualities.

1. Common Goals

The cases described in Chapter Three have similarities in goals and origin. None were casually adopted; they were strategic reactions to some sort of "crisis." Whether this crisis originated in internal problems (as in Minneapolis-St. Paul) or environmental impact (as in California), it stimulated widespread discussion of possible solutions and led to a unified response. In addition, all somehow reflect "anti-sprawl" and environmental paradigms. Table 8 compares the general goals of these cases, demonstrating a common thread of environmental conservation, efficient development and services, and concern for quality of life.
Table 8. Comparison of Goals of Example Cases*

<table>
<thead>
<tr>
<th>California Coastal Commission</th>
<th>Oregon Top-Down Conj.</th>
<th>Twin Cities Metropolitan Council Top-Down Conj.</th>
<th>California Guided Local Action</th>
<th>Colorado Guided Local Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Environmental conservation</td>
<td>-Environmental conservation</td>
<td>-Environmental conservation</td>
<td>-Property and taxpayer rights</td>
<td>-Holistic planning</td>
</tr>
<tr>
<td>-Access</td>
<td>-Citizen involvement</td>
<td>-Cooperation</td>
<td>-Local authority</td>
<td>-Environmental conservation</td>
</tr>
<tr>
<td>-Prioritize development</td>
<td>-Rational development, planning, and services</td>
<td>-Economic development</td>
<td>-Environmental conservation</td>
<td>-Community ethic</td>
</tr>
<tr>
<td>-Cooperation</td>
<td>-Urban containment</td>
<td>-Efficient services</td>
<td></td>
<td>-Coordination and cooperation</td>
</tr>
<tr>
<td></td>
<td>-State welfare (recreation, housing, economic development)</td>
<td></td>
<td></td>
<td>-Local authority</td>
</tr>
</tbody>
</table>

* Sources for these summaries of each case's goals are as follows: CCC, 5 Basic Goals; OR, 19 Statewide Goals; TCMC, 5 shared values; CA, subjective estimation of goals behind the many aspects of this case; CO, Smart Growth Guidelines and estimation of cumulative cooperative projects.

2. Characteristics

Table 9 on the following page summarizes my comparison of the selected regional urban growth management cases. It delineates the primary policy tools used at the state level, strengths and weaknesses of each case, as well as the impact they have made on the focus area. Through this table, it is clear that the Colorado case is comparable to the others - it has different "pros" and "cons," but it is resulting in many of the same "impacts."
Table 9. Concluding Comparison of Growth Management Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>OCC</th>
<th>Oregon</th>
<th>Minnesota</th>
<th>California</th>
<th>Colorado</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Model</strong></td>
<td>Direct</td>
<td>Top-Down</td>
<td>Top-Down Conjoint</td>
<td>Guided Local Action</td>
<td>Guided Local Action</td>
</tr>
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<td></td>
<td>Intervention</td>
<td>Planning</td>
<td>Planning</td>
<td></td>
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<tr>
<td><strong>Traits</strong></td>
<td>State</td>
<td>State mandated</td>
<td>State-created</td>
<td>State mandated</td>
<td>State and County</td>
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<tr>
<td></td>
<td>mandated</td>
<td>regional</td>
<td>appointed regional</td>
<td>local planning and</td>
<td>leadership, grants,</td>
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<tr>
<td></td>
<td>regional</td>
<td>authority. Ability to</td>
<td>regional commission.</td>
<td>special issues (tax</td>
<td>active local</td>
</tr>
<tr>
<td></td>
<td>authority.</td>
<td>supersede</td>
<td>Local and special</td>
<td>limit,</td>
<td>planning,</td>
</tr>
<tr>
<td></td>
<td>Ability to</td>
<td>local planning.</td>
<td>departmental</td>
<td>environmental</td>
<td>collaboration,</td>
</tr>
<tr>
<td></td>
<td>ability to</td>
<td></td>
<td>implementation.</td>
<td>standards.</td>
<td>negotiation,</td>
</tr>
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<td></td>
<td>ability to</td>
<td></td>
<td>Mandatory local</td>
<td></td>
<td>regional goals.</td>
</tr>
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<td></td>
<td>ability to</td>
<td></td>
<td>plans.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tools</strong></td>
<td>Regulation.</td>
<td>Regulation, information</td>
<td>Regulation,</td>
<td>Regulation,</td>
<td>Legal rights,</td>
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<td></td>
<td></td>
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<td>incentives.</td>
<td>incentives.</td>
<td>Information,</td>
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<td></td>
<td></td>
<td></td>
<td>incentives.</td>
</tr>
<tr>
<td><strong>Pros</strong></td>
<td>Certainty of</td>
<td>Grassroots</td>
<td>Local control,</td>
<td>Local control,</td>
<td>Local authority,</td>
</tr>
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<td></td>
<td>results.</td>
<td>support.</td>
<td>implementation.</td>
<td>no additional</td>
<td>close to the</td>
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<td></td>
<td>Popular</td>
<td>Certainty and</td>
<td>Set values.</td>
<td>government or</td>
<td>people. Low</td>
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<tr>
<td></td>
<td>movement.</td>
<td>consistency.</td>
<td>Centralized</td>
<td>spending.</td>
<td>cost. Group</td>
</tr>
<tr>
<td></td>
<td>Strong</td>
<td>Local implementation.</td>
<td>research,</td>
<td>Decentralized</td>
<td>problem-solving</td>
</tr>
<tr>
<td></td>
<td>enforcement</td>
<td>Clear objectives,</td>
<td>information.</td>
<td>policy.</td>
<td>only when needed.</td>
</tr>
<tr>
<td></td>
<td>mechanism.</td>
<td>process.</td>
<td></td>
<td></td>
<td>Collaboration.</td>
</tr>
<tr>
<td><strong>Cons</strong></td>
<td>Depends on</td>
<td>Loss of local power</td>
<td>Vulnerable to</td>
<td>Competitive,</td>
<td>Inconsistent</td>
</tr>
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<td></td>
<td>enforcement.</td>
<td>to set goals. Consistent</td>
<td>elections.</td>
<td>exclusionary.</td>
<td>representation,</td>
</tr>
<tr>
<td></td>
<td>Vulnerable</td>
<td>throughout state.</td>
<td>Appointed</td>
<td>Fiscalization of</td>
<td>policy. Vulnerable</td>
</tr>
<tr>
<td></td>
<td>to elections.</td>
<td>Reliance on UGBs.</td>
<td>commission.</td>
<td>land use.</td>
<td>to politics. Less</td>
</tr>
<tr>
<td></td>
<td>Loss of local control.</td>
<td>Vulnerable to elections.</td>
<td></td>
<td>Inconsistent.</td>
<td>long-term</td>
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<td>Vulnerable to</td>
<td>commitment.</td>
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<td></td>
<td>politics. Less</td>
<td>Lacks regional</td>
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<td></td>
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<td></td>
<td></td>
<td>growth management.</td>
<td>enforcement</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>local control</td>
<td>mechanism.</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>measures.</td>
<td>Reactive.</td>
</tr>
<tr>
<td><strong>Impact</strong></td>
<td>Coastal</td>
<td>UGBs for every city.</td>
<td>Urban Service Area</td>
<td>Intensely local</td>
<td>UGBs, regional</td>
</tr>
<tr>
<td></td>
<td>protection at local level.</td>
<td>Portland Metro.</td>
<td>shared fund.</td>
<td>growth management.</td>
<td>vision. Local</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Regional vision.</td>
<td>local control</td>
<td>control measures.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>measures.</td>
<td>IGAs.</td>
</tr>
</tbody>
</table>
a. Top-Down Direct Intervention

When a problem arises in the public realm, often the most intuitive solution involves direct government intervention through regulation or acquisition. This is the basis of the Direct Regulatory Intervention growth management model, in which the state preempts local authority in regionally important areas. The state is relatively assured that its goals will be acted upon and incorporated into local policy, and there is a high degree of control, predictability, and focus with top-down regulatory intervention. Of course there are problems as well. Politically, state preemption of local authority frequently creates animosity, resentment, even hostility (exemplified by the Sagebrush Rebellion). This is perhaps the strongest argument against top-down regulatory approaches in land use planning. Cases such as the California Coastal Commission are also subject to common economic criticisms of regulation - that it creates inefficiencies, is costly, offers no incentive to do more than the minimum required, and the process can be captured ("perverted to serve private sector interests rather that the public good") (Throsby).

The case of the California Coastal Commission, in which the state supersedes local authority in projects of regional impact within the coastal zone, illustrates the difficulty of a regulatory-based solution. One of the strengths of regulation, of course, is that it pairs a goal with an enforcement mechanism. Regulation relies on enforcement, otherwise it has no more impact than information. California's monitoring and enforcement systems have been criticized (Fulton), hindering this approach. Due to the Coastal Commission, however, the outcome is certain when enforcement systems do work. The coast is protected at the satisfaction level of the state, not just that of the local city council.

b. Top-Down Conjoint Planning

The model of Conjoint Planning, on the other hand, systematically combines regulation with cooperation and incentives. This is currently the dominant model for regional urban growth management, because it allows for a great deal of policy variety, and makes it easier for leaders to address a package of concerns, rather than

1 In the 1970's and 80's, the Sagebrush Rebellion in the Rocky Mountain West was a rural, conservative political movement to "get the federal government to cede public lands to the states" (White 567). Though the movement fizzled, there has been a resurgence of hostile opposition to the U.S. Bureau of Land Management (Larson).
only one aspect of the problem. For example, while Oregon mandates local planning and the creation of Urban Growth Boundaries, the system also involves incentives for local compliance with state housing goals. The further the government's policies get from regulation, however, the less certain it can be that the policies' goals will be fulfilled, or even that the target problem will be addressed.

Oregon has a strong state growth management system because it combines top-down regulation with local implementation and a grassroots support system. It has set general statewide goals, developed policy with a high level of citizen participation, and attained an unusual degree of stability and permanence.

Comparing Oregon's state growth management system to the other cases reveals a major difference. The Oregon case, and others created by a state law, seem to be more predictable, consistent, and reliable than those in which power and decision-making are more localized. To many planners and leaders top-down systems appear to be a "sure solution" and the preferred method for addressing urban sprawl. By combining all state growth management goals, mandates, and policies in one law or departments, however, top-down systems have the distinct vulnerability of becoming a "sitting duck." Those interested in managing urban growth or protecting regional landscapes may have a false sense of security. For example, though it has survived numerous citizen ballot initiative challenges in the past, one timely election could bring to an end the Oregon Land Use Act. While Colorado and California have decentralized growth management policy (the latter by addressing some issues in separate laws), Oregon's system is reliant on the existence of state bill 100. If state voters object to the bill, the entire system can be voted down. On the other hand, in Colorado, while agreements and projects can be overturned by subsequent public officials, the fate of one case does not necessarily determine the future of regional problem-solving in other areas.

The Oregon case's vulnerability in this respect is augmented by the criticism that because it is applied evenly across the state, not only are local goals made secondary to state goals, but also there may be areas of the state where growth management planning is not necessary because there is no growth. Another conjoint program in the state of Washington attempts to address this concern by setting growth rate and population thresholds for requiring planning compliance (Washington State). Even so, because policies, goals, and timeframes are set at the state level, these types of growth management systems may diverge from legitimate local goals and concerns.
As pointed out in Chapter Three, though Oregon's statewide goals were created with a great deal of public involvement and seem to be generally sound planning objectives, they always override local goals.

Of course, if the state develops goals for a strategic region, as in the case of the Twin Cities Metropolitan Commission, this is less of a concern. In this case there is less citizen participation in the process (the Commission is appointed), but more local autonomy, as the municipalities and counties may renegotiate the Urban Service Area and control all implementation of regional policy.

c. Guided Local Action

The third model is the least predictable for the policy-setter. It includes the diverse cases of the localized California system, where local planning is mandatory and influenced by a number of state environmental and tax laws; Oregon's Portland Metropolitan District, the only elected regional government in the United States; and Colorado, where state organization and leadership have paved the way for bottom-up regional collaborative planning. While localized growth management seems to be the opposite of state regulation, actually there is often coexistent state concern. California, for example, addresses many of the broader issues of conservation, waste management, and infrastructure at the state level with specialized programs and facilities (Bollens).

The Portland metropolitan area regional authority, Metro, coexists with Oregon's strong state planning system. The state laws empowered counties to join together to create a regional planning authority, and the residents of Portland metropolitan counties voted to do just that. In the end, however, if local action is not controlled, as it is in Oregon, the state can not be certain that its goals and interests will be served. The Colorado case suggests that if there is strong motivation and widely-held statewide goals, planning can happen on the local level that will serve regional and possibly state interests as well.
C. Colorado Assessment

Colorado has made a deliberate choice to solve growth problems through a system that involves little regulatory intervention from the state level (apparent from the governor’s Smart Growth initiative). This aspect makes it very different from the other cases. Local collaboration and negotiation is currently a powerful, dominant approach to urban growth management on a regional scale in the Front Range region, one that is becoming an organizing framework for local regulation. The following section examines how it compares to the characteristics of cases in the first two models.

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Local Autonomy</td>
<td>1. Lack of Framework</td>
</tr>
<tr>
<td>2. Locally Sensitive</td>
<td>2. Uncertainty</td>
</tr>
<tr>
<td>3. Communication and Cooperation</td>
<td>3. Reactive, not Proactive</td>
</tr>
<tr>
<td>4. Voluntary - Easier to Enforce</td>
<td>4. Inconsistency</td>
</tr>
<tr>
<td>5. Flexible and Adaptable</td>
<td>5. Lack of Regulatory Enforcement</td>
</tr>
<tr>
<td>6. Faster Action</td>
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</tr>
</tbody>
</table>

1. Regional Successes

Regional planning is happening in Colorado without an additional level of government. Through the network of low-risk, low-investment projects and partnerships, urban growth boundaries are drawn, municipalities and counties create regional planning visions, and coordinate regional land conservation projects. They are addressing regionally important issues, while maintaining a high degree of local autonomy. Colorado’s system relies on communication and cooperation, which helps to establish good working relationships in other areas of governance as well. Because participation is voluntary, the resulting plans and agreements are easier to enforce (Clarion). Because planning and negotiation are involved in creating partnerships they are locally sensitive.
For example, over time El Paso County has developed a collaborative relationship with the mining and aggregate industries, which maintain a "strong presence" (Howells). In a letter supporting the Front Range Mountain Backdrop Planning Study, the County Commissioners stated their need to include the interests of these parties. Because they could assert local interests and requirements in the planning process, the County is participating and the outcome of the study will be more acceptable and likely to be implemented.

Not only does the localized decision making in the Colorado case have political and representational benefits, but this aspect also allows the system to be flexible and adaptable to change. Population and economic growth in the West has occurred in sometimes dramatic ebbs and flows. It could prove to be a great advantage to alter growth management plans and landscape protection agreements as indicators change and predicted conditions alter. The projections on which long-term plans are based frequently prove to be inaccurate. Though the network of voluntary collaborative plans and agreements in the Front Range region can appear to be unstable and tenuous because the system is so decentralized, alternatively, it could be characterized as a system in which there are frequent "reality checks" and which is perpetuated by keen interest at the municipal and county levels.

In addition, the decentralized system in Colorado has a great potential for rapid action. While the process for establishing a state-level growth management program may be more predictable and inclusive, it takes a great deal of time and effort. During this time, development continues, and valuable resources can be lost. The localized approach, relying on communication and negotiation, has the potential to be more direct and faster than broader state regulation. Of course all of these cases take time to make an impact, but in areas where growth rates are high, time is a consequential factor.

Over time, as intergovernmental agreements have been used and challenged they become more familiar to decision-makers. Even with a well-written IGA, however, there remains the concern that an isolationist future city council can overturn, ignore, or otherwise weaken the relationship (Cadera). Of course, as stated earlier, this threat exists with regional/state regulation as well, where challenging elections could wipe away the entire system.
2. Weaknesses of the System

Perhaps the greatest weaknesses of Colorado's intergovernmental, cooperative approach is the high degree of uncertainty within the system and the lack of a broad state or region-wide framework of goals and ideals. The lack of framework means that even if a network of planning and growth agreements exist, they may be missing certain issues, geographic areas, or the involvement of some groups. This concern has been addressed primarily through the Smart Growth Initiative, which produced a set of goals through the Interregional Council (CO Dept. of Local Affairs, 1995). A number of regional planning projects, such as the Northern Colorado Regional Planning Study, have sought to fill this gap, but because participation is voluntary, there is no guarantee that the framework provided will be representative.

Another issue that detracts from the strengths of Colorado's system is the fact that the current wave of planning partnerships is largely responding to the population boom of the 1990's. Many of the issues that the intergovernmental agreements and plans address have existed for years (Kitsos, Anderson), but only when the perceived threat was magnified by the 1991-1994 growth boom did most of these projects arise. Voluntary cooperation across a region often requires a "crisis" situation to motivate the many players involved. Of course, the same could be said of the movements that resulted in state growth management policy in Minnesota, Oregon, and California, but the ad hoc nature of Colorado's system makes it potentially more reactive, rather than proactive. Not only is action relative to timing, but also to local experience. In addition, there is no certainty that the network of cooperative planning will continue with such vigor when the growth rate decreases.

Among the many projects, plans, and IGAs that comprise this system, there is a lack of consistency in the participants involved, the issues addressed, and the timeframe covered. The latter aspect is notable because it could significantly alter the nature of regional growth management activity over time. In fact, one of the recommended aspects of a successful IGA is a termination and withdrawal clause (Widner). Because the focus of the IGA is local control and solving specific problems, the relationship must be clearly defined, and this includes the agreed-upon term of the relationship (one year in many cases) and withdrawal rights and conditions. Though this could potentially create a tumultuous planning atmosphere, active negotiation and communication throughout the experience seem to have avoided that outcome.
Because virtually all regulatory policy is located at the municipal and county levels, the Colorado case suffers from a lack of regional enforcement. This is important in two respects: recommendations made through cooperative regional planning studies are left to good-faith implementation, and there is no control for the NIMBYisms (Not In My Backyard) that have come to dominate the California system. One of the strengths of Minnesota's Twin Cities Regional Commission system is that it addresses the impacts (positive and negative) of regionally significant development. Similarly, Oregon's law prescribes that part of the process for determining a municipality's growth boundary is using approved population projections, which supports the requirement that each municipality allows for its "fair share" of growth. There is no control for either of these in Colorado, where both would instead be subject to negotiation at best.

D. Developing an Alternative Growth Management System

1. Assessment

The cooperative network of regional planning activity that has emerged in the Front Range Region of Colorado has limitations and raises several concerns, as elaborated in the previous section, but it also claims accomplishments and strengths. Collectively, the network of planning agreements and partnerships, which is non-regulatory at the state and regional level, is addressing regional urban development patterns effectively. The system is locally meaningful because the planning framework is created at the local level, and the process encourages cooperation and community belonging. Municipalities are addressing not only their own urban form and open space needs, but also the ramifications of these decisions for neighboring communities. While leadership and regulation remains strong at the local level, there is now a voice for regional development concerns and collaboration.

The ultimate test of intergovernmental agreements and their resulting growth management plans and urban growth boundaries is whether (and how) they are incorporated into local planning, zoning, and public works policy and decision-making. If none of the recommendations in the Northern Colorado Regional Planning Study are translated into policy, for instance, it may have little impact on the future development of the region. The Fort Collins Urban Growth Boundary, on
the other hand, has been incorporated into both County and City Zoning policy over the past 16 years. Due to such infiltration into the system, the cooperative policy is less likely to be casually dropped from the planning agenda. Incorporation of voluntarily collaborative recommendations and policies will occur most often if the process is truly inclusive, realistic, and clear.

2. Recommendations and Conclusion

Realistically, this system must be assessed while considering that in Colorado there is a great deal of interest in growth and environmental issues, but no foreseeable acceptance of a hierarchical state growth management system. Therefore, the system described here may well be the alternative to inaction from the state. The question then is whether it is sufficient - is this the next best solution? I would argue that a strong solution to the planning problems being experienced in Colorado's Front Range could evolve from the current system presented in Chapter Four, not necessarily from more traditional solutions such as Oregon's. The current Colorado system is not complete and holistic, but it is developing and has potential to be a national model for cooperative planning.

A strong regional growth management solution in Colorado, I suggest, would involve continuing to emphasize local planning and regulating. There are steps the state government can take to improve the quality of planning agreements and partnerships, and improve the non-regulatory regional growth management system that has emerged in the Front Range urban corridor.

Continue the governor's Smart Growth Initiative through the Department of Local Affairs and develop the statewide goals as a framework for handling population and urban growth. There are some powerful aspects of the cases in Oregon and Minnesota that do not require state regulation - research and education. The Smart Growth Initiative could expand its efforts and serve as a state clearinghouse for mapping, planning, and development information.

Rather than increasing the level of regulation and bureaucracy in a hierarchical fashion, encourage partnerships and cooperative problem-solving through increasing state-level coordination and organization.
Using incentive policy tools, expand on current programs to work toward development goals of state and regional interest. The Great Outdoors Colorado fund has proven in a relatively short time to be highly influential in the cooperative planning movement. State funding (from GOCO and other sources) should be linked to local growth management activity (Gersh). This incentive-based approach would ensure that the state money is furthering the state goals (as expressed in the Smart Growth Initiative). Doing so would maintain the system's voluntary quality, but also gives some motivation to participating in planning for regional interests. In addition, grants could be awarded for planning projects which fall outside of the GOCO parameters, but which are cooperatively addressing regional and state needs.

Facilitate intergovernmental agreements, which require legal precision. This could quickly capitalize on the current trend and expand it to smaller jurisdictions. In order to actively encourage and facilitate intergovernmental agreements, make them and the process more predictable and consistent.

State level government can create and remove legislation and offices in order to encourage cooperative planning where regional growth problems exist. To truly deal with regional impacts of growth (and avoid the Boulder County leapfrogging syndrome), more places will need to participate in partnership-oriented growth management, such as drawing growth boundaries. As shown in Figure 24, the current level of regional planning covers a large area of the Front Range urban corridor. When more jurisdictions are involved, there is increased cross-checking on impacts and needs. Because the system relies on voluntary action, counties and municipalities will only participate as they see fit.

Improve citizen involvement and representation. One of the greatest strengths of Colorado's system is that land use policy decisions are continuing to be made at the local level, "close" to the people affected by them. In order to capitalize on this crucial aspect, cooperative plans and intergovernmental agreements should be subject to the same level of public openness and participation allowed for local plans.² Without such involvement, agreements and plans will be meaningless, difficult to implement, and vulnerable to attack.

² In the past five years, planning departments in the Front Range have demonstrated thorough public participation processes in the strategic and comprehensive plan updates described in Chapter Four.
With these improvements, mostly in the realm of consistency, funding, and technical advice, this cooperative model of local action has the potential to be a national model for a new model of regional growth management planning.

In order to address approaches to urban growth management in the rapidly growing American West, this thesis has explored existing solutions in California, Oregon, and Minnesota, and sought to evaluate a relatively new solution in Colorado. While there are qualities of these cases that are peculiar to local politics, many traits fit into larger trends and ideals. Through the research for and writing of this thesis, I have come to the conclusion that Colorado's seemingly radical case of state-guided local cooperation fits within the national movement away from hierarchical, regulatory-based state growth management systems. Many of the same growth management policies that operate under other systems - most significantly Urban Growth Boundaries - now exist in Colorado. In this sense, the Colorado case is addressing issues surrounding regional urban growth patterns in a similar manner as other cases. What this case suggests is that, given a substantial threat (rapid growth), active local planning, political allowance, and guidance, many of the policies which are mandated by "top-down" growth management systems can emerge from the "bottom" when they are perceived by the public as truly necessary.

Through comparing the five cases in this thesis, it is clear that there are a variety of ways to address the regional impacts of sprawl. As shown in Table 9, the cases each have benefits and detractions. In considering this table as a menu from which one could create a new, improved system, it is interesting to note that while some aspects of the different cases could be combined, others are mutually exclusive. For example, combining a well-funded state center for regional growth information and assistance, as in Minnesota, and local intergovernmental agreements, could result in an improved system. On the other hand, passing a state law to require UGBs in Colorado would detract from many of that case's strengths. There are tradeoffs involved; it is at this point where the political climate and regional needs determine what choice needs to be made.

The Colorado case of voluntary, collaborative, regional planning is applicable to other places, though little formal research exists as of yet on this type of growth
management system. Due to the similar experiences of urban growth in Western states, as explained in Chapters One and Two, there is a need for means to address the externalities inherent in sprawling development. A survey by the Growth Management Institute revealed that this alternative approach to regional planning is happening in other states (New Mexico and California) as well, though not on the scale as in Colorado (cited in Duerksen). Most Western states have the same liberal allowance for intergovernmental relationships as in Colorado (Duerksen). They also are experiencing the same “crisis” of rapid sprawling growth, and Colorado’s case could be a model for regional growth management in these states. The Colorado case is a leading example of how leaders can effectively address the impacts of rapid regional urban growth without threatening local authority. It is an alternative model to other, more traditional, systems that rely on top-down regulation and involved enforcement. Though this model relies heavily on communication, cooperation, and leadership, these very qualities also result in an energetic system in which the policies reflect the needs of the places and the interests of the people they affect.

Urban growth management systems have evolved in many states to address the regional implications of urban sprawl. They do so through system structures that reflect the state’s political climate, which allows (or favors) direct state intervention to varying degrees. Colorado’s cooperative system demonstrates that regional growth management is possible in a political climate that shuns traditional notions of centralized planning regulation. It also suggests that in places where the impacts of growth are substantial and local planning is active, with guidance and motivation, state mandates are not required to further regional urban growth interests. Direct comparison of the five cases used in this thesis, as in Table Nine, reveals that while state-level regulation of growth management programs can be successful, as in Oregon and other states, this model is not infallible, and not the only solution. If the impacts of rapid sprawling development are to be addressed in the dramatic landscapes of the American West, planners and leaders must consider all of the tools and models available.

3 The Rocky Mountain Land Use Institute at the University of Denver Law School is beginning a research project on “Intergovernmental Agreements - the New Wave of Growth Management.”
APPENDIX ONE.

Growth Management Legislation Chronology

(Multifunctional legislation initiated by state governments.)

Vermont Environmental Control Act ("Act 250"), 1970. (10 Vermont Statutes, chapter 151)
Florida Environmental Land and Water Management Act, 1972. (Fla. Stat 380 et. seq.)
Oregon Land Conservation and Development Act, 1973. (Senate Bill 100; Oregon Statutes 197)
Maryland Chesapeake Bay Critical Area Law, 1984 (NRA 8-1801-1816)
Florida State Comprehensive Plan, 1985. (Fla. Stat. 163.3161-.3215)
Florida Local Government Comprehensive Planning and Land Development Regulation Act, 1985. (Fla. Stat. 163.3161-.3215)
New Jersey State Planning Act, 1985 (NJSA 52:18A-196 et. seq.)
Maine Comprehensive Planning and Land Use Act, 1988 (30 M.R.S.A. Sec 4960)
Rhode Island Comprehensive Planning and Land Use Regulation Act, 1988. (Chapter 45-22.1 of the Rhode Island General Laws)
Vermont Growth Management Act ("Act 200"), 1988. (24 Vermont Statutes, chapter 117)
Georgia Coordinated Planning Legislation, 1989. (O.C.G.A. 50-8-1 et seq)
Washington Growth Management Act, 1990. (Sub House Bill 2929)

4 Bollens, Table 9.1.
APPENDIX TWO.

Inventory of Intergovernmental (Planning and Land Use) Agreements and Planning Partnerships in the Front Range Region of Colorado

* Note that this list is based on the author’s research, not a formal survey, and therefore not complete. It is, however, an indication of the level of cooperative planning activity in the area. This list indicates the participating jurisdictions, the type of agreement or partnership, and the year it was first signed.

Adams County, Commerce City, Aurora. Denver International Airport land use planning. 1991.
Fort Collins and Wellington. Urban services IGA. 1981.
Jefferson County and municipalities. “Jeffco Futures” joint planning project.
Jefferson County, Arvada.
Larimer County and Fort Collins. Urban Growth Boundary IGA. 1980.
Larimer County and Loveland. Urban Growth Boundary IGA. 1980.
Larimer County and Windsor. Joint Planning and Urban Growth Management Area, Services Provision IGA. 1994.
Larimer County, Fort Collins and Loveland. “Plan for the Region Between Fort Collins and Loveland.” Joint land use planning project. 1995.
Larimer County, Weld County, Berthoud, Evans, Greeley, Loveland, Miliken, Wellington, Windsor. Growth management, urban boundaries. In progress.
Thornton and Westminster. Urban services IGA.
APPENDIX THREE

Example Intergovernmental Planning Agreements
INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, entered into this 7th Day of September 1988 by and between LARIMER COUNTY, COLORADO, a Body Politic organized under and existing by virtue of the laws of the State of Colorado, hereinafter referred to as the "County," and THE CITY OF FORT COLLINS, COLORADO, a Municipal Corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, continued growth in the Fort Collins area suggests that increased coordination between the City and the County can result in better management and control of the development in this area; and

WHEREAS, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has found and declared that in order to provide for planned and orderly development within Colorado and a balancing of the basic human needs of a changing population with legitimate environmental concerns, the policy of the State of Colorado is to clarify and provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions; and

WHEREAS, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has designated certain powers to local governments, among them the power to regulate the location of activities and developments which may result in significant changes in population density, the power to provide for phased development of services and facilities, the power to regulate the use of land on the basis of the impact thereof on the community or surrounding areas, and the power to otherwise plan for and regulate the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, pursuant to said Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has authorized and encouraged local governments to cooperate or contract with other units of government for the purpose of planning and regulating the development of land, including but not limited to the joint exercise of planning, zoning, subdivision, building, and related regulations; and

WHEREAS, pursuant to various statutes of the State of Colorado (including 31-23-255, Colorado Revised Statutes, as amended), the General Assembly of the State of Colorado has enacted various supervisory tools in order that the State may better monitor the planning activities of units of local governments; and

WHEREAS, pursuant to Title 24, Article 65, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has further created and established the Colorado Land
Use Commission for the purpose of monitoring and supervising activities of a statewide concern with relation to land use in the State of Colorado; and

WHEREAS, pursuant to Title 30, Article 28, Colorado Revised Statutes as amended, the General Assembly of the State of Colorado has authorized the creation of Regional Planning Commissions; and

WHEREAS, under the authority granted by Title 29, Article 20, Colorado Revised Statutes, a number of meetings were held between the Board of Commissioners of Larimer County and the Council of the City of Fort Collins with the intent of reaching agreement as to development goals and policies within the greater metropolitan area; and

WHEREAS, pursuant to said meetings the City and County agreed to the following policies to be applied to the unincorporated portion of Larimer County defined herein as the Urban Growth Area.

Section 1.0 Policies:

1.1 That the City and County shall establish an urban growth area surrounding the City of Fort Collins and mutually agree that said area is appropriate for location and development of urban land uses and urban residential densities, except as limited otherwise by agreement, such as the Foothills area, which, due to the environmental uniqueness of the area, is not appropriate for urban densities.

1.2 That urban level development is permitted to take place outside of the urban growth area only in Municipal Expansion Areas (MEA); Employment Center Reserves and Urban Development Areas designated for that use in the duly adopted and approved Larimer County Comprehensive Plan. Subsequent revisions to the Comprehensive Plan shall be forwarded to the City for recommendation at least thirty-five (35) days prior to final action thereon by the County.

1.3 That the County would approve only urban level developments (greater than 2 units/acre) within the Urban Growth Area, except for those areas otherwise specified and agreed to by the City and County.

1.4 That the City and County do herein agree to establish a combined City and County Urban Growth Area (UGA) Review Board to review and provide recommendations to the Board of County Commissioners on all development proposals within the Fort Collins Urban Growth Area which are subject to this agreement. With regard to review of such development proposals, said Board shall replace all current review boards such as the Larimer County Planning Commission and the Fort Collins Planning and Zoning Board. The objectives of the UGA Review Board are to shorten and
simplify the development application and review process and provide for consistent interpretation of the goals, policies, design standards, phasing criteria, supplemental regulations, and other provisions of the UGA Agreement.

1.5 That in the Urban Growth Area, the County will require all developments subject to this agreement to conform to Larimer County urban street design and landscape standards contained herein and adopted by reference.

1.6 That the policy of the City is to consider the annexation of all properties within the unincorporated area of the Urban Growth Area as soon as said property becomes eligible for annexation.

1.7 That the City agrees not to annex property outside the Urban Growth Area without first amending the Urban Growth Area boundary through the established amendment procedure or the agreed upon annexation procedure.

1.8 To the extent permitted by Law, the City would agree not to annex south of County Road 32 or Fossil Creek Reservoir.

WHEREAS, in order to effectuate the policies agreed upon by the County and the City, it is appropriate that an Intergovernmental Agreement be entered into.

Section 2.0 Agreements:

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties hereto as follows:

2.1 Establishment of Urban Growth Area. There is hereby established an Urban Growth Area (UGA) surrounding the City of Fort Collins. Larimer County shall amend its official zoning map to reflect the UGA District as set forth on Map One, attached hereto and by this reference incorporated herein.

2.2 Establishment of Urban Growth Area Review Board. There is hereby established a Fort Collins Urban Growth Area Review Board to act as the single recommending body to the Larimer County Board of County Commissioners concerning development applications for properties located within the unincorporated portion of the UGA, which are subject to this agreement and ineligible for voluntary annexation into the City. This Board shall consist of two members appointed by the Council of the City of Fort Collins, two members appointed by the Larimer County Board of Commissioners, and three members who shall be residents of the Urban Growth Area (UGA), appointed by mutual agreement of the Board of County Commissioners and the Council of the City of Fort Collins.
The City agrees that after review of development proposals by the UGA Review Board and the recommendation for approval, approval with conditions, or disapproval is forwarded to the Larimer County Board of County Commissioners, that final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners. The County acknowledges that nothing herein shall prevent the City of Fort Collins from adopting and exercising control over its own utility extension plans and procedures.

2.3 Establishment of Comprehensive Plan for the Urban Growth Area. The County and the City agree to follow the policies included in the Amendment to the Larimer County Comprehensive Plan (Exhibit A, attached hereto) for the Fort Collins Urban Growth Area.

2.4 Establishment of Supplemental Regulations for the UGA Zoning District. The County hereby establishes the Larimer County Supplemental Regulations for the Urban Growth Area Zoning District (Exhibit "B", attached hereto and by this reference made a part hereof) including any subsequent amendments thereto.

2.5 Development Within the Urban Growth Area Zoning District.

A. The County agrees not to accept any development application, as defined in the Supplemental Regulations, which is eligible for voluntary annexation to the City.

B. The County agrees that the City Council reserves the right under this agreement to review and comment on development proposals which propose waiver requests to the public sewer standards, contiguity requirements and Larimer County Urban Street Standards as defined in the Supplemental Regulations. The County shall extend the opportunity to the City Council to comment upon such waiver requests at least thirty-five (35) days prior to action on the proposal by the Board of County Commissioners.

C. The City agrees that the Board of County Commissioners, after recommendation by the UGA Review Board and the City Council and upon finding of the applicant's compliance with required procedures and criteria, including inter alia agreement to pay the off-site street waiver fee, and which meet the minimum requirements of the Supplemental Regulations, may waive the off-site street phasing criteria, off-site urban street design criteria, public sewer standards and contiguity requirements outlined in the Supplemental Regulations. The street waiver fee shall be based on the cost of improving the street system to the level designated in the Resolution Concerning Larimer County Road Classification Standards and Setbacks. The fee shall be used to construct or reconstruct local,
collector and arterial streets in the area impacted by the proposed development. Street Waiver fees shall not be used for routine maintenance of the existing road system. The street waiver fee shall be established by the Board of County Commissioners based on the cost evaluation of the UGA road system jointly conducted by the City and County.

D. The County and City agree that, except as modified by this agreement, all County Regulations and procedures, including the authority to disapprove, approve, or approve with conditions, shall continue to apply to developments within the UGA.

E. The County and City agree that, except as provided in the waiver procedure (Section 5.4 of this agreement), appeals, interpretations and variances from the normal zoning provisions of the Urban Growth Area Zoning District which are applied at the building permit stage shall be forwarded to the Larimer County Board of Adjustment as provided for in the Larimer County Comprehensive Zoning Resolution.

F. The County and City agree to the establishment of an administrative process and procedure for minor developments as defined in the Supplemental Regulations which will involve review and approval of applications by the County Staff Planning Director after review and recommendation by the City Staff Planning Director.

2.6 Establishment of a Park Fee for the Urban Growth Area Zoning District. The County hereby establishes a park fee within the Urban Growth Area Zoning District equivalent to the park fee collected by the City within the City limits. The City and County agree to use such fee for the acquisition and development of parks to benefit the area from which the fee is collected. The location, timing and development of parks within the Urban Growth Area shall be acceptable to and approved in writing by the City, and shall be consistent with the adopted Larimer County Park Master Plan. The park fee shall be reviewed annually and provisions for its collection shall be included in the Larimer County Supplemental Regulations. The County agrees to annually remit to the City 80% of those unused park fees collected pursuant to this Agreement. The County retains the right to use the remaining 20% of the unused park fee collected for the purpose of providing regional park opportunities for residents of the Urban Growth Area. The City agrees to deposit park fees received from the County in a City park land fund and to reserve the park fees for park acquisition and development which shall benefit the area from which the fees are collected. Until such areas are annexed, the City agrees to annually report and consult with the County regarding the status, use and disposition of park land funds herein described. The City agrees that the County may request and receive back from the City some or all of the park fees which shall be used by the County for park acquisition and development to benefit the areas from which the fees were collected.
2.7 Establishment of a Drainage Basin Fee for the Urban Growth Area Zoning District. Pursuant to Title 30, Article 28 132 (11), Colorado Revised Statutes, the County will collect a drainage fee at the time of issuance of applicable building permits for improvements on lands located within the Urban Growth Area consistent with the basin fee collected by the City of Fort Collins within the City limits. Such fee shall be used for Drainage Capital Improvements within the basin from which the fee was collected. Drainage improvements shall be consistent with the current Drainage Basin Master Plans and project scheduling shall be mutually agreed upon by the City and County. The drainage fee shall annually be reviewed and included in the supplemental regulations.

2.8 Disposition of Fees. The County and City agree that unused fees, except the park fees as provided for the Paragraph 6 above, collected pursuant to this agreement and unused from county developments subsequently annexed to the City shall, upon annexation, be delivered to the City.

2.9 Development Outside of the Urban Growth Area. Larimer County agrees to use the Larimer County Comprehensive Plan as a guideline for development outside the Urban Growth Area. Subsequent revisions to said Comprehensive Plan shall be forwarded to the City for recommendations at least thirty-five (35) days prior to final action by the County.

2.10 Annexations.

A. The City agrees to consider the annexation of any parcel or parcels of land located in the UGA in accordance with the provisions of Title 31, Article 12 of Colorado Revised Statutes.

B. The City agrees to consider for annexation any Annexation Petition for any undeveloped or developed parcel or parcels of land which qualify for voluntary annexation pursuant to State law. The City also agrees to the annexation of all County Road rights-of-way, easements, etc., adjacent to a voluntary annexation in accordance with Title 31, Article 12 Colorado Revised Statutes. Provided however that the City may not annex such County roads and rights-of-way if annexation of such roads and rights-of-way would impede future annexation anticipated by the City to be accomplished by the use of a "flagpole" configuration; nor shall the City be required to annex any such County road if such road is primarily used by County development. In the event the City shall determine not to annex such roads or rights-of-way, it shall provide a written explanation in the annexation impact reports provided to the County outlining the City's reasons for determining not to annex such roads or rights-of-way.

C. The City agrees to pursue involuntary annexation of any undeveloped parcel or parcels, or any undeveloped, partially developed, or developed
subdivision, planned unit development, special review case, or any other development approved by the Larimer County Board of Commissioners prior to January 1980, when State statutory requirements for involuntary annexations have been met.

D. The County agrees that the City, except as provided in Section 1.8 of this agreement, may annex outside the Urban Growth Area. The City agrees that proposed annexations outside the UGA will be sent by certified mail to the Board of County Commissioners for review and comment at least thirty-five (35) days prior to scheduled public hearing.

E. The County agrees to require a binding annexation agreement (see Appendix E attached hereto) as a condition of approval on any development application requiring approval by the Larimer County Board of Commissioners, or an appointed advisory commission, committee, or County staff, acting on behalf of the Commissioners, and located within the UGA but not eligible for voluntary annexation to the City.

F. The City and County agree that the City is not obligated to annex any development approved by the Larimer County Board of Commissioners after January 1988, which does not conform to the Larimer County Urban Growth Area Standards, unless a waiver or modifications to such standards was granted by the Commissioners and the City Council recommend approval of the waiver or modification.

2.11 Improvement to County Roads. The City agrees to apply its Off-Site Street Improvement Policy to any development within the City limits which has an identifiable impact on the County road system which may require the developer to make certain improvements to County roads outside the City limits. If improvements are to be made to County roads outside of the City limits, the City agrees to send the plans of said improvements to the Larimer County Planning Department and Larimer County Public Works Department for review and comment.

2.12 Amendments to the Urban Growth Area Boundary. The City and County agree that amendments to the Urban Growth Area Boundary shall be in accordance with the procedures and requirements outlined in the Supplemental Regulations and shall be considered an amendment to this agreement.

2.13 Enforcement. It is the intent of both the City and the County that this Agreement be binding upon both the City and the County, and that either party hereto shall be permitted to specifically enforce any provision of this agreement in a Court of competent jurisdiction.
2.14 **Term.** This Agreement shall remain in force and effect for a period of ten years from the date of its execution. Thereafter, it shall be automatically renewed for successive five-year terms unless at least six (6) months prior to its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. In addition, the City and the County agree to biennial review of all elements of the Urban Growth Area Program and prepare a joint staff report to the respective legislative bodies.

2.15 **Applicability.** Whenever a provision of the Larimer County Comprehensive Zoning Resolution, the Larimer County Subdivision Resolution, the Larimer County Planned Unit Development Resolution, or the Larimer County Mobile Home Resolution is inconsistent with a specific provision of this agreement, the provision of this agreement shall apply, provided that in no event shall the provisions of this agreement take precedence over the Larimer County Flood Plain Resolution.

2.16 **Severability.** In the event either party is prevented by court order from performing any provision of this agreement or enforcing any regulations, both parties shall have the option of terminating this agreement upon mutual consent.
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LIST OF CONTACTS

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