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**GROWTH MANAGEMENT TECHNIQUES:  
AN OVERVIEW OF SYSTEMS  
FOR THE NEW MILLENNIUM**

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**Robert H. Freilich**

**Technical Service Report No. 13  
The Rocky Mountain Land Use Institute**



**College of Law  
University of Denver**

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# **GROWTH MANAGEMENT TECHNIQUES: AN OVERVIEW OF SYSTEMS FOR THE NEW MILLENNIUM**

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I.<sup>1,2</sup>  
**Introduction**  
**What is Growth Management?**

The term “growth management,” first popularized in the late 1960s to early 1970s, has many definitions and applications.<sup>3</sup> Among the most important are: “broadly comprehensive and meticulously detailed direction by public entities of the pace, location and quality of development;”<sup>4</sup> “a means to time and sequence growth;”<sup>5</sup> “implementation tools that complement – rather than replace – the traditional zoning and subdivision regulation approach to land-use management;”<sup>6</sup> “[the use of] traditional land use control techniques . . . for the primary purpose of regulating the pace and extent of growth;”<sup>7</sup> “land use planning tool[s] . . . designed to regulate the location, timing or rate of community growth;”<sup>8</sup> and “the control of one or more familiar components of land use planning: the rate, location, type, density, amount and quality of development . . . unlike traditional subdivision regulations, growth management adds and emphasizes a third dimension – timing.”<sup>9</sup> These various definitions have great similarities and a few differences. The range of definitions underscores the spatial and timing

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<sup>1</sup>Professor Freilich wishes to acknowledge the able research and writing assistance of Randall W. Tindall in preparing this piece, and his partner Elizabeth A. Garvin.

<sup>2</sup>Robert H. Freilich, Partner, Freilich, Leitner & Carlisle (Kansas City, Dallas, Los Angeles and Aspen); Editor, *THE URBAN LAWYER*; Immediate Past Chair, Planning and Law Division of the American Planning Association; Professor of Law, University of Missouri-Kansas City.

<sup>3</sup>Given the many definitions and concepts of growth management, perhaps it could best be defined in the sense of adding third and fourth dimension to the planning process – space and time in lieu of the static two dimensional linear processes of Euclidean zoning. Robert Freilich & R. Greis, *Timing and Sequencing of Development: Controlling Growth, in Future Land Use, Energy, Environment and Legal Constraints* 59-106 (R. Burchell ed. 1975); Henry Fagin, *Regulating the Timing of Urban Development* 20 *LAW & CONTEMPORARY PROBLEMS* 298 (1955); David Callies & Robert Freilich, *Cases and Materials on Land Use Notes: Timing and Sequencing of Development* relates to a “reasonable use over a reasonable period of time as measured by a comprehensive plan, 834 (West, 1986).

<sup>4</sup>*Growth Management: Keeping on Target?*, 1 (Douglas Porter, ed. ULI 1986).

<sup>5</sup>*Id.*

<sup>6</sup>IRVING SCHIFFMAN, *Alternative Techniques for Managing Growth*, xi (1989).

<sup>7</sup>DONALD HAGMAN & JULIAN JUERGENSMEYER, *Urban Planning and Land Development Control Law*, 259 (West 1986).

<sup>8</sup>ERIC DAMIAN KELLY, *Managing Community Growth: Policies, Techniques, and Impacts*, 1 (1993).

<sup>9</sup>Robert Freilich, Mark White and Elizabeth Garvin, *Economic Development and Public Transit: Making the Most of the Washington Growth Management Act*, 16 *UNIV. PUGET SOUND L. REV.* 949 (1993).

authorized only money-in-lieu of land for parks.<sup>15</sup> As a consequence, tax rates for schools and municipal services soared as the Town attempted to meet this added burden of subsidization.<sup>16</sup>

Attempting to grapple with growth's problems – uncoordinated development resulting in sprawl, increased demand upon public services, and inadequate revenue to meet those demands – the Town, in 1966, adopted an interim development zoning ordinance which prohibited development on smaller lots until the growth management plan could be adopted.<sup>17</sup>

With a view towards managing the area's growth based upon objective standards and reasonable criteria, the Town, on October 23, 1969, adopted a series of zoning ordinance amendments. The purposes of those amendments were as follows:

- (1) To economize on the costs of municipal facilities and services to carefully phase residential development with efficient provision of public improvements;
- (2) To establish and maintain municipal control over the eventual character of development;
- (3) To establish and maintain a desirable degree of balance among the various uses of the land;
- (4) To establish and maintain essential quality of community services and facilities.<sup>18</sup>

In order to implement the planning process, and to realistically achieve the above goals, the zoning ordinance created a new class of special use permit use known as "Residential Development Use."<sup>19</sup> That use classification required anyone proposing to subdivide land to obtain a special permit from the Town Board prior to the issuance of any building permit, special permit from the Board of Appeals, subdivision approval,<sup>20</sup> or site plan approval by

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<sup>15</sup>*Jenad, Inc. v. Village of Scarsdale*, 218 N.E.2d 673 (N.Y. 1966).

<sup>16</sup>For example, a family home with a \$25,000 market value might have been assessed \$485 in taxes in 1960 – but by 1968, since the Town population had increased by 90 percent, the family in the same home would be obliged to pay approximately \$1,128 in taxes.

<sup>17</sup>The interim ordinance was challenged in *Rubin v. McAlevey*, 282 N.Y.S.2d 564 (Sup. Ct. 1967) aff'd 288 N.Y.S.2d 519 (A.D. 2d Dept. 1968).

<sup>18</sup>RAMAPO, N.Y. , ZONING ORDINANCE §46-13.1(A)(1)-(4) (1970). Many of these purposes were taken from Henry Fagin's early work on timing and sequencing. Fagin, *supra* note 3, at 299.

<sup>19</sup>*Id.* at § 46-13.1(B)(1)-(2).

<sup>20</sup>The tying of subdivision control to a conditional use zoning permit was a perfect instrument to control growth by using the powers of both techniques. As the Court of Appeals noted:

Of course, zoning historically has assumed the development of individual plats and has proven characteristically ineffective in treating with the problems

such facilities were to be made available at some time within eighteen years.<sup>24</sup>

Second, a developer could advance the authorization date by agreeing to provide such improvements as would bring the proposed development within the number of development points required for special permit issuance.<sup>25</sup> This could require the developer to make improvements to, or construct off-site drainage or on-site recreation facilities, or make improvements to off-site roads with curbs and sidewalks. If a developer wished to make use of this option, the developer was required to post a cash deposit or surety bond sufficient to cover the proposed improvement's cost.<sup>26</sup>

Third, if development authorization was denied, the developer could apply for a variance.<sup>27</sup> If, after a public hearing, the Board determined that such variance was consistent with the Town's comprehensive plan, the Board was empowered to grant the variance. A report, examining the ordinance as it was implemented, found that the Board almost always granted variances for one lot, those for two lots were usually granted, while those for three or more lots were usually denied.<sup>28</sup> The plan's best, and probably most innovative remedial provision, was that within one year from the grant of the vested approval, the developer could appeal to the Town's Development Easement Acquisition Commission (DEACOM) for a reduction in assessed land valuation if that valuation was affected by the land's temporary restriction or use.<sup>29</sup> The Commission, consisting of seven members, was created in 1967 for the purpose of maintaining land as open space, to control the Town's development rate, and to enhance natural and scenic resources conservation. The law which created the Commission provided that, with the Town and property owners' consent, the Town could acquire a developmental property easement for a period of not less than five years. When this occurred, the

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<sup>24</sup>The entire issue of the assumption of "the town's good faith [and] . . . its assiduous adherence to the program's scheduled implementation" *Golden, supra* note 20. See S. Mark White, *Adequate Public Facilities Ordinances and Transportation Management*, PLANNING ADVISORY SERVICE REPORT NUMBER 465, at 16 (APA 1996) ("Second, noncompliance by the facility or service provider could result in a de facto moratorium on development. The Ramapo ordinance was defended successfully because the city was able to demonstrate through an adopted CIP, when those facilities would be provided. Courts may invalidate development permit denials based on infrastructure or facility inadequacies if the local government cannot demonstrate when those services will be provided).

<sup>25</sup>RAMAPO ZONING ORDINANCE, *supra* note 18, at § 46-13.1(E)(1)(b).

<sup>26</sup>*Id.*

<sup>27</sup>*Id.* at § 46-13.1(F)(1)-(3).

<sup>28</sup>Manuel S. Emanuel, *Ramapo's Managed Growth Program: A Close Look at Ramapo After Five Years Experience*, 4 PLANNER'S NOTEBOOK 1, 6 (Oct. 1974).

<sup>29</sup>RAMAPO, N.Y., DEVELOPMENT EASEMENT ACQUISITION LAW (1967).

Since the Ramapo plan's success, several other regional, state, and county development plans have followed Ramapo's lead and have tied timing and sequential development to capital improvements. One of the first areas to incorporate Ramapo's pioneering innovation was the Minneapolis/St. Paul metro-region. Here, the linking of growth management techniques to particular geographic and functional areas with common problems and goals was implemented.<sup>35</sup>

#### **A. Minneapolis/St. Paul Metro-Region**

The Metropolitan Area<sup>36</sup> covers a seven-county area that centers on Minneapolis and St. Paul. The region covers 3,000 square miles, has a population of 2.35 million people, and encompasses 189 cities/towns and seven counties.<sup>37</sup> The Twin Cities metro area is the 16th largest metro area in the United States.<sup>38</sup>

In the 1960s, the Minnesota legislature created a metro governance system, which included a Metropolitan Council and five metropolitan agencies,<sup>39</sup> "to ensure the delivery of regional services in an economical, efficient and accountable manner."<sup>40</sup> The Council was intended to be a policy-setting body, not an operating agency and its members were to be appointed by the governor.<sup>41</sup> The Council's authority has broadened since to include direct service operations.<sup>42</sup>

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<sup>35</sup>DAVID L. CALLIES & ROBERT H. FREILICH, *CASES AND MATERIALS ON LAND USE*, 836 (1986).

<sup>36</sup>MINN. STAT. ANN. § 473.121 subd. 2 (West Supp. 1994) (The Metro Area is defined by statute as the region encompassing the counties of Anoka, Carver, Dakota and portions of Hennepin, Ramsey, Scott and Washington counties).

<sup>37</sup>THE METROPOLITAN COUNCIL, *DRAFT REGIONAL BLUEPRINT: TWIN CITIES METROPOLITAN AREA*, 5 (1994).

<sup>38</sup>METROPOLITAN COUNCIL, *KEEPING THE TWIN CITIES VITAL: THE TWIN CITIES COMPARED WITH OTHER METRO AREA*, 1-2 (1994).

<sup>39</sup>There are six metropolitan agencies; the Metropolitan Parks and Open Space Commission, the Regional Transit Board and its operating subsidiary, the Metropolitan Transit Commission, the Metropolitan Waste Control Commission, the Metropolitan Airports Commission, and the Metropolitan Sports Facilities Commission. MINN. STAT. ANN. § 473.121 subd. 5a (West 1991 & Supp. 1994).

<sup>40</sup>THE METROPOLITAN COUNCIL, *METROPOLITAN DEVELOPMENT AND INVESTMENT FRAMEWORK*, (Sept. 1986, amended Dec. 1991).

<sup>41</sup>*Id.* at § 473.123 subd. 3, subd. 4 (1991 & Supp. 1994). There are 17 council members, 16 are representatives from each legislative defined district in the metro area and the 17th member is the chair of the Council. All members appointed by the governor with the advise and consent of the senate required.

<sup>42</sup>ARTHUR NAFTALIN, *MAKING ONE COMMUNITY OUT OF MANY: PERSPECTIVES ON THE METROPOLITAN COUNCIL OF THE TWIN CITIES AREA*, 11-14 (1986).

Following the Act's passage, every local government within the metro area was required to prepare and submit a comprehensive plan to the Metropolitan Council for review and comment.<sup>48</sup> The local comprehensive plans were required to include land use and public facilities plans as well as an implementation program.<sup>49</sup> The local plans were also, when appropriate, to designate five year urbanization areas with specifications for capital improvement program timing and phasing within the urban areas.<sup>50</sup> The Council's powers were similar to a regional planning commission's powers,<sup>51</sup> and like a regional planning commission, its powers were basically restricted to review and recommendation.<sup>52</sup> Therefore, although the Commission could establish goals to control growth, its power to implement its goals was constrained.<sup>53</sup>

The Council's main growth redistribution tool was a tier system similar to that which was used in the Ramapo Plan. The Council published a physical development framework proposing a regional managed growth policy based upon timing and sequential controls and incorporating maximal local government involvement and decision making.<sup>54</sup> The Physical Development Framework Policy began by dividing the metro-region into five separate planning areas: Planning Area I, consisting of the Minneapolis/St. Paul downtown metro areas; Planning Area II, the central area and older suburban areas; Planning Area III, the active urbanization area's; Planning Area IV, the rural areas, and Planning Area V, free-standing new towns and cities within the rural area. Specific objectives were set for each planning area, and the Council suggested how development and redevelopment should be carried out in each area consistent with these objectives.

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metropolitan public facilities, . . . and for state and federal public facilities to the extent known." In addition the council was to include population, employment and housing projections used for metropolitan planning).

<sup>48</sup>*Id.* at § 473.858. Broad interim development authority was given to communities by the Minnesota Supreme Court in transitioning their ordinances to the new framework. *Almquist v. Town of Marshan*, 245 N.W. 2d 819 (Minn. 1976)

<sup>49</sup>MINN. STAT. ANN., *supra* note 45, at § 473.859 (The land use plan had to have a protection element and a housing element. The public facilities plan was required to include a transportation plan, a sewer policy plan, a parks and open space plan, and a water supply plan.)

<sup>50</sup>*Id.* at § 473.859 subd. 5.

<sup>51</sup>*Id.*

<sup>52</sup>Freilich & Ragsdale, *supra* note 44, at 1022.

<sup>53</sup>Freilich & Ragsdale, *supra* note 44, at 1022.

<sup>54</sup>Freilich & Ragsdale, *supra* note 44, at 1016.

stimulate growth in the central city and vacant areas in the urban service area.<sup>55</sup>

The City of San Diego wanted to capitalize on this result through developing a plan that called for land development policies guiding new growth to be oriented toward discouraging leapfrog suburban development and to encourage infill and redevelopment in established employment and service centers.<sup>56</sup> This alternative was not designed to change residential development's type but to re-direct where the new development would occur.<sup>57</sup> San Diego incorporated three major areas (exclusive of environmentally sensitive zones) for which separate objectives and techniques were utilized: Urbanized Areas, Planned Urbanizing Areas, and Future Urbanizing Areas. This tier system was designed to create urban infill by transferring a greater proportion of new growth to the Urbanized Area.

The San Diego Progress Guide and General Plan defined the Urbanized Area as the central portion of San Diego and the city's remaining older sections. This area was divided into the central area, which included Downtown, the area designed to be the focus of metropolitan San Diego with land use and transportation patterns expected to emphasize its function as a regional center, and the remaining older communities, which were expected to become more diverse in land use, emphasizing activity nodes in older communities. The central area objectives focused on attracting the most intensive and varied land uses, including office-administrative, financial, residential, and entertainment. The objectives for the remaining older communities stressed conservation of social-environmental characteristics and deteriorating neighborhoods' rehabilitation.

The Planned Urbanizing Area consisted of the newly developing communities with the objective of supporting additional public investment necessary to complete development and allow communities already served by capital facilities to grow. Land was to be opened for urbanization in a staged, contiguous manner through orderly public facilities extension and the housing provision for a variety of income levels. Facility provision was designed to coincide with development. Criteria for evaluating development in this area included a determination of water supply, water distribution systems, and sewer system capacity.

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<sup>55</sup>CALLIES & FREILICH, *supra* note 35, at 838.

<sup>56</sup>PROGRESS GUIDE AND GENERAL PLAN, CITY OF SAN DIEGO, CALIFORNIA 25 (1989).

<sup>57</sup>*Id.* Note that the State of Florida has adopted such a statewide policy, see *Eastward Ho! Revitalizing South Florida's Urban Core* (Governor's Commission for a Sustainable South Florida, DCA 1996).



sensitive areas.<sup>66</sup> In response to these issues, the state legislature adopted a comprehensive growth management enabling act.

The Washington growth management system involved all levels of government. The state mandated planning by some cities and counties and certain multi-county areas.<sup>67</sup> These areas were required to adopt countywide planning policies which served as the framework for the county and city comprehensive plans. The state mandated specific elements in the city and county comprehensive plans.<sup>68</sup> All counties were required to adopt development regulations that protect critical areas.<sup>69</sup> The Growth Management Act outlined consistency requirements for planning including: (1) city and county plans must be consistent with state goals; (2) city and county plans must be internally consistent; and (3) city and county plans must be consistent with neighboring city and county plans.<sup>70</sup> Counties that were required to plan were also required to delineate twenty year urban growth areas (UGA).<sup>71</sup> The legislation also required transportation concurrency, a policy which requires the cities or counties to identify funding for transportation facilities, transportation facility deficits, and the future needs on a ten-year timeframe.<sup>72</sup>

The Washington system provides for a unique combination of urban growth boundaries and concurrency management of transportation facilities. The growth management system requires local governments to adopt and

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<sup>66</sup>Larry G. Smith, *Planning for Growth, Washington Style*, in STATE & REGIONAL COMPREHENSIVE PLANNING: IMPLEMENTING NEW METHODS FOR GROWTH MANAGEMENT 138 (Buchsbbaum & Smith, eds., 1993); JOHN M. DEGROVE & DEBORAH A. MINNESS, *THE NEW FRONTIER FOR LAND POLICY: PLANNING & GROWTH MANAGEMENT IN THE STATES*, 121 (1992).

<sup>67</sup>*Id.* at § 36.70A.040 (1991 & Supp. 1996) (describing two categories of counties which are mandated to adopt comprehensive land use plans and development regulations and are also required to adopt county-wide planning policies. Category 1 includes counties with a population of 50,000 or more and characterized by population increases of more than 10% in the prior 10 years. All cities located within these counties must adopt comprehensive plans. Category 2 includes counties which experienced population increases of more than 20% in the prior 10 years. All cities located within these counties must adopt comprehensive plans.)

<sup>68</sup>*Id.* at § 36.70A.070 (mandating elements including land use, housing, capital facilities, and transportation. County plans must also contain a rural element.)

<sup>69</sup>*Id.* at § 36.70A.060(2); Smith, *supra* note 66, at 145.

<sup>70</sup>WASH. REV. STAT. §§ 36.70A.070, 36.70A.100, 36.77.010, 36.81.121, 35.58.279 (other consistency requirements are, state agency actions which relate to public facilities must be consistent with city and county plans & the transportation element in plans must be consistent with the land use element and consistent with the six year transportation plans of neighboring cities, counties, and multi-county areas.)

<sup>71</sup>*Id.* at § 36.70A.110; Smith, *supra* note 66, at 124.

<sup>72</sup>*Id.* at §§ 36.70A.020(12), 36.70A.070(6); DEGROVE & MINNESS, *supra* note 66, at 124.

than previous techniques. Florida, like Washington, mandates concurrency as part of its comprehensive planning and regulatory process.

### **C. Florida's Concurrency Experiment**

Florida experienced "major growth surges" in the 1960s,<sup>78</sup> but the concerns of unplanned growth did not surface until there was widespread wetlands destruction and drinking water supply contamination in the mid-1960s.<sup>79</sup> Several concerns lead to the adoption of a Florida State Plan. The predominant issues identified were natural resources and sensitive areas protection and problems with adequate public facilities provision.<sup>80</sup>

In the 1970s the Florida Legislature passed several laws to protect natural resources,<sup>81</sup> to mandate local comprehensive planning,<sup>82</sup> and to begin working toward the goal of a state comprehensive plan.<sup>83</sup> While the State Comprehensive Planning Act was passed in the 1970s,<sup>84</sup> the Florida State Plan was not passed until 1985.<sup>85</sup> In 1993, after several years of experience with the system, the state enacted major reforms to fine tune and modify their growth management system.

The State Plan mandates local comprehensive planning,<sup>86</sup> local plan consistency with the regional and state plans,<sup>87</sup> county membership in a Regional Planning Council,<sup>88</sup> and adequate public facilities provision concurrent with development.<sup>89</sup> In addition to requiring local comprehensive

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<sup>78</sup>In 1960 the population of Florida was 4.5 million, by 1970 it was 6.8 million, by 1980 it grew to 9.5 million and in 1990 it was 12.9 million. See DEGROVE & MINESS, *supra* note 66.

<sup>79</sup>DEGROVE & MINESS, *supra* note 66, at 8 (An end to "Florida's love affair with growth" occurred as people began feeling the negative impacts of unplanned growth).

<sup>80</sup>DEGROVE & MINESS, *supra* note 66, at 14.

<sup>81</sup>The Environmental Land And Water Management Act of 1972, FLA. STAT. ch. 380, the Water Resources Act, FLA. STAT. ch. 373, and the Land Conservation Act, FLA. STAT. ch. 259.

<sup>82</sup>FLA. STAT. ch. 163 (1990).

<sup>83</sup>The State Comprehensive Planning Act, FLA. STAT. ch. 23 (1990).

<sup>84</sup>*Id.*

<sup>85</sup>FLA. STAT. ANN. ch. 187 (West 1987 & Supp. 1996).

<sup>86</sup>*Id.* at § 163.3167(2) (West 1990).

<sup>87</sup>*Id.* at § 163.3177 (West 1990).

<sup>88</sup>*Id.* at § 186.504(2)(a).

<sup>89</sup>*Id.* at § 163.3202(2)(g); Thomas G. Pelham, *The Florida Experience: Creating a State, Regional and Local Comprehensive Planning Process*, in STATE & REGIONAL COMPREHENSIVE PLANNING: IMPLEMENTING NEW METHODS FOR GROWTH MANAGEMENT, 102,107,109,110 (Buchsbaum & Smith, eds., 1993).

a development of regional impact. Such regional issues shall be consistent with any state statutes, rules, or policies that specifically relate to or govern a regional issue or criteria adopted for development-of-regional-impact reviews. All regional issues and criteria shall be included in the comprehensive regional policy plan adopted by rule pursuant to s. 186.508.<sup>96</sup>

The Regional Planning Councils review local plans for consistency with the regional plan<sup>97</sup> and a State Land Plan Agency reviews local and regional plans for consistency with the State Plan.<sup>98</sup> The Legislature adjusted the RPC's role in the growth management system through the 1993 Act. The RPCs are now prohibited from establishing binding LOS standards for local governments,<sup>99</sup> may no longer appeal DRI development orders,<sup>100</sup> and are now directed to focus their efforts on regional rather than local resources and facilities.<sup>101</sup> RPCs are also required to address regional natural resources by specific geographic location rather than by type, such as "wetlands."<sup>102</sup> The 1993 Act states that RPCs are to serve in a planning role rather than in a regulatory role.<sup>103</sup>

The predominant growth management techniques used through the Florida State Plan include concurrency management for adequate public facilities provision, impact analysis for development with regional impact, and projects proposed in critical concern areas. Concurrency management for adequate public facilities provision is a growth management technique, which, in Florida, requires that the local government adopt land regulations which contain provisions to implement their comprehensive plan and shall:

provide that public facilities and services meet or exceed the standards established in the capital improvements element . . . and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to

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<sup>96</sup>*Id.* at § 186.507(1).

<sup>97</sup>*Id.* at § 163.3184(4), 163.3184(5).

<sup>98</sup>*Id.* at § 163.3184 (2), (6) (the state land plan agency is the Department of Community Affairs); see *Id.* at § 163.3164(19).

<sup>99</sup>*Id.* at § 186.507(14).

<sup>100</sup>*Id.* at § 380.07(2).

<sup>101</sup>*Id.* at § 186.507(2).

<sup>102</sup>*Id.* at § 186.507(3), (11).

<sup>103</sup>*Id.* at § 186.507(13).

growth management are purpose and flexibility. Growth management works best when it is designed to address an existing or anticipated local problem. The problem is identified and defined through the comprehensive planning process. In most cases, local governments face one of the five major crises that exist nationwide: (1) urban abandonment in central cities and first ring suburbs, (2) environmental degradation, (3) inefficient and energy corruptive sprawl development; (4) fiscal strain linked with huge infrastructure deficiencies, and (5) loss of agricultural land and open space.<sup>109</sup> The Ramapo plan has become a nationwide model because of its focus, its flexibility and its ease of use. Future generations of growth management plans can build on this model to enhance and expand land use planning into the next millennium. Ramapo assures that the growth fringe can be organized through timing and sequencing into a planned urbanizing sector. Whether this is through an urban growth boundary line, transportation corridors, development centers or new urbanism traditional town sites, sprawl can be defeated, older central cities and first ring suburbs can be revitalized, the environment protected and economic development accelerated. The principles of timing and sequencing must be extended to metropolitan, regional, state and national thinking.

Exactly twenty-five years ago I wrote the following words. They ring absolutely as true today as they did before.

The United States has traditionally been thought of as a place of seemingly limitless land and resources. However, this abundance is rapidly disappearing because of the extraordinary loss of rural and agricultural land to the encroachment of urban sprawl. The conversion of non-urban land is producing many serious effects including diminishment of domestic and export food capacity, destruction of rural and open space environments, stimulating wasteful expenditure of suburban capital improvements with concomitant high tax rates, and increased energy and utilization cost.<sup>110</sup>

The difference, however, is that state after state (Florida, Washington, Vermont, Georgia, Nevada, Minnesota) have begun to take up this quest and major new thinking of anti-sprawl mechanisms, infrastructure-deficiency, financing, balanced budgets, agricultural preservation have begun to seep upward into federal programs and downward to regions and localities.

We know so much more about the techniques of dealing with our land use problems and opportunities than we have ever known before. What we

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<sup>109</sup>Callies & Freilich, *supra* note 35, at 838.

<sup>110</sup>Callies & Freilich, *supra* note 35, at 795.