

ABSTRACT

Title of Document: GROWING EXPECTATIONS:
UNDERSTANDING THE POLITICS OF
SMART GROWTH IN THE AMERICAN
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When asked what is on the minds of voters during the previous two national election cycles, many citizens responded unfavorably to air pollution, traffic congestion, and inadequate access to public facilities, parks and recreation. They specifically blame the lack of open space as the basis of their discontent. What voters are concerned about is sprawl—a condition in which development is too widely spread throughout a limited geographical area. This kind of random, unplanned development creates negative externalities on the infrastructure of cities, suburbs, and some rural areas, but also leads to environmental hazards like smog and stormwater runoff.

Smart Growth initiatives seek to remove the barriers to homeownership, public services, and job opportunities by providing access to valuable land resources in suburban and urban centers. Twenty states have implemented Smart Growth policies. As other states continue to grapple with ways to address sprawl, many of

them have begun to experiment with similar strategies, such as urban growth boundaries, limitations on exclusionary zoning, and the imposition of impact or development fees to stave off encroaching development.

The interesting question is under what conditions do states consider instituting these innovative approaches to address society's most pressing problems? And this dissertation specifically asks: Under what conditions will states adopt a Smart Growth strategy to address urban sprawl? Based on my research, I concluded that the political determinants of public policy matter more than economic considerations, such as the health of the state economy. In other words, a state with an influential governor and strong constitutional powers or a professional legislature is more likely to pursue and adopt Smart Growth, even when accounting for economic conditions. More important, Smart Growth appears to have an ideological dimension: politically liberal states were more likely to adopt Smart Growth than conservative ones. And although some in the Smart Growth community are aware of the growing conservative sentiment around the country today, in many instances they were able to convince both Republicans and Democrats to embrace the Smart Growth approach to growth management.

**GROWING EXPECTATIONS: UNDERSTANDING THE POLITICS OF
SMART GROWTH IN THE AMERICAN STATES.**

By

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Chapter 1: The Politics of Land Use in America
From the Founding to Smart Growth

A growing chorus of advocates is rallying behind states and local governments to push for comprehensive land use reforms. These constituencies—mostly from the urban planning, environmental and farming communities—are calling for progressive programs to combat urban and suburban sprawl. A new, more innovative approach to governance is being touted with states and metropolitan governments assuming the lead. Their objective is to overcome the structural impediments to successful implementation of growth management policies. They view local government fragmentation and lack of coordinated efforts as reasons for the inability to respond effectively to the regional impact of sprawl.

Smart Growth is one policy alternative that has received nationwide attention at all levels of government. In the most general sense, Smart Growth is defined as a growth management policy that addresses sprawl by directing land development away from metropolitan areas that experience accelerated growth and redirecting those infrastructural resources to depressed urban and suburban neighborhoods. Smart Growth policies have three main characteristics: they involve a comprehensive approach to land use planning; they *may* impose some degree of regulatory barriers that dictate how and where real estate development can take place; and, they generally involve an enhanced responsibility for the state in growth management practices. There are currently at least a dozen states that have passed Smart Growth programs as an alternative policy solution to sprawl. However, a number of states have rejected Smart Growth due, in large part, to political disagreements related to governance. In this dissertation, I will explore the state-level response to urban

sprawl, looking to Smart Growth as a policy alternative. Specifically it asks: *Under what conditions are states most likely to adopt innovative, comprehensive growth management reforms, such as Smart Growth?* The primary argument is that politics matters. Reform cannot proceed without the influence of these political agents: an influential governor; a professional state legislature that is committed to passing reform legislation; the influence of grassroots and interest groups; and, a political ideology that supports an active role for the state in land use decision making.

Both quantitative analysis and case studies highlight the political conditions that ultimately affect policy outcomes. Controlling for socioeconomic conditions, I argue that political factors are powerful determinants of public policies. Using a probit procedure, I will predict the impact of these political variables on Smart Growth adoption. To supplement this analysis, I have selected two states to ascertain the degree to which they have relied on Smart Growth strategies to address housing deficiencies, disinvestments in cities, and other sprawl-related problems. One state, Maryland, has a Smart Growth program that is considered by many in the planning community as the poster child for responsible growth management practices. The other state that I have chosen—Virginia—does not have a Smart Growth program at the state level. Follow-up interviews will also be undertaken.

Before proceeding, there are issues beyond the scope of this dissertation that will not be addressed. First, I will not make normative judgments about the merits, desirability, or necessity of Smart Growth. Rather, I acknowledge that Smart Growth has gained widespread attention—acclaim in some circles, disdain in others—and is a topic of great political debate. This research will also not concern itself with

understanding the nature of sprawl or devote too much attention on sprawl's negative versus positive impacts. However, I submit that sprawl has imposed considerable economic and social costs on society as a whole. Finally, I realize that Smart Growth is controversial, in part, because some supporters call for a state-centered approach to land use policy, a power that has historically been in the hands of local governments. While I do not challenge this assumption, I also do not advocate for more centralized state control of growth management, nor will I argue for more localized land use planning. Smart Growth has been successful at both local and state levels, but this dissertation is concerned with Smart Growth implemented at the state rather than the local government. The objective is to explore the politics of Smart Growth at the state level and understand how differing points of view shape policy outcomes.

With this goal in mind, this chapter will be divided into four main sections. Section I will cover the historical, political, and cultural perspectives on land use in America. Section II will provide a narrative on the origin and evolution of the Smart Growth movement in the states and discuss stakeholder response to the Smart Growth agenda. Section III will provide a review of the literature on the land use planning and management, and Section IV will give a brief synopsis of each chapter including a brief description of the research design.

Section 1.1: *The History of Land Use Management in the U.S.*

Land as an American Concept

Land has always been viewed as a valuable commodity and landownership is an extension of American democratic ideals. Since the founding of our nation, land has also been the basis of social and political conflict. Private property ownership is a

symbolic representation of prosperity and social status. Development of land and its use in America was quite different than that in other industrialized societies. In this “Letters from an American Farmer,” Crevecoer observed that land in America was plentiful and could be easily manipulated through modern cultivation (Levy 1988).¹ In his treatise on American culture, Tocqueville echoed this sentiment and added that one of the most distinguishing characteristics of Western culture was the absence of a feudal system. Land was available to anyone who could afford it.²

Landownership as a liberal democratic value also presented a notable paradox because only wealthy, white males could own land. What is more, several states passed laws mandating that only property owners were allowed to vote in various local and statewide elections. Many early thinkers and activists who were committed to universal suffrage opposed state laws that barred individuals who did not own land from participating in the democratic process. In one of his earlier letters, John Adams writes:

“...power always follows property. This I believe to be as infallible a maxim in politics, as that action and reaction are equal, is in mechanics. Nay, I believe that we may advance one step farther, and affirm that the balance of power in a society accompanies the balance of property in land. The only possible way, then, of preserving the balance of power on the side of equal liberty and public virtue, is to make the acquisition of land easy to every member of society; to make a division of the land into small quantities, so that the multitude is possessed of the balance of real estate, the multitude will have the balance of power, and in that case the multitude

¹ *Political Thought in America: An Anthology, Second Edition*. Michael B. Levy (ed.). Prospect Heights, IL: Waveland Press.

² *Democracy in America*. 1969. J. P. Mayer, ed. New York: Doubleday.

will take care of the liberty, virtue, and interest of the multitude, in all acts of government.”³

Reformers created the National Reform Association to promote the rights of all to acquire and own land and not just privileged groups (Geisler, et al. 1984, 11). Farming groups, like the Grangers (Farming Alliance), populists and Free Soil party coalesced around the concept of land as a precious, valuable resource. Suspicious of wealthy corporate interests, railroads, and banks, these groups organized around farm aid principles, calling for more government subsidized loans to protect farmers and their land from encroachment. Of course, northern and southern politicians were divided on these issues. The cornerstone of the 1852 northern Democratic platform called for equal opportunity to own land and universal suffrage. Because agricultural land was essential to the South’s economy, slavery persisted, but the new Republican Party in 1856 pushed for reforms due to its opposition to slavery.

In the end, the reformers won and the historic Homestead Act of 1862 was passed under Abraham Lincoln, guaranteeing 160 acres of land would be available and tilted for private use. Anyone willing to live on the land for at least 5 years and improve it for crops and other agricultural uses could do so for a minimal fee. The act would benefit all who were interested in owning land, even new immigrants who sought land in the West.⁴ The Homestead Act was enthusiastically supported by Lincoln and after the war, newly freed slaves were promised 40 acres along the Georgia coast by John Eaton, Ulysses Grant’s Superintendent of Negro Affairs. Due

³ Ibid. p. 170

⁴ Benjamin, Hibbard. 1965. A History of Public Land Policies. New York: McMillian.

to the political leverage of big plantation southern farmers, this promise was never fulfilled (Geisler et al., 1984, 15).

Politics of Land Use and Growth Management

Disputes over land use date as far back as the Homestead Act of 1856. Homesteaders wanted to protect their land from encroaching big developers who also wanted a stake in new real estate of the west. Settlement of undeveloped land in all regions of the country was widespread and a growing concern for the environment and land preservation emerged as a result. In the late 19th century a new conservationist movement gained attention with presidential supporters like Theodore Roosevelt and Grover Cleveland. These presidents, along with land reformers, such as John Muir and John Wesley, pushed for the preservation of forest reserves, greenspace, and coastal lands (Geisler et al. 1984, 17). These reformers worked to pass the National Reclamation Act of 1902, probably among the first and most vigorous growth management laws of that time. The act regulated farmland, irrigation and waterways, stormwater drainage and management. Its stringent provisions protected about 1.6 million acres of western land (Ibid. 20). Even during that time, controversies arose over private property claims and governance issues. Opponents resented what they viewed as a top-down, intrusion of the land market. Large wealthy landowners and agricultural business monopolies attempted to find loopholes in the legislation and succeeded politically, while smallholder tenants and poor farmers relented. In an unlikely alliance, Democratic Socialists, religious leaders and populists called for more aggressive programs to assisted small farm holders and low-income families with securing credit to purchase land.

Section 1.2: Historical Origins of Smart Growth as a Political Construct

Smart Growth is a nebulous term and yet, it has become a mainstay in some state policymaking communities as an anecdote to rapid growth and sprawl. There is no single definition of Smart Growth, nor is there a simplistic Smart Growth formula. There are as many approaches to Smart Growth as there are states seeking it. As I will demonstrate, each approach is influenced by state planning systems, socioeconomic dynamics, and most importantly, political climate. But in the most general sense, Smart Growth has come to be viewed as a set of public policies that are designed to help a fast-growing, sprawling urban, suburban or metropolitan area cope with its expanding populace while attempting to make more efficient uses of land development. According to supporters, Smart Growth seeks to address sprawl-related problems by slowing growth in outer-ring or rural areas. Smart Growth advocates have developed a set of policy elements in response to interrelated conditions that they believe sprawl has caused that affect the lives of everyday citizens, such as traffic congestion, and lack of affordable housing. What supporters seem to agree on is that Smart Growth has the purpose of limiting outward expansion of development where sprawl or low-density development is rampant (Downs 2001, Knaap 2002). They also agree that any Smart Growth policy should have the goal of preserving large amounts of open space, farmland and natural resources. Third, any development that is “smart” should be in the form of mixed land use or densities and should offer citizens a wide variety of amenities that are easily accessible (e.g., parks, town centers, biking trails).

At the same time, Smart Growth programs must encourage a variety of transportation choices and lessen dependence on automobiles. Perhaps the most controversial of these claims is that the costs of infrastructure projects that create sprawl should be placed on developers who build in sprawling areas rather than widely dispersed among the citizens. The implication is that governments ought to pass Smart Growth policies that impose some form of regulatory barrier against real estate developers. Thus, in the politics of Smart Growth, there are two camps: on one side are the anti-growth or slow-growth constituencies who support most Smart Growth proposals. These constituencies primarily consist of environmentalists, urban planners, some farming groups, and in some cases, suburban residents who have expressed discontent with sprawl-related traffic congestion. On the other side of the debate are pro-growth and most real estate developer communities who are suspicious of Smart Growth proposals that impose some form of restriction against land use practices.

Section 1.3: The Emerging Smart Growth Movement in the American States

State land-use planning dates as far back as the 1920's when then-Secretary of Commerce, Herbert Hoover, spearheaded the enactment of the landmark *Standard City Planning Enabling Act and Standard Zoning Enabling Acts* (Levin et al. 1974, 9; APA 2002, 7). These acts had the primary purpose of protecting private property at the local level. The prevailing notion was that local governments should be the primary decision makers when it came to land use management, states were to assume a less central role in the planning process, while local governments remained

responsible for enforcing zoning ordinances. Prior to this historic legislation, states attempted to preempt the zoning powers of the local governments. The argument for centralized control was that local government and municipalities were ineffective at controlling growth because of weak city and county governments. Therefore, states issued three main objectives for state intervention in land-use control. First, states would make an effort to establish regulatory statutes that would establish clearly defined objectives and administrative roles for statewide comprehensive planning.

Next, land-use decisions should be value-free and fair; that is, planning should not have discriminatory effects or induce controversy. Finally, once regulations are established, the land will regulate itself unless there is a need for further regulatory controls.⁵ In 1925, states began to implement planning strategies, especially in New Jersey, Vermont, and Wisconsin (Linowes et al. 1975, 24). In 1934, 36 states establish planning boards, commissions and other minor regulatory agencies; and in 1936, all states except Delaware established full-time, specialized state planning agencies.⁶

Before the enabling acts, state planning agencies were central forces in the initial planning movement. They had close ties to the governor, legislative committees, and interest groups. In most states, the governor appoints heads of the planning commission and controls the budget. State assemblies provide the legislative mandate and could delegate specific administrative tasks to various agencies. Interest groups were especially equipped with specialized information about how the planning

⁵ *Ibid.* p. 11.

⁶ *Ibid.* p. 24.

and zoning process works. By and large, however, states failed to achieve their regulatory objectives under the enabling acts because local government claims to autonomy and home-rule factors. Comprehensive planning, as dictated by the states, was unpopular and there was disagreement as to the jurisdictional responsibilities of local regulatory agencies. In addition, localities were more concerned with increasing their tax base and attempts to incorporate land-use controls were futile, especially if no financial incentive (or penalty) was in place to encourage them to comply. They feared that publicly owned land would depress land values and discourage potential industries from investing in their economy. By the end of the 1930's, all attempts at comprehensive planning failed, specifically due to the prevailing emphasis on economic development at the local level. In the end, most planning functions devolved to the local, municipal and regional governments, especially in the area of zoning.

In the 1940's and 1950's, urban revitalization movements took center stage as a response to the Depression and World War II. Post-war innovations in health and technology, along with the invention of the automobile, led to increasing urbanization of metropolitan and suburban areas, which in turn, led to the expansion of highways and mass transit systems. Investors were attracted and lured to the city, where the prospect of job creation and productivity were greatest. The focus turned to the national government and its relationship with local, urban areas. The federal government issued funding in the form of community development grants and a host of experiments were undertaken to tackle the ills of Urban America. These experiments were geared towards improvements in the areas of housing and

transportation. The U.S. Department of Housing and Urban Development and the Department of Transportation were created and efforts to preserve open space, improve transit system, provide affordable housing, and better public facilities were primary goals. States assumed little to no role in these efforts.⁷

Beginning in the late 1960's and 1970's, state level planning activities were still limited to just that—planning and nothing else, while local governments' primary responsibility was zoning. The federal government continued its presence by taking a direct regulatory role in enforcing clear air and water standards. However, few states, like Hawaii and Vermont, were successful at direct state planning and zoning responsibilities (APA 2000). By 1974, both Hawaii and Vermont, along with Maine, Florida and Oregon mapped out plans for state comprehensive land-use policies. Mapping and geographic systems were created to identify areas for growth management. And in that same year, Congress passed the Land-Use Planning Act of 1974, which provided grants to states to assist with planning efforts (Burchell et al. 2000; Linowes et al. 1975, Morehouse 1981).

Local governments became discontented and feared that there would be duplicative efforts by the states; that state preemption of local responsibilities were still undesired; jurisdictional concerns could produce confusion and conflict; and that states would be unable to effectively determine local government planning needs. Local governments had already established independent planning commissions that oversee the growth management process. The efforts by these independent agencies constitute a separate political enterprise from housing, transportation, and

⁷ Ibid. p. 27.

environmental administrative processes. But these entities also have a say in the area of land-use planning. How the state would deal with these complex jurisdictional issues was unclear. Hawaii was one of the few states in which state centralized control worked. The success of comprehensive planning in Hawaii was due to fragmented and weak local government enforcement or policing powers. What is more, there was no contention between interests, say, rural versus urban or public versus private ownership. Farmers were not a strong political force and private ownership was not widespread (Linowes et al. 1975, 53).

Meanwhile, as urbanization and metropolitan growth continued to rise, families relocated to outer-ring suburbs to escape the hustle and bustle of sprawling central cities. Cars made it easier for those who could afford them, to literally buy into the American Dream. That dream was not realized in congested, urban cities; it was a dream that could only be achieved in the safety of gated suburban communities. As socially mobile families continued to migrate outside the central city, businesses seeking a more propitious environment in which to operate followed. Development also leaped to the suburbs. The end results were urban areas that were stricken with poverty, homelessness and substandard schools. Suburban areas increasingly became congested with traffic, pedestrian-unfriendly, and compacted by clusters of shopping malls and office parks. Growth declined in urban centers and accelerated in suburbia, producing many unintended economic and social problems.

In the 1980's, states began to realize the problems related to sprawl spillover into other jurisdictions as a direct consequence of leapfrog or excessive outward development. Florida's 1985 historic land-use planning statutes were one of the first

attempts at reform of growth management at the state level. The emphasis of the Florida statutes was protection of open land from encroaching development, particularly along the coast and environmentally sensitive areas (APA 2002, 10). By the 1990's states saw the need for direct intervention or more centralized control.

Smart Growth Pre-History

In the 1990's Smart Growth was first conceived by the American Planning Association (APA), the U.S. Department of Housing and Urban Development (HUD), the Henry M. Jackson foundation and the Natural Resource Defense Council (NRDC), and the Surface Transnational Policy Project (STRP) (Burchell et al. 2000, 825). The first coalition, comprised of the APA, HUD, and the Jackson Foundation was charged with encouraging states to pass growth management laws that promoted fair and affordable housing, improved transportation systems and environmental protection. The other partnership between the NRDC and STRP produced a report that entailed a Smart Growth toolkit. This toolkit was a set of proposals that could be used to address each negative aspect of sprawl: traffic congestion, poor air and water quality inadequate or dilapidated housing and other building structures (called Brownfields), and so on (p. 826).

In 1997, Maryland was the first state to adopt Smart Growth. The cornerstone of its Smart Growth plan placed limitations on new development and instead, encouraged construction in state-designated areas. Other states followed suit—Rhode Island, Colorado, and the landmark New Jersey State Development and Redevelopment Program. In 1999, Smart Growth met with increased public attention

and awareness, interest, and major news magazine covered. The state of Pennsylvania was acknowledge for its leadership in Brownfield redevelopment; Georgia touted as a pioneer in the area of transportation, and President Clinton and Vice President Al Gore promoted their “Livable Agenda,” which highlighted various aspects of Smart Growth policies (p. 835). In this new, innovative approach to growth management, planning and not primarily zoning, was the primary focus. Planning centered on the New Urbanism concept. New Urbanism entails reducing sprawl by focusing on types of development in residential neighborhoods.⁸

Proponents of New Urbanism argue for more compact forms of development, such as town houses rather than detached, single-family homes, would preserve land. This approach is now modified to incorporate mixed-use with a variety of densities that do not only pertain to residential, but commercial development as well. In other words, housing and public amenities should be easily accessible and closely located. This “smarter” mode of growth management, they argue, would lessen the impact of sprawl by cutting down commute times, save energy by reducing the reliance on cars, encourage social interaction, and reduce air pollution—all while conserving valuable land resources. The initial focus on the New Urbanism dimension of Smart Growth led many to believe that Smart Growth was not really comprehensive or multi-faceted. Today, this is not the case. Most advocates agree that Smart Growth should focus on future challenges to sprawl. The objective is not to stop growth completely; the goals are to deter sprawl by making better use of existing infrastructure and to target future development to areas of greatest need.

⁸ Downs, Anthony. 2001. “What Does ‘Smart Growth’ Really Mean?” *Foresight* 8 (2): 1-5.

Section 1.4: Overview of Chapters

In Chapter 2, I introduce my theory of Smart Growth in the states and develop the argument that Smart Growth legislation is most likely to be adopted if a state has: an influential governor with strong constitutional powers, a professionalized state legislature, influential interest groups and other stakeholders with the capacity to shape public policy either directly or indirectly; and, most important, a political ideology that supports a more centralized role for the state government in the areas of land use and growth management. Absent from this list is the role of the political parties. As demonstrated by the findings of the statistical analysis in Chapter 3, I demonstrate that neither single-party control of the state legislature nor divided government has an impact on the likelihood that a state will pass or adopt a statewide Smart Growth policy.

For Chapter 3, I assess the relative importance of various factors accounting for Smart Growth passage in all 50 states. To accomplish this undertaking, I employ a probit procedure to predict the impact of various political factors on Smart Growth. The research question is: What factors account for the adoption of Smart Growth in the American States? The dependent variable is dichotomous and represents each state's decision to adopt or reject Smart Growth policies between 1998 and 2002. The variable is coded 1 if a state has enacted statewide, comprehensive Smart Growth and 0 otherwise. About 20 states have adopted and implemented a Smart Growth program.

Some states are pursuing Smart Growth at the local, regional and/or state level but have not fully implemented a statewide comprehensive program. These states are

coded 0. There are four political variables: (1) an index of the formal and informal powers of the governor; (2) an index that captures the degree of state legislative professionalism; (3) the influence and activity of interest groups measured in terms of campaign contributions from environmental and construction industries; and, (4) an updated measure of state ideology. There are two socioeconomic indicators included as controls: (1) an interaction term that incorporates state population density and the number of housing units per square mile and (2) the percentage of gross state product that consists of real estate development.

Based on the results of the analysis, political ideology and the urban sprawl indicator proved to have the greatest impact on the likelihood that a state adopts Smart Growth. Neither of the other two economic indicators performed well. The governor's formal authority to invoke the item veto was highly significant, as was the governor's ability to influence policy decision making informally—by being popular. In states with successful enactment of Smart Growth programs, a pattern emerges: the governor was instrumental in encouraging state agencies, regional and local governments to agree to and develop comprehensive land use management plans. In Maryland and New Jersey, both governors were dedicated to alleviating sprawl and were able to get Smart Growth legislation passed in their legislatures. Other state governors experienced considerable resistance. Former California governor, Gray Davis, grappled with various economic and environmental crises that crippled his leadership potential for some of his initial growth management priorities. In Florida, there were some successes with comprehensive growth plans, but also opponents proliferated in various industries. Based on my own preliminary background research

over the past year and a half, I have gathered additional anecdotal information on governors' response to sprawl and views on Smart Growth that will help develop a narrative of Smart Growth in each state.

Legislative professionalism also demonstrated significance; specifically, the number of days in session and having professional staff had a positive impact on whether or not a state adopted Smart Growth. I found no evidence that campaign contributions from the construction or developer industry mattered in terms of Smart Growth; however, there was an inverse relationship between contributions from environmental groups and Smart Growth: the less money they spent, the more likely Smart Growth will be adopted. Although this is contrary to what I had argued, I offered an alternative explanation and found evidence in support of my claims, which is discussed further in Chapters 4 and 5. Finally, party affiliation and party control had no impact on Smart Growth adoption. Smart Growth policies have been championed by both Democrats and Republicans. The results confirm this assertion, and the interviews with various government officials in the Maryland and Virginia agree that both party elites have campaigned on a Smart Growth agenda in recent elections.

Chapter 4 will focus on the state of Maryland where Smart Growth has taken center stage. The discussion starts by tracing the historical precedents of the Maryland Smart Growth law. Next, I reiterate the importance of various actors and stakeholders involved in the Smart Growth movement and how Smart Growth ultimately reflected a compromise between various opposing groups. To gain a better understanding of the politics of Smart Growth in the state of Maryland, I had

discussions with 32 actors either directly or indirectly involved in the Smart Growth movement. The respondents come from varied communities: the Glendening and Ehrlich administrations; state representatives, both Democratic and Republican, supporters and opponents of Smart Growth; members from Smart Growth advocacy groups; representatives from the Smart Growth counter-movement, pro-industry communities; and other, neutral observers.

I will demonstrate that the interviews support the central claims advanced in this dissertation; namely, that political ideology has an overwhelming impact on the chance that Smart Growth is successful in the state. A majority of the respondents chose the governor as having the most influence on public policy, followed by the state legislature, with interest groups rounding out the top three. A slowing economy, coupled with a more conservative political environment, has created somewhat of a backlash against Smart Growth since Republican Governor, Robert L. Ehrlich, has assumed leadership.

In Chapter 5, the discussion turns to a case study of the Smart Growth movement in the Commonwealth of Virginia. Virginia has no statewide Smart Growth program. This case study provides a contrasting narrative of Smart Growth and highlights the failure of Smart Growth advocates to convince the governor and state legislature to adopt a statewide, comprehensive policy. I engaged in conversations with 33 actors, many who were involved in efforts to push Smart Growth in the state. I also met with members of the counter-movement from the legislature and executive agencies, property rights and citizen organizations, and corporate entities. Again, I conclude that ideology has a major impact: Smart Growth

allied forces were successful in pushing for more local and regional Smart Growth efforts in the more progressive region of Northern Virginia. They were least successful in the conservative regions of the state, like those in Stafford and Williamsburg counties. But even in progressive, fast-growing Loudon County, Smart Growth enthusiasts face mounting challenges from property rights groups who have taken legal action against what they view as too strict regulations on building densities. The other major contrast between Smart Growth Maryland and Virginia is the role of the governor. In Virginia—unlike Maryland—the governor was least involved in the Smart Growth movement. Interest groups were vitally important and most influential in seeing their objectives met.

Finally, Chapter 6 wraps up the discussion of the politics of Smart Growth in the American states. The reader should realize that while the concept of Smart Growth is not new, the policy, as implemented has come to be viewed as an innovative approach to growth management. But Smart Growth is a very politically charged issue. The rewards that were won by Smart Growth advocates were achieved on the basis of the political skills and tactical resources used at their disposal in the state of Maryland: the influence of a resolute and powerful governor; an acquiescent and professional state legislature; and an underlying liberal ethos that prevailed during that time and helped Smart Growth to proceed without too much resistance. But today, Smart Growth appears to be in retreat. Setbacks have occurred, even in the state of Maryland and Oregon, as those states have experienced a more politically conservative climate with budget cuts in Smart Growth programs. Further, opponents contend that Smart Growth has not done much to alleviate the problems associated

with sprawl and the notorious traffic congestion experienced by Maryland commuters (Staley 2001).

In Virginia's Loudon County, where Smart Growth policies have taken root, the Virginia Supreme Court has thrown out the county's slow-growth zoning regulations, which has blocked home building in the nation's fastest-growing county, and a newly-elected board dismantled many of the growth-curbing statutes in 2003. Without these regulations, Smart Growth advocates worry that the court ruling will clear the way for more low-density developments in the sprawling region. In Oregon, the contentious Measure 37 ballot initiative passed by an overwhelming approval by voters in 2004. The measure states that state and local governments must compensate property owners when land use restrictions reduce the value of their property (Liberty 2004).

Finally, my theory of Smart Growth revisits the on the long standing debate between political scientists and economists on the determinants of public policy. This study does not discount the influence of socioeconomic conditions, but it does assert that political considerations matter more, particularly in the case of Smart Growth. Concerns about the state of the economy did not factor much in the politics of Smart Growth, and both the statistical analysis and the interviews bear this out. In other words, the economy had no impact on whether or not Smart Growth is adopted. In sum, this research reaffirms what we already know about the American states: they differ. States differ in terms of socioeconomic and political orientations. And since they differ, we see variations in terms of how policy decisions are rendered. The contrasting narratives on the Maryland and Virginia Smart Growth movement provide

compelling evidence to suggest that differences in state political systems have a significant impact on public policy outcomes.

APPENDIX

Chapter 1: The Politics of Land Use: From the Founding to Smart Growth

SMART GROWTH POLICY ELEMENTS	
Policy Element 1	Preserve Open Space (farmland, historical or cultural resources)
Policy Element 2	Environmental Protection/Conservation of Natural Resources (water, air, energy, wildlife, habitat, etc.)
Policy Element 3	Developing Infill Sites/Brownfield Redevelopment
Policy Element 4	New Urban Designs (pedestrian friendly architecture)
Policy Element 5	Include Citizens in Land-Use Decision making Ventures/Consensus-Building Strategies
Policy Element 6	Provision for Creating Widespread Affordable Housing
Policy Element 7	Encourage Regional Governing Solutions to Urban/Suburban Sprawl (e.g., tax-base revenue sharing)
Policy Element 8	Reduce Auto-Dependence by Increasing Emphasis on Mass Transit/Light Rail Systems
Policy Element 9	Promote Compact, High-Density or Mixed-Use Development
Policy Element 10	Create Fiscal Incentive Structure to Encourage Cooperation from Local/Regional Governments and Planning Organizations
Policy Element 11	Impose the Social Costs of New Development Onto Real Estate Developers (cost of new infrastructure, environmental, developer fees, impact fees, urban growth boundaries, etc.)

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APPENDIX

Chapter 1: The Politics of Land Use: From the Founding to Smart Growth

TABLE 1.1 THE CONTOURS OF SMART GROWTH STATES THAT PASSED COMPREHENSIVE GROWTH MANAGEMENT LEGISLATION, BY DECADE			
State	Decade	Title	Law
Florida	1972	Environmental Land Water Management Act	Fla. Stat. 380 et seq.
	1984-1985	Omnibus Growth Management Act	
	1998-1999	Criteria for land use plans, infill development	
Hawaii	1961	Hawaii Land Use Law	Hawaii Rev. Stats Ch. 205
	1978	Hawaii State Plan	Act 100
Oregon	1973	Land Conservation and Development Act	S.B. 100, Oregon Stats. 197
	1970	Environmental Control Act	Act 250, 10 Vermont Stats. 151
1988		Growth Management Act	Act 200, 24 Vermont Stats. 117
1990		Amendments to Ch. 117	Act 280
Maine	1988	Comprehensive Planning and Land Use Regulation Act	30 M.R.S.A. Sec. 4960
	1990	Growth Management Act	Sub. House Bill 2929
1991		Amendments to 1990 Growth Management Act	ReSHB 1025
New Jersey	1985	State Planning Act	NJSA 52-18A-196 et seq.
	1999	Smart Growth Planning Grants	
	2001	State Development and Redevelopment Plan	
Georgia	1989	Coordinated Planning Legislation	O.C.G.A. 50-8-1 et seq.
	1992	Amendments to Planning Law	
Rhode Island	1988	Comprehensive Planning and Land Use Regulation Act	Rhode Island General Laws, Ch. 45-22
	2000	Referenda on developer rights, open space	
Maryland	1992	Economic Growth, Resource Protection and Planning Act	
	1997	Smart Growth Areas Act	
	2001	Greenprint Program	H.B. 1379
Arizona	1998	Growing Smarter Act, transfer development rights act	S. 1238, Ch. 145
	2000	Growing Smarter Plus Act	
New Hampshire	2000	Smart Growth Bill	H.B. 1259
Pennsylvania	2000	Growth Area Legislation, transfer development rights	H.B. 14 (Act 67), S.B. 300 (Act 68)
Tennessee	1998	Growth Policy Law	Public Chapter 1101
Wisconsin	1999	Growth Management Law	A.B. 133
Delaware	2001	Comprehensive Plans and Annexation Law	H.B. 255
		Planning Coordination	S.B. 105
		Graduated Impact Fees	H.B. 235
		Reality Transfer Tax for Conservation Trust Fund	H.B. 192

Sources: APA 2002; Sellers 2003; Bollens 1992

Chapter 2: Towards a Coherent Theory of Smart Growth Adoption

Chapter 2 begins by outlining the theoretical debates surrounding the Smart Growth controversy. Both Smart Growth supporters and skeptics face an uphill battle in pushing for their respective goals. Nevertheless, there have been notable instances where stakeholders have come to mutual agreement on how Smart Growth policies are implemented in such a way that benefits all parties. Because this research highlights the importance of political factors, I discuss these factors in detail and why I believe they are most relevant in understanding the politics of Smart Growth. I conclude this discussion with a brief description of my research design, which will set the stage for the model that will be introduced in Chapter 3 and the quantitative analysis.

Section 2.1: Sprawl and Smart Growth: Making the Connection

Visit any major city or metropolitan area and one might come away with a number of perplexing observations. Smog and pollution have clouded the air so much that city skylines are barely recognizable. Older suburbs are left to decay due in large part to disinvestment, leapfrog development, and flight to newer, outer-ring suburbs and rural areas where land is cheap and plentiful. Suburban enclaves are demarcated gated communities that boast an impressive array of palatial single-family homes. Roads and highways are congested with bottle necked traffic as commuters scramble to get to and from their destination. Commuting times are costing citizens valuable time with their families. Overcrowded schools are becoming a major problem and a subject of ongoing debate. Available land that could be developed for community parks have been converted to mega shopping malls and retail centers. Meanwhile,

cities are crippled by the lack of desirable jobs and adequate housing. Some older suburban areas suffer from the loss of population and declining land values. All of these conditions are associated with a phenomenon called sprawl. Sprawl is defined as a pattern of land use that is characterized by randomly dispersed and low-density development. Typically viewed as a phenomenon endemic to urban areas, sprawl related problems also spillover into suburban, rural, and even cross-state jurisdictions. Voters are beginning to realize the social and economic costs of sprawl, and states are responding to those demands by putting forth an aggressive campaign that addresses sprawl. The strategy for addressing sprawl involves containing growth in areas where development has been excessive, and by redirecting valuable resources to areas of greatest need, particularly cities and older suburbs.

In recent years, the Smart Growth movement has been touted by a broad coalition of supporters as the preferred policy solution to sprawl. Voter discontent with sprawl has helped to propel Smart Growth to the top of the governmental agenda. And advocates have much to celebrate. Twenty states have either flirted with or fully adopted comprehensive growth management plans since 1997. The leading progenitors of the Smart Growth movement can thank the American public for the support at the polls. However, supporters also understand that they face mounting challenges. They must not only promote Smart Growth as an appropriate idea; they must also convince state lawmakers that Smart Growth is socially, economically, and politically feasible. Moreover, while the Smart Growth agenda continues to be debated, discussed and implemented by states across the country, there is also a growing and highly organized countermovement. The alternative perspective calls on

state—particularly local governments—to adopt and maintain market oriented solutions to sprawl rather than regulatory, top-down command and control methods.

It is my view that the politics of Smart Growth provides important implications for the study of state and local politics. My interest in Smart Growth has led me to explore more intently the nature of state and local relations. This relationship between states and their localities is a very special one. In the area of land-use regulation, that relationship can become more or less complex, depending on the constitutional directives and the structural arrangements that shape or constrain policymakers as they render decisions. In the case of Smart Growth, most of the implementation responsibility that was historically set aside for local governments is now centralized at the state level. State governments usually tend to set the agenda, the standards by which implementation must take place, and local governments are often required to comply with state objectives. Even in the case of California, which has decentralized land use regulation to local governments, each locality must present its plans for implementation to a state task force on Smart Growth for approval before those plans can be carried out (American Planning Association 2001). The states under examination provide an interesting and unique narrative on the politics of land use decision making.

A study of Smart Growth may also lead to some interesting questions for students of state and local politics to ponder. Smart Growth policies have been in effect for nearly seven years, so this research is somewhat limited. However, as more and more states consider and implement Smart Growth, researchers might want to consider various explanations for why the policy has diffused across the states over a

period of time. Another important consideration that Smart Growth lends itself to is the question of why the movement seems devoted to mobilization at the grassroots level, especially where parties appear to be less relevant than interest groups. Finally, a study of Smart Growth at the state level has relevant policy implications for representative democracy. In states across the country, legislatures are attempting to involve citizens in land use decision making by reintroducing the referendum and initiative process. As we shall see later on, California and Virginia, as well as many New England states, have witnessed a dramatic increase in ballot measures involving land use and growth management issues within the last decade or so.⁹

The politics of land use planning in the American states is certainly about who gets what, when, and definitely *where*. From the NIMBY (Not In My Backyard) movements that proliferated in the 1970's to present day discussions on Smart Growth, the dispute over growth management alternatives seems never ending. One point of contention that will be explored in this chapter is the disagreement regarding the appropriate level of governing in the area of land use decision making. Beginning in the Reagan era and taking root during the devolutionary period of the mid-1990's, states have assumed a greater role in economic development and land use planning. This responsibility was formerly centralized at the local level. But as we shall see, barriers to enact and implement state comprehensive land use policies, such as Smart Growth, really reflect deeply held beliefs about the proper role of government in the lives of American citizens. In addition, understanding the conditions under which

⁹ Myers and Puentes (2001).

Smart Growth is successful or not involves a theoretical exploration of the politics of regulation and which stakeholder groups will be impacted.

In order for states and their localities to thrive, they must compete with one another to lure corporate investment. A healthy industry can help increase the tax base or enhance the bond rating of a state or locality (Fowler 1988, Grady 1987). The level of regulatory control of the market may force corporate entities to reconsider where they locate. Real estate companies that wish to develop in an existing urban area that has already experienced accelerated growth may have to bear the costs of development or relocate to a suburban area where the benefits of deregulation far outweigh the costs. However, for the urban planning community and environmentalists, increased regulation can lead to social benefits like curbing traffic congestion and improving the infrastructure for better roads, highways and schools. In the end, there are trade-offs—between economic growth and addressing various social needs. For conservationists, the common good not only means protecting the environment but also preserving valuable land resources. This is the central premise in the controversy that surrounds Smart Growth. The dilemma involves whether or not sacrificing a public good—parks and recreation, for example—for economic development (e.g., building more retail centers that provide jobs for semi-skilled persons), is socially, economically, *and* politically feasible.

Some skeptics view Smart Growth as an attempt to hinder the market from functioning properly in a growing high-tech and global economy.¹⁰ They argue that Smart Growth fails to offer a coherent policy solution—that the reliance on a

¹⁰ See specifically, ALEC (2001) and Staley (2001a, 2001b).

comprehensive approach to sprawl promises too much, overburdens local governments, and does not allow the market to correct instances where accelerated growth has created negative externalities. On the other hand, advocates of Smart Growth argue that state involvement does not have to imply that growth is undesirable. On the contrary, they argue that Smart Growth can help strike a balance between pro-growth interests, conservationists, urban planners and other stakeholders. Advocates of the Smart Growth movement envision a policy that curtails growth, while at the same time, does not overburden corporate interests and creates desirable social benefits like clean air and water. In the end, a mutually beneficial outcome is achieved and all stakeholders in the process are winners.

If Smart Growth is successful, real estate developers and construction industries could argue that the deck is stacked against them if regulatory controls are enforced. Developers contend that stringent or even moderate forms of land restrictions, primarily developer fees, will hinder them from building new subdivisions or single family dwellings that consumers want, thus generating profit. Other opponents of Smart Growth are county governments, who appear to be leery of state intervention in local government affairs.¹¹ Since the landmark Enabling Acts of the 1920's, states granted planning and zoning powers to local governments, and for states like Maryland and Georgia, county governments assume the primary

¹¹ In my conversation with a high-ranking Maryland Department of Smart Growth official, the view that state government involvement in land use management is an intrusion on local, particularly county government responsibilities seemed widespread in the state of Maryland. County governments generally tended to agree with smart growth initiatives where they have a commanding role. In effect, they retain the powers of implementation, but state government would assume the responsibility of identifying areas where growth is needed, especially in underdeveloped edge cities. The state would also identify "smart code" areas where accelerated growth is taking place. In smart coded areas, development or construction of new residential or commercial establishments would be prohibited.

responsibility of implementing land use policies through enforcement of zoning ordinances (Morehouse 1981, DeGrove 1984). The final category of stakeholders opposed to Smart Growth is private property rights groups that have proliferated in recent years. These organizations are mostly comprised of neighborhood citizens who form NIMBY coalitions that are often opposed to “takings” from either local or federal government.¹²

The most likely supporters of Smart Growth are environmental groups, since they favor more state regulation of land to promote conservation; they are the likely winners in the politics of regulation. The state chapters of the Sierra Club and Friends of the Earth have led the charge against sprawl since the 1970’s and have continued their efforts against its impact on the environment. But conservation groups are not the only stakeholders who seek to gain an advantage in the Smart Growth debate. Many farming groups have emerged in recent years on the side of land use regulations. The Farmland Trust Preservation lists hundreds of groups that have seemed to unite around state Smart Growth initiatives. However, there are many populist farming groups that distrust government, and these groups are particularly active in the South and Midwest.¹³ They are particularly suspicious of the power of “eminent domain,” whereby government can seize rural land that is usually owned by private companies or individuals to other private entities. The land is generally prepared for private uses, commercial or residential housing. The implication is that

¹² “Takings” refer government seizure of private land for public purposes. The most common examples of takings are private property for recreation facilities or the creation of a historic preservation site.

¹³ See American Farmland Trust report, 1999, which can be downloaded from <http://www.farmland.org/>. Also see Samuel Staley (2000), “The ‘Vanishing Farmland’ Myth and the Smart Growth Agenda.” Report prepared by the Reason Public Policy Institute, January 2000.

government has created “shadow” partnerships with corporate interests for private gain. Eminent domain procedures have in fact taken place in southern communities like Covington, Georgia and many rural areas in Maryland.¹⁴

Section 2.2: *Conceptual Framework for Smart Growth in the American States*

The assertion that politics matters does not discount the influence of economics. A state’s overall fiscal health, as determined by the revenue it generates, will dictate the amount of funding for Smart Growth programs. However, it is more important to recognize that the key factors are power, resources, tactical skills and strategy that actors bring to bear on the political process. These actors are state governors, state legislators, political parties, non- and for-profit organizations and citizen action groups. Dimensions of the political process, such as political culture, ideology and public opinion, are also powerful influences on the political process. Yet the relative influence of these political variables greatly depends on contextual factors, such as electoral turnover in the state legislature or the dynamics of public opinion. Some states have political parties that are not as powerful as interest groups, some governors have weak formal powers and state legislatures are more active in setting the agenda and controlling the appropriations process than the executive. These contextual conditions make it more or less likely that Smart Growth adoption will occur at the state level.

¹⁴ For example, in April of 2000, the Maryland legislature passed a law, S.B. 509, authorizing the designation of a large area of Baltimore County (over 100 properties, including three apartment complexes) as a redevelopment zone. However, a citizen referendum was successful in overturning the measure by a wide margin in the November 2000 elections.

I argue that the success of Smart Growth adoption greatly depends on the characteristics of each state political system: the governor, state legislatures, the bureaucracy, courts, and state political culture. The executive branch—namely the governor and state agencies—along with state legislatures are the most visible political institutions in the politics of Smart Growth. In addition, there are additional players whose influence should not be discounted, namely interests groups. Without the vital influence of interest groups, Smart Growth would provide a rather dull and boring story. Absent from this list are political parties. I will demonstrate in forthcoming discussions that neither single-party control of the state legislature, inter-party competition, nor divided government will have an impact on the adoption of Smart Growth in the states.

Interest groups appear to exert considerable influence on the policy process in the states. They are becoming more visible in their lobbying activities (Reeves 1990, 85; Jewell 1982, 639) and have the necessary resources to achieve group objectives. In the Smart Growth movement, there are considerable cross pressures from ecology groups and business. Nevertheless, there is a widely held belief that economic interests are dominant forces in American state politics (Lindblom 1977, Peterson et al. 1987). Economic incentives are much more favored by state governments than environmental regulatory approaches because these policies encourage investment in state economies, especially when the goal is to generate jobs. Ringquist and Garand (1999) maintain that states and localities often provide generous financial incentives or rewards to corporate interests to offset regulations. There are notable instances where private groups have accepted some restrictions on where and how they develop

in exchange for various forms of financial incentives, such as tax credits for doing business in economically depressed urban areas.

Despite demands made by corporate entities to lower their regulatory burden, the presence and influence of conservation organizations continues to thrive. Environmental groups, such as state divisions of the Sierra Club and 1,000 Friends organizations are just as adept and are equally powerful lobbies as corporate interests in fundraising campaigns and raising citizen awareness about urban sprawl. However, just as there are some business groups that are not entirely opposed to regulations, there are also some environmental groups that are just as adamant that too many land restrictions could have unintended consequences. The Sierra Club's admonition that Smart Growth should not only be conservation-specific; rather, policies should also be fair and serve the interests of the disadvantaged or poor by encouraging affordable housing and promoting safe and decent neighborhoods. Too many growth regulations, they believe, could actually drive up the costs of construction, thereby making it difficult for urban residents to afford housing in the cities. This perspective differs from that of the Friends of the Earth, a single-issue organization whose platform is mostly devoted to conservation causes. Similarly, there are corporate interests—for instance, the Bank of America Corporation in Sacramento, California—that have created partnerships with conservation groups to encourage environmentally-friendly development projects in disadvantaged areas.

Policies that offset the costs of regulation by offering incentive-based programs are popular among many businesses and conservation groups alike, particularly the real estate and construction companies. This incentive-based approach

is exemplified as the hallmark of Maryland's Smart Growth program that was passed in 1997. By reducing some regulatory burden and focusing on mechanisms that both conservationists and pro-business can live with, proponents have designated Maryland as the "poster child" for Smart Growth. Across the state, road signs that proclaim "Smart Growth Begins Here" are viewed by many advocates as evidence of the state's commitment to the Smart Growth approach. Other states, like New Jersey, Oregon, Arizona and Colorado, look to the Maryland example as an experimental answer to sprawl-related problems.

Section 2.3: Intellectual Response from the Discipline

There are literally thousands of reports, anecdotes, articles, conference papers and books written about Smart Growth. It would be a rather daunting task to sift through it all and come away with a clear understanding of what Smart Growth is. The intellectual response to Smart Growth has been offered by urban planners, economists, and even sociologists. Even with the varied responses to Smart Growth, a recurrent theme is that politics matters. Smart Growth programs are passed by state legislatures and often result from the executive's power to set the agenda. Interest groups mobilize voters by raising consciousness about sprawl issues. They also bring forth information for state decision makers to consider during debates, testimony and hearings. Yes, the politics of Smart Growth is in full force, yet political scientists have been noticeably silent on the issue until very recently.

Political scientists who have written extensively on the subject point squarely to the importance political factors. Gerber (2001) observes that states have been most successful in passing Smart Growth initiatives when voters provide direct cues to

decision-makers and developers on land use plans that they support and oppose. Conservation groups and citizen action groups were central in negotiating with real estate contractors about where they wanted growth to occur. The most important implication is that elected officials do in fact listen to citizen demands and hold developers responsible for failing to adhere to those demands. However, concessions allow developers to construct new housing, commercial, and public goods in exchange for moderate regulations on construction in areas where traffic congestion is greatest (p. 24).

Borick (2001) takes an in-depth look at state level land use initiatives and considers the influence of political variables, namely party control of state legislature, public opinion and the strength of interest groups in encouraging the passage of anti-sprawl measures. He finds that state-centered approach to growth management is convincing in two important respects. First, states can rely on command and control tools, where the governor directs state agencies to implement local plans and enforce strict mandates against development. Or, states can promote policies that offer incentives, where they provide local governments or private entities with fiscal rewards for preserving open space or redirect development plans to the most economically distressed areas (p. 5). Borick finds that interest group strength and public opinion measures¹⁵ are highly significant, while partisan control of the state legislature is not statistically significant (Ibid. p. 15).

Finally, Meyers and Puentes (2001) investigate 553 growth-related state and local ballot measures in 38 states to assess states' inclination towards progressivism.

¹⁵ Borick uses public opinion data derived from Erikson et al. (1999).

All ballot measures related to four of the 10 Smart Growth principles: open space preservation, investments in roads and highways, parks and recreation, and regulatory provisions on development.¹⁶ All four areas were highly controversial. Among the most important findings was that open space preservation movements tended to reflect ideological inclinations. States in the northeast tended to have the greatest number of these types of referenda and also were the most progressive, while states in the southeast had the least number of open space preservation measures and were the least progressive in terms of passing Smart Growth initiatives. The most compelling finding is the impact of public opinion regarding voters' beliefs about the proper level of government that ought to address land use issues. Home rule measures giving local government more control over growth management issues failed in the more progressive or ideologically liberal states of Maine and Massachusetts (Ibid. 10). Measures that strengthen municipal and county level governance passed in Kentucky and New Mexico. Lastly, property rights organizations and farmland preservationists dominated state ballots in the West, particularly in California and Arizona (Ibid. 21).¹⁷

What is most striking about these studies is that they highlight the importance of political factors but fail to find a significant role for parties. Party variables lack potency when it comes to Smart Growth. Both parties understand the nature of voter discontent with sprawl. In order to be elected, their policy positions must not stray far

¹⁶ See Appendix in Chapter 1 for a description of smart growth policy areas.

¹⁷ See also a fascinating study by Jeffrey A. Dubin, D. Roderick Kiewiet, and Charles Noussair (1992), "Voting on Growth Control Measures: Preferences and Strategies." *Economics and Politics*, 4(12): 191-213. The authors find that liberal voters are more supportive of growth controls, blacks and Latinos are less likely to support growth regulations due to perceived loss of jobs, and homeowners are more likely than renters to support controls (p. 197).

from the median voter. Neither party will agree that the consequences of sprawl—poor air quality, traffic congestion, crowded schools, and disinvestment in central cities—are a *good* thing. On the contrary, both major parties present themselves as the party that will adequately address and eradicate sprawl. And both Republicans and Democrats boast that Smart Growth is a bipartisan effort. According to the American Planning Association (2002), at least one-half of the states have addressed some aspect of Smart Growth. Of the states that have adopted statewide comprehensive Smart Growth, about one-half have Republican governors, including former Arizona governor and Democrat, Jane Hull, and former Republican governors, Tom Ridge of Pennsylvania and Christine Todd Whitman of New Jersey. Republican support for Smart Growth challenges the conventional wisdom that Republicans do not support regulatory-based public policies. Democrats at the state legislative and executive levels also support Smart Growth efforts, particularly former Minnesota state senator, Myron Orfield and current governor of Michigan, Jennifer Granholm, who campaigned vigorously on a Smart Growth platform during the 2002 mid-term elections and was ultimately successful.¹⁸

Political scientists rightly point out that voters have a central role in convincing states to pass Smart Growth related measures. Yet, these scholars do not go far enough to explain exactly how citizen demands to eradicate sprawl gets translated into implemented policies. In other words, it is not enough just to focus on ballot outcomes. I am concerned with how the process of mobilization occurs, and it

¹⁸ See the Smart Growth America report, “Americans Want Growth and Green; Demand Solutions to Traffic, Haphazard Development,” (Oct. 16, 2000) and “Smart Growth at the Ballot Box,” (Jan. 1, 2003).

is my contention that pressure groups and their political activities are crucially important. Interest groups behave as conduits between the public and decision makers. Based on the information that they provide and the resources that they have at their disposal, groups are more important than partisan politics when it comes to the specific issue of Smart Growth. I will show that political disagreements about Smart Growth reflect ideological inclinations, not party affiliation. This dissertation will highlight the importance of groups, as well as, state level decision makers as the most influential actors in the politics of Smart Growth.

Section 2.4: Research Design

Research Question

Herbert Jacob and Michael Lipsky's (1971) discourse on the changing nature of state and local policy studies calls for research at the state level that investigates the impact of political factors beyond a focus on parties or voter participation. According to the authors, research on state and local politics must include the role of the executive, the legislature as an institution, the increasing presence and influence of interest groups, and the distribution of benefits. The research question for this dissertation is: Do characteristics inherent in state political systems influence the decision to adopt or reject Smart Growth policies? In simpler terms, what factors contribute to the adoption or rejection of Smart Growth in the American states? I argue that there are a number of political variables, controlling for socioeconomic indicators, which determine the success or failure of Smart Growth. The political forces that shape land-use decisions are clear. In order for there to be successful administration of Smart Growth, states rely on: (1) an influential governor, (2) a state legislature that

can offer Smart Growth as a policy priority and direct clear and sound proposals to achieve that end; (3) the presence and strength of interest groups in their capacity to shape public policy, directly or indirectly; (4) a political ideology and culture that supports a more centralized role for states and/or regional governance.

Hypotheses & Arguments

H₁: Liberal states will pass Smart Growth initiatives. Conservative states will not pass Smart Growth.

When discussing political context and the factors that comprise it, political ideology continues to have a considerable impact. Political outcomes reflect a general belief about what the role of government ought to be and how society should be governed. Policy makers, too have their own ideas on how government policies ought to influence our lives. Liberals generally believe that government should assume greater responsibility in both the social and economic realm. When it comes to social issues, liberals believe that government ought to protect both individual and group freedoms. Liberals also believe that government should regulate business to ensure that their profit motive does not infringe on citizens' right to enjoy certain public goods, such as clean air and water. Conservatives, on the other hand, tend to argue that government interference is undesirable, especially in the economic realm. The proper role for government is to allow the market to function by not imposing unnecessary restrictions on how businesses operate. The objective is to allow the market to respond to consumer demands. Since the Smart Growth controversy concerns what the proper role for government ought to be in terms of managing growth, the decision to adopt Smart Growth will reflect political ideology.

H₂: States with powerful corporate interests will act to block Smart Growth policies. States with powerful environmental lobbies will succeed in passing Smart Growth.

Interest groups have an important role in influencing policy making in the states. Interest groups have used skillful tactics to actively block legislation that is unfavorable to their objectives or promote policies that promote their agenda. Particularly in response to the Smart Growth movement, interest group allies and opponents come from varied communities.¹⁹ Allied forces that are able to persuade state legislators to accept Smart Growth initiatives or adversarial coalitions that oppose such proposals will have an impact on whether or not these programs are enacted.²⁰ However, it is very difficult to measure interest group power or influence in empirical terms.

Turning to interest groups in the states, the work of Gray, Lowery, and Hrebenar provide some useful insight in terms of measuring influence empirically. Two dimensions of interest group influence are widely used—group presence and activity (Gray and Lowery 1996, Hrebenar and Thomas 1990, 1995). Interest group presence, measured in terms of interest group density, or the number of registered interest groups in each state. The other dimension is interest group activity, which

¹⁹ Supporters of smart growth include many state and local chapters of the Sierra Club and Friends of the Earth. Proponents also come from the construction industry, including the National Association of Home Builders and the National Association of Industrial and Office Properties. Opponents of the Smart Growth Movement include Partnership for Quality Growth, a coalition of real estate developers and other corporate groups), the American Legislative Exchange Council, comprised of 3,000 state legislators opposed to many land use regulations. ALEC is also the largest group of state elected officials. Proponents in the policy community include the Brookings Institute, the Urban Land Institute and the American Planning Association. Opponents in the policy community include the Heritage Foundation and the National Center for Policy Analysis.

²⁰ Several interest group scholars who assert that groups are more effective at blocking legislation than affecting its passage (Kingdon 1993; Gray and Lowery 1996; Grumm 1971).

often involves analyses on the impact of campaign contributions. Hearings and testimonies are also common, but it is difficult to assess the amount of impact they actually have because they do not account for all groups who actually have access to the state legislature. For this research, I will consider campaign contributions because they provide a useful empirical measure of influence. I hope to show that the amount of money spent to influence legislative decision making is important because groups will not spend money on causes where they perceive a loss.

H₃: Governors with strong formal and informal powers will encourage the enactment of Smart Growth policies.

Governors are most often the progenitors of innovative public policies. According to Hansen (1989, 57), they assume the lead in determining and promoting state governmental agendas. In the Smart Growth movement, many governors demonstrated leadership and expertise. Their responsibility as executors of public policies has grown, as devolution responsibilities continue to be centralized at the state level. The governor is the chief administrator and he or she has the authority to oversee and direct state agencies on how Smart Growth policies should be implemented (see also Burns et al. 1996, 137). These important executive institutions include the State Environmental Protection Agency (particularly in New Jersey), the State Department of Community Affairs (Florida) or the Department of Housing and Community development (Maryland), and transportation authorities (most notably, Georgia). In addition, redevelopment agencies (RDA's) are responsible for allocating state grants or generous loans to encourage construction companies to build in areas designated as urban renewal communities.

Governors are in a unique position to influence decision making. Whether they are successful depends on their ability to persuade others to accept their ideas. Like U.S. Presidents, governors have access to the mass media and can use this mode of communication to their advantage. Governors, as agents of social change, have greater access to other agents of social change: other governors, interests groups, state executive, legislative and judicial offices. They set the agenda at the beginning of each legislative session and can wield considerable influence in the areas of appropriations and program implementation. In a recent report on Smart Growth in the American states, one governor aptly states:

A key role for governors is to foster highly collaborative efforts that integrate all levels of government as well as multiple private sector interests, including ones that may see threats from a new style of growth. Such collaborations create blind support for innovative solutions that confront traditional behaviors.²¹

H₄: Professional state legislatures are more likely to pass Smart Growth policies.

Although studies on the impact of legislative professionalism are inconclusive (LeLoup 1978; LaPlant and Carter 1997), I argue that professionals within the legislature are more knowledgeable about complex policy issues than non-professionals. They spend more time on these issues, working with other professionals, including staff, listening to testimony given by interest groups or representatives from the academy or policy think tanks, and devote more energy towards developing plans for implementation. Smart Growth requires considerable

²¹ “Growing Pains,” (Hirschhorn 2000, 28).

knowledge about the intricacies of land use, development, and urban planning, as well as related issues dealing with sprawl, the environment, transportation, Brownfield redevelopment, and infrastructure design.

Section 2.5: Data & Methodology

I will assess the relative importance of various factors accounting for Smart Growth adoption in all 50 states. To accomplish this undertaking, the most appropriate methodological approach is an Ordered Probit technique to predict the impact of political factors on Smart Growth adoption, controlling for socioeconomic indicators. The dependent variable is binary, taking on a value of 1 for states that have adopted Smart Growth or 0, otherwise. There are four political variables: (1) an index of the formal and informal powers of the governor; (2) an index that captures the degree of state legislative professionalism; (3) the influence and activity of interest groups; and (4) an updated measure of state ideology. There are two socioeconomic indicators included as controls: (1) an interaction term that incorporates state population density and the number of housing units per square mile; and, (2) the percentage of gross state product that consists of real estate development.

Governors

Governors have become prominent players in politics within the last few decades, especially since most of the governing responsibility has fallen on their shoulders. Scholars of gubernatorial politics, most prominently Thad Beyle (1968), attempted to capture the essence of both formal and informal powers of governors.

Formal powers include the line item veto, a constitutional power that governors can use to override legislative budgetary actions. Forty-three of the fifty governors can exercise the item veto and do most often on appropriations measures, (542). Other most commonly used formal powers are governors' ability to propose and form the budget, appointive powers, and executive control over state agencies through executive orders. Executive orders have increased as a management tool or to exert control over state agencies (Gromley 1996, 163). Like U.S. presidents, governors' informal powers rest on their ability to persuade.²² Measures of informal powers include popular support, media perception, interest group ratings and bargaining skills (Miller 1987, 240, Abney and Lauth 1983, Hansen 1989, 57).

For this research, I create an index of gubernatorial influence relying on three formal power indicators and one measure of informal power. The three formal measures of gubernatorial influence are veto power, appointive power, and executive orders invoked in the area of economic development. Veto and appointive power data are collected from the *Books of the States*. Data for executive orders are gathered from the Council of State Governments' *Book of the States* for the election years 1998, 2000 and 2002. For each formal measure, a score of 1 indicates that a governor has a constitutional authority in the respective area, or coded 0 if the governor does not have the authority. For the informal power measure, I consider the percentage of votes received in previous election. This data is also easily obtainable from the *Book of States* and the *U.S. Statistical Abstract*. This informal measure of governor influence reflects public approval of the governor during any given election. It is a

²² See namely Richard Neudstadt (1990), *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan*. New York: Simon and Schuster.

widely held belief that popular governors are more effective in directing state policy priorities than unpopular executives.

State Legislatures

I put forth the argument that the more professional a state legislature is, the more influence, knowledge and expertise it has about difficult or complex policy issues like Smart Growth. Brace and Weber (1999, 73) offer a useful definition of legislative professionalism: “The enhancement of the capacity of the legislature to perform its role in the policy making process with an expertise, seriousness, and effort comparable to that of other actors.” According to Squire (1997, 420), legislative professionalism has increased since the 1960’s. By the 1980’s, professional legislatures outnumbered “citizen” or amateur legislatures. Morris Fiorina’s (1994) work has been cited as one of the most thorough investigations of legislative professionalism, although it has met with some criticism (Stonecash and Agathangelou 1997). Many of the measures that Fiorina and others (Mooney 1995, Moncrief et al. 1996, Ritt 1993, Kurtz 1990, 1992) are accepted as reliable indicators of professionalism.

For this analysis, three of these indicators—days in session, compensation, and average number of professional legislative staff—will be included in my index of professionalism. The actual number of days in session and the average salary are important factors because they explain why state legislatures have become more professional since the 1960’s. With more time spent on considering important issues, the incentive becomes greater to stay in office if legislators receive a financial reward.

Moreover, where there are constitutional restrictions on session length, the degree of professionalism is affected. Therefore, I expect that as issues become more complex and as decision makers spend more time and effort gathering information, debating and making decisions on complex issues, their days in session will increase, along with pay. As they continue to spend more time legislating, they become specialized in any given subject matter.

Finally, I will include two variables: the average number of legislators in each state assembly and the mean number of professional staff. Legislative staff is vitally important because they perform an informational function that often supplements and counters that of interest groups.²³ It could be worthwhile to see if states with larger professional staffs rely less on interest groups than states with smaller staffs. The answer could lead to some interesting implications about legislative professionalism and interest group influence. Salary or legislative compensation is another important indicator of legislative professionalism. Although it can be argued that legislators could be paid more even if they spend less time in session, this is rarely the case in reality. To offset this probably, I consider both average compensation and days in session. All professionalism measures of the index are created from data collected from the National Conference on State Legislatures and the Advisory Commission on Intergovernmental Relations, which updates this data frequently.

²³ For instance, Moncrief et al. notes that studies on the important role that professionalized staffs make has not received enough attention in studies on professionalism.

Interest Groups

Interest groups have proliferated at the state level and in recent years, their influence on public policy has expanded, whereas political parties' capacity to dominate the political agenda has waned (Gray 1984, Morehouse 1981, Salmore and Salmore 1993, 131). Further, as state government responsibilities and the complexity of issues increase, so too does lobbying directed at the bureaucracy (Morehouse 1981, 135; Zeigler 1983, 120) and the state legislature (Hrebrenar and Thomas 1987, 1992; Thomas and Hrebrenar 1990). It is very difficult to measure interest group influence but attempts have been made. Gray and Lowery consider interest group influence along two dimensions: presence and activity (1988). They find states that have more groups also tend to be those states where interest groups are more politically active and are more influential. At the congressional level, focus on campaign contributions but argue that interest groups are rational actors that avoid spending money on contentious issues where they perceive a loss (Wright 1985).

One more important note to make with regard to interest groups is the very interesting finding from LeLoup (1978, 617) that weak legislatures rely more on loose ties with political parties rather than interest groups and executive influence.²⁴ Could the opposite also hold true that weak party politics increases interest group strength, especially where state legislatures are more professional?

I argue that campaign contributions provide a reliable measure of interest group influence (Browne 1985; Grady 1987, 90). The question at hand is whether intended policies serve the public or ultimately cater to potentially regulated

interests? In other words, can businesses or construction companies influence the political decision making process through their campaign contributions? Or, has environmental interests become adept at persuading legislatures to adopt proposals favorable to their cause through their fund-raising efforts? With public opinion on their side, conservation groups are bringing awareness to the public about sprawl's negative impact on air, water and land resources. To test the influence of both corporate and environmental groups, I include a measure consisting of campaign funds to state legislators compiled by the Institute on Money in State Politics, an organization that maintains a database on individual and group campaign contributions at both the national and state levels.²⁵

The Continuing Effects of Political Ideology

In several classic studies, scholars demonstrate the continuing influence and enduring impact of political ideology (Erikson *et al.* 1993; Wright *et al.* 1987; Entman 1983; Nice 1980). According to these scholars, people do sort themselves into a patterned response to various types of policies and those policies themselves can be classified along an ideological continuum (Marcus *et al.* 1974). These works also challenge the popular assertion that socioeconomic variables, such as income and educational attainment, influence policy decisions independent of political considerations. It not only matters that people tend to participate more in politics as their income increases; it also matters *how* citizens' attitudes about various issues or

²⁵ The National Association of State Development Agencies also keeps records of budget activity from state economic development agencies in all 50 states. I could possibly test to see whether agencies and corporate interests work in concert based on the regulatory activities of state agencies and the funds allocated to that effort.

social problems influence the ways in which they participate (Conover and Feldman 1981).

I argue that political ideology has an enduring impact on public policy and political outcomes. While people may alter their views on a number of issues, their general attitudes toward political objects remain the same. For instance, if an individual vehemently believes that individual effort and hard work leads to successful lives, he or she is less likely to support increased government spending for assistance programs. This fundamentally American belief in individual effort is consistently reflected in public opinion polls and attitudes towards various policies. In their most recent work, Erikson and his associates (2001) demonstrate that political ideology continues to have lasting effects on policy making at the state level. The authors compare the variance in the observed ideology scores overtime and find that the scores correlate with each other quite nicely at about .82. They show that were there *is* change in ideological dispositions—say, an increase in the proportion of the electorate that identifies as moderates—that change is very slight (p. 5).

In this analysis, I use updated ideology measures from Erikson et al. (2001) most recent work on state public opinion. These measures are part of an ongoing project that the scholars have undertaken since their seminal *Statehouse Democracy* (1993). These more recent measures data come from an analysis of public opinion survey data through 1999. In accordance with Erikson *et al.*'s derivation, the assignment of the scores are based on citizens' opinions on a number of topics from a longitudinal study of CBS/*New York Times* polls conducted between 1976 through 1989 and again from 1990 through 1994, and 1995-1999.

In their 1993 work, the mean scores indicate the ideological difference between liberals and conservatives. A score of -100 is assigned to conservative state governments, +100 for each liberal government, and 0 for each moderate or independent state government. The mean scores represent the ideological difference between liberals and conservatives on a variety of social and economic issues. As the authors suggest, the signs are switched in this study to comply with results from their state policy indicators.²⁶ Thus, the higher end of the scale reflects the ideological leanings of liberals, the lower end reflects conservative support for various policy decisions.²⁷ For this analysis, I simply consider a state's mean conservatism score for the years 1995-1999. The lower the score, the more conservative a state is; therefore, the scale ranges from the most conservative state, Utah (.22) to the least conservative state, Vermont (.68). Although the scores are really a measure of public opinion, the authors show that decision makers are attuned to public sentiment on salient issues, and therefore the public opinion measure is an ideal proxy for the overall ideological leaning of a state.

In sum, the results of this study highlight very important conclusions that can be drawn about legislative decision making at the state level. First, we can conclude that state legislatures are attuned with the policy preferences of their electorate. They want to win elections and they know that the only way to do that is to have some idea of what their constituents want. We can also conclude that ideology and public opinion go hand in hand and have long lasting effects on how decisions are rendered.

²⁶ pp. 136-42.

²⁷ *Ibid.* p. 17.

The second most important lesson is that ideology and party identification are not one and the same. In this analysis, it is demonstrated, quite convincingly, that ideology outperforms party variables at all levels and in most of the issue areas. In simpler terms, ideology has a greater impact on state decision making than political parties.

Testing for Socioeconomic Effects

Two economic indicators will be included in the Probit model as controls—a combined term as a measure of state sprawl and the percentage of the gross state product from the real estate industry for each state. I discuss these indicators further below: a recurring debate in the Smart Growth controversy is how to address citizen discontent with sprawl-related problems. But the problem is that sprawl itself is a perplexing concept that is often difficult to define. Many attempts have been made, but sprawl remains an enigma. Some experts maintain that sprawl simply refers to a pattern of development that impinges on the quality of life of citizens (American Planning Association, 2000a; Sierra Club 1999). Others claim that sprawl is a process of growth—an “excessive spatial growth” of cities and outlying suburbs (Brueckner 2000; Burchell et al. 1999). And still others offer the view that sprawl is any condition of development that is aesthetically unpleasing (Antonelli 1999; McAlister 1999).

Galster et al. (2000) seem to have uncovered many of the mysteries surrounding the sprawl concept. Sprawl is a “condition” that can be empirically measured along 8 dimensions: density, continuity, concentration, compactness, centrality, nuclearity, diversity, and proximity (pp. 6-7). Sprawl becomes more evident as values of these 8 dimensions decrease. Of these, the most popular and

widely used measure is density, which is operationalized as the ratio of the total population to the total land area; or the ratio of residential units to the total developable land.²⁸ Density simply refers to the average number of residents per square mile. When density is greater, sprawl is contained; when density is lower, sprawl is present. For this research, I create an interactive term that accounts for population trends (density or degree of urbanization) and incorporates an indicator of sprawl (concentration or dispersed development). It is important to consider these two measures because it is quite possible that a community could experience sprawl-related problems and not be densely populated. It is also possible that a metropolitan area might be densely populated and not experience sprawl.²⁹

I shall also include a measure that identifies the total value of real estate for each state. This variable controls for market conditions that dictate land values and directly relate to the capacity of the developer industry to locate and invest in a state. Since the premise is that states compete for investment, the percentage of gross state product originating from the real estate industry will account for the total land value that a state has. As computed by the Bureau of Economic Analysis, the gross state product is derived as the sum of the gross state product originating in all industries in the state. In concept, an industry's gross state product or its value added is equal to its gross output (sales or receipts and other operating income, commodity taxes, and inventory change) minus its intermediate inputs (consumption of goods and services

²⁸ The data on residential and commercial units and developable land is easily obtainable from the *U.S. Statistical Abstract* of the Census Bureau. See also Sierra Club study (1999) and Burchell et al. (1997).

²⁹ See Remy Prud'homme and Chang-Woon Lee (1999, 1854). See also Downs (2001).

purchased from other U.S. industries or imported).³⁰ I will gather this data for the years 1998 through 2002.

Finally, to test the potency of state party systems, I include several party indicators as controls. First, I include the party of the governor for the election years 1998, 2000, and 2002. The National Governor's Association database provides reliable information that is updated for every midterm and general election year. Other party variables, such as party control of the state assembly and an index of inter-party competition will also be included. Data to construct these variables come from the *U.S. Statistical Abstract*. The Smart Growth issue is unique in that it appears not to reflect the conventional partisan inclinations as much as traditional regulatory policies do.

Section 2.6: Conclusion: Towards a Coherent Theory of Smart Growth

This chapter began with a discussion of the debate surrounding Smart Growth in the American states. Most observers agree that Smart Growth is a highly charged political issue, and despite a sluggish economy and the attention devoted to international affairs, sprawl remains an important, albeit elusive issue. Smart Growth is controversial primarily because it calls for a drastic change in how states and local governments plan for growth and how they address voter discontent with sprawl. Governors, state legislators, and interest groups are all important actors in the politics of Smart Growth. The decision to pass or reject Smart Growth proposals is best explained by how these actors respond to their constituents. However, even though

³⁰ Sharon D. Panek and George K. Downey (June 2002). Gross State Product, 1998-2002, compiled by the Bureau of Economic Analysis, U.S. Department of Commerce.

opinion polls show that about 78% of the American public is opposed to sprawl, it is not clear as to why some states have not adopted Smart Growth while others have. I argue that state political ideology provides an important explanation. Because Smart Growth calls for an increasing role for the state, with some regulations imposed on the economy, it is likely that more conservative states will be antithetical to Smart Growth on those grounds, even if they understand that sprawl is undesirable. In contrast, liberal states are more likely to support and pass Smart Growth policies.

In the following chapter, I introduce a parsimonious model of Smart Growth activity in the states. It will provide an empirical testing of Smart Growth adoption for all 50 states to predict the impact of political variables, while testing for socioeconomic trends and accounting for various degrees of sprawl-related activity in each state. The research question is: What factors account for the adoption of Smart Growth in the American States? The dependent variable is dichotomous and represents each state's decision to adopt or not enact Smart Growth policies over a five-year period. The variable is coded 1 if a state has enacted statewide, comprehensive Smart Growth and 0 if otherwise. About 20 states have adopted and implemented a Smart Growth program. Some states are pursuing Smart Growth at the local, regional and/or state level but have not fully implemented a statewide comprehensive program. These states are coded 0.

There are four main political independent variables: (1) the relative strength of the governor; (2) the degree to which a state has a professional legislature; (3) the relative influence of interest groups, represented by campaign contributions from the corporate industry and conservation organizations; and (4) state political ideology, a

proxy for public opinion that captures how Americans view the proper role of government. There are two socioeconomic indicators that will be used as controls: population density, or a measure of people per square mile and the proportion of the gross state product from real estate, which captures the total land value and thus the propensity of developers to invest in a state. Political controls include two party variables: the party of the governor, control of each state legislature. In the following chapter, the statistical procedures for the model and results from the Probit analysis will be presented and discussed.

Chapter 3: Why Smart Growth? An Analysis of Smart Growth Adoption and the Impact of Politics in the American States

In the introductory chapter, I gave an overview of Smart Growth and how the controversy over the policy's impact has changed the discourse of state and local politics. In the previous chapter, I offered a theory of Smart Growth adoption and put forth a series of arguments in support of that theory. These arguments center on the premise that politics matters. In this chapter, I set out to test my theory of Smart Growth. Much of the research on Smart Growth activity say very little about the influence of politics and seem to be more concerned with developing empirical measures of concepts such as sprawl. I believe that any model of Smart Growth activity should include political variables that capture both institutional and behavioral aspects of the political process. I have not encountered any work that discusses the influence of interest groups or political parties, for example. This is surprising, since much of the current research on Smart Growth that has been undertaken by organizations, such as the National Governors Association, the Sierra Club, the Heritage Foundation, the National Homebuilders Association, and so on, all declare that Smart Growth cannot succeed (or fail) without the influence of political actors—namely governors, legislatures and various stakeholder groups.

In this chapter, I ask *why* Smart Growth? Why has Smart Growth gained popularity and why have some states implemented Smart Growth policies while others have not? The central argument is that the decision of policymakers to adopt (or reject) Smart Growth is greatly determined by politics and various characteristics of state political systems—governmental officials, interest groups, political ideology,

culture, and public opinion. In states where Smart Growth has succeeded, there was a political philosophy in place that supported it, interest groups that encouraged it, and decision makers who enacted it. However, Smart Growth decision making in the states differs because state political systems differ. By contrast, in states where Smart Growth has been unsuccessful, there is an underlying political ethos that opposed it and important actors, such as business interests, that lobby against its passage. A Probit analysis of Smart Growth activity demonstrates that political variables, particularly ideology and various aspects of institutional structures—governors’ formal powers and legislative professionalism—outperform economic factors, such as the state of the economy. The sprawl indicator, population density, is also a powerful predictor of Smart Growth adoption in the states.

Previously, I defined Smart Growth as a package of growth management policies that seek to address sprawl related problems in a number of policy issue areas, including transportation, housing and the environment. Advocates claim that Smart Growth policies combat sprawl by redirecting valuable resources to areas in greatest need of economic growth, while containing development where excessive growth has taken place. At the same time, however, the goal is to spare land development in rural areas and promote open space for parks, recreation and historic preservation.

Smart Growth represents one set of policy solutions that go beyond traditional explanations of how the policy process actually works. It is a cross cutting issue with no particular partisan cues. In the previous chapter, I reviewed the existing scholarship on growth management policies that have been undertaken at the state

level. Although there is some existing research on growth management, few political scientists mention Smart Growth or investigate the impact of politics on Smart Growth adoption.³¹ This research will attempt to do so. I will demonstrate the impact of political variables in predicting Smart Growth enactment in the states. However, challenges abound. One of the challenges that this study confronts is how to correctly understand which states have actually adopted Smart Growth, since growth measures were implemented at the state, regional, and even local levels. The other challenge is how to measure Smart Growth in empirical terms. I was able to overcome both obstacles for this study.

Section 3.1: *Smart Growth States and the Smart Growth Variable*

As of 2002, twenty states successfully passed a Smart Growth program, including Maryland's "Smart Growth Areas Act (1997)," Arizona's "Growing Smart" acts (1998, 2000) and, most recently, Kentucky's comprehensive Smart Growth legislation to encourage affordable housing construction in distressed urban neighborhoods. To correctly identify states with Smart Growth, I relied heavily on the American Planning Association's 2000 and 2002 editions of the *State of the States* report. In addition, the National Conference of State Legislatures established a *Growth Management Database* for up to date Smart Growth activities currently taking place at the state level. Other useful tools of information, such as the Smart

³¹ Borick comes close, but doesn't look at smart growth enactment. However, he does find that partisan control of the state legislatures, public opinion on sprawl issues, and interest group strength, are all important factors of land use management policies and growth control initiatives (2001, p. 15). Gerber's analysis (2001) focuses on California as a single case study. She examines local election returns to assess voter preferences for land use controls (p. 12). Probably the most widely cited and critiqued work on growth management policies from a political science perspective is Myron Orfield's *Metropolitcs* (2002), where the discussion centers on the spatial mismatch of economic resources between American suburbs and cities. His discussion of smart growth, in particular, is limited in scope.

Growth Network’s on-line Smart Growth journal, the National Center for Policy Analysis State and Local Issues section, and Smart Growth America, served as useful sources for state and regional Smart Growth initiatives. Finally, a content analysis of actual state growth management laws from 1995 to the present helped develop my classification scheme and provided as accurate picture as possible of Smart Growth activity taking place in the states.

Once I was able to correctly identify and classify the Smart Growth and no-Smart Growth states, I created the binary dependent variable, where a state is coded 1 if it passed Smart Growth and a 0 for a state without Smart Growth. I decided to focus solely on state-level growth management activity rather than regional or local Smart Growth measures, due mostly to the availability of information, but also because of the growing movement to centralize land-use planning at the state level—a movement that is not only controversial, but also has important political implications for state and local relations. These implications will be explored at a later stage.

TABLE 3.1 PROFILES OF SMART GROWTH STATES		
STATE	Key Smart Growth Legislation & Year(s) Enacted	SMART GROWTH POLICY AREAS ADDRESSED
Arizona	Growing Smarter Act, 1998; Growing Smarter Plus, 2000; H.B. 2105, 2002	Infill development; priority funding areas; service boundaries; rural planning areas; historic preservation; relax development fees
Colorado	H.B. 1427, H.B. 1348, 2000; H.B. 1001; Amendment 24, 2001; H.B. 1306, 2002	Designation of heritage communities; historic preservation; technical assistance with local master plans; UGB's; state-leveraged bonds for the acquisition of land for preservation projects; transfer of developer rights

**TABLE 3.1
PROFILES OF SMART GROWTH STATES**

STATE	Key Smart Growth Legislation & Year(s) Enacted	SMART GROWTH POLICY AREAS ADDRESSED
Connecticut	Public Act 203, 2000; Public Act 01-117, 2001; Public Act 01-158, 2002	Regional approaches (revenue sharing); Protected Open Space and Watershed Land Acquisition Grant Program
Delaware	H.B. 255; S.B. 105; H.B. 235; H.B. 1, 2001	Brownfield redevelopment; historic preservation; impact/developer fees
Florida	H.B. 17, Chapter 378, 1999; Forever Florida FL Stat. Ann. 201.15	Extends landmark 1985 State Comprehensive Growth Management laws authorizing municipalities to designate urban infill and redevelopment areas; expansion of UGB's; lower transportation impact fees
Kentucky	H.B. 55, 2000; H.B. 524; H.B. 924; H.B. 523; H.B. 521; H. B. 104; H.J.R. 107, 2001	Tax credits for historic preservation projects; affordable housing construction in distressed neighborhoods; technical assistance to municipalities on planning issues
Maine	Chapter 776, 2000; ME Rev. Stat. Ann., Title 5, 620	Limits growth-related capital investments to designated areas; requires state agencies to reward municipalities for reallocating growth resources to most critical areas; financial incentives for downtown revitalization projects
Maryland	Smart Growth Areas Act, 1997; H.B. 285, S.B. 207; H.B. 889, S.B. 507, 2000; S.B. 204, 2000; H.B. 1379, Code Ann., NR 5-9A-01, 2001	Priority funding areas; service boundaries; rural legacy program; historic preservation; developer fees; tax abatements for directing rehabilitation efforts to distressed communities; land conservation easements; job creation tax credits
Massachusetts	H.B. 4866, 2000; Community Preservation Act, S.B. 739, 2001	Focuses on greenspace and open space preservation; tax credit to developers for construction of affordable housing units in distressed areas
Michigan	2001	Cluster housing construction to promote high density
Minnesota	Minnesota Growth Management and Planning Act, 2000	Greenspace protection; financial incentives to promote urban development

**TABLE 3.1
PROFILES OF SMART GROWTH STATES**

STATE	Key Smart Growth Legislation & Year(s) Enacted	SMART GROWTH POLICY AREAS ADDRESSED
New Hampshire	N.H. Rev. Stat. Ann., 227-M: 1 et. Seq.; Smart Growth Bill, 2000	Brownfield clean-up, revitalization; greenspace protection; Land & Community Heritage Investment Program for transfer developer rights
New Jersey	State Planning Act, New Jersey Future Act, 1998; Chapter 152, 1999; H.J.R. 15, 2000	State generated revenue from sales tax over 10 years to purchase land for farmland and historic preservation; \$1 billion tax-exempt bonds to finance open space projects
Oregon	Land Conservation and Development Act	Greenspace protection; urban growth boundaries; incentives to promote high density, mixed-use developments; multi-modal transportation schemes
Pennsylvania	Acts 67, 68, 2000	Priority funding areas; Brownfield redevelopment; expanding agricultural and farmland preservation; tax revenue sharing; transfer developer rights from rural to designated growth funds
Rhode Island	Comprehensive Planning and Land Use Regulation Act, 2000	Brownfield remediation; historic preservation
Tennessee	Growth Policy Act, 1999; TN Code Ann. 6-58-101, 2001	Urban growth boundaries; planned growth areas; rural legacy and protection programs; local plans must be consistent with state Smart Growth and management priorities
Utah	Utah Future, 2000	Greenspace, rural legacy programs; establish quality growth areas for conservation efforts
Washington	Growth Management Act, 2000	Institutes developer fees an incentive to promote growth in designated areas
Wisconsin	WI Law, Act 9, 1999	Greenspace, open space protection; mixed-use, high density development; urban infill; Live Near Your Work program; tax increment financing to encourage affordable housing construction in designated critical areas

Sources: National Conference of State Legislatures, "Growth Management Legislative Databank"; American Planning Association ("Planning for Smart Growth: 2002 State of the States"); relevant state laws and statutes.

Section 3.2: Ideology

Liberal state governments are more likely to pursue and enact Smart Growth measures. Conservative states are less likely to do so. Political scientists have long

sought to come up with empirical depictions of political ideology: Walker's (1969) classic study of policy innovation as an expression of state policy liberalism; Gray's (1973) follow-up study on innovation; Sigelman and Smith's (1980) research on consumer protection regulations; Elazar's (1984) seminal work on political culture, which is widely used as a source to derive measures of state ideology³²; and Erikson et al. (1995) research on the association between public opinion and political ideology.³³ Research on ideology at the state level and its impact on policy outcomes are plentiful and too numerous to list here. But the use of public opinion surveys, in particular, seems to be popular in the quest for measuring political ideology. Two recent studies are worth mentioning here. First, Brace et al. (2002), like Erikson's study (1993, 2001), rely on national survey data to derive ideology measures for all 50 states. Specifically, Brace and his colleagues examine citizen responses to the General Social Survey (GSS) on a variety of controversial topics, including gay rights and capital punishment. The researchers find that disaggregated measures of public opinion best captures state political ideology.

Like Brace, Erikson and his colleagues rely on responses from public opinion polls to derive their measure of ideology. Specifically, they examine constituent

³² See Rodney E. Hero and Caroline J. Tolbert. 1996. "A Racial/Ethnic Interpretation of Politics and Policy in the States of the U.S." *American Journal of Political Science*. 40: 851-71. The authors rely on Elazar's political culture typology to derive state measures of political ideology for their analysis of policy adoption in the state.

³³ See also studies of state legislative voting behaviors (Kemp 1981) and particularly, Klingman and Lammers (1984). Klingman and Lammers examine roll call votes on a host of controversial issues to generate measures of state policy liberalism. The issues range from civil rights, AFDC or welfare payments, and ratification of the Equal Rights Amendment (p. 601). Not surprisingly, New York, Massachusetts, New Jersey, California, Connecticut and Wisconsin ranked at the top of the list in terms of policy liberalism; while North Carolina, Georgia, South Carolina, Arkansas, and Mississippi rank near the bottom. They find that policy liberalism is related to state variation in political culture, controlling for socioeconomic effects (p. 605).

responses to the CBS/New York Times survey overtime. Based on the survey results, Erikson and his colleagues developed a measure to classify states along the ideological continuum. The measure ranges from 0 to 1, where states with lower scores identified as conservative and states with higher scores identified as liberal (1993, 79). I use the mean ideology score for each state for the years 1998 through 2002. The most conservative state is Utah, with a mean ideology score of 28%, and the most liberal state is Vermont, with a score of 66%.³⁴ In Utah, 44% of respondents identify as conservative and 16% identify as liberal. In Massachusetts, 28% of respondents consider themselves conservative and 27%, liberal (with 44% classifying themselves as moderate).³⁵ The purpose of the Erikson study was to demonstrate a linkage between public opinion and political ideology. And in fact, they find that state political opinion is highly associated with state ideology (1993, 80). Therefore, we can rely on these public opinion measures to capture state ideology.

Smart Growth reflects the ideological philosophy that government has an important role in managing growth. Therefore, I expect liberals to agree that the state ought to pass land use policies that often involve regulatory mandates to curb excessive growth or sprawl. To be sure, liberal states are more inclined to adopt Smart Growth than conservative states. Since conservatives tend to perceive Smart Growth as an attempt to slow growth or stop it altogether, I expect to see conservative states reject such measures.

Section 3.3: Governor and State Legislatures

In states where governors have strong formal and informal powers, Smart Growth is more likely to be successfully enacted. Institutional powers of governors reflect their constitutional ability to direct policy and influence political outcomes

³⁵ The signs are reversed to correspond with their state policy variables (p. 17).

(Gromley 1996, Beyle 1968). The degree of formal authority varies from state to state. This authority includes budgetary powers, the ability to appoint executive agency heads and other non-elected officials, veto power, and tenure in office.³⁶ Based on these characteristics, Thad Beyle (2000) created a typology of governor strength that has become a hallmark of presidential scholarship. According to his classification, governors in states like Arkansas, Massachusetts and Tennessee have strong constitutional powers. Governors in Colorado, Virginia and Washington have moderate formal powers, and Alabama and Texas rank near the bottom on the gubernatorial power scale.

³⁶ There are no tenure restrictions for governors in California, Colorado, Connecticut, Idaho, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Montana, New York, North Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, and governors serve a four-year term. Governors in New Hampshire, Rhode Island and Vermont serve two-year terms, but there are no electoral restrictions (Burns et al. 1996, 124).

**TABLE 3.2
FORMAL POWERS OF STATE GOVERNORS**

STRONG	MODERATE	WEAK
Arkansas	Alaska	Alabama
Connecticut	Arizona	Maine
Hawaii	California	Nevada
Kansas	Colorado	New Hampshire
Maryland	Delaware	New Mexico
Massachusetts	Florida	North Carolina
Minnesota	Georgia	Oklahoma
Nebraska	Idaho	Rhode Island
New Jersey	Illinois	South Carolina
New York	Indiana	Texas
Oregon	Iowa	Vermont
Tennessee	Kentucky	
Utah	Louisiana	
West Virginia	Michigan	
	Mississippi	
	Missouri	
	Montana	
	North Dakota	
	Ohio	
	Pennsylvania	
	South Dakota	
	Virginia	
	Washington	
	Wisconsin	
	Wyoming	

Source: Adapted from Thaddeus L. Beyle, "Governors," in Politics in the American States, 10 ed., Virginia Gray et al. (Scott, Foreman and Company, 2000).

Note: Categories reflect variations of gubernatorial influence based on budgetary powers, appointive powers, veto powers and tenure.

For the most part, however, governors have considerable influence on the policy process through the use of their formal powers. In fact, a handful of prominent governors exercised their executive authority to set the Smart Growth agenda by establishing state commissions on growth management and Smart Growth task forces, most notably in Maryland, New Jersey and more recently, California (Smart Growth

Network, 2002). The following table provides examples of where governors have used their formal authority to direct Smart Growth action in their respective state.³⁷

TABLE 3.3 EXAMPLES OF GOVERNOR USE OF EXECUTIVE ORDERS TO DIRECT SMART GROWTH INITIATIVES		
STATE	EXECUTIVE ACTION or YEAR	DESCRIPTION
Arizona	2001-2002	Establishes a “Growing Smarter” commission and oversight council.
California	No. 0-46-01	Infill development, urban revitalization.
Delaware	No. 14	Directs state agencies to encourage “sprawl busting” regulations.
Illinois	No. 2000-8	Open space and farmland preservation; restoring decaying architecture and Brownfields
Indiana	No. 01-03	Establishes the Indiana Land Use symposium.
Maryland	No. 01-01.1998.04, No. 2001-01, No. 01.01.2003.33	Establishes the Commission on Environmental Justice and Sustainable Communities; public school construction & renovation; extension priority funding areas or Maryland Priority Places
Massachusetts	No. 418	Community development, urban revitalization issues.
Missouri	No. 01-46, No. 01-19	Establishes the Missouri Commission on Intergovernmental Cooperation.
Oregon	No. 00-07	Emphasizes environmental protection; open land preservation.
Tennessee	2002	Targeted Areas; Priority Funding Areas; Brownfield Redevelopment.
Vermont	No. 01-00, No. 01-07	Directs the establishment of a Development agency.

Sources: American Planning Association (2002); National Council of State Legislatures (2001, 2002)

Governors also control state legislative agendas through the budgetary process or by exercising the line-item veto to prevent state legislatures from acting on their own accord. My measures of institutional powers include four variables: budget-

³⁷ The American Planning Association points out various alternative approaches to smart growth enactment. A governor can either enact by executive order, where the state legislature is excluded (has taken place in California under former governor, Gray Davis and also in Kentucky by Governor Paul Patton). The governor can also submit plans to the state legislature for approval and the state either passes or rejects legislation (Maryland). Alternatively, the governor can submit a plan, which doesn’t become effective until the legislature adopts (occurs more often than not). A state board or commission adopts a smart growth plan, or a state agency adopts a plan, which excludes both the governor and the legislature in the adoption process. For the latter two adoptive procedures, the enactment of smart growth implies that both governor and the legislature have weak institutional powers. See *Growing Smart Legislative Guidebook*, 2002 Edition.

making authority, executive order to direct state agencies in the areas of growth management and development, governor item veto authority, and appointive powers. Each variable is dichotomous, coded 1 if the governor has the authority to exercise that power as deemed by the state constitution, and 0 if otherwise.

Informal powers include the governor's ability to affect public opinion through political persuasion. There is not only a rising expectation that governors manage their administrative agencies effectively, they must also earn the respect of those for whom they lead in government and among the citizenry at large. Public perception of a governor may affect the way in which she is able to influence public policy and achieve her policy priorities. Unpopular governors have a harder time building coalitions around issues they support. When things go wrong—a downturn in the economy, for instance—an unpopular governor is most likely to be held accountable at the polls, whether it is her fault or not. For these reasons, I also include a measure of popularity that is based on the percentage vote that a governor received in the previous election. The vote percentages are compiled from the *U.S. Statistical Abstract* and collected for the election years of 1998, 2000, and 2002.

Section 3.4: Legislative Professionalism in the State Assembly

The process of state-level professionalism is rooted in legislative reforms that have taken place over the course of the last three decades. Of the many changes that occurred, constitutional limitations on session length were abolished, caps on legislative compensation were also done away with, and state legislatures witnessed greater budget and decision making authority (Moncrief and Thompson 1992, 15).³⁸

³⁸ See most prominently, Polsby's (1968) exploration of the modernization process in the U.S. House

In addition, as legislatures modernized and casework demands became greater, they began to employ part- and full-time staff. Legislative staffing has had the greatest impact on legislative professionalism because state representatives and senators could rely on inside personnel rather than outside groups or administrative bureaucracies for specialized information. As advancements were made in science and technology and social problems grew in complexity, governing became a full-time enterprise, decision makers spent more time in session, and staff members obtained professional or advanced degrees (p. 30).

Today, the average legislative session length ranges from 30 days (Alabama) to 285 days (California). The average number of professionalized staff varies from 10 staff members per legislator (North Dakota) to 2,065 per legislator (California). The National Conference of State Legislatures and the Council of State Governments provide a classification of states in terms of degree of legislative professionalism. Not surprisingly, the legislatures in California, New York and Pennsylvania are among the most professionalized in the country. That is, their members and staff are full-time employees, and these states rank among the top in terms of legislative compensation, budget authority, and average professionalized staff. In contrast, amateur legislatures

of Representatives over the last century. He also focuses on reforms that took place at the congressional level, a similar "institutionalization" occurred at the state level beginning in the 1960. Like their congressional counterparts, state legislators are finding that the legislative career at the state level is more attractive in the long run. State representatives enjoy the perks of the office and relaxation on salary caps means that they can also enjoy a very lucrative career serving in the state legislature. See "The Institutionalization of the U.S. House of Representatives," in the *American Political Science Review*, pp. 642-1474. A more recent study of legislative professionalism by Cherie Maestas, L. Sandy Maisel, and Walter J. Stone, "Stepping Up or Stopping? Candidate Emergence Among State Legislators." *Paper prepared for the Annual Southwest Political Science Association meetings in San Antonio, TX, April 1-4, 1999.*

include Kansas, Mississippi, Rhode Island and Utah. Table 3.4 below gives a typology of state legislature types.³⁹

TABLE 3.4 PROFESSIONAL, HYBRID, AND AMATEUR STATE LEGISLATURES, 2002		
PROFESSIONAL	HYBRID	AMATEUR
Alaska	Arkansas	Idaho
California	Arizona	Indiana
Illinois	Colorado	Kansas
Florida	Connecticut	Maine
Massachusetts	Delaware	Mississippi
Michigan	Hawaii	Nevada
New Jersey	Iowa	New Hampshire
New York	Kentucky	North Dakota
Ohio	Louisiana	New Mexico
Pennsylvania	Maryland	Rhode Island
Wisconsin	Missouri	South Dakota
	Nebraska	Utah
	North Carolina	Vermont
	Oklahoma	West Virginia
	Oregon	Wyoming
	South Carolina	
	Tennessee	
	Texas	
	Virginia	
	Washington	

Source: National Conference of State Legislatures, Council of State Government, *Book of the States*, 2002 Edition

I hypothesize that states with professional legislatures are more likely to adopt Smart Growth policies. The more specialized a state legislature is, the more influence it can exert on the policy making process (Gromley 1996, Miller 1987). Growth management is considered a very complex issue that requires considerable time, knowledge, and expertise. But to get a grasp on these challenges requires extensive time and effort devoted to research. The accumulation of knowledge and expertise is

³⁹ Note: Categories reflect variations of full-time/part-time legislatures; legislative compensation; budget authority; average staff per member.

important; therefore, the more specialized a state legislature is, the more likely it is to tackle complex issues and institute innovative policy solutions.

So, how does one go about making a compelling case that legislative professionalism matters in terms of influencing policy outcomes? We can rely on some measure of professionalism, or what Rosenthal (1996) refers to as the “five S’s of state legislative professionalism”—*staff* size, average *size* of the general assembly, *session* length, member *salary*, and legislative *structure*.⁴⁰ I consider three of these: professionalized staff, average days in session or session length, and member salary or compensation.⁴¹

Section 3.5: Interest Groups

Political parties are important players in the decision making process, but they are neither as prominent, nor are they more politically influential as interest groups are when it comes to Smart Growth. In Chapter 2, I discussed the role of various groups that are the central players in the Smart Growth movement—namely environmental or conservation organizations and pro-business interests, including

⁴⁰ “State Legislative Development: Observations from Three Perspectives.” *Legislative Studies Quarterly* 21 (2): 169-198.

⁴¹ Future research might want to investigate a possible relationship between legislative professionalism and policy innovation or “progressiveness.” First, Walker (1969) examined a host of state reform proposals that were adopted over the course of several legislative cycles. He found that states with wealthier budgets and more professionalized legislatures were more likely to adopt liberal or progressive (innovative) public policies than smaller, poorer states. Gray (1973) expanded on Walker’s earlier work, looking at fewer issues, but confirming Walker’s conclusions. Together, Gray and Walker (1997) continue their work on policy diffusions and conclude that policy liberalism is highly correlated with state legislative professionalism. Their work might lend further credence to the argument that structural variables do make a difference in terms of passing liberal or progressive public policies. Although there have been some attempts from political scientists—myself included—there are no systematic studies yet on the policy of diffusions of land use or growth management policies. Smart growth is still pretty much in its infant stage, making it difficult to conduct any meaningful study of diffusion.

construction and real estate groups. I argued that groups exert pressure on the political process through campaign contributions. In other words, groups influence policy outcomes through strategic use of campaign contributions. I hypothesize that environmental groups will use funding resources as a tool to influence state legislatures to adopt Smart Growth.

Pro-business industries spend money to mobilize and organize against Smart Growth passage. Based on the policy subsystem theory proposed by Browne (1987) and supported by Opheim (1990), states with strong business lobbies exert pressure on state agencies and legislatures to reduce their regulatory burden and discourage the enactment of legislation that places restrictions on free market enterprise. To this end, they spend money to block legislation that involves government intervention in the economy (Gerber 1998). States with strong corporate groups are likely to influence state legislatures to reject Smart Growth policies through counteractive strategies that involve campaign contributions. At the congressional level, data on campaign contributions is plentiful and easily accessible, but not so at the state level. The Institute for Money in State Politics maintains a database for electoral contributions for various state offices. I collected this data for the election years 1998, 2000 and 2002. Tables 3.4 and 3.5 (below) provide campaign data from both environmental groups and construction/developer industries for each election cycle.

Table 3.5
CAMPAIGN CONTRIBUTIONS FROM ENVIRONMENTAL GROUPS TO STATE LEGISLATORS, 1998-2002*

1998			2000			2002		
State	#	Total	State	#	Total	State	#	Total
Alabama	32	\$21,050	Alabama	4	\$3,100	Alabama	23	\$36,860
Alaska	53	\$13,995	Alaska	6	\$1,575	Alaska	13	\$4,050
Arizona	43	\$7,140	Arizona	12	\$1,761	Arizona	24	\$6,525
Arkansas	--	--	Arkansas	10	\$3,700	Arkansas	5	\$687
California	134	\$130,625	California	47	\$149,075	California	52	\$92,527
Colorado	5	\$595	Colorado	5	\$2,650	Colorado	3	\$225
Connecticut	149	\$36,555	Connecticut	37	\$6,625	Connecticut	64	\$26,460
Delaware	--	--	Delaware	8	\$6,600	Delaware	--	--
Florida	259	\$96,627	Florida	85	\$36,050	Florida	31	\$21,975
Georgia	44	\$63,840	Georgia	6	\$1,700	Georgia	17	\$43,256
Hawaii	35	\$31,350	Hawaii	2	\$2,875	Hawaii	1	\$1,000
Idaho	12	\$4,940	Idaho	--	--	Idaho	47	\$2,422
Illinois	66	\$80,000	Illinois	68	\$89,859	Illinois	142	\$127,430
Indiana	22	\$8,633	Indiana	35	\$57,650	Indiana	17	\$19,325
Iowa	8	\$2,100	Iowa	--	--	Iowa	44	\$92,408
Kansas	4	\$2,050	Kansas	2	\$300	Kansas	22	\$19,472
Kentucky	3	\$600	Kentucky	5	\$5,000	Kentucky	1	\$400
Louisiana	--	--	Louisiana	--	--	Louisiana	1	\$500
Maine	26	\$5,265	Maine	4	\$1,000	Maine	6	\$1,350
Massachusetts	153	\$43,675	Massachusetts	124	\$31,487	Massachusetts	77	\$48,580
Michigan	99	\$70,016	Michigan	4	\$26,300	Michigan	6	\$1,350
Minnesota	14	\$5,500	Minnesota	18	\$2,106	Minnesota	17	\$19,100
Mississippi	--	--	Mississippi	--	--	Mississippi	--	--
Missouri	30	\$17,850	Missouri	31	\$24,916	Missouri	17	\$19,100
Montana	18	\$1,215	Montana	24	\$3,031	Montana	8	\$635
Nebraska	--	--	Nebraska	--	--	Nebraska	10	\$2,800
Nevada	5	\$7,777	Nevada	9	\$47,000	Nevada	5	\$25,000
New Hampshire	18	\$7,250	New Hampshire	10	\$5,700	New Hampshire	9	\$3,125
New Mexico	62	\$14,610	New Mexico	31	\$6,230	New Mexico	23	\$44,759
New York	117	\$84,570	New York	46	\$13,603	New York	13	\$6,850
North Carolina	19	\$4,090	North Carolina	17	\$7,300	North Carolina	5	\$1,150
North Dakota	--	--	North Dakota	--	--	North Dakota	--	--
Ohio	82	\$30,445	Ohio	57	\$19,454	Ohio	6	\$2,200
Oklahoma	--	--	Oklahoma	--	--	Oklahoma	--	--
Oregon	18	\$2,510	Oregon	23	\$2,613	Oregon	19	\$3,765
Pennsylvania	15	\$30,900	Pennsylvania	38	\$53,955	Pennsylvania	13	\$121,450
Rhode Island	7	\$5,141	Rhode Island	12	\$3,800	Rhode Island	7	\$7,000
South Carolina	21	\$17,650	South Carolina	23	\$19,393	South Carolina	54	\$60,750
South Dakota	--	--	South Dakota	--	--	South Dakota	--	--

Table 3.5
CAMPAIGN CONTRIBUTIONS FROM ENVIRONMENTAL GROUPS TO STATE LEGISLATORS, 1998-2002*

1998			2000			2002		
State	#	Total	State	#	Total	State	#	Total
Tennessee	6	\$5,150	Tennessee	1	\$1,000	Tennessee	9	\$6,200
Texas	73	\$69,418	Texas	36	\$13,800	Texas	30	\$37,364
Utah	--	--	Utah	11	\$20,800	Utah	1	\$250
Vermont	1	\$500	Vermont	4	\$2,800	Vermont	5	\$3,200
Washington	55	\$7,536	Washington	119	\$22,413	Washington	8	\$1,700
West Virginia	1	\$500	West Virginia	9	\$5,075	West Virginia	--	--
Wisconsin	80	\$22,548	Wisconsin	25	\$5,360	Wisconsin	19	\$5,520
Wyoming	--	--	Wyoming	--	--	Wyoming	--	--

* Groups include all state and local-level conservation entities and environmental special interests.

-- Data was unreported for this year.

Source: National Institute for Money In State Politics database, www.moneyinstatopolitics.org

Table 3.6
CAMPAIGN CONTRIBUTIONS FROM CONSTRUCTION INDUSTRIES TO STATE LEGISLATORS, 1998-2002

1998			2000			2002		
State	#	Total	State	#	Total	State	#	Total
Alabama	2,297	\$2,737,091	Alabama	238	\$473,992	Alabama	1,004	\$1,494,912
Alaska	827	\$238,923	Alaska	493	\$170,219	Alaska	1,143	\$210,666
Arizona	2,052	\$519,970	Arizona	694	\$107,769	Arizona	848	\$289,575
Arkansas	3,311	\$4,952,738	Arkansas	673	\$185,979	Arkansas	6,219	\$6,788,119
California	791	\$152,305	California	3,593	\$3,466,902	California	752	\$427,598
Colorado	3,436	\$1,304,591	Colorado	721	\$267,432	Colorado	1,473	\$418,613
Connecticut	7,263	\$2,459,567	Connecticut	875	\$143,147	Connecticut	214	\$67,440
Delaware	3,981	\$3,315,139	Delaware	655	\$283,198	Delaware	6,403	\$2,312,766
Florida	2,844	\$2,142,652	Florida	6,900	\$2,261,200	Florida	1,614	\$1,719,951
Georgia	701	\$292,399	Georgia	2,266	\$1,080,981	Georgia	172	\$89,127
Hawaii	5,004	\$4,279,256	Hawaii	138	\$42,150	Hawaii	3,419	\$4,163,388
Idaho	1,494	\$745,643	Idaho	218	\$69,333	Idaho	426	\$435,397
Illinois	1,785	\$761,120	Illinois	4,226	\$3,510,677	Illinois	243	\$93,063
Indiana	1,228	\$364,265	Indiana	2,059	\$2,098,272	Indiana	813	\$355,132
Iowa	895	\$351,840	Iowa	1,305	\$681,350	Iowa	246	\$142,500
Kansas	65	\$70,704	Kansas	1,211	\$405,022	Kansas	305	\$78,370
Kentucky	908	\$170,484	Kentucky	1,058	\$527,393	Kentucky	2,010	\$913,266
Maine	3,819	\$1,666,857	Maine	322	\$51,271	Maine	4,691	\$1,339,239
Massachusetts	4,385	\$1,360,524	Massachusetts	3,275	\$726,668	Massachusetts	2,838	\$1,262,160
Michigan	3,186	\$1,474,728	Michigan	1,232	\$643,193	Michigan	86	\$43,525
Minnesota	543	\$245,842	Minnesota	346	\$93,705	Minnesota	68	\$45,400
Mississippi	3,602	\$673,400	Mississippi	32	\$56,125	Mississippi	1,157	\$284,570
Missouri	590	\$45,823	Missouri	4,903	\$1,891,833	Missouri	602	\$49,896
Montana	714	\$505,363	Montana	1,722	\$205,711	Montana	66	\$136,086
Nebraska	403	\$99,305	Nebraska	42	\$26,910	Nebraska	797	\$1,039,707
Nevada	1,078	\$508,059	Nevada	581	\$454,161	Nevada	151	\$96,026
New Hampshire	3,044	\$2,362,837	New Hampshire	457	\$183,708	New Hampshire	704	\$591,765
New Mexico	1,883	\$871,950	New Mexico	666	\$193,575	New Mexico	2,554	\$1,979,488
New York	15	\$2,500	New York	2,238	\$1,255,281	New York	361	\$226,645
North Carolina	6,133	\$2,562,403	North Carolina	4,405	\$2,704,131	North Carolina	5	\$3,400
North Dakota	2,652	\$1,194,455	North Dakota	39	\$75,875	North Dakota	2,188	\$1,006,452
Ohio	1,982	\$956,370	Ohio	4,288	\$1,781,404	Ohio	1,706	\$661,877
Oklahoma	423	\$162,340	Oklahoma	1,059	\$317,650	Oklahoma	1,365	\$1,646,402
Oregon	1,189	\$891,221	Oregon	1,555	\$868,566	Oregon	2,289	\$3,255,975
Pennsylvania	1,440	\$1,183,417	Pennsylvania	3,172	\$1,804,334	Pennsylvania	259	\$244,045
Rhode Island	2,812	\$3,494,722	Rhode Island	125	\$39,552	Rhode Island	133	\$95,360
South Carolina	131	\$41,312	South Carolina	1,121	\$445,389	South Carolina	2,237	\$3,681,100
South Dakota	186	\$58,885	South Dakota	152	\$32,345	South Dakota	52	\$13,870
Tennessee	2,355	\$570,844	Tennessee	568	\$291,791	Tennessee	507	\$134,355

**Table 3.6
CAMPAIGN CONTRIBUTIONS FROM CONSTRUCTION INDUSTRIES TO STATE LEGISLATORS, 1998-2002**

1998			2000			2002		
State	#	Total	State	#	Total	State	#	Total
Texas	372	\$140,218	Texas	3,043	\$2,763,757	Texas	302	\$134,400
Utah	3,618	\$1,169,091	Utah	198	\$70,868	Utah	1,934	\$904,066
Vermont	63	\$29,000	Vermont	183	\$40,025	Vermont	61	\$31,500
Washington	3,667	\$1,113,021	Washington	3,688	\$1,134,071	Washington	3,687	\$1,211,564
West Virginia	1,290	\$744,730	West Virginia	1,296	\$753,759	West Virginia	1,297	\$761,245
Wisconsin	3,431	\$900,321	Wisconsin	3,431	\$942,242	Wisconsin	3,431	\$982,412
Wyoming	57	\$16,534	Wyoming	58	\$17,200	Wyoming	59	\$19,800

Source: National Institute for Money In State Politics database, www.moneyinstatopolitics.org

Section 3.6: Smart Growth and the Role of Political Parties

An interesting observation is that political parties do not appear to have a significant impact on the passage or rejection of Smart Growth policies in the states. But there is a larger question of whether or not parties even matter at all in terms of influencing policy outcomes. Some say yes (Brown 1995; Morehouse and Jewell 2002; Smith 1997), others argue that political parties have little or no impact on policy decisions (Berry and Berry 1994; Dilger 1998; Winters and Plotnick 1976). And still others conclude that party influence is conditional at best (Dye 1984; Erikson et al. 1993; Barrilleaux 2000).⁴² I want to know whether or not public policies enacted at the state level reflect the ideological dispositions of political

⁴² Barrilleaux, in accordance with the traditional Downsian argument, contends that in the absence of electoral competition, Democrats behave more sincerely, pushing policy to the left while Republicans will enact conservative policies. However, when confronted with competitive political opposition, Democrats will move to the right while Republicans drift to the left in an attempt to appeal to mainstream voters (p. 62). This argument falls in line with Erikson et al.'s assertion that Democrats tend to behave in a *less* liberal manner when confronted with a Republican majority. Dye's (1984) classic 30-year analysis of AFDC benefits in the states concludes that party control only mattered in 20 states, and is further conditioned on the party of the governor and the budgetary powers at his or her disposal (p. 1106). This particular analysis doesn't consider party competition. I thought that it would be more appropriate to consider party control as a variable, since I want to test the assumption that Democrats will pass more liberal public policies while Republicans enact more conservative policies. Since I found that smart growth is portrayed—fairly or otherwise—as a liberal policy, I want to know if Democratic-controlled legislatures will have any impact on its passage.

parties. In other words, will Democratic-controlled governments pass more liberal policies? Will Republican-controlled assemblies enact more conservative public policies? When it comes to Smart Growth—widely depicted as a liberal or progressive policy reform—will Democrats move to enact while Republicans reject?

While there has been much scholarship on party organizations at the national level, there is still more work to be done at the state and local levels with regard to understanding state party systems. The following table gives a breakdown of Democratic and Republican-controlled legislatures from 1980-2002. It also provides a measure of party competition. We are interested only in party control, where higher percentages reflect Democratic-controlled legislatures and lower numbers indicate Republican-controlled legislatures. From the table results, there does not appear to be a patterned relationship between Democratic-controlled legislatures and Smart Growth passage (denoted with an asterisk beside the state) or Republican-controlled legislatures and rejection of Smart Growth. Although Maryland has a highly Democratic legislature and has passed Smart Growth, Arkansas, which ranks second in terms of Democratic control of the legislature, does not have a Smart Growth program. At the other end of the spectrum, New Hampshire, which has one of the most Republican-dominated legislatures and a Republican governor, has a Smart Growth policy, as do Utah and Arizona.

**TABLE 3.7
STATE PARTY CONTROL AND
INTER-PARTY COMPETITION
1980-2002**

Democratic- Controlled States	Party Control	Party Competition
<i>Maryland*</i>	80.5	692
Arkansas	77.1	708
Hawaii	78.0	713
Georgia	77.0	723
Louisiana	75.5	735
Mississippi	75.3	742
West Virginia	74.2	746
<i>Rhode Island*</i>	74.0	751
<i>Massachusetts*</i>	72.1	766
<i>Kentucky*</i>	72.5	771
Alabama	72.5	774
North Carolina	67.0	828
Oklahoma	65.0	836
South Carolina	62.3	874
Missouri	62.3	874
Virginia	62.1	878
New Mexico	62.1	879
<i>Tennessee*</i>	60.0	884
Texas	59.0	893
Close States, Leaning Democratic	Party Control	Party Competition
California	59.0	905
<i>Washington*</i>	59.0	906
<i>Minnesota*</i>	59.0	908
<i>Florida*</i>	57.0	923
<i>Nevada*</i>	57.0	923
<i>Connecticut*</i>	57.0	923
<i>Maine*</i>	54.5	951
<i>Oregon*</i>	54.0	958
Vermont	53.0	961

TABLE 3.7 STATE PARTY CONTROL AND INTER-PARTY COMPETITION 1980-2002		
Close States, Leaning Democratic	Party Control	Party Competition
New York	52.0	977
<i>Wisconsin*</i>	52.0	980
<i>Delaware*</i>	50.1	985
Close States, Leaning Republican	Party Control	Party Competition
Illinois	48.0	983
<i>Michigan*</i>	48.0	980
Iowa	46.0	969
Alaska	46.0	965
Close States, Leaning Republican	Party Control	Party Competition
<i>New Jersey*</i>	45.0	957
Indiana	44.0	942
Montana	44.0	941
Ohio	44.0	941
<i>Pennsylvania*</i>	43.0	939
<i>Colorado*</i>	38.0	940
Republican- Controlled States	Party Control	Party Competition
North Dakota	37.0	879
<i>Arizona*</i>	35.0	852
Wyoming	35.0	850
<i>New Hampshire*</i>	33.0	835
Kansas	33.0	831
Idaho	30.0	808
South Dakota	27.1	772
<i>Utah*</i>	20.0	751
Source: Adapted by Morehouse and Jewell (2003, 108-9).		
Note: Party control numbers vary slightly from authors' calculation due to the addition of 2002 data.		
*States with a comprehensive Smart Growth programs.		

In the case of Smart Growth, the assumption that Democrats might be more willing to pass Smart Growth policies rests on the notion that Smart Growth has a liberal dimension. I argue that it does, but that Democrats as well as Republicans are

equally as likely to endorse, adopt or *reject* Smart Growth. In other words, when it comes to Smart Growth, there really is no partisan divide. This claim can be tested empirically. To demonstrate my point, I included party control variables for the state legislatures for the election years 1998-2002. I also include a binary measure for the party of the governor, where a 1 is coded for a Democratic governor, and 0 otherwise.

Section 3.7: Measuring Sprawl and Making the Connection with Smart Growth

There have been many attempts at defining sprawl in terms of subjective judgments about its harmful impacts on the environment and ecosystems. But the goal of this study is not to evaluate the positive and negative aspects of sprawl; rather, the objective is to try to come up with ways to quantify what sprawl is. And before one can operationalize sprawl, a useful descriptive definition must first be offered. Some experts maintain that sprawl refers to a pattern of development that impinges on the quality of life of citizens (American Planning Association, 2000a) while some assert that sprawl is a “process” of accelerated growth that has exacerbated inequalities and uneven development between cities and their outlying suburbs (Brueckner 2000; Burchell et al. 1999; Orfield 2000, 2002). Still, others posit that sprawl is any condition of development that is aesthetically unpleasing, such as dilapidated housing or boarded up commercial establishments in a depressed urban area (Antonelli 1999; McAlister 1999).

In my view, the best attempt at defining sprawl is from Webster himself. The *Webster’s New World College Dictionary* defines sprawl as “spreading out in an unpatterned fashion.” Applying this definition to land, I would add that sprawl is simply the spreading of land development in a manner that fails to account for

changes in population. Population growth is very much related to sprawl because when growth outpaces development, open space and valuable land resources eventually become scarce. Thus, construction and developer companies move out to areas where land is more plentiful and where individuals and families demand spacious and elegant single-family homes with access to nearby commercial amenities.

Now that we have a handle on what sprawl is—spread out, unpatterned development—we can come up with a measure that describes this concept in empirical terms. Scholars have attempted to quantify sprawl, but oftentimes they develop elaborate and sophisticated models that are more confusing and complex than the actual concept that they are attempting to capture. My sprawl measure is much more straightforward. I rely on percent changes in population density over the three election cycles that I have chosen, 1998-2002.⁴³ One would conceivably use an urbanization index to capture sprawl. The concern with relying on urbanization as a sprawl measure is that urbanized areas may not necessarily be “sprawling.” Urbanization may not be as useful because it only takes into account changes in population. The intervening factor is land consumption, since sprawl is related to both population growth and how much land is consumed. Population density, which refers to persons per square mile, best captures all of these dimensions of sprawl, which include population changes, land area consumption, and urbanization.

⁴³ For an example discussion on population density as associated with sprawl, see Russ Lopez and H. Patricia Hynes (2003), “Sprawl in the 1990’s: Measurement, Distribution, and Trends.” *Urban Affairs Review* 38(3): 325-355. The authors contend that density is the most important dimension of sprawl, particularly in terms of land development (high vs. low density) rather than housing density. Both population and housing density are appropriate measures of sprawl, depending on the central focus of any given study on sprawl. For instance, an examination of how sprawl might impact housing choices, might want to incorporate measures of residential density (p. 332).

In addition, since I am concerned with Smart Growth activity at the state level, state population density is most suitable, particularly when accounting for differences of scale. I recorded the density percentages from the 1990 and 2000 Census, including 2002 estimates. I then calculated the percent change.⁴⁴ There does, in fact, appear to be a regional aspect to sprawl (population density), with the greatest rate of change occurring in Nevada (+67%), followed by Colorado (+31%), Utah (+29.5%), Idaho (+29.7%) and Georgia rounding out the top five at +26%.⁴⁵ To test the impact of sprawl on the likelihood that a state will adopt Smart Growth, I hypothesize that as the rate of population density increases, states are more likely to enact Smart Growth initiatives to curtail sprawl. State population density percentages for each state are available from the *U.S. Statistical Abstract* and are presented in the following table.

⁴⁴ 2002 numbers are included as estimates.

⁴⁵ **Table 3.12** provides trends in urbanization, suburbanization, agricultural land and undeveloped land in acreage. Finally, **Table 3.13** gives the percentages of the total land area that is developed, urbanized, farmland and open space. These detailed tables are included in the Appendix. **Figure 3.C** is a graph of land use trends between 1982 and 2002.

TABLE 3.8: Resident Population, Rank, Land Area, and Change in Population Density, 1990-2002

State	April 1, 1990				April 1, 2000				%Chg. Density, 1990-2002	Smart Growth Initiative?
	Resident Population	Rank	Land Area (square miles)	Density	Resident Population	Rank	Land Area (square miles)	Density		
Alabama	4,040,389	22	50,750	79.6	4,447,100	23	50,744	87.6	10.1%	No
Alaska	560,043	49	570,374	1.0	626,932	48	571,951	1.1	10.0%	No
Arizona	3,666,339	24	113,642	32.3	5,130,632	20	113,635	45.2	39.9%	Yes
Arkansas	2,360,624	33	52,075	45.1	2,673,400	33	52,068	51.3	13.7%	No
California	29,758,213	1	155,973	190.8	33,871,648	1	155,969	217.2	13.8%	No
Colorado	3,294,473	26	103,730	31.8	4,301,261	24	103,718	41.5	30.5%	Yes
Connecticut	3,287,116	27	4,845	678.5	3,405,565	29	4,845	702.9	3.6%	Yes
Delaware	666,168	46	1,955	340.8	783,600	45	1,954	401.1	17.7%	Yes
Florida	12,938,071	4	53,997	239.6	15,982,378	4	53,927	296.4	23.7%	Yes
Georgia	6,478,149	11	57,919	111.8	8,186,453	10	57,906	141.4	26.5%	No
Hawaii	1,108,229	41	6,423	172.8	1,211,537	42	6,423	188.6	9.1%	No
Idaho	1,006,734	42	82,751	12.2	1,293,953	39	82,747	15.6	27.9%	No
Illinois	11,430,602	6	55,693	205.2	12,419,293	5	55,584	223.4	8.9%	No
Indiana	5,544,156	14	35,870	154.6	6,080,485	14	35,867	169.5	9.6%	No
Iowa	2,776,831	30	55,875	49.7	2,926,324	30	55,869	52.4	5.4%	No
Kansas	2,477,588	32	81,823	30.3	2,688,418	32	81,815	32.9	8.6%	No
Kentucky	3,686,891	23	39,732	92.8	4,041,769	25	39,728	101.7	9.6%	Yes
Louisiana	4,220,164	21	43,566	96.9	4,468,976	22	43,562	102.6	5.9%	No
Maine	1,227,928	38	30,865	39.8	1,274,923	40	30,862	41.3	3.8%	Yes
Maryland	4,780,753	19	9,775	489.1	5,296,486	19	9,774	541.9	10.8%	Yes
Massachusetts	6,016,425	13	7,838	767.6	6,349,097	13	7,840	809.8	5.5%	Yes
Michigan	9,295,277	8	56,809	163.6	9,938,444	8	56,804	175.0	7.0%	Yes
Minnesota	4,375,665	20	79,617	55.0	4,919,479	21	79,610	61.8	12.4%	Yes
Mississippi	2,575,474	31	46,914	54.9	2,844,668	31	46,907	60.6	10.4%	No
Missouri	5,116,901	15	68,898	74.3	5,595,211	17	68,886	81.2	9.3%	No
Montana	799,065	44	145,566	5.5	902,195	44	145,552	6.2	12.7%	No
Nebraska	1,578,417	36	76,878	20.5	1,711,263	38	76,872	22.3	8.8%	No
Nevada	1,201,675	39	109,807	10.9	1,998,257	35	109,826	18.2	67.0%	No
New Hampshire	1,109,252	40	8,969	123.7	1,235,786	41	8,968	137.8	11.4%	Yes
New Jersey	7,730,188	9	7,419	1,041.9	8,414,350	9	7,417	1,134.4	8.9%	Yes
New Mexico	1,515,069	37	121,365	12.5	1,819,046	36	121,366	15.0	20.0%	No
New York	17,990,778	2	47,224	381.0	18,976,457	3	47,214	401.9	5.5%	No
North Carolina	6,632,448	10	48,718	136.1	8,049,313	11	48,711	165.2	21.4%	No
North Dakota	638,800	47	68,994	9.3	642,200	47	68,976	9.3	0.0%	No
Ohio	10,847,115	7	40,953	264.9	11,353,140	7	40,948	277.3	4.7%	No
Oklahoma	3,145,576	28	68,679	45.8	3,450,654	27	68,667	50.3	9.8%	No
Oregon	2,842,337	29	96,003	29.6	3,421,399	28	95,997	35.6	20.3%	Yes
Pennsylvania	11,882,842	5	44,820	265.1	12,281,054	6	44,817	274.0	3.4%	Yes
Rhode Island	1,003,464	43	1,045	960.3	1,048,319	43	1,045	1,003.3	4.5%	Yes
South Carolina	3,486,310	25	30,111	115.8	4,012,012	26	30,110	133.2	15.0%	No
South Dakota	696,004	45	75,898	9.2	754,844	46	75,885	9.9	7.6%	No
Tennessee	4,887,203	17	41,220	118.3	5,689,283	16	41,217	138.0	16.7%	Yes
Texas	16,986,335	3	261,914	64.9	20,851,820	2	261,797	79.6	22.7%	No
Utah	1,722,850	35	82,168	21.0	2,233,169	34	82,144	27.2	29.5%	Yes
Vermont	562,758	48	9,249	60.8	608,827	49	9,250	65.8	8.2%	No
Virginia	6,189,197	12	39,598	156.3	7,078,515	12	39,594	178.8	14.4%	No
Washington	4,866,669	18	66,582	73.1	5,894,121	15	66,544	88.6	21.2%	Yes
West Virginia	1,793,477	34	24,087	74.5	1,808,344	37	24,078	75.1	0.8%	No
Wisconsin	4,891,769	16	54,314	90.1	5,363,675	18	54,310	98.8	9.7%	Yes
Wyoming	453,589	50	97,105	4.7	493,782	50	97,100	5.1	8.5%	No

Note: Density refers to persons per square mile, based on 1990 land area

Source: U.S. Bureau of the Census, 2000 Census of Population and Housing, State Data Center. The Census also gives 2002 estimates, which are included in the calculation of % change in population density.

Section 3.8: The Control Variable

The control variable is real estate gross state product or Real GSP. While gross state product captures the overall health of the state economy, real gross state product is a measure of revenue or productivity that is generated by the real estate industry. The real estate gross state product, thus, will also provide information on how well the construction or developer industries fair in light of any Smart Growth activity taking place and at any given time. I include real gross state product figures for each state for the years 1998-2002.⁴⁶

Section 3.9: Descriptive Statistics

TABLE 3.9 DESCRIPTIVE STATISTICS AND DATA SOURCES					
Variable (Predictor)	Mean	Std. Dev.	Min	Max	Source(s)
Smart Growth	.36	.48	0	1	APA (2000, 2002), State Statutes, Legislation
State Ideology	-.13	.10	-.43210	-.17	Erikson, et al. 2001 data
State Population Density	176.69	241.14	1.0797	1128.042	U.S. Census of the Population and Housing
Governor Executive Order	.56	.50	0	1	NGA, U.S. Statistical Abstract
Governor Item Veto Power	.84	.37	0	1	NGA, U.S. Statistical Abstract
Governor Appointment Powers	.66	.48	0	1	NGA, U.S. Statistical Abstract
Governor Popularity	54.37	7.57	37.3	73.4	U.S. Census, Statistical Abstract, 2000, 2002
General Assembly Days in Session	113.73	50.49	30	285	NCSL, Book of the States, 2000, 2002
Legislative Compensation	22337.06	16663.59	200	75600	NCSL, Book of the States, 2000, 2002
Legislative Staff	548.98	746.61	18	3461	NCSL, Book of the States, 2000, 2002
Partisan Control of the State Legislature	.51	.15	.11	.87	U.S. Statistical Abstract, 1990, 2000, 2002
Party Affiliation of the Governor	.41	.49	0	1	U.S. Census, Statistical Abstract, 2000, 2002
Environmental Group Contributions	19451.06	43876.43	100	355491	The Institute on Money in State Politics
Construction Industry Contributions	842255.60	1136572.00	3400	6788119	The Institute on Money in State Politics
Real Gross State Product	.10	.03	.06	.18	U.S. Census, Statistical Abstract, 2002

⁴⁶ For more information on gross state product, consult the Bureau of Economic Analysis, U.S. Department of Labor. I had originally included several additional economic indicators, such as per capita income, but these measures caused severe problems with the model and were ultimately dropped.

Section 3.10: Probit Estimates for the Smart Growth Model, 1998-2002

Table 3.10 below presents the coefficients and the standard errors for each estimator; however, we are more interested in the probabilities. I also provide the predicted values, which makes interpretation of the results pretty straightforward. The results from the probit analysis for all the years under study generally support my theoretical expectations. As the results show, none of the economic variables performed well, and one of those indicators—state per capita income—was ultimately dropped due to multicollinearity and sign reversal.⁴⁷

TABLE 3.10: Factors Predicting Smart Growth Adoption in the American States, 1997-2002 ⁴⁸						
Explanatory Variables	Estimated Coefficients	Standard Error	P> Z	Minimum	Maximum	Predicted Change
Constant	-4.856	1.952	0.01***	--	--	--
State Ideology	11.681	2.359	0.000***	.103	.792	.688
State Population Density	0.004	0.002	0.02**	.271	.758	.487
Governor Executive Order	0.126	0.436	0.39	.316	.403	.087
Governor Item Veto Power	2.421	0.862	0.00***	.228	.384	.156
Governor Popularity	0.036	0.021	0.05**	.373	.734	.360
General Assembly Days in Session	0.011	0.004	0.00***	.239	.762	.605
Legislative Compensation	-0.000	0.000	0.28	.428	.237	-.191
Legislative Staff	0.000	0.000	0.06*	.257	.383	.126
Party Control of Legislatures	-0.989	1.392	0.24	.511	.248	-.263
Party Affiliation of the Governor	0.210	0.366	0.28	.332	.409	.076
Environmental Group Contributions	-0.000	0.000	0.02***	.395	.012	-.382
Construction Industry Contributions	0.000	0.000	0.32	.358	.378	.019
Real Gross State Product	5.049	16.613	0.38	.222	.709	.486
N = 50						
* = p < .10						
** = p < .05						
*** = p < .01						
<i>McKelvey-Zavoina R-Square</i>	0.81					
Proportion Predicted Correctly	0.84					
Proportion Predicted Correctly (Null)	0.64					
Mean of the Dependent Variable	0.36					

⁴⁷ I added a measure of gross state product from real estate as an economic indicator and compiled from the U.S. Statistical Abstract. The sign of the coefficient was in the expected direction, but the factor did not reach an appropriate threshold of significance.

⁴⁸ The p-values provided are based on one-tailed tests.

Not surprisingly, the sprawl indicator was statistically significant, but did not perform as well as the political variables. In addition, the economic indicator—Real Gross State Product—failed to achieve statistical significance. The most compelling finding is that political ideology has the greatest independent impact on Smart Growth adoption. In fact, ideology and Smart Growth are positively correlated at .56. Among the institutional variables, I find that governors' formal and informal powers matter, but not all of the formal powers yielded positive results. The governor's ability to exercise the item veto reached statistical significance but executive order authority did not. Governors who have access to the item veto have considerable power to influence policy outcomes, but issuing executive orders does not appear to make any difference in terms of impacting the likelihood of Smart Growth passage. However, I find that the informal power—the percentage of votes a governor received in the previous election—is highly associated with the passage of Smart Growth.

Among the other structural variables, legislative professionalism also has predictive power on the adoption of Smart Growth, but some indices of professionalism performed better than others. Of the indicators that were significant, the average days in session performed best, with the sign of the coefficient in the expected direction. The average number of specialized staff was significant but in the wrong direction; however, legislative salary is not significant. Based on these results, we can confirm my argument that as legislatures spend more time discussing, debating and examining land use issues, they are more likely to adopt Smart Growth.

Conventional wisdom informs us that special interests have always played an important role in politics. This assumption does not seem to hold here. Interest group influence appeared to have little effect on the likelihood that states will pursue and adopt Smart Growth. Undoubtedly both environmental groups and corporate entities are prominent stakeholders in the Smart Growth movement. Although campaign contributions from state environmental groups were significant, the sign is in the opposite direction. Financial donations from the construction industry have no impact on the likelihood that a state will adopt Smart Growth.

Section 3.11: Discussion

Political Ideology

Of particular interest is the lack of a prominent role for political parties. I find no statistical evidence that parties matter in terms of enacting Smart Growth in the states. None of the party variables, including the party of the governor and control of the general assembly, performed well. These findings challenge the assumption that the two major political parties differ in their philosophical disposition to Smart Growth. In contrast, ideology outperformed all variables and had an overwhelming impact on the model in general. Liberal states are more likely to enact Smart Growth while conservative states are less likely. When it comes to Smart Growth, the question of whether or not to adopt the policy greatly depends on inherently different points of view about the proper role of government in managing growth. In general, the estimated model performs quite well, with an R-Squared value of .81 and the proportion of cases predicted correctly at .84. Therefore, we can be quite certain that

when taking all of these factors into account, Smart Growth has a great chance of being adopted.

A closer examination of the probabilities presented in **Table 3.10** reveal that political ideology outperforms all other indicators included in the model. Comparisons between states demonstrate the impact of political ideology on Smart Growth adoption. A bar graph of Smart Growth and mean state ideology demonstrates the relationship between ideology and Smart Growth adoption.⁴⁹ Consider, again, our example from the least liberal (or most conservative) state in the country: Utah. Utah's mean ideology score between 1998 and 2002, was $-.22$. Vermont, which is the most liberal state, is about 69% more likely than Utah, to pass a Smart Growth initiative, according to the results.

What about the likelihood that Smart Growth will be adopted when comparing two relatively liberal states? Let's look at the moderately liberal state of Maryland compared to the slightly more liberal state of Illinois. In Maryland, 28% of the electorate identified as liberal, 25% call themselves conservative, and 47% are moderate. In Illinois, 29% of the respondents consider themselves liberal, 23% are conservative and 48% are moderate. The state ideology score is derived by taking the difference between the mean conservative and mean liberal scores, which are $-.03$ for Maryland and $-.06$ for Illinois. Calculating the probability that Smart Growth will be adopted, Illinois is only 1% more likely to adopt Smart Growth than Maryland. How about between conservative states, like the southern state, Alabama, and its western

⁴⁹ See **Figure 3.A** in the Appendix.

counterpart, Idaho? After calculating the mean score, Alabama (the more conservative state) is 7% less likely to adopt Smart Growth than Idaho.

Population Density (Sprawl) and Smart Growth

I hypothesized that states that are confronted with sprawl are more likely to adopt Smart Growth public policies. The results provide compelling evidence to support my claim that sprawling states look to Smart Growth for a policy solution. Comparing a state with the slowest rate of growth (West Virginia) with the fastest rate of growth in population density (Nevada) yields a 49% percent chance that a state adopts Smart Growth. A graph of the variable means demonstrates the strong relationship between population density and Smart Growth adoption (**Figure 3.B** about here). We can therefore expect to see Nevada passing Smart Growth, and in fact, the state *does* have a Smart Growth program in place. West Virginia, on the other hand, does not have a statewide, comprehensive Smart Growth policy.

Governors Powers

Are governors with strong constitutional authority able to influence Smart Growth adoption? I argued that in states where governors have strong formal and informal powers, Smart Growth is likely to be adopted. The formal powers included in the model were executive order, appointive power and budget authority.⁵⁰ The table shows that in states where governors have the power to issue executive orders, Smart Growth is 8% more likely to succeed than in states where governors do not

⁵⁰ Both appointive and budgetary authority variable were dropped due to collinearity with the item veto variable.

have this power. However, because this variable fails to reach statistical significance, I cannot put too much faith in the results. In contrast, the authority of the governor to invoke the item veto had the greatest predictive impact on Smart Growth of all of the formal powers. In fact, the item veto variable was highly significant, and the likelihood that states will adopt Smart Growth when governors have use of the veto—one of the greatest influential tools available to a governor—is nearly 16% compared to those governors without this authority.

I also found that the informal power—the popularity of the governor—was also highly significant, which confirms my expectation that popular governors are able to exert influence on the Smart Growth debate in positive ways. The average percentage of the vote that all governors received was right around 55%, which is great news for any governor who wishes to achieve his or her policy priorities. The most popular governor in 1998 and 2002 was Maine’s Angus King (I) and the governor who received the least amount of popular votes was Jesse Ventura⁵¹ (MN-Ref). States with popular governors are nearly 40% more likely to adopt Smart Growth than states with unpopular governors.⁵²

⁵¹ Ventura’s percentage vote is the result of a three-way race between himself, Republican candidate Norm Coleman, and Democrat Hubert H. “Skip” Humphrey III in 1998. In this race, Ventura received 37%, Coleman received 34%, and Humphrey garnered 28% of the electoral vote.

⁵² Kansas governor, Kathleen Sebelius, has pushed for one of the most ambitious statewide smart growth programs in the nation. She received the second highest number of popular votes in 2000 and 2002. Among the governors who received the least amount of popular votes were Democrats Donald Siegelman (AL-2002), Jane Dee Hull (AZ-2002), Gray Davis (CA-2002), and one Republican, Colorado’s Bill Owens. Although there are several instances where smart growth succeeded in states with unpopular governors, these governors owe their demise to factors outside the realm of this policy area. In these cases, smart growth became a reality *before* these governors experienced a decline in their popularity.

Legislative Professionalism

The results confirm that legislative professionalism and Smart Growth are positively associated. However, some professionalism indicators demonstrated greater predictive power than others. In the model, I included the legislative session length, average member compensation, and the average number of professionalized staff per member. The session length variable was highly significant and in the expected direction. As state general assemblies increase their days in session, the likelihood increases that state legislatures will pursue and enact Smart Growth. Thus, when we compare a state with the shortest legislative session (Alabama at 30 days) with a state with the longest, California at 285 days per session, Smart Growth has a 60% probability of passage. States witnessed a surge in Smart Growth activity over the past five years, and the fact that Smart Growth bills are brought to the floor from the committee level demonstrates both the saliency of the issue and the amount of time devoted to it.

I can also conclude that professionalized staff plays a vital role in state legislative decision making. The staff variable is significant for a one-tailed test and in the expected direction. As state legislatures continue to modernize and committees specialize in complex issue areas, we can expect to see more experienced and professionalized staff. Based on the results, state legislatures that boast professional staffs are 13% more likely to witness Smart Growth passage than states without professionals. Finally, a word about legislative salaries. The results presented in **Table 3.10** show that states that offer higher legislative compensation are nearly 20%

less likely to pass Smart Growth than states with lower member salaries.⁵³ This finding is contrary to what I expected. However, the variable is insignificant and therefore we cannot expect this finding to carry much weight.

Where's the Party?

A few points should be made about the lack of a role for political parties. First, the inclusion of political variables in the predictive model—party of the governor and party control of the legislature—did not add any value to the results. Although the results from **Table 3.10** show that Republican-controlled state legislatures were 25% less likely than their Democratic counterparts to enact Smart Growth, this finding holds little predictive power because the variable fails to reach any level of statistical significance. Similarly, the results show that in states where there is a Democratic governor, Smart Growth is 7% more likely to be enacted than in states with Republican governors. Again, I cannot put much confidence in this finding because the factor does not achieve statistical significance.

Smart Growth has been successful in the states primarily because it has been a bipartisan effort. As the American Planning Association (2002) reports: one-half of all the executive orders that were issued to direct Smart Growth efforts came from Republican governors, while the other half were issued by Democratic governors. In addition, party control did not make any difference when Smart Growth ballot measures arrived before the state assemblies. The approval rate for the 553 state and

⁵³ New Hampshire offers members the least amount of compensation at \$200 per member, with an average of 170 days in session. By stark contrast, California touts an average member salary of \$75,600. The salary seems commensurate for a 285-day legislative session. New York and Ohio are other high-salaried states, while Alabama is among the lowest, with an average member salary of \$300 and an average session length of 30 days (the assembly has the shortest legislative session in the nation).

local ballot initiatives that were enacted in 38 states received nearly 70% approval by both Democrats and Republicans. And finally, more Republican governors—16 of them—have included Smart Growth priorities on their policy agendas (p. 6). Thus, the accepted maxim that Republicans are politically inclined to support conservative issues while their Democratic counterparts are generally liberal in their policy dispositions, does not necessarily hold here, which makes it a ripe issue for study and also confirms how important issue context impacts the political process.

The Interest Group Paradox

I argued that states with strong and viable corporate lobbies are less likely to pursue and enact Smart Growth measures. On the other hand, states with powerful environmental groups will use campaign contributions to encourage the passage of Smart Growth policies in their respective states. **Table 3.10** shows that Smart Growth has a 2% chance of passage when construction groups contribute *more*, not less money. Although this finding runs contrary to what I argued, I cannot put too much faith in it because the variable fails to achieve statistical significance.

The results also set up an interesting paradox. I found that Smart Growth is more likely to be enacted where environmental interests spend *less*, not more money on state campaigns. In fact, the results show that the probability of Smart Growth passage is near 40% when environmental groups devote less money. This is exactly the opposite of what I argued: *that as groups spend more, Smart Growth has a greater chance of adoption*. Why is this the case? I suggest an alternative argument:

First, I assume that groups are strategic actors who weigh the costs and benefits of employing different strategies to gain political access and influence policy

outcomes. This line of reasoning falls closely in line with Victor (2003),⁵⁴ who also found no evidence that campaign contributions make a difference in influencing policy outcomes. Why? Because groups will not waste valuable and scarce resources (e.g., time, money, information) for causes where they perceive no chance at winning.⁵⁵ I offer a corollary to this argument: groups will also not waste resources—e.g., campaign contributions—on causes for which they have a *great* chance at winning or have already won!⁵⁶

Second, I argue that with repeated interactions with political elites, groups already know where decision makers stand on any given issue. Groups have information on how legislators vote simply by relying on past voting behavior. Thus, if a legislator is known to vote a certain way on a range of issues that pertain to environmental regulation, the group has a pretty good indication of how that decision maker will vote on Smart Growth. Is it likely, then, that environmental groups may devote their resources for other policy priorities because they have been assured a win on Smart Growth. Finally, it is also likely that the particular lobbying activities that these groups engage in may not require money at all; their influence may be exercised through the specialized information that they offer to legislative committees and other interested parties. Perhaps, in this policy arena, the types of strategies groups employ are shaped by context (e.g., issue area and saliency, political climate, for instance),

⁵⁴ The author argues that policy preferences are shaped by the likelihood of winning.

⁵⁵ Hall and Wayman (1990, 801) find that interest group preferences are closely aligned with those for whom they lobby. See also Austen-Smith and Wright (1994) and Kollman (1997) for studies on strategic lobbying.

⁵⁶ Of course, my argument is based on the assumption that these strategic actors have perfect information on how legislators will vote.

and that strategic approach is not the same in all instances. I will explore these alternative explanations of interest group influence in forthcoming chapters.

Section 3.12: Conclusion: Why Smart Growth?

Do characteristics of the political system influence the adoption of Smart Growth policies in the American states? In this chapter, I set out to answer this question, and the answer is in the affirmative. More importantly, the objective was to determine which characteristics have the greatest impact on the likelihood that a state will enact Smart Growth. My predictive model showed that Smart Growth has an ideological dimension. Liberal states are more likely to enact Smart Growth policies than conservative ones. I also demonstrated support for my argument that the political characteristics of states are more important predictors of Smart Growth adoption than even the health of the state economy. Not surprisingly, the sprawl indicator—population density—was statistically significant as expected. States that confront greater challenges stemming from sprawl are more likely to implement Smart Growth measures to address sprawl-related concerns.

There is also a set of institutional variables included in the model that pertain to the governor and the state legislature. The results show that state executive authority to invoke the item veto is the most significant exercise of power that a governor has when it comes to Smart Growth. Although governors have utilized executive orders to direct Smart Growth policy in the states, there is no evidence that this formal authority will predict the ultimate policy outcome. However, I find that the governor's popularity will have a great impact on whether he or she is able to get

anything done. Popular governors are more likely to rely on this informal power to help promote and encourage action on their most favored policy priorities. When it comes to Smart Growth, there is no exception to the rule; in states where the governor receives over 50% of the popular vote, Smart Growth measures are more likely to be enacted.

Of the legislative professionalism measures, I found that legislative session length and the average number of professional staff per legislator are the two most significant predictors of Smart Growth adoption. Legislative compensation, however, was discovered to be insignificant.

The most interesting finding is that campaign contributions from pro-growth business lobbies have no discernible impact on Smart Growth adoption, contrary to my argument. However, the results do show that contributions from environmental groups are statistically significant, but the direction of that influence runs counter to my argument that groups spend more to encourage Smart Growth passage. I argued that environmental contributions lead to adoption of Smart Growth in the states, but the results revealed that the probability of enacting Smart Growth *decreases* as these groups spend more on campaigns. I offered an alternative explanation for this surprising result. I assume that groups are rational actors and will not waste resources to champion causes for which they can foresee a win. The ability to predict how state legislatures will vote is not as difficult as one might expect. First, assuming relatively little turnover, groups may examine the voting history of previous state assemblies to get an idea on how legislators voted in the past on a host of similar policy issues. Second, groups can rely on repeated interactions with governing officials, whether

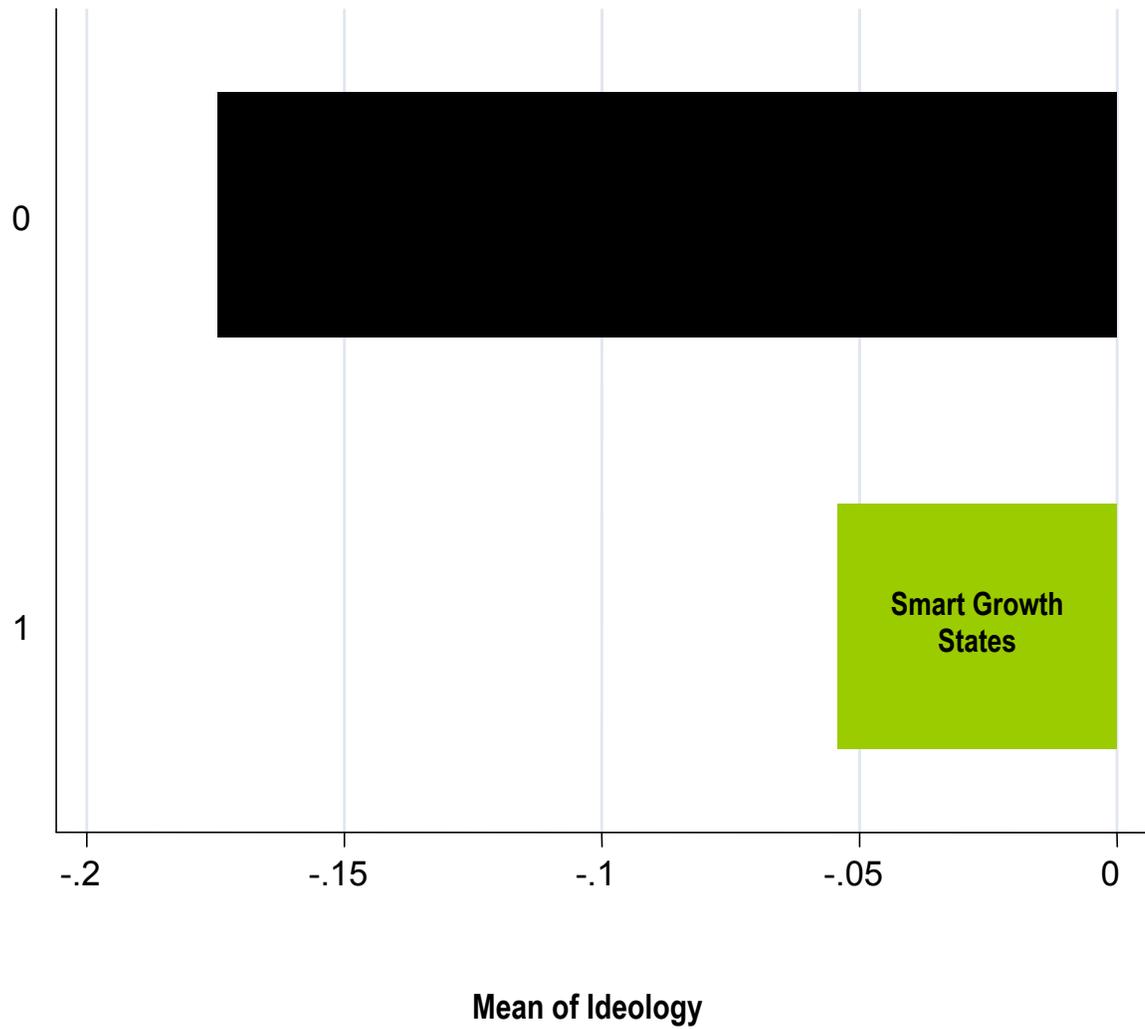
those interactions involved direct meetings or indirect lobbying efforts. Through my own meetings and interviews with stakeholder groups and members of Maryland and Virginia general assembly, I hope to gain a better understanding of the different strategies that groups employ that have worked to influence the voting behavior of decision makers.

None of the party variables performed well. There is no evidence to support the claim that Democratic-controlled state assemblies will pass Smart Growth legislation, or that Republicans are less likely to do so. In fact, although I have shown that there is a liberal dimension to Smart Growth, Republican governors and Republican-controlled state legislatures are just as likely to adopt Smart Growth as Democratic state governments. The economic control—gross state product derived from real estate productivity—also failed to reach an appropriate level of significance. In conclusion, the only consistent patterns are the overwhelming power of political ideology, the sprawl impact, and the lack of political party influence in predicting the success or failure of Smart Growth adoption in the states. In the coming chapters, I will investigate Smart Growth activity in Maryland and Virginia, taking a closer look at these findings and address some of interesting revelations stemming from the results presented in this chapter. Through these case studies, I seek a clearer understanding of the role of party elites, ideology, interest group and stakeholder organizations, and public opinion on the Smart Growth policy process.

APPENDIX

Chapter 3: Why Smart Growth?

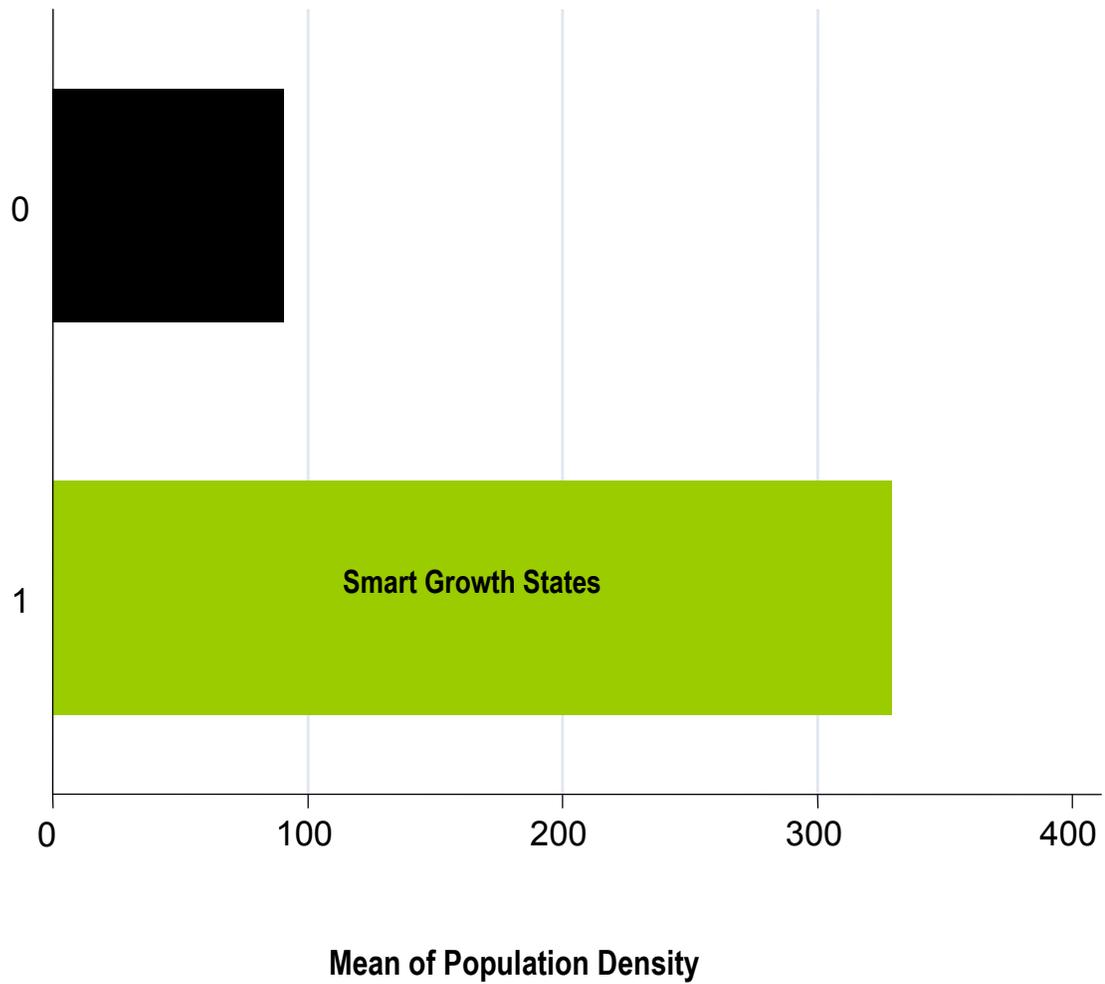
Figure 3.A Mean State Ideology Scores and Smart Growth



APPENDIX

Chapter 3: Why Smart Growth?

Figure 3.B State Population Density (Sprawl Measure) and Smart Growth



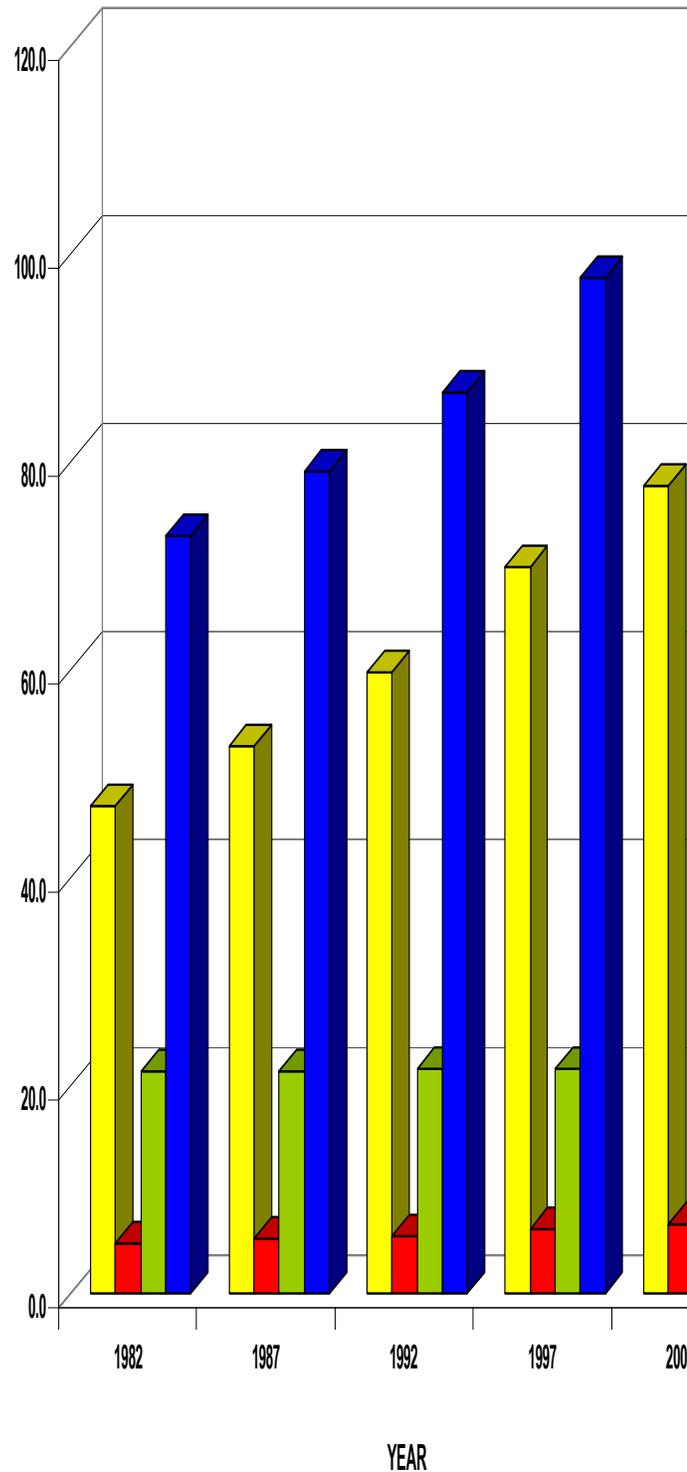
APPENDIX: Chapter 3: Why Smart Growth?

Chapter 4: Maryland's Smart Growth
Smart Growth Begins Here.

Maryland is the undisputed leader in the United States. Spearheaded by a resolute and groundbreaking Smart Growth program, Maryland has propelled the state to national prominence. Other states like New Jersey, Arizona and Michigan are among the few that have implemented Smart Growth programs as a model for managing growth. In Maryland, the political climate has changed in Maryland. Smart Growth has fallen off the governmental agenda, losing visibility and influence, due in large part, to the influence of L. Ehrlich. Smart Growth advocates have not demonstrated a clear commitment to Smart Growth. Smart Growth has now taken a backseat to other issues like the budget deficit and the controversial slots issue.

In this chapter, I set out to understand the politics of Smart Growth in the state of Maryland. I begin by describing the Maryland Smart Growth law. Next, I reiterate the stakeholders involved in the Smart Growth program, which ultimately reflected a compromise between various interests. This Maryland case study of Smart Growth provides a better understanding of the politics of Smart Growth in the state of Maryland, the interviews consisted of a cross section of actors who were either indirectly or directly involved

Figure 3.C LAND USE PATTERNS, 1982-2002



in the Smart Growth movement. In all, there were thirty-two (32) of these discussions, 15 of which were carried out in-person, 13 of the 15 which were taped, and 17 of the total number consisted of phone conversations. The respondents come from varied communities: the Glendening and Ehrlich administrations; state representatives, both Democrat and Republican, supporters and opponents of Smart Growth; members from Smart Growth advocacy groups; representatives from the counter Smart Growth and pro-industry communities; and other, neutral observers.

The interviewees were asked a series of questions, some specifically tailored to their respective positions in the institutions in which they serve.⁵⁷ In this chapter, I present the responses to several key questions and discuss their implications for Smart Growth in the state.⁵⁸ In sum, the purpose of the interviews is to compliment the findings from the quantitative analysis presented in Chapter 3. More important, however, the interviews provided evidence to support the central claims advanced in this dissertation; namely, that political ideology has an overwhelming impact on the chance that Smart Growth is successful in the state. Finally, the interviews serve to highlight the importance of political, cultural and economic conditions that shape the overall context. However, it should also be noted and stressed that I will not attempt to make generalizations based on these interviews, since I am working with a non-random selection of respondents and a small sample size. Rather, it is my belief that

⁵⁷ See Appendix for the standard questionnaire and the list of participants.

⁵⁸ In most instances, respondents expressed the desire not be identified by name; hence, names are not provided in this discussion of my findings. Most of these conversations took place during the 2003 and 2004 legislative sessions and thereafter.

these discussions will add to what has become an interesting story of Smart Growth in Maryland.

Section 4.1: Historical Overview of Growth Management in Maryland

For the sake of clarity, I have organized this discussion on the evolution of Maryland’s Smart Growth program into four parts or phases. Phase I briefly traces the most important trends in growth management. Phase II describes the significant political events that predate Smart Growth’s inception. In this phase, I discuss the pivotal legislative and executive actions that served as the foundation of the landmark Smart Growth policy. Phase III explores Governor Parris N. Glendening’s Smart Growth vision and how favorable political and economic conditions contributed, in large part, to its success in Maryland. Finally, Phase IV focuses on Smart Growth under Republican Governor Robert L. Ehrlich’s tenure, as the change in political context and growth in conservative sentiment in the state and across the country, has created some backlash against Smart Growth.

TABLE 4.1 MARYLAND STATE PROFILE, 2000 ⁵⁹	
Profile Characteristic	State Rank
Land Area – 9,775 square miles	42
Population – 6.125 million	19
Population Density – 525.3 persons per square mi.	5
Per Capita Income - \$29,943	5
School Enrollment – 818,541	39
Population Over 65 (2025 projection) – 16%	46
Population Under 18 (2025 projection) – 23%	19
Counties – 23 (157 cities)	N/A
Coastline – 31 miles	N/A
Net Farm Income - \$275 million	33
Value of Farm Real Estate - \$3,180 per acre	N/A
Land in Farms – 2 million acres	N/A
Average Farm Size – 168 acres	N/A
Population Living in Urban Areas – 80%	N/A
Population Living in greater Baltimore Area – 49%	N/A
Population Living in metro Washington, D.C. Area – 68%	N/A

⁵⁹ Source: “Growth Management Program – A Comparison of Selected States.” (2000). Report submitted by the Florida Department of Growth Management. Tallahassee, FL.

Phase I: The First Wave—Growth Management Trends in Maryland

The history of growth management in Maryland is complex and varied, but generally reflects a tug of war between state and local officials over which level of government is best suited to address land use and growth management issues. In the late '60s and early '70s, the state had already adopted an open space program and a wetlands protection plan.⁶⁰ However, local governments maintained overriding authority in land use management. Armored with extensive zoning and planning powers, local governments determined their own comprehensive plans and strategies for sustaining healthy economic development and preserving valuable land resources.⁶¹

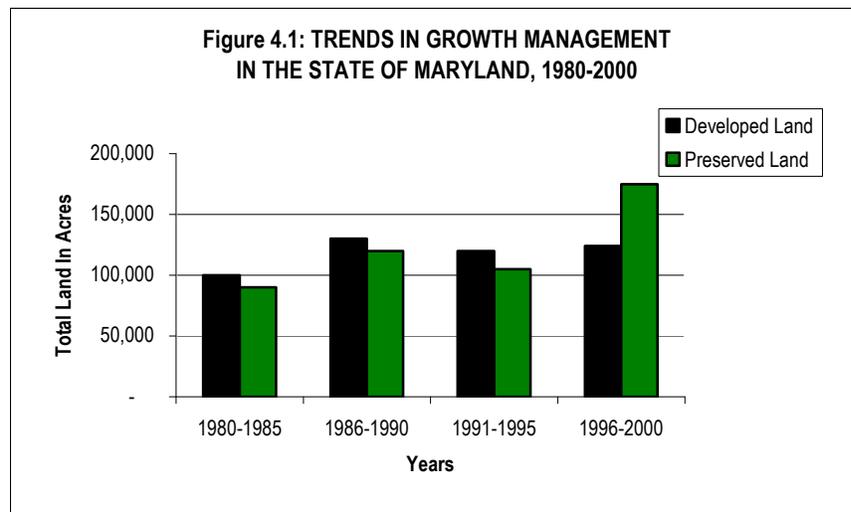
The 1970s saw a marked departure from local government authority over land use planning and growth management. Motivated by the desire to maintain clean air standards⁶² and responding to reports that expressed concern over the health of the Chesapeake Bay, the state of Maryland began to take a more active role in growth

⁶⁰ The 1969 Program Open Space Act allowed the state to purchase available land for parks and recreational purposes using real estate transfer taxes. This law would later be refined to allow developer transfer funds for the same purposes, where a landowner could sell his or her property to public or private entities to fund development projects. The 1970 Tidal Wetlands Act also predated the smart growth concept of allowing the state to institute a wetlands protection plan, but one that would also allow developers permits to alter the land or build, provided that they adhere to strict density and acreage requirements imposed by the state.

⁶¹ Recall that prior to the 1970s, land use planning and regulation was relegated to local governments across the country, due in large part, to the Standard State Zoning Enabling Act and the Standard City Planning Enabling Acts that were instituted in the 1920s. For a more thorough discussion on these acts, see John M. DeGrove and Nancy E. Stroud (1987), "State Land Planning and Regulation: Innovative Roles in the 1980s and Beyond." *Land Use Law* (Mar 1987): pp. 3-8.

⁶² According to reports released by the U.S. Environmental Protection Agency, several states were in danger of losing federal funding for various capital projects because they failed to adhere to federal EPA clean air standards. Among the states that failed to meet EPA regulatory standards was Maryland. The EPA cited Maryland as one of the worst offenders of clean air standards. See the EPA's report (1983).

management.⁶³ By 1974, for example, the authority to oversee planning proposals submitted by local governments was centralized in the State Department of Planning. Local governments were required to submit comprehensive land use and growth management plans every six years. Although local jurisdictions could design those plans in any way they saw fit, they were required to abide by state imposed restrictions barring development in critical areas. Adding to centralized authority in land use management, the state assembly passed the Maryland Agricultural Land Preservation Foundation law in 1975, which created special farming districts in largely rural areas in the western and southern parts of the state. The purpose of the law was to preserve millions of acres of farmland and protect these designated agricultural districts against local government zoning acts. **Figure 4.1** below shows the trends in growth management in the state of Maryland.⁶⁴



⁶³ The Chesapeake Bay is a 195 miles long, 30 miles wide estuary—the largest in the U.S. The bay spans over a 64,000 square mile area and borders three states, including Delaware, Virginia and Maryland, but also spills into other parts of New York and Pennsylvania.

⁶⁴ Data provided by the National Geographic Foundation’s report on Smart Growth in Maryland (2002) and can be found at www.maps.nationalgeographic.com/smartgrowthmd.

Phase II: The Second Wave—The Budding Smart Growth Movement

The emergence of Smart Growth in Maryland is attributed to three main developments: a widespread public desire to preserve the health of the Chesapeake Bay; a strong resistance to state intervention in local land use planning; and, political tension between urban and rural interests (Cohen 2002, 3). In 1983, the U.S. Environmental Protection Agency released its annual report on the health of the Chesapeake Bay and cited Maryland as the greatest violator of clean air standards.

In response to the EPA's report, Maryland passed the pivotal 1984 Critical Areas Act, which instituted growth boundaries around the bay and prohibited further development in its surrounding areas (DeGrove and Stroud 1987). By 1987, the first Chesapeake Bay Agreement was implemented and was essentially a stated commitment between Maryland and its immediate neighbors to preserve and protect the bay by instituting consistent, regulatory growth management practices. The agreement called for the establishment of a 2020 Commission, which was charged with monitoring projected growth patterns that would affect the health of the bay.

Among the strategies employed by the commission were: (1) enhanced restrictions on further development; (2) an extension of the 1984 Critical Areas Act; (3) the protection of valuable farmland in rural areas; (4) a more collaborative effort to oversee the preservation of the Chesapeake Bay; (5) a more concerted effort to protect natural resources and habitat, including wetlands, forestlands, wildlife and endangered species; and finally, (6) to institute programs that offer financial incentives in the form of rewards or sanctions to encourage development where needed and discourage excessive growth. All of these stated goals were instituted

with the ultimate objective of ensuring that the health of the bay would be sustained by the year 2020 (Cohen 2002, p. 4).⁶⁵ It was also one of the first instances where the Smart Growth concept began to take shape.

Maryland wasted no time instituting the recommendations of the commission. In 1989, the Non-Tidal Wetlands Act passed with overwhelming support in the state legislature and called for stricter limitations on development near wetlands and other protected areas.⁶⁶ In a similar vein, the 1991 Forest Conservation Act encouraged developers to assume some responsibility in growth management by working to preserve trees and cease building projects in and around critical areas. That same year, the Maryland Growth and Chesapeake Bay Protection Act of 1991 further enhanced state control over local land use planning. But, it was the Economic Growth, Resource Protection and Planning Act of 1992 that was perhaps the most important of these legislative actions.

The Economic Growth, Resource Protection and Planning Act of 1992, hereafter referred to as the 1992 Maryland Planning Act, established the Economic Growth, Resource Protection and Planning Commission to conduct studies of impact and oversee local and state government progress in land use planning. Local

⁶⁵ In addition, see Pendleton (2000).

⁶⁶ Also in 1989, the Barnes Commission, appointed by then-governor William Donald Schaefer, met to evaluate how well Maryland was responding to the 2020 Commission concerns. The establishment of the Barnes Commission reflected a pivotal turning point in the history of growth management in the state. The commission called for increased state authority by requiring that local governments be even more restricted in how they grew by imposing strict density requirements. Eventually local governments came to view the commission's actions as an encroachment on local government powers, and the proposed legislation that arose out of the commission's reports was rejected in favor of the 1992 Economic Development and Resource Protection Planning Act. See Cohen (2002, pp. 5-6).

governments could decide the appropriate strategies for protecting critical areas; however, they were required to incorporate a number of state directives in their comprehensive plans. Among these directives included an enhanced regulatory mechanism imposed by the state to achieve its commitment to protect open space, preserve farmland, and the Chesapeake (Ibid). This enhanced regulatory power by the state was the source of controversy for the local and municipal governments and remains so to this day. Nevertheless, the state pressed on in its efforts to address the objectives set forth by the 2020 Commission. The 1992 Maryland Planning Act was at least a step in that direction. The greater challenge was to come up with a better strategy for convincing local governments that their interests would also be protected.

Phase III: The Third Wave—The Birth of Smart Growth in Maryland & Governor Glendening's Vision

It is a real honor to be recognized by professional planners for our Smart Growth initiatives. Maryland has become the national model for Smart Growth by encouraging people to think about land use planning in a better way, and invest in our existing communities, while preserving our natural resources and agricultural areas. With the help of planners and administrators, we are moving forward to curtail suburban sprawl and ensure that every community in Maryland remains a great place to live, work, and raise our families.⁶⁷

⁶⁷ Statement made before the Maryland Chapter of the American Planning Association (APA) meeting in Baltimore, Maryland, upon receiving an award for leadership in smart growth initiatives from professional land use planners (October 20, 1999). This report is available at <http://www.gov.state.md.us/gov/press/1999/oct/html/smartgrowthawards.html>. That same year, Maryland's Smart Growth program was again honored by the Ford Foundation in partnership with Harvard University's John F. Kennedy School of Government and the Council for Excellence in Government. The state was awarded a \$100,000 grant for its Smart Growth and Neighborhood Conservation Program as a recipient of the Innovations in American Award. See <http://www.innovations.harvard.edu/release/2000winners/smart-growth.html>.

By 1997, Governor Parris N. Glendening expressed reservations with the 1992 Maryland Planning Act (Cohen 2002, p. 7). Glendening was concerned that the 1992 Act did not go far enough to ensure that local governments were committed to growth controls. He felt that their overuse of zoning regulations did not constitute “protection.” But, at the same time, Glendening, once the County Executive for Prince George’s county, was sympathetic to the concerns of the local governments—the county governments, in particular—and expressed the desire to maintain local government authority. He could achieve that by placing some limitations on bureaucratic oversight of land use planning. With the help of supportive individuals in his cabinet, who were also committed to anti-sprawl efforts, the state Department of Planning⁶⁸ drew up a preliminary plan that would: (1) develop more efficient tools for the implementation of growth controls; (2) encourage coordinated efforts between local and state governments; (3) an integrated and comprehensive growth management strategy that would incorporate policies to preserve open space, protect existing endangered habitats, while encouraging sound, efficient growth practices. But, the most important of this plan was to encourage innovation.⁶⁹

That same year, Governor Glendening actively encouraged and promoted the passage of a land conservation law. Backed by a powerful legislature, urban planners, environmentalists—and even some in the construction and real estate industry,

⁶⁸ Ron Young, Deputy Director of the State Planning Office, along with other prominent cabinet members, were also involved in helping to craft legislation—two bills, in particular: Senate Bill 389 and House Bill 507—which were introduced on behalf of the governor’s office during the 1997 legislative session. These two smart growth bills were later reworked in conference committee and were eventually agreed on by both houses.

⁶⁹ See also Peter S. Goodman (1998), “Glendening Banks On Smart Growth,” *Washington Post* (6 Oct 1998): B1.

Maryland's landmark Smart Growth and Neighborhood Conservation Act was signed into law on October 1, 1998. There are five main policy priorities of the Maryland Smart Growth initiative: (1) The Smart Growth Priority Funding Areas Act of 1997; (2) The Rural Legacy program; (3) the Brownfields Voluntary Cleanup and Revitalization Incentive Program; (4) Job Creation Tax Credits and (5) Live Near Your Work. Maryland's Smart Growth initiatives are centered around three core objectives: (1) to "save valuable natural resources," (2) to "support existing communities and neighborhoods by targeting state resources to support development in areas where the infrastructure is already in place," and to (3) prevent sprawl by "redirecting states funds to encourage development projects where there is greatest need."⁷⁰ The following table provides an overview of Smart Growth activity in Maryland's counties and neighborhoods.

⁷⁰ Language taken directly from the 1997 Smart Growth Areas Act passed by the Maryland General Assembly. See also Cohen (2002, p. 2). For a more detailed description of these five policy initiatives of Maryland's Smart Growth program, see the Appendix at the close of this chapter.

**TABLE 4.2
KEY MARYLAND SMART GROWTH POLICY INITIATIVES AND TARGETED AREAS**

Smart Growth Initiative	Targeted Areas
Priority Funding Areas (PFA)	Entire Baltimore city and immediate surrounding areas; Columbia; Ellicott City; Laurel; Aspen Hill; Wheaton; Bethesda; Rockville; Gaithersburg; Olney; Largo; Seat Pleasant; Arnold; Oxon Hill; Suitland; Clinton; Waldorf; St. Charles; La Plata; Lexington Park; Silver Spring; Potomac; Chesapeake Estates; Cambridge; Denton; Chestertown; Crisfield; Berlin; Ocean City; Elkton; Craigtown; North East; Perryville; Owings Mills; Reisterstown; Glen Burnie; Arnold
Community Legacy Areas	SW Baltimore County; Dundalk; Brooklyn; Newmarket; Easton; Trappe; Oxford; Salisbury; Pittsville; Willards; Fruitland; Smithsburg; Hagerstown
Federal Protected Areas	College Park; Greenbelt; Catocin Mountain; Wildlife Refuge; Southern Frederick County; Martin National Wildlife Refuge; Sharpsburg
Rural Legacy Areas	Middletown; Burkittsville; Keedysville; Barnesville; Poolesville; New Windsor; Patuxent River State Park; Baltimore County; Susquehanna State Park; Cecil County; Ridgely; Shaptown; Vienna; Hebron; Prince Frederick; East St. Charles; Brooksville; Upper Marlboro
State Park or Forest Areas	Seneca Creek State Park; Rosaryville State Park; St. Mary's River State Park; Greenwell State Park; Indian Head; Chapel Point State Park; Fort Washington; Patuxent River State Park
Other Protected Areas	Patapsco Valley State Park; Betterton; Tuckanoe State Park; Manchester; Emmitsburg
Brownfields & Voluntary Clean-Up Sites	Entire Baltimore City and immediate surrounding areas; Canton; Hampden; Arlington; Brooklyn
Historic Preservation Tax Credit Sites	Entire Baltimore City and immediate surrounding areas; Reisterstown; Randallstown; Owings Mills; Ellicott City; Lansdowne; Mount Washington; Pikesville; Towson; Lutherville
New Schools Built or Additions, Renovations, or Replacements	Entire Baltimore City and immediate surrounding areas; Lansdowne; Dundalk; Woodlawn; Catonsville; Randallstown; Reisterstown; Lutherville; Perry Hall; Middle River; Essex; Hamilton; Parkville; Brooklyn

Since its inception, the Maryland state legislature and Governor Glendening have passed or authorized additional laws and Smart Growth initiatives to assist in implementation efforts. **Table 4.3** briefly describes these initiatives under Glendening’s tenure:

TABLE 4.3 EXAMPLES OF SMART GROWTH ACTION UNDERTAKEN BY GOVERNOR GLENDENING AND/OR STATE LEGISLATURE, 1997-2001		
Smart Growth Initiative	Description	Governor and/or Legislative Action
Smart Growth and Neighborhood Conservation Policy of 1998	Directs agencies to oversee development projects and ensure that they adhere to state Smart Growth directives	Governor Sponsorship, Legislative action (H.B. 1379)
Forestry Legacy Program	Earmarks \$200 million in increment financing to protect environmentally threatened forestlands	Executive Order
Conservation Reserve Enhancement Program	Rewards farmers with grants for voluntarily transforming cropland into riparian forests, vegetable buffers and wetlands	Executive Order
Buffer Incentive Program	Landowners rewarded with grants to encourage protection of wetlands (ponds, rivers, lakes, streams) on their properties by 2010	Executive Order
Creation of Secretary of Smart Growth and Director of the Governor’s Office of Smart Growth	These two cabinet level positions are established as separate, independent positions not housed in the Department of Planning	Legislative action (S.B. 204)
GreenPrint Program	\$145-million over a 5-year period to enhance land conservation investments and environmental protection	Governor Sponsorship, Legislative action (H.B. 1379)
Community Legacy, Heritage Legacy	\$11 earmarked funds for neighborhood revitalization efforts and historic preservation projects	Governor Sponsorship, Legislative action (H.B. 301; S.B. 202)
Income Tax Credit for Green Buildings	Provides state income tax credits for buildings that meet state density, energy efficiency and environmental standards	Legislative action (H.B. 8)

Smart Growth Arts and Entertainment Districts	Authorizes DBED to establish arts and entertainment districts to encourage preservation of historic monuments and art exhibits	Legislative action (H.B. 691)
Maryland Heritage Structure Rehabilitation Tax Credit	Extends tax credit grant amounts to encourage the rehab of historic areas, buildings, artifacts	Legislative action (S.B. 496)
Chesapeake Bay Critical Areas	Restores the original objectives of the 1984 Critical Areas Act by protecting the 100-foot buffer along the shoreline from developer encroachment	Legislative action (S.B. 326)
Stormwater Management	Prohibits using residentially zoned property for stormwater management	Legislative action (S.B. 880)

Phase IV: The Fourth Wave—A Wave of Change? Smart Growth’s Vision Under Governor Ehrlich

Under the auspices of Glendening’s Office of Smart Growth, Smart Growth flourished because it drew widespread support and enthusiasm from nearly every community with a stake in the policy. Even though there may have been minor philosophical differences with respect to how the program was to be implemented, most supporters agreed with the underlying objectives of Smart Growth.⁷¹ Because Glendening was also the president of the National Governor’s Association, he was able to take full advantage of his position to encourage other governors to follow his lead and institute Smart Growth initiatives of their own. The Glendening Smart Growth doctrine was articulated in a report from the NGA called “Growing Pains: Quality of Life in the New Economy,” (Hirschhorn 2000). In that report, the NGA

⁷¹ A major shortcoming of smart growth as a concept is disagreement between various communities as to what smart growth means and how best to implement the program. For example, to urban planners, smart growth might mean promoting high density development, “walkable” and bicycle communities, and a focus on master plans that ensure a sense of place and preserves neighborhood character. Among the environmentalists—by no means a monolith—some call for more land conservation efforts; others emphasize the importance of environmental justice, preservation of natural resources, and energy efficiency programs.

calls for the urgent need for all governors to address the sprawl problems and risks associated with inaction. Although the report does not necessarily call for Smart Growth by name, it does clearly include the language of Smart Growth in its prescriptive strategy to effectively combat sprawl.

Smart Growth activity has not abetted since Republican Governor, Robert L. Ehrlich's succession to office. However, the momentum to push for additional Smart Growth efforts has slowed. Most noticeably, there have been some major administrative changes. The Governor's Office of Smart Growth has been downsized and is now a much smaller administrative agency under the larger Department of Planning. In addition, faced with the possible threats to cut social programs and higher education from the governor, Democrats were forced to save these more pressing policy priorities by reducing the Smart Growth budget in fiscal year 2004.⁷²

Some Smart Growth advocates worry that Ehrlich has attempted to further undermine growth control efforts by aligning himself with fellow conservatives on more controversial and unpopular issues, such as the proposal to widen Route 32 in Howard County and his support for the Intercounty Connector (ICC).⁷³ Democrats in

⁷² For instance funds to administer the popular Live Near Work and Job Tax Incentive Credit program have been drastically reduced. Local governments have attempted to pull together the funds or solicit funding resources from local charities and private foundations. See the Maryland FY2004 Capital Budget, published by the Office of Budget and Management, Baltimore, MD.

⁷³ For instance, in a *Baltimore Sun* article, Director of 1000 Friends, Dru Schmidt-Perkins, claims that Governor Ehrlich seems noncommittal to the expansion of mass transit, instead arguing for high-end contracts to private developers for road expansion and other capital projects rather than a gas tax hike. The article, "Gov. Ehrlich Submits Transport Bill for Maryland Road, Mass Transit," can be downloaded at www.baltimoresun.com/news/local/. In a discussion with another representative from the organization, Ehrlich is accused of paying "lip service" to smart growth in order to appease the Democrats in the House of Delegates but has no overriding commitment to smart growth. Generally speaking, supporters of the ICC believe that providing additional road access connecting Montgomery and Prince George counties would alleviate the annoying problems associated with sprawl, such as bottle necked traffic congestion along Interstates 495/95 and 270 highways. Opponents, primarily from environmental groups, counter that the proposed ICC project would actually cause severe

the General Assembly and the outgoing administrative heads disagree with Ehrlich on a host of Smart Growth issues, ranging from proposed cuts for Program Open Space and the Maryland Agricultural Land Preservation Program, to the desire by some conservatives to sell state owned land resources without legislative consent.⁷⁴ Still, regardless of lingering doubts or antagonistic charges leveled at the governor, Ehrlich has continued the Smart Growth legacy by instituting his Priority Places pledge, which extends the emphasis on Brownfield and neighborhood redevelopment. And although some groups like Partners for Open Space and 1000 Friends of Maryland have criticized the governor for cutting conservation funds, the Ehrlich administration—though less vigorously committed to Smart Growth than his predecessor—continues to champion Smart Growth efforts.⁷⁵ In an address to a congregation of farmers, environmentalists, real estate consultants, and various local and state officials at a Chesapeake Bay Foundation meeting, Ehrlich reaffirmed his commitment to Smart Growth: “I’m going places Republican governors have never gone. The sooner we get past the politics and (the notion) that because you’re pro-environment, you’re anti agriculture, and if you’re pro-agriculture, you’re anti-environment, the better off we’ll be.”⁷⁶ Below is a brief summary of Smart Growth initiatives under Governor Ehrlich and his Democratic-controlled state legislature:

environmental damage and would not provide relief to traffic congestion.

⁷⁴ For a description of these budget items, see the *House Appropriations Committee Transportation and the Environment Subcommittee 2003 BRFA Decision Document, 2003 Session*. This report is available from the Office of Budget and Management, Baltimore, MD.

⁷⁵ See Partners for Open Space report, “The High Cost of Conservation Cuts to Maryland’s Counties.” The report can be found at <http://www.partnersforopenspace.org>. The 1000 Friends annual report can be downloaded at <http://www.friendsofmd.org/data/2003annualreportcompletepdf>.

⁷⁶ See “Gov. Ehrlich Urges Unity at Summit to Curb Nutrient Runoff into Chesapeake Bay,” (6 Aug

**TABLE 4.4
EXAMPLES OF SMART GROWTH ACTIONS UNDERTAKEN BY GOVERNOR
EHRlich AND/OR STATE LEGISLATURE,
2002-2004⁷⁷**

Smart Growth Initiative	Description	Governor and/or Legislative Action
Maryland Smart Sites	Provides technical assistance to local governments to help them market sites eligible for Brownfield Redevelopment	Executive Order
Smart Step Forward	Provides \$30,000 to local government entities to encourage “livable” and pedestrian-friendly communities	Executive Order
Smart Growth Collaborative	Partnership with Homebuilders Association of Maryland, 1000 Friends, Chesapeake Bay Foundation to address concerns from various interests in the Smart Growth community	Executive Order
Smart Growth Subcabinet and Coordinating Committee	Provides a medium for interested parties to discuss administrative concerns related to Smart Growth implementation	Executive Order
Maryland Heritage Preservation Tax Credit	Extends tax credit to encourage private investment in historic preservative projects	Executive Order
Brownfields Redevelopment	Increases funding for state Brownfields Redevelopment program	Legislative action (H.B. 294)

2003). News article can be found at www.newszap.com/dover.

⁷⁷ Source: Governor’s Office of Smart Growth 2002 Annual Report. The report can be obtained from www.smartgrowth.state.md.us.

TABLE 4.4 EXAMPLES OF SMART GROWTH ACTIONS UNDERTAKEN BY GOVERNOR EHRLICH AND/OR STATE LEGISLATURE, 2002-2004⁷⁸		
Smart Growth Initiative	Description	Governor and/or Legislative Action
Conservations Easements	Preserves land preservation easements	Legislation action (H.B. 777; H.B. 820)
Smart Growth Priority Funding Areas Designation by 2 or more Counties	Allows collaborative efforts between regional governments to designate PFAs	Legislative action (H.B. 256)
Establishment of the Maryland Agricultural Land Preservation Foundation	Establishes a task force to study farmland land use	Legislative action (H.B. 740)

Section 4.2: Smart Growth and the Governor’s Office

Thus far we have discussed both Governor Glendening and Governor Ehrlich’s response to Smart Growth. During my interviews, I asked respondents to identify—from most to least important—the actor most influential in getting Smart Growth passed in Maryland. Twenty-seven of the thirty-two respondents ranked the governor as the most influential, and seven out of the 32 chose the governor’s office as the second most influential actor in the Smart Growth movement. Taken together, a majority of the discussants said that the governor was either the most or second most important actor in terms of political prestige and influence. This finding is

⁷⁸ Source: Governor’s Office of Smart Growth 2002 Annual Report. The report can be obtained from www.smartgrowth.state.md.us.

hardly surprising, given the visibility and recognition of both governors and their respective roles. As one former Glendening cabinet member puts it:

Of course, it's the governor. Governor Glendening. Smart Growth was his vision—the centerpiece of his governmental agenda. Why this issue you ask above all others? Urban sprawl is a major problem for Maryland. The Chesapeake Bay's health is declining. The state is dealing with incredible air and water pollution. Let's not even talk about traffic congestion. It's ridiculous. The planning community had a lot to do with it as well. And the legislature...well, it helps the governor to have the legislature on his side. When we started this thing, he was fairly popular and tended to win on most of his policy priorities.

Another representative from the Department of Business & Economic Development (DBED) under current governor, Robert L. Ehrlich, stressed the continued visibility of the governor, even with a change in administration, but suggests that concerns expressed by developers may take precedence over Smart Growth if they continue to face an undue burden placed on them by growth controls:

You know, regardless [of] where you stand on the issue of Smart Growth, the bottom line is that the governor can do whatever [he] wants. Even with [Governor] Ehrlich, he can implement the policy as he sees fit, according to his will; he can direct his agencies like us at DBED to encourage more small business involvement in this grant program. But if the state is struggling economically, he might then suggest to the legislature that they cut funds from other programs that the legislature might support. And he can veto most anything that comes before him that doesn't sit well with the business community or with the administration's policy agenda. We've all seen it done before.

Republican delegate from Allegany County and a member of the American Exchange Legislative Council,⁷⁹ agreed with the prominence of the governor:

⁷⁹ The American Exchange Legislative Council is a conservative, pro-growth organization comprised of over 10,000 conservative Republicans and Democrats who oppose the smart growth agenda.

If I have to, I can influence the governor to reject these proposals that impose too many restrictions on developers. These impact fees are hurting my constituents. I believe that he [Ehrlich] agrees with me on a philosophical level. He has the power to change the law if he wants or not to execute [*sic*]. Those Smart Growth people make it seem like growth is the enemy, but Smart Growth has done nothing to stop development in my community. Sure, they've tried to stop [the growth], but they haven't succeeded where I'm from. And I know the governor agrees. The land conservation people have gone too far and that's why we in the Appropriations committee will continue to cut those programs when they become too much. If they [Smart Growth advocates] claim to want a compromise, then they have to come to the bargaining table and stop telling my county and my constituents what to do with our land.

And finally, a high ranking official from Partners For Maryland Open Space agreed that the Republican administration's cuts in conservation funding has been detrimental to Maryland counties, but also believes that the administration's action reflects a larger move towards additional cuts in Smart Growth programs:

Counties and municipalities are hurting right now. They are hurting financially and need those funds to carry out state directives and promote conservation [efforts]. The governor has ultimate power right now, but even the pragmatic Democrats who are trying to find ways of balancing the budget will further hurt Smart Growth because they are going along with the governor's mandate. What are they going to do? Cut more social programs to appease the governor; that will hurt them during election time when they are going to have to explain. I wonder what will happen. They can't cut everything!

Section 4.3: Smart Growth and the Maryland State Legislature

The seeds of the Maryland Smart Growth law were planted in the legislature by some of its staunchest supporters, mostly from Baltimore County and Baltimore City. This was no accident, as the Baltimore region has long suffered from capital disinvestment and is perhaps the most economically distressed in the state. Local business leaders, like the Greater Baltimore Committee, threw early support behind

Smart Growth, as did many of the area conservation groups and urban planners, largely from the lauded urban planning program at the University of Maryland at Baltimore. What they had on their side was a governor who was determined to get Smart Growth passed in the legislature as quickly as possible. In order to achieve this, Governor Glendening needed willing legislators with enough clout and prestige who would sponsor the bill and oversee its progress. What better way to pursue this objective than to have the powerful Speaker of the House, Casper R. Taylor, Jr., to sponsor the legislation, sending it to the House Committee on Environmental Matters Chairman, Ronald A Guns,⁸⁰ and then on to the Senate Economic and Environmental Affairs and Budget and Taxation committees for favorable review.

The Senate version, S.B. 389, quickly passed both the committee and full chamber with amendments. The most important of these amendments concerned giving the counties—who were initially opposed to Smart Growth—an enhanced authority to help city and municipal governments identify their priority funding areas. This amended bill passed the full assembly on second reading, March 26, 1997, with only 12 dissenting votes. Though most of these votes came from Republicans, a majority of the 57 Republican members of the assembly joined with Democrats in support of the Smart Growth legislation. When asked why Republicans signed on in support of Maryland Smart Growth, one prominent Republican from Cecil County and a sponsor of the Senate version that eventually became law explains:

⁸⁰ The initial House version, H.B. 508, called for the establishment of priority funding areas and included a provision requiring the Office of Planning to oversee local or county government designation of those areas. This version was quite controversial and was rejected by the Maryland Association of Counties.

One of the reasons why I personally supported this legislation was not so much that I was in agreement with everything it said, I just thought that the bill was more in line with my personal views on how growth should be managed—at the local level with local government input. Had the original version of the bill passed [the one with the provision for the state planning office to oversee local government planning], then I would have voted against the bill. And yet there are still a number of Republicans who disagree with this Smart Growth thing, but go along with it because it sounds like a good idea. It's kind of like marrying this bold, new idea or concept with actual action. And me being on the [Education, Health &] Environmental Matters committee, I feel that I still have some responsibility to [make] sure that I am at least as concerned about the Chesapeake Bay and other overriding environmental issues that everyone else in this state is concerned with. I guess that's why I signed on to this bill in the first place.

Aside from this senator's perspective, I spoke with other prominent legislators who were the most involved with Smart Growth legislation and who were largely responsible for overseeing its passage. In the House of Delegates and in conjunction with the Speaker, there's former member of the Oversight Committee on Program Open Space & Agricultural Land Preservation (1993-1998), and now the Chair of the House Committee on Environmental Matters, Maggie McIntosh, who threw her early and unwavering support for Maryland's Project Open Space and Glendening's Smart Growth initiative. Chairman McIntosh, a representative of Baltimore City's 43rd District, is a staunch supporter of Smart Growth who had a hand in working with the governor's office and a conservation group, Partners for Maryland Open Space. Also in the House is Montgomery County Delegate Peter Franchot, representing the Takoma Park area. Delegate Franchot, a member of the powerful Appropriations Committee since 1987, expressed support in backing Smart Growth initiatives in the state and in his district, in particular, which he says suffers some of the "greatest injustices stemming from urban sprawl."

However, once the Smart Growth bill was sent to the Senate, many of the initial provisions were reworked and shaped into what we now know as a compromised version of Smart Growth, which incorporated some of the wishes from the most enthusiastic of Smart Growth advocates, balanced with the wishes of the county governments and the real estate and developer industries. The Senate version, sponsored by Senators Clarence W. Blount, Michael J. Collins and now Chairman of the Senate Education, Health and Environmental Affairs Committee, Joan Carter Conway, was accepted by a near-unanimous vote, even with most of the 15 Republicans signing on. Most of the sponsors of the Senate compromised version represented the Baltimore region. As one of the most recognizable and influential of the Baltimore Delegation asserts:

We realized that we could not alienate businesses in our communities; that the final version must be in keeping with the bill's original intent as the governor envisioned it, and that was to encourage business involvement, while at the same time, being mindful of the concerns from the counties and environmental groups. I think we just may have assuaged many of the fears of the [Smart Growth] program at that time because we really worked hard to appease everyone on board. Yes, there are still some of those lingering concerns from the developer industry; they don't like what we are doing and how we are pushing for Smart Growth, but at least we still got some support from some [of those] in the business community. It's going to be quite a challenge. But we still had to clean up some of that bill's language because it just wouldn't fly and the counties would not be on board. Well...they still aren't really on board—not all of them—but the majority of them are, like Baltimore City, P. G. [Prince George's County], Montgomery County...and now even Carroll County is coming around to the table.

So what is the state of Smart Growth in the state legislature today? Numerous pieces of legislation have been enacted, including Senate Bill 208 (2000), which called for “Smart Coded” infill development projects in many of the state's poorest

neighborhoods, but also requires state agencies to work in conjunction with the local governments on ways to extend tax incentives to attract potential real estate investment.⁸¹ In the House, Delegates John Leopold (R-District 31) and Samuel Rosenberg (D-District 43), have worked together to reinforce the state's commitment to preserving county level authority in the Smart Growth movement. Their co-sponsored legislation, H.B. 256, has the purpose of allowing two or more contiguous county jurisdictions to work together in designating their priority funding areas. This legislation passed with overriding support from both sides of the aisle, with many of the state's 23 counties and Baltimore City expressing both support and relief. Still, the legislature is working within the context of divided government, and some legislators expressed concern that Governor Ehrlich has given an unclear or ambiguous stance on Smart Growth.⁸² Though they acknowledge his vocal commitment to Smart Growth, they worry that his cuts in various Smart Growth funding is just the beginning of what's to come; that is, more of the same—cuts and more cuts to Smart Growth.

Interest groups have also weighed in on how well the state general assembly has been attuned to environmental issues. The Maryland League of Conservation Voters, for instance, has published a legislative scorecard every year since 1979 that

⁸¹ Many of these smart growth initiatives are sponsored by some of the same champions of the earliest smart growth legislation, including The President of the Senate (Mike Miller) and Senators Blount, Collins, Conway and then-Senator Chris Van Hollen.

⁸²For instance, one of the legislators I spoke with believes that Governor Ehrlich seems moved by pressures placed on him by business organizations to sell some of the state land resources for private development (recorded on February 23, 2003). Pressure is amounting on all levels: from transportation interests who want to build an inter-county connector; from developer industries who want lax regulations on density requirements; and from pro-environmentalists who want the governor to take a more active role in protecting the bay.

rates Maryland state legislators on their commitment to the environment based on how they vote on a host of conservation topics. According to one representative, the scorecard also provides a fairly accurate prediction of how legislators will vote on future environmental issues. Based on the ratings for the 2001-2002 legislative session, we can get a good sense of how well Smart Growth and related issues have fared in the general assembly. Below is a table summary of the average percentage votes for the legislature.⁸³

TABLE 4.5 AVERAGE PERCENTAGE VOTE ON CONSERVATION & SMART GROWTH ISSUES, 1998-2002			
	2001-2002	1999-2000	1995-1998
Senate:	60%	56%	67%
Republicans:	20%	35%	41%
Democrats:	76%	70%	79%
House:	66%	63%	52%
Republicans:	29%	23%	24%
Democrats:	79%	75%	64%
Highest scores (100%) for <i>Senators</i> : Blount, Carter Conway, Green, Frosh, Pinsky, Schrader; for <i>Delegates</i> : Barkley, Bobo, Clagett, Dembrow, Franchot, Grosfeld, Heller, Hurson, Kopp, A. Jones, V. Jones, Mandel, McHale, Menes, Moe, Pitkin, Rosso, Turner; Lowest Scores (0%) for <i>Senators</i> : Haines, Hooper, Jacobs; for <i>Delegates</i> : Bates, Brinkley, Greenip, J. Kelly, Pielke			

Table 4.5 shows variation in support for environmental issues in both chambers of the general assembly. The Senate, long known as the more conservative chamber, appears slightly less committed to conservation efforts overall, according to the League of Conservation Voters (LCV) scorecard, and has a lower overall percentage than the House. Yet, in the earliest years of Smart Growth, we see greater support for environmental issues in the Senate than in the House, even among Republicans. By 2000, there was a slight drop in voting for environmental issues in

⁸³Higher percentages indicate the average amount of times votes are cast in favor of conservation/environmental issues. Each legislator is also assigned a percentage score based on his or her total number of floor and committee votes. The entire report and scorecard are available at the Maryland League of Conversation Voters at <http://www.mdlc.org/score.htm>.

the Senate but an increase in support for conservation legislation in the House. Democrats in both chambers are more consistent in their voting records on environmental issues, their support averaging at around 75% for all years. Support from Republicans in both chambers appears more varied, especially in the Senate, where from 1995 to 1998, they registered the highest percentage at 41%. From then on, the LCV scores for Republicans in the Senate have declined sharply, whereas in the House, Republican support has remained steady over the entire period under investigation.

The Legislature and Regional Differences

TABLE 4.6 AVERAGE PERCENTAGE VOTE ON CONSERVATION & SMART GROWTH ISSUES, BY REGION, 1998-2002						
Region	<i>Senate</i>			<i>House</i>		
	2001-2002	1999-2000	1995-1998	2001-2002	1999-2000	1995-1998
Western MD	13%	19%	20%	39%	28%	22%
Baltimore	69%	63%	83%	60%	53%	41%
Howard	53%	47%	65%	66%	66%	62%
Montgomery	74%	63%	87%	72%	82%	72%
Prince George's	80%	81%	92%	82%	84%	77%
Southern Maryland	68%	47%	39%	48%	42%	23%
Anne Arundel	59%	57%	62%	61%	57%	38%
Harford	0%	16%	24%	56%	61%	33%
Eastern Shore	23%	27%	12%	53%	63%	23%
Baltimore City	79%	74%	87%	78%	68%	69%

It should be apparent to the observer right away that there are regional differences with respect to voting behavior on environmental issues. More striking, however, is that these regional differences also reflect variations in political ideology. The conservative areas of Southern Maryland, Western Maryland and rural Hartford counties, for instance, have lower voting scores on environmental issues than the more moderate Howard and Anne Arundel counties; and much lower than the progressive (metropolitan) areas of Prince George's County, Baltimore City and

Montgomery County. We do witness these differences being played out in the state legislature as Smart Growth legislation was being debated. Smart Growth efforts have been relatively popular in Baltimore City and Prince George's County, and the majority of the county delegations have thrown full support for Smart Growth. The response to Smart Growth in Montgomery County has been slightly more varied, due in some part, to disagreements between the county government, headed by a self-proclaimed liberal County Executive, Doug M. Duncan, and state administrative agencies. For instance, Duncan found himself at odds with the Smart Growth community and his own county council on plans for the Inter-County Connector, which he thoroughly supports. And there have been slight differences of opinion of how much power the county should retain with respect to administering Smart Growth initiatives.⁸⁴ But generally speaking, Smart Growth advocates have prevailed in these areas.

Corporate organizations, like the state and county Chambers of Commerce, produce their own ratings report to gauge how business-friendly Maryland elected officials have been with respect to their voting habits. The Maryland Business for Responsive Government (MBRG) maintains its tally of legislative commitment to business interests across the state. The ratings indicate the degree to which each

⁸⁴ Former Montgomery County councilwoman, Nancy Dacek and other prominent members of the council, including its president, Steve Silverman, vied with Duncan and sided with smart growth advocates on this one controversial issue. Duncan argued that the interstate plan would actually boost potential business for the region. But Duncan's efforts to promote the ICC failed when Montgomery County residents rallied with smart growth and other opponents to defeat the measure. Opponents believe that the ICC plan would cost citizens too much and based on an environmental impact study from the Sierra Club, they argued that the plan would actually promote sprawl and further pollute the Chesapeake Bay and the Anacostia and Potomac Rivers by increasing toxic runoff.

elected state official supports the interests of the organization for the specified year. Below I have included a summary of the ratings from the 2002 legislative session:⁸⁵

TABLE 4.7 MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT RATING SCORE LEGISLATIVE SESSION, 2001-2002	
	Rating
Senate	52%
Republicans	83%
Democrats	39%
House	35%
Republicans	62%
Democrats	25%

The Senate appears to be more conservative, registering over 52% in favor of business-oriented legislation. Senate Republicans received a score of over 80% from the MBRG. In stark contrast, their Democratic counterparts were awarded a score of only 39% in the Senate, and an even lower score in the House (25%). This score may suggest that Democrats in the House are more liberal than their Senate neighbors, which may be true even for Republicans. Moreover, the House of Delegates, as a whole, was given a collective score of only 35% for their commitment to corporate and business concerns, according to the MBRG scorecard. Based on the full report, the regional differences reflect variations in political ideology. The districts of Western and Southern Maryland, the more conservative, rural areas of the state, registered higher scores among their elected officials for business and industry than did the more liberal and urban communities of Baltimore City and the Washington,

⁸⁵ For a more complete report, the entire scorecard may be downloaded at Project Vote Smart, http://www.vote-smart.org/issue_rating_detail.php?sig_id=002971M. I calculated the averages for each chamber of the general assembly.

D.C. metropolitan area (Prince George's, Montgomery, and some areas of Howard and Anne Arundel counties).

Interviewees were asked to give their opinion of how influential the legislature was in encouraging passage of the Smart Growth legislation in Maryland. Only 3 of the 32 respondents cited the legislature as most influential, with the governor coming in a close second. As a prominent moderate Republican from Anne Arundel explained:

I don't really have a role other than that of a staunch supporter of [smart] growth. I signed on and helped to draft some of the legislation for that bill, along with my colleagues. Governor Glendening [is the most influential], but he can't do it alone. He needs [the] support of a vast number of legislators. Without us his policy would have failed. I would choose the legislature first, then the governor, because the legislative committees in both houses were crucial in disseminating information about this issue. And the staff is indispensable. Of course, you already know how hard they work for us. Some of the executive agencies, and of course all the groups that supported us.

And a representative from the 1000 Friends of Maryland echoed the sentiments of her Republican counterpart, citing the significant role of legislative committees:

To be completely honest, our participation in subcommittee and committee level hearings certainly guaranteed the support of legislature. Because you know in the beginning, there was a lot of confusion as to what we were about. And we're a fledgling organization, so when we arrived before the legislators, they kind of was curious as to who we were and what we were doing in Annapolis. And when they learned about how many supporters we actually had, they seemed more inclined to move forward. They could have totally ignored us because [Governor] Glendening thought that he had already convinced many in the legislative community. But the truth is that he hadn't. There was still confusion, so to get the legislators on board, we had to make ourselves clear. And the legislature could've have slashed funding for all [of our] Smart Growth policy projects but they didn't.

Finally, a representative from the conservative think tank, Partnership for Quality Growth, explains that it was the legislature that moved to carry out the wishes of the governor in terms of finding ways of bringing businesses to the bargaining table. As he puts it:

I would say [that] at the time, I would choose the legislature. We worked closely with several committees, including this very powerful Senate Committee on the Budget and the other one [Ways And Means], testifying on behalf of the real estate and developer industries and against Smart Growth. And even though we don't really go along with Smart Growth as a concept, I think we understood why our concerns would be better addressed [at] the committee [level] because that's where we got our points across the most. We presented research to support our claims. And even now after Smart Growth has been law for the last five years or so, we are finding that our relationship with legislators is very important. If I had to choose today, I would I would be more inclined to choose the governor's office, but at the time [when] Smart Growth was being discussed, the legislature was more involved in the arguments that were presented in subcommittee.

Apart from these 3 who placed the legislature at the top of the list of most important actors, most respondents rated the legislature as the second most important actor behind the governor. Based on the interviews, I conclude that other actors, including groups and representatives from other communities (citizen organizations, research think tanks, etc.) are not as prominent as the legislature or the governor when it comes to Smart Growth passage in Maryland.

Section 4.4: Interest Groups

In the preceding chapters, I argued that along with the governor and the state legislature, interest groups played a pivotal role in the passage of Maryland's Smart Growth initiative. More specifically, I argued that two opposing groups—

environmentalists and real estate/construction industries—use tactical resources, namely campaign contributions, to either encourage or prevent Smart Growth passage. Environmental or conservation interests, spend more on campaigns to encourage Smart Growth passage, while pro-business interests work against such efforts and will spend money to counter Smart Growth enactment.

In Chapter 3, the results from my statistical analysis revealed a surprising outcome: while campaign contributions from the construction industry had no effect on the passage of Smart Growth, the results suggest an inverse relationship between campaign funding from environmental groups and Smart Growth passage. That is, the results showed that as environmentalists devote less of their budget to Smart Growth causes, the more likely Smart Growth will pass. This is the exact opposite of what I argued—that with *more* spending, not *less*, Smart Growth passes. I offered an alternative explanation for this finding. I suggested that with repeated interactions with decision makers, groups have an opportunity to establish a rapport with legislators and can gain some insight on how they are likely to vote on a host of related issues. Of course, the credibility of this argument depends on whether or not the group has adequate access to legislators, and provided that there is relatively little electoral turnover. In the state of Maryland, my assumptions about the behavior of environmental groups as it relates to the tactical skills used to influence legislative voting proved correct. Environmental groups may not influence legislators with campaign funds because they already know how supporters—and detractors—will vote on the issues of growth management and Smart Growth.

There are many state and local level environmental organizations, too numerous to list here. Perhaps one of the largest and most visible of these conservation groups is the 1000 Friends of Maryland. 1000 Friends of Maryland is a collaborative outfit of literally thousands of “friends” who have made generous contributions to the organization’s various environmental causes. Among the benefactors include some private corporate entities like the Abell Foundation, the Maryland Downtown Development Association, and other conservation groups, such as the Chesapeake Bay Foundation and the Sierra Club. Other contributions are generated from ordinary citizens. Donations range from \$20 to well over \$20,000.⁸⁶ 1000 Friends was and remains one of the major players in the Maryland Smart Growth movement, helping to bring awareness to the public at large about sprawl-related issues, and assisted the state of Maryland and its local government entities with what they view as “sound approaches” to managed growth.

The 1000 Friends and their affiliated organizations (the Sierra Club, Chesapeake Bay Foundation, Baltimore Regional Partnership, and the APA, among others), were instrumental in guiding the Smart Growth policy by lending suggestions to both governors Glendening and Ehrlich on hot button topics, such as growth boundaries, priority funding areas, Chesapeake preservation, and encouraging more efficient mass transit.⁸⁷ In their own 1000 Friends Smart Growth Platform, they call for implementation tools that county governments can use to assist them with their Smart Growth plans. Since the passage of the Smart Growth Areas Act in 1997, the

⁸⁶ See the 2003 Annual Report available at www.friendsofmd.org.

⁸⁷ Cherbonnier, Alice, “Maryland Gets ‘1000 Friends’.” Article available at <http://baltimorechronicle.com/md1000.html>.

coalition has continued its close connection with state legislators and the governor's office, testifying before both the House of Delegates and the Senate well over one hundred times since Smart Growth's inception.⁸⁸ Although the coalition has been active in promoting Smart Growth issues, one of its major claims to fame was its push to block governor Ehrlich's proposal to increase funding for the controversial Intercounty Connector (ICC); instead, it sought to encourage the legislature's move to establish an impact study on the environmental hazards that an ICC would impose on Maryland citizens living in Montgomery County, Prince George's County, the Greater Baltimore area, and the Washington, D.C. corridor. As a result, Senate Joint Resolution 8 was passed with overwhelming legislative support by Democrats, with some Republicans joining.⁸⁹ So while I didn't find evidence that campaign funding from these groups made any difference in terms of Smart Growth passage, I did discover that environmental groups' influence was attributed to their research and informational role, raising consciousness about urban sprawl, and working with both the executive and legislative branches to bring more awareness to this issue. And I also discovered that these organizations continue to have ongoing relationships with elected officials in this capacity, which lends credence to my argument that perhaps the influence of groups is more indirect and based on repeated interactions with decision makers who rely on groups for this purpose.

⁸⁸ The 1000 Friends of Maryland Platform is available at <http://www.friendsofmd.org/platform.html>. Again, 1000 comprises various organizations like the Chesapeake Bay Foundation and Friends of the Chesapeake, The Maryland Homebuilders Association, Smart Growth America (now headed by former Department of Planning head, Harriet Tregoning), and the Greater Baltimore Alliance. Collectively these organizations have appeared before legislative committees in both houses of the state general assembly over a 100 times, according to one representative of the organization.

⁸⁹ Enacted March 14, 2002.

On the other side of the debate are most pro-businesses, real estate and construction industries. Bolstered by research from moderate to conservative think tanks and armed with equally convincing counterarguments, the Smart Growth opposition has not given up its fight in Maryland. Take the Partnership for Quality Growth coalition, for instance—a viable counterpart to 1000 Friends of Maryland. The Partnership for Quality Growth consists of numerous organizations, including the Construction Industry Manufacturers Association, the American Board & Transportation Builders Association, and the Transportation Construction Coalition.⁹⁰ Although the coalition could not successfully thwart Smart Growth passage in Maryland, it has established its own growth “toolkit,” comparable to that of the American Planning Association’s *Planning for Smart Growth* (2002) series or the National Governors Association’s *Growing Pains* (2000) report. This toolkit, called “Building Better Communities: A Toolkit for Quality Growth” (2000), offers a comprehensive critique of Smart Growth in general and Maryland’s Smart Growth initiative, in particular. The Smart Growth vision, they contend, is incompatible with traditional American values. The central charge against Maryland’s Smart Growth program is that as long as the average American is willing to tolerate long driving commutes in exchange for the choice to live in the suburbs on spacious lots and take advantage of better schools, then Smart Growth cannot expect to successfully address concerns stemming from sprawl.⁹¹ The implication is that sprawl is partly a reflection

⁹⁰ See organizational webpage, <http://www.qualitygrowth.org>.

⁹¹ pp. 17-18.

of a consumer choice about where development ought to take place, and therefore cannot be controlled solely by land use regulations.⁹²

As for Maryland's celebrated Priority Funding Areas program, the coalition argues that placing strict regulatory barriers on where growth can occur not only impedes sensible growth, but also leads to increased housing prices within and immediately surrounding the PFAs. In fact, the imposition of PFAs, according to opponents, may actually exacerbate sprawl by encouraging leapfrog development to outer-ring suburbs.⁹³ In sum, the anti-Smart Growth movement in Maryland, led by many pro-business and construction interests, in general, argue that the market must be free to operate in accordance with citizen demand and that other, more "pragmatic" market-centered solutions to sprawl, ought to be considered. Growth management strategies should be guided by this concept of "choice," rather than bureaucratic-oriented ones. So, for instance, adding additional traffic lanes in the most congested areas and allocating general obligation funds for highway and road expansion could, in their view, alleviate sprawl, and at the same time, preserve citizens' right to own and operate cars.⁹⁴

Many other pro-business and anti-Smart Growth groups have emerged over the course of the 6 years since Maryland instituted the program. I have spent some

⁹² A 2002 Consumers Survey conducted by the National Association of Realtors and the National Association of Home Builders found that while 64% of suburban respondents surveyed wished that their homes were larger, 62% felt that it is most important that houses be spread out, nearly one-half (49%) cited the residential builder/developer as being most responsible for urban sprawl and about 70% of the sample viewed urban sprawl as a "very serious" or "serious" problem. Report available from the National Association of Realtors and the National Association of Home Builders, April 22, 2002.

⁹³ Ibid. p. 18.

⁹⁴ Ibid. p. 24.

time with representatives from these organizations, including the Greater Baltimore Board of Realtors and the Transportation Construction Coalition to get a better understanding of how their role in the Maryland Smart Growth movement has evolved overtime. While these groups initially lost the battle over Smart Growth in Maryland, some of them feel empowered by current political trends. Others argue that they were proven right about Smart Growth. To them, the Smart Growth movement has failed, and further efforts to reinvigorate the movement will also fail.⁹⁵

When asked who were the most important players of the Smart Growth movement in Maryland, 3 of the 32 respondents said that businesses rank at the top. A leader from the pro-business group, the Maryland Highway Contractors, ranked business groups as the most important actors, with governor coming in second and the legislature third. According to him:

Very few understand the efforts we put into meeting with the governor [Glendening] to try and persuade him to suggest other ways of implementing tax incentive programs that would support our organizational objectives. It's not that I think he was hostile to business. [Quite] the contrary. He seemed opened to our concerns. We never really had to go through the legislature at all. He had an open door policy where we could just schedule a meeting with Secretary [of Transportation] Porcari. And he seemed like he wanted to appease us or at least listen to what we had to say.

Section 4.5: The Determinants of Smart Growth Policy in Maryland

Discussants were asked to give their opinions on what they think is the most important political or economic factor, if any, that had the greatest impact on Smart

⁹⁵ Maryland Association of Realtors, The Maryland Association of Counties, ALEC, and others, for instance, have made public statements against the Maryland smart growth program, claiming that growth boundaries have not stopped sprawl. Most sprawl related problems are attributed, not to excessive growth, but to population growth and migratory patterns (more people moving to suburbs and away from cities).

Growth passage in Maryland. They were asked to rank—again, in order of importance—political ideology, political party, the state of the economy, or some other spurious factor. Each of these potential determinants were assigned a number ranging from 1 to 4, with 1 representing the factor they felt to have the greatest impact on Smart Growth, 2 representing the second most important factor, 3 representing the third most important determinant of Smart Growth, and finally 4, if they chose some other issue mentioned.

A noticeable pattern emerged with respect to the responses presented in this survey. Discussants seemed more inclined to give political parties a low order of importance than other factors, particularly ideology and the state of the economy. As I have emphasized previously, Smart Growth in Maryland was touted as a bipartisan effort. Yet, 12 of the 32 responses suggest that party has some importance, albeit not as influential as ideology, where 13 of the 32 ranked ideology as most important, and 7 of 32, as second most important. Still, party influence does not lag that far behind. I attribute this finding to a recurring theme that many respondents seem to allude to: The two major political parties have become more polarized than ever. The current cohort of Republicans is more conservative than their counterparts were ten years ago. Democrats, on the other hand, come from varied communities, so there is still a mixture of liberal, moderate and conservative Democrats; however, the liberals did have their say in the Smart Growth movement, particularly the ones that aligned themselves with progressive conservation groups. Case in point, a member of the House of Delegates Committee on Environmental Matters from Baltimore City, had

established a close-knit relationship with the Partners of Open Space. She maintains that:

There seems to be a wave of conservatism flowing throughout the country at the moment. But Maryland is very interesting. The southern and western parts of the state are conservative; the urban and inland areas are more progressive. But I've seen changes even in these so-called conservative areas. Cecil County is coming around to some Smart Growth ideas. So is Garrett. But the conservative areas are not standing for some of this. Hartford, some parts of Howard, Worcester. There will always be a staunch conservative contingent that will come after us idealistic liberals.

Our Republican friend from Anne Arundel has a slightly different take:

Yes, there some Republicans who are a lot more conservative, so yes, I think you're right. But don't underestimate us moderates, either. We stood with some Democrats to oppose the ICC. Well, I'm not sure that some Democrats want to embrace the liberal label, though. That liberal [label] gets [them] into some serious trouble and Republicans know it. Still, maybe if Smart Growth is continued to be thought of as a liberal enterprise, then there will be more resistance if the conservatives have their way.

A delegate from Prince George's County, however, is one of the few legislators who believe that political parties have not lost their influence, and the change in administration, for instance, has had detrimental consequences for Smart Growth in his district:

On the one hand, I would say that party doesn't matter, but let's face it, since this administration has assumed power, I am finding outright hostility to what we're trying to do in P.G. [Prince George's] County and in my district. We have all these rehabilitation proposals set before the legislature, and while my colleagues are on board, the administration is cutting many of these programs. My friends on the other side of the aisle could care less about Smart Growth. We're trying to increase funds for school construction. P.G. has

some of the worst schools, you know. But, as I said, Republicans are trying to subtly thwart rehab efforts in P.G., yet they want us to support their transportation proposals. It's no go!

Section 4.6: Smart Growth and the Economy

Although I found no evidence to suggest that the health of the economy mattered in terms of Smart Growth passage in Maryland, 12 of the 32 respondents from my discussions chose the economy as the most significant factor, and 16 respondents ranked the economy second only to ideology as the most important determinant of Smart Growth. The pro-business lobby, in particular, was more inclined to view the economy as the most significant factor in determining how Smart Growth would fare in the state. Additionally, representatives from the executive branch were also more likely to rank the state of the economy high, either the most or second most important factor influencing Smart Growth. As one representative⁹⁶ from the anti-Smart Growth community who placed economic conditions at the top of the list, argued:

I don't think it's a mistake that Smart Growth [in Maryland] just got lucky. It was implemented during a time of relative economic prosperity. With concerns about an impending recession, a possible war...well, that seems inevitable right now, we can't expect Smart Growth to go much further. The state economy must take precedence because we face enormous deficits.

⁹⁶ Respondent represents the Homebuilders Association of Maryland, which opposes smart growth initiatives. The association policy position holds that smart growth drives up housing costs to both owners and developers in the form of impact fees and places an undue burden on both parties. See report at http://www.homebuilders.org/page/5190/?cm_c=153855.

Another discussant from the Maryland League of Conservation Voters also expressed how the state of the economy has an impact on how well Smart Growth has fared in the state of Maryland. As she contends:

Even with all the mounting evidence that suggests how much people are listening to us and taking a stance against [urban] sprawl, they are also more concerned with their pockets. And Marylanders haven't been doing too well in that department lately. The big issue now is this whole state medical insurance industry and how the citizens will be impacted by changes in health insurance. That whole slots [controversy] as well. And then there's the debate on higher education and what to do about that. Tuition is going up. These are the things people care about, even if they also care about traffic, air pollution—that kind of thing. For some reason, with all the work we have done to bring these issues to light, they just become less important than your everyday 'how do we make ends meet,' bread and butter concerns.

And finally, a very prominent leader of the House Appropriations Committee, a Democrat from Baltimore City, a moderate, and a pragmatist concurs with the business community:

It's always heartbreaking to have to decide which programs to cut. Cutting [higher] education is totally out of the question. But something has to [be] done and some group is always going to be mad, but the Maryland economy is faltering. We made some mistakes in the past. In prior [legislative] sessions [under Governor Glendening] we spent too much money, spending surpluses and draining Rainy Day funds. We gave him everything he wanted and failed to think ahead. Now we're paying for it because now we have to balance the budget and we're already faced with little or no funds [for every program] that we like. But the economy dictates what one can and cannot do and some people will have to suffer during these tough times.

Based on my interaction with the respondents, I can conclude that the health of the economy is salient but not as important as the influence of political factors, such as ideology and political parties. This conclusion is consistent with my finding in the previous chapter: political factors outperform economic conditions or concerns about

the health of the state economy. And even though many respondents expressed reservations about Smart Growth when concerns about the state of the economy take precedence, I did not encounter enough evidence that would suggest that the economy matters *more* than ideology or other political factors.

Section 4.7: Conclusion—Smart Growth Begins Here!

Undoubtedly the state of Maryland has become the leader of the American Smart Growth movement, thanks in large part, to a governor who had an innovative vision, political resources, and support from various advocates, to guide Smart Growth to its fruition. In this chapter, I provided an account of that vision and traced the historical development of Smart Growth in Maryland. This Smart Growth case study also involved discussions with thirty-two key players in the Maryland Smart Growth community. Based on these discussions, I came away with a fascinating account of Smart Growth in the state and gained more insight on how politics played a vital role in the enactment of the Smart Growth program. More importantly, my observations led to interesting findings.

First, my interactions with those directly involved in the Maryland Smart Growth movement helped clear up several misconceptions I had about the politics of Smart Growth. I learned that resistance to Smart Growth is not necessarily rooted in pro-business sentiment across the board. In fact, based on interviews with representatives of the business, construction and developer communities, the success of Smart Growth very much depended on cooperative agreements between various stakeholders often on opposite sides of the issue. Some representatives from the construction industry had a say in how Maryland Smart Growth program would be

implemented, and the popularity of incentive-based strategies seemed to appease some in the industry. Still, it ought to be noted that in a general sense, most construction or developer interests are wary of Smart Growth in Maryland, and there is still resistance from these communities.

Second, while cities like Baltimore, College Park, and Rockville strive to promote and incorporate Smart Growth strategies to address sprawl, resistance comes from county level governments. My discussions with county level personnel reveal a cautious acceptance of Smart Growth, especially in the more conservative counties like St. Mary's and Carroll. In these counties, in particular, there has always been a strong property rights culture and citizens are quite active in property rights demonstrations and pending legal action against eminent domain initiatives. In contrast, Prince George's County, Baltimore County, and Montgomery County have registered strong support for Smart Growth, albeit small disagreements with respect to issues like the ICC and the extension of a Purple Metro transit line. Howard County, a politically moderate county, has had an interesting turn around with respect to Smart Growth support. Some conservatives in the county, although initially leery about Smart Growth, eventually signed on with the promise of more state funding for roads. However, the controversial plan to expand Route 32 created a backlash with some Smart Growth supporters who disagreed with the plan. Those who did agree with the plan—Smart Growth supporters and opponents, citizens groups, and county officials—eventually won the fight and the compromised plan was allowed to move forward.

Third, and most important, I stressed the overwhelming importance of political ideology and its impact on Smart Growth passage in Maryland. Smart Growth enjoyed widespread support amongst Maryland's most progressive elite. Governor Glendening, while moderate on some social and economic issues, is often viewed as one of the most liberal of all state governors. His loyal supporters are some of the most liberal in the General Assembly and represent liberal areas of the state from Prince George's and Montgomery counties. In contrast, Smart Growth opponents tend to represent the more conservative, rural areas of the state in the western and southern regions, including Worcester, Frederick, Carroll and Wicomico counties.

Nevertheless, Smart Growth's greatest achievement is that the program, as implemented, represents a compromise between opposing groups, with both Republicans and Democrats signing on. When Glendening's successor, Republican Robert Ehrlich, became Maryland's governor, there was some Republican backlash against Smart Growth. However, I attribute this backlash to a wave of conservatism that has taken place over the course of the last five years or so. According to most respondents in my survey, it is the governor who is the most important figure in the Maryland Smart Growth movement. The Glendening-Ehrlich contrasting story reinforces the argument that governors can and do set the stage for most policy battles, and their actions often dictate whether or not policies they prefer are enacted or rejected.

Finally, I want to underscore the importance of context. In a post-911 world, we can expect that Smart Growth will no longer be on the radar as one of the most

popular and visible issues on the Maryland political agenda. With a weak economy and looming concerns about terrorism, the prospect of Smart Growth reemerging as a central issue is even less likely. Additionally, based on my interactions with respondents, I got the sense that the political trends in Maryland mirror those occurring across the country. Politics is moving to the right, and in Maryland, Democrats and liberals no longer have ultimate influence over policy making. While state Republicans are still generally weak, the advantage of having a relatively conservative governor places liberal Democrats in the position where they must strive for compromise on a host of issues. Even the more moderate and conservative Democrats joined with conservative Republicans to cut Smart Growth funding and downsize executive agencies directly responsible for Smart Growth administration.

Some liberals question Governor Ehrlich's commitment to Smart Growth. But with the state still facing economic woes, preoccupation with other policy priorities, and change in political context, Smart Growth efforts continue to stall in the state. It appears likely that Smart Growth can only thrive with a change in political climate where liberal stalwarts and staunch supporters with enough influence and visibility to push for Smart Growth will regain control the governmental agenda. It seems as though the only hope for liberals is their ability to take advantage of the declining popularity of the Republican governor and his failed attempts at securing his administrative legacy. In the following chapter on Smart Growth in the state of Virginia, we shall see how both ideology and the underlying political conditions contributed to the failure of statewide Smart Growth initiatives.

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Chapter 4: Maryland's Smart Growth Program: Smart Growth Begins Here!

Number of interviews:	32
In-person interviews:	15
Phone interviews:	17
Taped discussions:	13

GOVERNOR'S OFFICE (& Executive Branch)

1. Maryland Department of Smart Growth, Respondent #1
2. Division of Resource Conservation, Department of Planning, Respondent #2
3. Division of Neighborhood Revitalization, Department of Housing and Community Development, Respondent #3
4. Division of Financing Programs, Baltimore Region, Dept. of Business & Economic Development, Respondent #4

STATE LEGISLATURE

1. Delegate, House Committee on Environmental Matters (*supports Smart Growth*), Respondent #5
2. Delegate, House Committee on Appropriations; Transportation & Environment Subcommittee (*supports Smart Growth*), Respondent #6
3. Delegate, House Committee on Appropriations, Transportation & Environment Subcommittee (*supports Smart Growth*), Respondent #7
4. Delegate, House Committee on Appropriations, Education Subcommittee (*supports Smart Growth*), Respondent #8
5. Delegate, House Committee on Appropriations (*neutral on Smart Growth*), Respondent #9
6. State Senator, Environmental Subcommittee and Senate Commission on Education, Health & Environmental Affairs (*supports Smart Growth*), Respondent #10
7. Delegate, Oversight Committee on Program Open Space & Agricultural Land Preservation; House Appropriations Committee (*opposes Smart Growth*), Respondent #11
8. Delegate, Oversight Committee on Program Open Space & Agricultural Land Preservation; House Appropriations Committee (*opposes Smart Growth*), Respondent #12
9. Delegate, House Ways & Means; Finance Resources Subcommittee, Transportation Committee (*opposes Smart Growth*), Respondent #13

10. State Senator, Education, Health & Environmental Affairs, Judicial Proceedings, License & Regulatory Affairs Committee. (*supports Smart Growth*), Respondent #14

STAKEHOLDER GROUPS:

Smart Growth Advocacy Groups:

1. Representative, 1000 Friends of Maryland, Respondent #15
2. Representative, Division of Environmental Protection and Restoration, Chesapeake Bay Foundation, Respondent #16
3. Representative, Maryland Chapter, Sierra Club, Respondent #17
4. Representative, Partners For Maryland Open Space, Respondent #18
5. Representative, Maryland League of Conservation Voters, Respondent #19

Neutral:

1. Representative, Division of Regulatory Affairs & Land Development, National Association of Homebuilders, Respondent #20
2. Representative, American Farmland Trust, Respondent #21

Anti-Smart Growth Groups/Pro-Business:

1. Representative, Homebuilders Association of Maryland, Respondent #22
2. Member, Government Relations, Greater Baltimore Board of Realtors, Respondent #23
3. Representative, Maryland Highway Contractors, Respondent #24
4. Member, Partnership for Quality Growth, Respondent #25
5. Representative, Division of Government Affairs, National Asphalt Pavement Association, Respondent #26

OTHERS

1. Representative, Smart Growth America, Respondent #27
2. Representative, Division of Programs & Planning, Dept. of Environmental Resource, Prince George's County Government, Respondent #28
3. EPA Representative re: Chesapeake Bay Report, Respondent #29
4. Member, Municipal Waste Management Association, Conference of Mayors, Respondent #30

5. Representative, Washington Regional Network for Livable Communities, Respondent #31
6. Member, Parks & People Foundation, Respondent #32

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Interview Questions (Standard Questionnaire)

Each respondent was asked 10 standard questions regarding the Smart Growth program in the state of Maryland. Some questions were altered depending on the institution or organization that the respondent represents.

1. What is your role with respect to the Smart Growth program in Maryland? If you were directly involved with the concept or administration, can you describe your involvement? How has that role evolved since the passage of Smart Growth?
2. Who were the other important actors involved in pushing for and ultimately getting Smart Growth approved?
3. If you had to identify the most important, most visible or most influential player(s) involved, who would you choose? The governor? The legislature? Any other group(s)?
4. If you had to identify the least important of these actors, who would you choose and why?
5. I began this project under the assumption that interest groups, namely environmental groups, had a large role in the Maryland Smart Growth movement. Can you elaborate on the role of these organizations?
6. What about developer, real estate or other pro-business industries? How influential are they? Do you believe that they have considerable influence in the state legislature?
7. Smart Growth has often been touted as a bipartisan effort. Do you agree with this assertion?
8. A follow-up question: I am finding that it is political ideology (or differences in opinion about how much government should be involved in Smart Growth) that is driving the Smart Growth debate. Do you believe that ideology played a pivotal role in shaping the Smart Growth initiative in Maryland?
9. Most states are grappling with a sluggish economy. Do you feel that the state of the economy has an impact on whether or not the state might accomplish Smart Growth goals?
10. Consider those actors that you identified earlier as being the most (and least) important players in the Smart Growth movement. Do you think that a change in political or economic climate (e.g., electoral turnover, wars, the economy) might alter your list?

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For one of the questions, respondents were asked to identify—and rank from 1 to 4—those actors in the Maryland Smart Growth movement who were most influential in encouraging Smart Growth passage and implementation in the state (1 is most important):

Representative	Governor	Legislature	Group(s)	Other(s)
<i>Executive</i>				
Respondent 1	1	2	4	3
Respondent 2	1	4	2 (bus)	3
Respondent 3	1	2	3 (bus)	4 (cit)
Respondent 4	2	3	1 (bus)	4
<i>Legislature</i>				
Respondent 5	1	2	3 (env)	4
Respondent 6	2	1	3	4
Respondent 7	1	2	3	4
Respondent 8	1	3	2	4
Respondent 9	1	2	3 (cou)	4
Respondent 10	1	2	3	4
Respondent 11	1	2	3 (bus)	4
Respondent 12	1	2	3	4
Respondent 13	1	2	3	4
Respondent 14	1	2	3	4
<i>Environmental</i>				
Respondent 15	2	1	3	4
Respondent 16	1	2	3 (bus)	4
Respondent 17	1	2	3	4
Respondent 18	1	2	4 (bus)	3 (cou)
Respondent 19	1	3	4 (bus)	2 (cit)
<i>Neutral</i>				
Respondent 20	1	2	3	4
Respondent 21	1	3	2	4
<i>Pro-Business</i>				
Respondent 22	1	3	2	4
Respondent 23	1	2	3	4
Respondent 24	2	3	1	4
Respondent 25	2	1	3	4
Respondent 26	1	2	3	4
<i>Other</i>				
Respondent 27	1	2	3	4
Respondent 28	1	2	3	4
Respondent 29	1	2	3	4
Respondent 30	1	2	3	4
Respondent 31	1	2	3	4
Respondent 32	1	2	3	4

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Summary:

Governor ranked #1 or most important: 27 out of the 32 respondents
Legislature ranked #1 or most important: 3 of the 32 respondents
Group(s) ranked #1 or most important: 2 of 32 respondents
Other(s) ranked #1 or most important, none of the 32 respondents cited "other" players

Governor ranked #2, or second most important: 5 of 32 respondents
Legislature ranked #2, or second most important: 22 of 32 respondents
Group(s) ranked #2, or second most important: 4 of 32 respondents
Other(s) ranked #2, or second most important: 1 of 32 chose "other"

Governor ranked #3, or third most important: none of the 32 respondents
Legislature ranked #3, or third most important: 6 of the 32 respondents
Group(s) ranked #3, or third most important: 23 of the 32 respondents
Other(s) ranked #3, or third most important: 3 of the 32 respondents

Governor ranked #4, or least most important: none of the 32 respondents
Legislature ranked #4, or least most important: 1 of the 32 respondents
Group(s) ranked #4, or least most important: 3 of the 32 respondents
Other(s) ranked #4, or least most important: 28 of the 32 respondents cited "other"

Interview Highlights on the Most Important Actor(s) in the MD Smart Growth:

1. Governors are never ranked last in order of importance.
2. Governors ranked either most or second most important actor.
3. Legislature ranks last in only one instance.
4. Of the group ranked most important, business (bus) was chosen in both instances.
5. Businesses ranked last in only 2 instances
6. Businesses chosen over other groups as more influential by a 6 to 1 ratio.
7. In the "other" categories, county governments (cou) were ranked as the third most important actor in 2 of the 32 cases.
8. In the "other" category, citizen action groups (cit) and farming groups were mentioned in the list of actors, with one respondent ranking citizen groups as second most important actor.
9. Environmental groups (env) were never chosen as the most important actor.

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Discussants were also asked to identify what they perceived to be the most significant determinant of Smart Growth policy adoption in the state (in rank order, from 1 to 4):

Representative	Ideology	Party	Economy	Other (N/A)
<i>Executive</i>				
Respondent 1	1	2	3	4
Respondent 2	2	3	1	4
Respondent 3	2	3	1	4
Respondent 4	3	1	2	4
<i>Legislature</i>				
Respondent 5	1	3	2	4
Respondent 6	3	2	1	4
Respondent 7	1	3	2	4
Respondent 8	3	1	2	4
Respondent 9	2	4	1	3
Respondent 10	1	4	2	3
Respondent 11	1	3	2	4
Respondent 12	2	3	1	4
Respondent 13	3	1	2	4
Respondent 14	1	4	2	3
<i>Environmental</i>				
Respondent 15	2	4	1	3
Respondent 16	2	1	3	4
Respondent 17	1	4	2	3
Respondent 18	2	1	3	4
Respondent 19	2	3	1	4
<i>Neutral</i>				
Respondent 20	3	1	2	4
Respondent 21	1	4	3	2
<i>Pro-Business</i>				
Respondent 22	3	2	1	4
Respondent 23	2	4	1	3
Respondent 24	1	4	2	3
Respondent 25	1	2	3	4
Respondent 26	2	4	1	3
<i>Other</i>				
Respondent 27	1	4	2	3
Respondent 28	2	3	1	4
Respondent 29	1	4	2	3
Respondent 30	3	1	2	4
Respondent 31	1	4	2	3
Respondent 32	2	4	3	1

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Summary of Responses from Interviewees

Political ideology ranked #1 or most important by 13 out of 32 respondents
Political party ranked #1 or most important by 12 out of 32 respondents
State of the economy ranked #1 or most important by 7 out of 32 respondents
Other ranked #1 or most important by none of 32 respondents

Political ideology ranked #2, or second most important: 7 out of 32 respondents
Political party ranked #2, or second most important: 4 out of 32 respondents
State of the economy ranked #2, or second most important: 8 out of 32 respondents
Other ranked #2, or second most important: 13 out of 32 respondents

Political ideology ranked #3, or third most important by 11 out of 32 respondents
Political party ranked #3, or third most important by 15 out of 32 respondents
State of the economy ranked #3, or third most important by 6 out of 32 respondents
Other ranked #3, or third most important by none of the 32 respondents

Political ideology ranked #4, or least most important by none of the 32 respondents
Political party ranked #4, or least most important by 13 out of 32 respondents
State of the economy ranked #4, or least most important by none of the 32 respondents
Other ranked #4, or least most important by 19 of the 32 respondents

Key:

Respondents #1 - #4: represent members from the Executive branch

Respondents #5 - #14: represent members of the Legislature

Respondents #15 - #19: represent members from the environmentalist communities

Respondents #20 - #21: are from interest groups with a neutral/ambiguous stance on Smart Growth

Respondents #22 - #26: are from developer/construction or real estate industries

Respondents #27 - #32: represent organizations outside the Maryland Smart Growth community but have given their perspective on Maryland's landmark program

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Interview Highlights on the Most Significant Determinant of the MD Smart Growth Policy:

1. Respondents ranked political ideology the most significant determinant of Smart Growth passage. They rank ideology as the second most important factor influencing Smart Growth in 7 of the 32 cases.
2. An overwhelming majority of respondents ranked ideology as either the most important (13 of 32) or the second most important (7 of 32) determinant, comprising of the responses given.
3. In contrast to political ideology, political party is chosen as the most important factor of Smart Growth in 12 of the 32 instances or the second most important factor in only 4 of 32 instances.
4. Neither political ideology nor the health of the economy is chosen as the least important determinant of Smart Growth in Maryland.
5. Compared to the economy, political ideology is selected as the most or second most important determinant by well over one-half of all respondents, while fewer than one-half of respondents chose the health of the economy as the most significant impact on Smart Growth passage.
6. Political party has the slightest edge over the state of the economy as the most important factor driving the Smart Growth efforts in Maryland. While one-half or 16 respondents chose party as the most or second most important factor, slightly under half cited the health of the economy as the most or second most important determinant of Smart Growth in Maryland.
7. A majority of respondents believed that either ideology, party or the health of the economy—or a combination of all three factors—is the most important determinants. None suggested an alternative explanation for the “other” category.

APPENDIX

Chapter 4: Maryland's Smart Growth Program: Smart Growth Begins Here!

The Five Pillars of Maryland's Smart Growth Program

1. ***Smart Growth Priority Funding Areas Act of 1997:*** The Smart Growth Priority Funding Areas Act of 1997 served as the cornerstone of the Maryland Smart Growth program. The state set funding priorities to encourage development in existing infrastructure and directs state resources to underserved areas, such as the most impoverished neighborhoods of Baltimore City or Hyattsville and older suburban communities that suffer from lack of investment. The Department of Housing and Community Development is responsible for assisting local governments in their designation of these most deserving neighborhoods; the Department of Planning is responsible for identifying geographical areas that have demonstrated the greatest need, such as areas along the Washington, D.C. corridor that spill over into parts of Prince George's county and southern Maryland—or federally-designated enterprise zones or empowerment communities (Baltimore city). Counties are not left out of this process. They are directly involved in the determining priority funding areas.
2. ***Rural Legacy:*** The Rural Legacy program earmarks \$70-\$140 million over a five-year period in the form of grants to local governments and private land entities to purchase developer rights and land easements in designated rural areas.⁹⁷ The goal is to protect farmland and rural interests. This program is administered by the Maryland Department of Natural Resources (DNR) and allows for the transfer of developer rights⁹⁸ to be used to secure funds for capital projects in rural areas.
3. ***Brownfield's Voluntary Cleanup and Revitalization Incentive Program:*** This revitalization program provides tax incentives to encourage existing refuse cleanup and infill development projects. The funds can also be used to rehabilitate abandoned residential, commercial or industrial properties located in urban areas or blighted older suburban communities. (Note that state funds are also used to

⁹⁷ Recall that the Chesapeake Bay Agreement called for a rural legacy component. This rural legacy program established under the umbrella of the smart growth act fulfills that commitment. Rural legacy is quite popular in Maryland according to one official I spoke with. The program also appeases many rural interests and agri-businesses. There is some resistance from property rights advocates, but overall, rural legacy has met with widespread support.

⁹⁸ In the transfer of developer rights, there are three parties involved in the exchange: (1) the original landowner, (2) the developer or other interested party wanted the rights to build, and (3) the local governmental entities or jurisdictions that ensure that the exchange of rights occurs in designated priority funding areas. The landowner sells his land rights to the developer who then submits one-half (50%) of the value of the property to fund Rural Legacy projects in PFAs. As with the other programs under the banner of smart growth, the Rural Legacy grants are awarded on a competitive basis.

clean up sites either contaminated or thought to be contaminated.) The key word here is “voluntary!” The state sets aside \$1.3 million in grants, which are awarded on a competitive basis. Local governments, as well as other public and private entities can vie for these grants. Property tax easements are rewarded to site owners who satisfactorily complete cleanups, and the state provides 50% of the costs associated with the rehab projects. The Brownfield Voluntary Cleanup program is administered by the Maryland Department of Environment and the Department of Business and Economic Development.

4. ***Job Creation Tax Credit Program:*** The Job Creation Tax Credit Program (JCTCP) provides tax incentives, also in the form of grants, to businesses that create jobs in designated priority funding areas (PFAs). The state awards \$1,500 for each new job that is created, but the reward is increased for job creation in federally designated enterprise zones or empowerment communities.⁹⁹ The state increases the award for businesses that attempt to attract qualified individuals for high-tech or semi-skilled positions in manufacturing and transportation, computer technology and information systems, entertainment, recreation and tourism. These are the industries that have been hardest hit in the state for some time. Again, jobs created must be located in local or state determined priority funding areas.
5. ***Live Near Your Work Program:*** The Live Near Your Work Program (LNYW) has the dual purpose of increasing homeownership in Maryland, particularly in economically disadvantaged communities and creating a “sense of place” by encouraging individuals and families to work and live together. Administered by the Maryland Department of Housing and Community Development, employees and potential homeowners provide \$1,000 for down payment and closing costs; the agency matches that amount for each participant and channels the funds to local housing authority and lending agencies to assist with their LNYW program. Local governments determine the eligibility requirements or the exact distance between place of work and residence.

⁹⁹ Encouraged by Vice President’s Al Gore’s sustainable communities ideas, a group of senators led by then-Republican Jim Jeffords (VT) and Democrat Carl Levin (MI), established a Senate Smart Growth Task Force in 1999, which provided a forum for senators and other interested parties to discuss ways the federal government could assist local governments with their smart growth plans. Among these discussions was the Commuters Benefit Equity Act (Senate Bill 661), which raises the tax credit for businesses that provided mass transit and car-pooling subsidies to their employees.

APPENDIX

Chapter 4: Maryland's Smart Growth Program: Smart Growth Begins Here!

The following is a brief summary from the Negative Population Growth's, "Maryland Voter Survey," conducted in July 2000.

Methodology: Mason-Dixon Polling & Research, Inc. conducted the survey in July 2000, with a total of 631 Maryland "likely" voters, using randomly selected four-digit telephone number. (Error of margin, plus or minus 3.98 percentage points)

1. Rating the 'quality of life' Maryland: 89% of likely voters said the quality of life is either excellent or good; 10% rated the quality of life as fair or poor.
2. But 69% of likely voters expressed concern that the quality of life will deteriorate if current trends in population growth continue.
3. When asked what the most important issues impacting communities:

Traffic	10.5%
Sprawl	6.5%
Overcrowding	8.4%
Education	24.7%
Crime	20.4%
Taxes	5.4%
Healthcare	3.2%

4. Voters expressed concern about the impact of increased population and economic development in their own region of the state. 54% of Maryland voters say that the population in their region is too large (particularly those in Baltimore County, 60% and Baltimore City, 56%, respectively).
5. 52% of Marylanders are able to make the connection between sprawl and population growth/density as its root cause. That percentage of voters who say that sprawl cannot be contained unless something is done to channel the state's population growth.
6. Percentage who describe the rate of residential and commercial development as:

<i>Residential</i>	
Too Slow	6%
Right Pace	22%
Too Fast	71%
<i>Commercial</i>	
Too Slow	15%
Right Pace	33%
Too Fast	51%

7. Seven out of 10 voters say that they are spending more time commuting and less time with family, due to traffic congestion and sprawl.
8. 82% blame the current pace of development and population growth trends.
9. 60% believe that Smart Growth is the answer to the state's sprawl problems. However, well over a majority (62%) were not confident that Smart Growth policies would alleviate sprawl and that there is little that elected officials can do to address sprawl with the current trends in population growth.
10. 80% of voters say that the state of Maryland, as well as the federal government, has a responsibility to enact policies that reduce the rate of development and provide for a healthier environment, quality of life.

Voter Statistics:

<i>Region:</i>	<i>Percent of Voters:</i>
Eastern Shore/Southern Maryland	11.6%
Baltimore County	15.5%
Baltimore City	8.6%
Central Maryland	22.7%
Prince George's County	14.4%
Montgomery County	19.0%
Western Maryland	8.2%

<i>Political Party:</i>	<i>Percent of Voters:</i>
Democrat	54.8%
Republican	33.0%
Independent	8.9%
Refused	3.3%

<i>Male</i>	48.5%
<i>Female</i>	51.5%

Chapter 5: Dashed Hopes in the Commonwealth *Why Smart Growth Failed in Virginia*

In a recent poll conducted by the Tarrance Group, a bipartisan surveying organization, nearly 90% of Virginia voters believe that the General Assembly and governor's office should address issues related to urban sprawl, including the preservation of open space, air and water quality, and traffic congestion. Virginians cite urban sprawl as one of the state's most pressing concerns. They worry that sprawl is among the greatest threat to the quality of life in the state. Yet, Smart Growth efforts to encourage the implementation of a statewide, comprehensive land use management program have largely failed, despite growing citizen concerns over sprawl and the environment.¹⁰⁰ In this chapter, I discuss why hopes were dashed in Virginia and why the Smart Growth movement was ultimately unsuccessful.

Unlike Maryland, Virginia does not have a rich history of growth management statutory laws and legislation at the state level. Most planning and land use management has taken place at the local level. Virginia has a strong historical tradition of Jeffersonian-style politics, where counties and municipal governments govern land use planning and growth management through broad zoning powers. The counties are headed by very powerful supervisors who oversee long range comprehensive land use plans and detailed zoning ordinances that place limitations on land development (Commonwealth of Virginia Department of Planning Assistance 2003, 3).¹⁰¹ The resulting local ordinances that are put in place remain the law of the

¹⁰⁰ See the Appendix for a description and results of this recent consumer and voter survey.

¹⁰¹ See also Shelley S. Mantran and Donna Hanousek (2001). "Virginia Policies that Contribute to Sprawl: An Agenda for Change;" and, Larry Morandi and Christie Rewey (2001). "Reshaping Sprawl:

land until the parties with vested interests appeal. This is where the politics of Smart Growth is realized.

In the politics of Smart Growth in Virginia, there are two competing interests. On the one hand, Smart Growth advocates push for restrictions on development in rapidly growing areas, stressing affordable housing opportunities near job centers and encouraging more pedestrian friendly planning designs like bicycle routes, crosswalks and running trails (Szold and Carbonell 2002, Commonwealth of Virginia Department of Planning Assistance 2003). On the opposing side, there are the landowners who recognize when land use proposals may reduce the development potential of their property values. These property rights activists generally band together with local developers to make appeals to the county supervisors, or seek redress in state courts when a more immediate remedy cannot be met. In a general sense, the winners in the growth management debate are the local landowners and developers. The losers—Smart Growth advocacy groups—remain, collectively scratching their heads and wondering how to alter the rules to their benefit. In this chapter, I set out to understand why the efforts to institute a statewide Smart Growth program in the state of Virginia failed.

The chapter begins with a discussion on the historical significance of Virginia's unique political culture and its rich tradition of Jeffersonian-style governing. I then turn to Virginia's political institutions and the role of the governor, the executive branch, and the state legislature. It is interesting to point out at the outset that unlike the substantive role that the governors assumed with respect to

State Legislative Options for Managing Growth.”

Smart Growth passage in Maryland, Virginia's most recent governors—Republican James Gilmore, III and current governor, Mark Warner—have not been too visible or involved in the Smart Growth controversy. The state legislature did not participate in many of the Smart Growth battles. Those battles, rather, mostly occurred at the local and regional levels of government. In the Virginia case scenario, interest groups took center stage. If local governing officials set the rules of the game, it was certainly the special interest groups—particularly the property rights and developer industries—who determined how the game was played...and they won!

I have spent some time in discussion with various actors involved in Virginia's Smart Growth movement. In all, I conducted 33 interviews with local, regional and state government officials from each branch of government and from both the Gilmore and Warner administrations. I also spoke with members of Smart Growth advocacy groups, including those from the local environmental and planning associations. Included in the mix were representatives from liberal, conservative and nonpartisan research organizations and think tanks. Finally, interactions with developer industries and real estate development corporations shed light on why Smart Growth was unsuccessful at the state level. The business groups have been most visible and most active in blocking Smart Growth efforts across the state, even in areas where urban sprawl runs rampant. The most important conclusion that can be drawn from these discussions is that the failure of Smart Growth in the state of Virginia is directly attributable to the state's underlying political culture and its prevailing conservative, pro-business sentiment.

Section 5.1: The History of Growth Management in Virginia: Jeffersonian Style

The reader must not expect an elaborate discussion on the historical development of land use planning for the state of Virginia. It does not have one. Rather, the state has delegated most planning powers to its governmental subdivisions known as counties. The Virginia General Assembly has always served as the representative body of the people, and since 1634, the county governments have been structured in such a way that policy decisions would be responsive to local concerns—back then, those in power were the very rich who owned land: a small minority. Even the issue of who could vote or serve in government was largely determined by a land-owning aristocracy. To be sure, Virginia, like most colonial states of that period, did not offer a political system where the poor would be actively involved in decision making or engaged in politics. That privilege was afforded to only those who owned land. After all, the Founding Fathers were among the wealthiest people in the Commonwealth. Those who owned property were those with the most to lose. The political system in Virginia was initially designed to encourage a political system that restricted voting rights to those who owned land. And although this restriction on voting has obviously been rescinded, the cultural underpinnings remain.

The property rights groups in Virginia are the most active special interests groups in the state, especially—and without accident—at the local level. Therefore, when Smart Growth advocates began to push for land use restrictions at the local level, they initially failed, particularly in rural areas where private property ownership is commonplace. They did better in counties and regions that experienced the fastest

growth and where citizens demand solutions to urban sprawl. But Smart Growth supporters failed miserably, as they tried to get their comprehensive planning proposals through the state general assembly.

Planning and land use control are two of local government's most important functions awarded to it specifically by the state. The tradition in Virginia, as it is in Maryland, is that localities ought to maintain control of local land use decisions, and that neither the state nor the federal government should usurp those powers (DeGrove 1984, Diamond and Noonan 1996, Leigh 2002). Instead, the state and county level governments are charged with guiding municipalities to develop better comprehensive plans that best add to the quality of life for their citizens, but one that also addresses problems stemming from excessive land development (Virginia Chapter of the American Planning Association 2002, 4). If necessary, local governments, according to the state, are given enhanced authority to place restrictions on development through the use of impact fees or the transfer of developer rights.¹⁰²

Added to this tradition is the overwhelming presence and influence of private landowners and developers. Historically, it has been a common practice for local governments to allow individual developers to subdivide parcels of land without much interference. The private sector determines what lands will be developed, when, and in what manner. Now the state, under Dillon's Rule, gives the local governments

¹⁰² Recall that the transfer of developer rights involves three parties: (1) the original landowner, (2) the developer or other interested party seeking the developer rights, and (3) the local governmental entity(ies) or jurisdiction(s) that oversee the exchange of rights and ensures that the transfer occurs in designated priority funding areas. The landowner sells his/her land rights to the developer, who then submits a certain percentage of the value of the property to fund various projects that are overseen by the local government or municipality. The value percentage is determined by the local government in Virginia. In Maryland, the developer is required to submit one-half of the property value for public purposes.

specific authority to place restrictions on land use development. But when political conflicts do ensue between rural and urban areas over land use decisions, for instance, it is the developers and property rights groups that are most active in blocking land regulations when they perceive a threat to their economic interests (Byrnes 2003, Commonwealth of Virginia Department of Planning Assistance 2003). The developer industry, in particular, has been effective at hindering any legislative proposals that call for enhanced government authority to institute stricter impact fees. And as I will show later on, the real estate and developer industries have given more campaign contributions to members of the state legislature than any other special interest group. It is no secret, then, that the General Assembly has been most receptive to the industry's demands and legislative committees and subcommittees are stacked with pro-developer constituencies—from *both* political parties.

Recently, however, real estate developers and homebuilder associations have been largely unsuccessful in preventing local governments from implementing density requirements on certain land parcels in the more progressive, fast-growing counties of Loudon and Fauquier. The problem is that land development has not kept pace with rapid population growth in Virginia's largest metropolitan areas (see **Table 5.1**). With accelerated growth, the industry must also accommodate consumer demands for more single-family dwelling units. As consumers demand more construction projects, local governments are not given the necessary regulatory tools, like impact fees, to stave off excessive development (Shoffner 2003, 17). In accordance with Dillon's Rule, local governments are restricted from exercising powers not specifically guaranteed by the state constitution. Since the General

Assembly has been unable or unwilling to enhance the regulatory powers of the municipalities, uncontrolled development continues mostly unabated.

Table 5.1: Population Growth in Metropolitan Virginia Outpaces That of Rural Areas or Cities

TABLE 5.1 POPULATION GROWTH IN VIRGINIA'S METROPOLITAN AREAS, 1990-2000				
Metropolitan Area	1990	2000	Amount	Percent
Northern Virginia	1,732,432	2,167,757	435,320	25.13
Richmond	865,640	996,512	130,872	15.12
Hampton Roads	1,430,974	1,551,351	120,377	8.41
Charlottesville	131,373	159,576	28,203	21.46
Lynchburg	193,928	214,911	20,983	10.82
Roanoke	224,592	235,932	11,340	5.05
Bristol	87,517	91,873	4,356	4.97
Danville	108,728	110,156	1,428	1.31

Source: U.S. Census Bureau

Section 5.2: Land Use and Development Patterns

The Virginia Commonwealth has experienced a dramatic increase in land development over the last 20 years or so, according to the U.S. Department of Agriculture.¹⁰³ In 1982, nearly 2 million acres of land was demarcated for residential and commercial development across the state. By 2000, nearly 3 million acres of land was reserved for development, including the construction of new roads. At the regional level, land development increased from 9,700 to 10,000 acres in Northern Virginia, which includes Fairfax and Arlington counties and the cities of Falls Church and Alexandria. In Richmond, development more than doubled during this period.¹⁰⁴

¹⁰³ Land development patterns can be viewed at the VA Chapter of the American Planning Association at <http://www.vaplanning.org/vapajobs.htm>.

¹⁰⁴ Shoffner 2003, pp. 22-24.

Table 5.2a and 5.2b: Developed Land Has Increased Statewide Since 1980

TABLE 5.2 A AMOUNT OF DEVELOPED LAND STATEWIDE, 1982-2000	
Year	In Millions of Acres
1982	1.8
1987	2.2
1992	2.45
2000	2.82
<i>Source: USDA Natural Resources Inventory, 2000</i>	

TABLE 5.2B AVERAGE AMOUNT OF LAND DEVELOPMENT (IN ACRES), 1982-2000		
Region	1982	2000
Hampton Roads	6,000	8,000
Northern Virginia	9,700	10,000
Richmond	5,000	12,000
Virginia Beach	9,000	11,000
<i>Source: USDA Natural Resources Inventory, 2000</i>		

Section 5.3: Agricultural and Rural Land Development Patterns

Between 1982 and 1997, land development increased by 75%, and about 780,000 acres of agricultural land was transformed into commercial and residential projects (e.g., subdivisions and office parks). By the same token, the Virginia Commonwealth witnessed a dramatic decline in farmland and other rural or agricultural land (Shoffner 2003, 27). Before World War II, nearly one-half of the land area in Virginia consisted of agricultural, vegetation or forest land (Ibid. 28). The proportion of agricultural land has declined over the last twenty years or so.¹⁰⁵ **Table 5.3** shows patterns in agricultural land coverage and development over the last two decades.

¹⁰⁵ According to a study conducted by the Southern Law Center, only 30% of the land area in Virginia is now undeveloped farmland. The state has experienced a loss of 21,500 acres of prime farmland and nearly 60,000 acres of cropland since 1982 (Shoffner 2003, p. 29).

TABLE 5.3 LAND USE AND COVERAGE IN NONFEDERAL, RURAL VIRGINIA, 1982-2000							
Year	Cropland	CRP Land	Pastureland	Rangeland	Forest Land	Other Rural Land	Total Rural Land
1982	3,397.6	0.0	3,249.6	0.0	13,455.8	617.8	20,720.8
1987	3,109.8	23.2	3,222.3	0.0	13,511.4	594.6	20,461.3
1992	2,901.5	74.0	3,206.9	0.0	13,460.7	588.1	20,231.2
1997	2,917.5	70.7	2,995.3	0.0	13,315.8	586.7	19,886.0
Source: 1997 National Resources Inventory							

Section 5.4: The Role of Virginia’s Governors and the Executive Branch?

Like Maryland, Virginia governors have very broad formal, procedural and administrative powers. They use their budgetary authority to set the governmental agenda with policy proposals which are awarded highest priorities. However, unlike Maryland, the two most recent governors, Republican James Gilmore, III and his Democratic successor, Mark R. Warner, have not taken full advantage of these formal powers to direct growth management policies in the state of Virginia. In fact, they have been rather silent on the particular issue of Smart Growth, much to the frustration of Smart Growth advocates. Gilmore, a very conservative and pro-business advocate, generally tended to side with property rights groups on most controversial growth management issues. But if Smart Growth proponents thought they would fare better under Warner’s Democratic administration, they were mistaken. Warner, a moderate on social issues and conservative on economic issues, rarely even mentioned Smart Growth until very recently. Indifference, however, should not be

misinterpreted as the governors' inability or incapacity to influence decision making through their formal powers.¹⁰⁶

Still, both governors recognized growing concerns over traffic congestion, and if any Smart Growth-related initiative were to flourish, it would have to take place within the powerful Virginia Department of Transportation. In fact, in no other policy arena has the effort to specifically address sprawl been more apparent than in the area of transportation. Governor Gilmore often sided with the developer industry to build more roads and highways and propos additional lanes to highways as a remedy for traffic congestion.¹⁰⁷

In 2003, Governor Warner instituted a different approach. He directed his Department of Transportation head and special transportation commissioners to collaborate with local and regional governmental entities, “slow-growth” advocates, and corporate entities, to come up with “sound” policy solutions to address sprawl. These policy solutions would have the dual purpose of addressing traffic congestion while keeping infrastructural costs low.¹⁰⁸ This collaborative outfit was specifically charged with proposing policies that encourage improvements to existing roads and

¹⁰⁶ In fact, according to famed scholar of gubernatorial powers, Thad Beyle, Virginia ranks 26th in terms of governor formal powers; they have, in other words, moderately strong formal powers according to Beyle's most recent ranking scores. Virginia governors, to be sure, are rated highly on their veto powers and moderately high on budget authority. But since the governor rarely uses these powers to inform growth management policy, the formal powers do not seem to matter much in this context of Virginia style of politics. As for informal powers, Governor Gilmore was rated fairly high, about a 4 on a 5-point scale (5 being the highest). By 2002, his successor, Mark Warner was rated about 3.4 on informal power. To see the completed updated scores, see Professor Beyle's website, <http://www.unc.edu/~beyle/gubnewpwr.html>.

¹⁰⁷ For instance, Governor Gilmore was supporter of road expansion projects in Montgomery County (I-81) and Charlottesville bypass highway (US 29). The proposals awards developer communities high-end contracts to complete these construction projects.

¹⁰⁸ See Governor Warner's 2003 State of the State address.

highways and would provide technical assistance to local governments on their comprehensive infrastructural design plans. Specifically, the coalition would make recommendations to local governments for designating targeted areas of greatest need then suggest earmarked funds for priority projects.¹⁰⁹

In other policy areas, relatively little has been done to address growth management issues at the state level. In 1999, Governor Gilmore charged the state legislature to establish the Virginia Land Conservation Fund (VLCF).¹¹⁰ The governor directed his administrative agencies to set aside funding for open space preservation in areas that are experiencing the fastest growth.¹¹¹ This program was similar to that of Maryland's popular Priority Funding Areas Act of 1997, where the state would assist local governments with identifying their most distressed areas that are in greatest need of capital investment. However, the VLCF was never fully funded by the legislature.¹¹² At best, the fund collaborated with other study commissions instituted by the legislature to investigate the impact of sprawl on Virginia's infrastructure, but eventually the agency became defunct due to the lack of provisional funding.

I spoke with various representatives from the executive branch, local and for-profit entities to gain a better perspective on the role of the governor in growth management and land use decision making. Respondents were asked to rate—in order of importance—the most to least important actor in the Virginia land use management

¹⁰⁹ Each “priority funding” project is allocated \$2 million unless the project calls for new development in a targeted area rather than an existing project. These policy priorities are outlined in Governor Warner's 2003 State of the State address, January 2003.

¹¹⁰ American Planning Association 2002, p. 128

¹¹¹ Ibid. 128

¹¹² Ibid. 129

policy arena. Nearly all of the representatives from the executive branch chose the governor as the *least* significant figure in the land use movement. Again, it is not because Virginia governors cannot exercise their constitutional powers to influence decision making in this policy area, but because they are reluctant to do so. As a prominent member in the Department of Economic Development Partnership explains:

Well, it should come as no surprise that, given Virginia's history of local [government] control, the governor would be far removed from growth management issues. Even within the realm of economic development, most of those decisions come from the municipalities, even from city [governments]. Most of the time, [the] mayors and their councils that are most involved in that type of thing. And that's how it should be. If anything is to get done right, it should be done there. That's where compromise contracts are drawn. Business is at the center of those contracts, but they have to go along to get along with the local governments in order [to] get anything accomplished.

A representative from the Virginia Municipal League adds:

The governor has no say in what the local government can or cannot do. It's there by design that local governments along with businesses and maybe other private interests...these are the ones that really provide the groundwork. People want growth; they want development projects because those projects bring jobs to the local community. When people have jobs, the economy flourishes. Maybe sprawl is an unintended consequence of [that growth], but there's nothing you can do if the localities rely on property values to enhance their economy. The governor has nothing to do with it. The localities have everything to do with it.

One respondent from the transportation industry, however, disagrees. He counters:

I'm well aware that relevant discussions [concerning growth management] take place at the local [level]. But I'm not that naïve as to believe that the governor—the most powerful figure in Virginia politics—has no [role]. Governor Warner has argued, for instance, that improvements in transportation systems are crucial, even vitally important, to tackle this issue—you call it “sprawl”—I just refer to it as the result of irresponsible transportation policies, where the state

transportation agencies are not [held] responsible for runaway policies, overspending, and not really addressing the issue of traffic congestion. Too much emphasis is placed on new roads—trying to make citizens pay for it in the form of tax hikes, since the car tax is being phased out. The emphases should be on ways to improve transit system and public transportation, in addition to road improvements. The governor can guide those policies as he has by executive order.¹¹³

An influential Republican delegate from Abernale and Augusta counties, who also chose the governor as the most influential actor in Virginia’s growth management community, further adds:

You are well aware that the governor still outlines his policy preferences at the beginning of each legislative session. Recently he [Governor Warner] has come out in favor of growth controls, which of course, I disagree with—not because I think growth controls are necessarily a bad idea across the board—I just think they’re unnecessary. But in his capacity, the governor could, if he wanted, give the state planning agencies like the Virginia Department of Planning [Assistance] more authority to force local governments into comprehensive [planning]. He just hasn’t done so. But he has, in my view, used his position to influence the legislature to at least consider some of these growth control proposals. At the very least, he has been an active proponent of this new roads initiative and most of us [in the legislature] support him on this.

In the previous chapters, I discussed how both the Democratic and Republican gubernatorial administrations were highly visible in growth management issues. In stark contrast, only two of the thirty-three respondents ranked the governor as the most important actor. In fact, nearly all respondents, when asked, believe that the governor is the least influential actor in Virginia’s growth movement. Again, the

¹¹³ The delegate is referring to a new roads initiative called the Virginia Smart Roads initiative, which provides commuters a direct route between Interstate 81 and Blacksburg, Virginia (Montgomery County). The “smart road” will be a 5.7 mile stretch road also to be used to evaluate environmental and safety standards. Research will be undertaken by the Virginia Tech Transportation Institution. For a full description, visit the Virginia Department of Transportation (VDOT) at <http://virginiadot.org/projects/constsal-smartrdoverview.asp>.

simplest explanation for this anomaly is that in Virginia’s history, land use decision making has generally been relegated to the local level. There have been a number of recommendations from many in the urban planning community, such as the Virginia Chapter of the American Planning Association and the Piedmont Environment Council, that call for a more active state role in local land use planning.¹¹⁴ If not at the state level, then the legislature ought to enhance the regulatory and oversight powers of the local governments to monitor growth trends and experiment with various innovative approaches to monitor and contain urban sprawl. In sum, if any change is going to take place, that change must come from the top—the governor, who sets the agenda and has the authority to enlist his executive agencies¹¹⁵ to oversee and fund investment projects—and the legislature, which could give the localities more discretionary powers to mandate stricter land use controls.¹¹⁶ However, we will see that in the Virginia state legislature, the odds are stacked against Smart Growth

¹¹⁴ The Piedmont Environment Council is one of the oldest nonprofit conservation organizations, and is the oldest one in Virginia. The council recommends that the Virginia state legislature consider purchasing land easements for the purpose of preserving valuable land and protecting critical areas against land development encroachment. The council is also opposed to new roads initiatives, including the proposed Charlottesville bypass road (US Route 29) and Interstate 81.

¹¹⁵ For instance, the Department of Economic Development does have limited planning authority. Like Maryland’s Department of Business and Economic Development, VA’s economic department can assist local governments with state regulatory permits. The department also helps conduct impact studies on regulatory decisions that affect small businesses and developers. The agency’s Industrial Development Services Advisory Board oversees industrial development across the state. Virginia also has a Department of Environmental Quality, which is charged with monitoring development activities that take place in “highly sensitive” environmental areas, particularly the watersheds. For more description, see “Growing Smart” (2002, Statutory Summary for the state of Virginia).

¹¹⁶ The Coalition for Smarter Growth, for example, suggest that local and regional governments encourage “New Urbanism” designs that emphasize restrictions on building lot sizes, call for pedestrian street grids, and encourage multimodal transportation systems. The coalition is currently targeting the city of Tyson’s Corner for smart growth efforts. For a review of their platform, go to www.SmarterGrowth.net.

advocates and in favor of pro-growth or developer interests...and it's been that way for a long time.

Section 5.5: *Smart Growth and the State Legislature: Some Successes, Many More Failures*

In 1999, the Vision and Plan Subcommittee of the House Committee on Agriculture, Conservation and Natural Resources, appointed a special delegation that was dispatched to Baltimore and Annapolis, Maryland to study the state's much celebrated Smart Growth program. Rather than returning with policy ideas for how to address Virginia's own problems with sprawl, the delegation recommended the establishment of a joint subcommittee to study land development patterns across the state.¹¹⁷ In fact, the closest that the state legislature ever came to instituting any kind of statewide comprehensive plan in the name of Smart Growth, stalled at the research and development phase. The legislature institutes research commissions to undertake impact studies on various regulatory barriers that could, either positively or negatively, affect land development in the state. Much of the proposed legislation that dealt with establishing land regulations, specifically developer impact fees, proved unsuccessful in the general assembly. These proposals failed, in large part, because of the visibility of powerful pro-developer lobbies that were able to stall or stop legislation in committee or on the floor. The committees are stacked with corporate and real estate interests. But, even if proposals get to the floor, the legislature, as a whole, is not committed to growth management issues because it holds steadfastly to

¹¹⁷ House Joint Resolution 543 mandated a study to assess land use patterns and the possible relationship to sprawl. But apart from the study, which never really got underway, no policy recommendations were put forth.

the tradition that places these types of decisions in the hands of the local governments. Echoing this sentiment is powerful Republican delegate from the 20th

District in Augusta and Highland counties:

We simply will not touch this issue [of land use management]. We will flirt with it when it concerns us [the legislature]. But it is not within our legislative mandate to do so. We do, however, look at critical areas legislation. The bigger issues that affect the state as a whole, like agricultural protection, the Chesapeake, bigger infrastructure projects...that kind of thing. And now we have this issue set before us, of how to address sprawl on a regional scale, but of course, that's probably not going anywhere soon, either. Not [during] this session. Perhaps later.

Another Republican, a senator from Newport News who opposed Smart Growth, explains:

Where I come from, urban sprawl is a major problem. We all recognize that sprawl occurs across the state. But the state does not have the necessary resources, or the tools to address issues of local concern. Of course, sprawl eventually becomes regional in scope, but local governments can band together to form regional coalitions that address these kinds of issues. It's out of state jurisdiction, and I don't believe that Smart Growth is the answer, anyway. Sprawl exists because people exist. The more people you have, sprawl is [an] inevitable result of that. But if we give local businesses an incentive to invest in areas where growth is needed to accommodate changes in population, then maybe we don't need Smart Growth anyway. It's not really a concern for the state legislature.

Table 5.4 below gives a brief overview of Smart Growth-related action that has taken place since 1998. The state has not instituted any growth reforms at the state level, and has not awarded enhanced regulatory authority at the local level to address growth management or land use issues.

TABLE 5.4 GROWTH MANAGEMENT LEGISLATION IN THE VIRGINIA GENERAL ASSEMBLY 1998-2002		
Legislation, Year	Description	Status
H.B. 2702, 2002	Restricts powers of local jurisdictions to interfere with developer decisions.	Passed
Senate Joint Resolution 177, 1998	Establishes the Commission on the Future of Virginia's Environment (to study Smart Growth issues)	Passed
Senate Joint Resolution 503, 1999	Establishes a study to review farmland and agricultural laws; an impact study on land use taxation issues.	Passed
H.B.1205, 1999	A commission to study the impact of landfills fees or local government's ability to pay for the closure of landfills and the impact of regulatory mandates from the Department of Environmental Quality	Passed
S.B. 670, 2000	Department of General Services to require other state agencies to study the fiscal impact of Smart Growth (new vs. "rehab" infrastructure)	Passed
H.B. 1232, 2000	Urban Public-Private Partnership Redevelopment Fund to help local governments survey decaying building sites and rehab projects	Passed
House Joint Resolution 671, 2001	Established the Commission on Growth and Economic Development	Passed
H.B. 2324, 1999	Addresses special use permits	Failed on Floor
H.B. 2532, 1999	Addresses zoning violations by local governments	Passed
1992 Conservation Recreation Foundation	Establishes Virginia Land Conservation Foundation in 1999	Passed
H.B. 2039, 2003	A commission to study impact fees to be assess on developers	Failed

The pro-growth sentiment is most observable in the House, which is often viewed as the more conservative chamber. According to one delegate from Prince William County, a Republican and supporter of Smart Growth:

The conservatism runs so deep; it's palpable. You can see it, feel it, taste it, even touch it! I supported the bill to assess the impact of developer fees, for instance [H.B. 2039]. It was just a study, for goodness sakes. But my conservative friends didn't even want a study! A study! That's all it was. But anything that even remotely has anything to do with Smart Growth, or fees or anything [related] is bound to be rejected at the outset. It doesn't matter what it is. They [the conservatives in House] don't even want to consider it at all. I'm relatively conservative myself, but I understand that

even business has to be held to some kind of standard. It's the people who ultimately are harmed by this sprawl; we are allowing them to get away with all kinds of irresponsible activity. But, it's not all of them. Some of them do realize that there should be some restrictions [on their activities]. All the impact [fees] do is say, 'hey, we don't want you build in this area where there's already too much'. But, they don't even want the study! The [Virginia] homebuilders associations said no and lobbied against me to the bitter end.

In the Senate, some observers do not necessarily object to the idea of regulatory barriers in theory, but have disagreements about how local governments would implement them. For instance, a prominent senator from the Finance, Commerce and Labor committee explains:

Impact fees sound feasible, but you must understand this from a practical standpoint. Local developer fees work in theory, not in practice. Developers will avoid these fees by just going and taking their construction [projects] elsewhere—to another jurisdiction that does not have the fees. Do you know how that would hurt the local economy? The local governments would then have no choice but to raise taxes to offset the effect of the fees. And this is something that the state cannot mandate. I don't know of any place—not even in Maryland—where a statewide imposition of developer fees would fly. In this state, the local government wouldn't stand for it; the developers would not stand for it, and ultimately the citizens could not accept higher taxes.

Thus, it should not come as a surprise that when I asked the interview subjects to rate the general assembly on its role in state growth management practices, specifically as they relate to the issue of Smart Growth, most respondents did not chose the legislature. Only 5 of the 33 identified the state assembly as the most important actor in Virginia's growth movement. In fact, 11 of the 33 discussants, ranked local governments above the legislature. Only the governor did worse. And even

environmental groups did better than the legislature. As a representative from the Coalition for Smarter Growth¹¹⁸ explains:

Our Smart Growth battles are being fought and won at the local and regional levels. I don't even really know or care who my state representative is. Well...that's not entirely true. I am much more concerned with what I have to face in terms of these construction interests. They have mounted quite an attack on Smart Growth, but the Coalition always remains confident. We won in the Loudon county battle to get local governments to mandate density restrictions for subdivisions. They're [the developer community] still coming after us, but we succeeded in getting citizens and elected officials on our side in Loudon and Fairfax. We haven't been too successful elsewhere, but it's a start.

However, a representative from the Piedmont Environmental Council, a nonprofit and active leader in the effort to push Smart Growth at the regional level, did view the state legislature as the most influential:

With all that we've seen, you know, getting beat by developers and local governments not really taking a strong stance in support of what we're trying to do, I can definitely envision a scenario where nothing is accomplished at the local level. If change is going to come, it's going to have to [come] from the top. Only the legislature has the power to do something. The citizens should hold their elected officials accountable for their negligence, but the legislature seems beholden to these special interest groups; they are in lockstep with them. People want [growth] controls. Until they really start demanding the state to take action, nothing positive is going to come. We can do it at the regional level, but we have no power to enforce anything. That comes from the state planning agencies and the legislature.

In sum, what we are witnessing in Virginia is a legislature that has the constitutional authority—under Dillon's Rule—to grant local authorities strong growth management tools. However, according to what I have found, the legislature,

¹¹⁸ The Coalition for Smarter Growth focuses on regional smart growth efforts in the Washington, D.C. area. The coalition focuses on improving regional transportation systems in the Northern Virginia regions and works with both Maryland and Washington, D.C. non- and for-profit organizations, as well as, governmental entities to promote their smart growth agenda. See <http://www.smartergrowth.net/aboutus/index.html>.

by and large, is acquiescent to business interests, and it is those interests that dominate the legislative agenda. But this acquiescence reflects the underlying political ethos of the state as a whole. Smart Growth failed to gain any traction in the state legislature simply because the political context is governed by a prevailing conservative, laissez faire ideology. That is not to say that there are no liberals in the legislature; they mostly represent the northern region of the state—in Fairfax and Arlington counties, for instance—and these largely urban, progressive constituencies do not have enough clout in the legislature to influence decision making. Their political victories, rather, are realized at the local and regional levels where it is easier to garner support and create winning coalitions that generally support Smart Growth initiatives.

Section 5.6: Interest Groups in Virginia: Outsmarting Smart Growth

Up to this point, we have witnessed the success of the pro-business lobby and its ability to stall Smart Growth progress at the state and local levels. Why are the real estate and construction industries so powerful in the Virginia state assembly? In Chapter 3, I found no statistical evidence that campaign contributions given to both Democrats and Republicans on behalf of the developer industry, made any difference when it came to public policy outcomes. However, my discussions with representatives from various construction industries appear to contradict that finding in the sense that money was used to maintain the legislature's commitment to pro-growth free enterprise. In other words, based on several of these conversations—even from outside observers—campaign funding did seem to matter in terms of reinforcing a pro-business bias in state decision making. What this implies is that the developer

industry had already established relationships with state legislators, and their financial contributions were used to thwart Smart Growth in the state in as much as they maintained an existing relationship. In fact, **Table 5.5a** below shows campaign funding for the top industries during the 2002 midterm elections. **Table 5.5b** shows campaign funding activities for local developer and real estate construction industries.¹¹⁹

Table 5.5a: Real Estate and Construction Industries Contribute More Than Any Other Industry

TABLE 5.5A CAMPAIGN CONTRIBUTIONS FROM SELECTED INDUSTRIES, 2002	
Industry	Amount
Real Estate/Construction Industry	\$429,948
Finance, Insurance	\$109,750
Business – Retail, Services	\$71,106
Technology, Communications	\$40,250
Political	\$11,500
Defense	\$5,100
Environment, Natural Resources	\$4,000
Law	\$2,600
Single-Issue Groups	\$1,500
Transportation	\$100
Miscellaneous	\$5,100
Undetermined	\$12,600
<i>Source: www.nosprawltax.org</i>	

As the preceding table shows, the construction industry spends well over 100 times more in campaign contributions than environmental groups. Do campaign contributions pay off in terms of meeting their legislative objective to stop Smart Growth activity across the state? The answer appears to be yes. According to an

¹¹⁹ The Virginia Access Project, which is responsible for collecting this data on state campaign funding, notes that the real estate and construction industries were just as likely to support Democratic candidates as they were to support Republican candidates. The database is accessible at <http://www.vpap.org/thedatabase/database.cfm>.

administrative head of the Virginia Club for Growth, a conservative and anti-Smart Growth organization:

No one can deny the power of the lobby! We are all supporters of growth. We can't allow growth to slow. To do so would be dishonest about the realities of free enterprise. People want the growth, and as long as they want the growth, it will continue. And since people want the growth, the state legislators must respond to [what] they want. Sometimes they [the politicians] need a little financial incentive. You can't run a campaign without incentive. If we believe a candidate will address the concerns of the people in terms of what they want—that is, more, not less growth, then we give them more of an incentive. Smart Growth [proponents] do not seem to grasp this fact.

And a policy analyst from the Thomas Jefferson Institute of Public Policy agreed that:

Politics is driven by pro-growth concerns. State economies cannot thrive either way, and let's be real: politicians are held [accountable] when the economy falters, as it has. It's a game, really, and oftentimes [it is] the growth machine that not only determines the rules, but also determines who can play. The Smart Growth advocacy [groups] have become too self-righteous. They can't play unless they shed that stigma. That's why they keep losing. No one's stopping growth, and the politicians sure as heck aren't.

At the local level, campaign contributions come from a variety of sources, but again, the corporate interests are among the most generous and plentiful. **Table 5.5b** displays the top contributors to local campaigns, with local developers donating the most.

Table 5.5b: Local Developers Are Among the Top Donors to Political Campaigns

TABLE 5.5B TOP 25 DONORS TO VIRGINIA LOCAL POLITICAL CAMPAIGNS	
Amount	Donor
\$100,000	Erkietian, Myron P. (Alexandria)
\$50,000	First VA Bank (Falls Church)
\$50,000	Fairfax County Chamber of Commerce
\$50,000	West Group (McLean)
\$35,000	Affordable Shelter PAC (Fairfax)
\$30,000	Issues Mobilization PAC (Merrifield)
\$30,000	Realtors PAC of Virginia (Glen Allen)
\$25,000	Dyn Corp (Reston)
\$25,000	Fried, B. Mark (Springfield)
\$25,000	Hazel, John “Til” T. Jr. (Broad Run)
\$25,000	Mark Winkler Co (Alexandria)
\$25,000	William A. Hazel, Inc. (Chantilly)
\$10,000	Albrittain Family Trust (Vienna)
\$10,000	Boston Properties LP (Boston, MA)
\$10,000	Dewberry & Davis (Arlington)
\$10,000	Friends of Rollison – Jack (Woodbridge)
\$10,000	GTSI Corp (Chantilly)
\$10,000	Natl. Assn. Of Industrial & Office Prop. (Herndon)
\$10,000	Trammel Crow Co. (Washington, D.C.)
\$6,806	VA Greater Washington Board of Trade (Washington, D.C.)
\$5,000	Guernsey Office Products, Inc (Chantilly)
\$5,000	Associated Builders & Contractors PAC (Chantilly)
\$5,000	Associated General Contractors (Glen Allen)
\$5,000	Bank of America PAC (Richmond)
\$5,000	Equity Homes (Fairfax)
Note: Real Estate/Construction Industry Donors in bold	
Source: Virginia Public Access Project	

When interview participants were asked to rate the influence of interest groups, nearly one-half (or 15 of 33) said that special interests, particularly the construction and real estate industries, ranked at the top in order of importance. However, very few respondents chose environmental groups as being most important. When asked why it

is that business groups are favored over environmental organizations, a high-ranking official from the National Trust for Historic Preservation,¹²⁰ gives her opinion:

It's not that environmental groups are that powerless; it's just that the business groups have found a more effective and clever way of framing the issue. It's not that they have better ideas. They play to the economic fears that most people have these days. Other issues, too, have taken priority. Like, it's so secret that most states are struggling with constraining budgets. But, then again, you're talking about Virginia where environmental concerns are important; they just often take a backseat to what the state may view as more urgent needs, like how to allocate funding for these big transportation projects. As conservative as things are, they sure do like to spend money on large transportation projects—but, these interests win out because they get the contracts. Then, the [governing] officials make the excuse that the businesses will bring more growth to the area. There's always been this trade off between growth and the public good. Protecting the environment is a common good that we all benefit from; we don't all benefit from developer contracts, now do we?

Finally, two senators—one Republican, the other, a Democrat—sound off about the prowess of pro-growth lobbies and private rights organizations that have been successful in discouraging Smart Growth policy priorities. Both senators were instrumental in pushing for H.B. 2039, but their efforts proved futile against the powerful developer interests. The Democrat, from Culpepper County and a member of the Transportation Committee, sheds some light on the issue:

Seems that these bills get stuck at what I call the 'study level'. That's just a clever way of saying 'you'll never get your bills passed, so forget it'. Look, Smart Growth is embraced by most in the local community in theory, but when local governments are burdened with constraining deficits, the developers tend to win. And because the state refuses to step in tell these special interests that they must comply with local comprehensive plans, those interests win.

¹²⁰ The National Trust for Historic Preservation is a nonprofit organization, established in 1949, dedicate to preserving historic and cultural sites. The platform can be accessed at <http://www.nationaltrust.org/>.

Why [do] people seem confused about what Smart Growth is—like it's an anathema to growth and property rights. I was accused of being insensitive to the property rights lobby during the campaign. I was even afraid to talk about Smart Growth or impact fees or anything like that too much because I didn't want to upset my landowning constituents.

On the particular issue of the highly influential real estate lobby, the Republican, representing Fredericksburg and Fauquier Counties, was asked to give his opinion:

The localities simply don't have the wherewithal, let alone the resources, to direct investments in public facility projects that the people want. They try to shift the burden to developers, then, as you know, in the form of [developer] fees or transfer of developer rights. The developers then retreat to the General Assembly every year because they know [that] they can win here. They get their way nearly every time, but not all the time. But they win enough times to make a difference. Then they ban together with property rights' organizations or use the courts to advance their claims against what they view as attempts at eminent domain. And they win there, too!

Section 5.7: *Virginia's Political Ideology: Why Smart Growth Failed*

There is no empirical tool to adequately categorize the variations in political ideology across the state of Virginia. There are no interest group ratings of state legislators available on voting behavior to extrapolate ideology. And unlike Maryland, most state legislators refuse to respond to Project Vote Smart surveys that assess opinions on various social, political and economic issues from which we could use to correctly identify ideological variations within the general assembly. We can, however, be relatively confident that based on the patterns of policy adoption across the state, the more politically liberal areas tend to be concentrated in Northern Virginia. In general, however, Virginia has a very strong conservative political ethos which is deeply rooted in the ideals of limited government and free-market enterprise. Smart Growth reflects the state's commitment to those conservative principles: a

rejection of a statewide comprehensive plan; lingering concerns about local government authority to place restrictions on land development; a vibrant property rights tradition; and a powerful pro-business industry. All of these conservative factors explain why Smart Growth was unsuccessful at the state level. As for the local government, there is no requirement for comprehensive plans from the state or county governments; and, localities are not encouraged to use zoning powers to regulate the use of land or building structures—they only *may* to do if they so choose.¹²¹

Like Maryland, it is easy to identify those areas where Smart Growth has faced little or no challenge. In Northern Virginia, Smart Growth is still gaining momentum, particularly in those communities which has experienced excessive growth and severe sprawl-induced symptoms. Arlington, Fairfax and Loudon counties have collaborated to offer a Metrorail extension to Dulles Airport.¹²² And the regional counties have teamed with the Coalition for Smarter Growth, 1000 Friends, and Trust for Public Land to address issues affecting the Chesapeake Bay. However, there have been Smart Growth-related successes in the more politically moderate areas in Fauquier and Prince William counties. Citizens elected “slow-growth” Republican mayors and city councils to push for better comprehensive plans and place restrictions of fast-developing areas. Even in these areas, Virginians have come to view sprawl as an urgent problem. Yet, they continue to face challenges from the

¹²¹ American Planning Association, “Growing Smart,” 2002, p. 124.

¹²² Virginia Depart of Planning Assistance 2003, p. 7.

powerful developer communities that have taken their claims to the state appellate courts.¹²³

I have argued that Smart Growth interests are driven by political ideology, where state political systems that are guided by a prevailing liberal ideology, are more likely to adopt Smart Growth legislation than conservative states. By and large, Smart Growth continues to be viewed as a liberal enterprise, with demands being pressed largely by liberal or progressive special interests. The responses to my survey bear this out. When I asked respondents to give their views on the most important determining factor of Smart Growth, an overwhelming majority (26 out of the 33 responses) cite political ideology as the most significant determining factor of Smart Growth adoption.

Section 5.8: Smart Growth and the Virginia Economy

Economic considerations—the health of the economy—were assigned a lesser order of importance than ideology. The state of the economy only garnered 6 “most important” responses and 2 “second most important” responses. In other words, political ideology was considered most important, even when concerns about the sluggish Virginia economy were expressed. When asked to compare the influence of state economic interests with that of political ideology, interest group activities from real estate and construction industries still ranked second or third to political ideology. I was particularly amazed at how well the respondents were able to articulate their views on ideology and how state policy outcomes reflect deeply felt views on the role of the government. These views are longstanding and, according to

¹²³ Ibid. p. 8.

most discussants, are very easy to pin down. As one delegate who represents the 100th District of Northampton, and a member of the House Finance Committee, puts it:

We lost because they keep calling us liberals, as you say. It's easy to get branded a liberal just because you say that you support policies that deter sprawl. But they can't explain why Republicans are joining us. Are they liberal, too? They say it like it's a bad thing...to be for Smart Growth. It's the devil incarnate around these parts.

In a candid statement, Republican delegate from Augusta and Highland counties admits:

I come from a conservative district and people don't want to hear about no Smart Growth. Even if I may agree [that] sprawl should be contained; I wouldn't dare go back there [to my district] talking about Smart Growth. What's not 'smart' about 'growth'? We do have this notion, this idea that Smart Growth is some idealistic, unattainable...some liberal ideal that can never be attained. There is this notion that liberals are out of touch with the realities of the world. Smart Growth is some kind of panacea that they've dreamt up but without real or realistic solutions to this problem [of sprawl].

But a member of a local real estate political action committee sees it a little differently:

Smart Growth failed because it made no sense, not because of some liberal ideology. I don't think Smart Growth is liberal or conservative; I think it's just stupid—a very stupid, not at all smart—way of doing business in this state. After all this time, you can't tell real estate developers [what] to do and where to grow! That's not [their] concern. That's a concern for the consumer. If consumers want bigger houses on larger lot sizes, you have to respect [that]. The nerve of Smart Growth [or] anybody to try and control what the consumer wants. That's not liberal at all. That's just plain dumb!

In summary, then, as long as Smart Growth continues to be viewed as a liberal policy solution—whether accurate or not—the forces of resistance that exist across most of the state will continue to mount relentless challenges against it. Progressives

might witness success at the local or regional levels, but even those gains might very well be lost with increasing conservative sentiment, as those Smart Growth advocacy groups in Maryland learned. The bottom line is that the Smart Growth community ought to learn to operate within the context of Virginia's conservative political climate and accept that as long as this culture prevails, the most they can hope for is limited success at the local level.

Section 5.9: Why Parties Still Don't Matter...or, Do They?

Are state legislatures controlled by one of the two major political parties more or less likely to adopt Smart Growth? To test the effect of party on policy adoption, in Chapter 3, I included a dichotomous variable that identified each state headed by a Democratic governor (coded 1) or by a Republican governor or otherwise (coded 0). I hypothesized that since Smart Growth has been presented as a bipartisan effort, the partisan control of the state legislature will not matter in terms of whether or not Smart Growth legislation is adopted. The results of my analysis supported this hypothesis. It also did not make any statistical difference whether the state is headed by a Republican or Democratic governor. As we witnessed in the Chapter 4 case study on Maryland, state Republicans were nearly as likely as their Democratic counterparts to support Smart Growth policies. Any anomalies that existed—where Republicans vehemently opposed Smart Growth—could be explained by the fact that those Republicans are considerably more conservative than their moderate Republican colleagues. Ideological differences existed within Democratic circles as well, where moderate or conservative Democrats sometimes sided with conservative Republicans to cut Smart Growth programs.

Similar partisan patterns emerge in Virginia, but those differences are markedly visible with respect to ideology. As noted earlier, Republicans in the Virginia state assembly are much more conservative, particularly in the House. They are more likely to oppose Smart Growth on all fronts. However, I spoke with Democrats who also oppose Smart Growth; these Democrats represent ideologically conservative constituencies in Mount Vernon and Springfield. For example, a senator who sits on the Subcommittee on Local Government explains:

I am opposed to Smart Growth on a philosophical level. I represent the interests of the local municipal governments, and I believe that Smart Growth is an attempt to infringe on the authority of the localities. They've tried it in [my] district, to stop development in an economically disadvantaged area. The developer wanted to build a shopping center so that residents didn't have to drive to the next suburban town, which is about 20 miles out of the way. Well, the Smart Growth groups would not have that. Sometimes they don't see people; they just see land and their own interests. They don't realize that we need that land to fulfill necessary social and economic needs. How many jobs could have been created with that storefront? I bet some people would have been happy for it.

The other Democratic senator, also from Springfield, put it this way:

I am a conservative, practical Democrat who strongly believes in the power and persuasion of the almighty dollar! It all comes down to setting priorities and getting those priorities in order. Right now my number one priority is to serve my constituents. We need new real estate construction projects in my district to help create jobs. You have two choices: you can either create the necessary capital revenue generated by these investments in the form of new jobs; or, you can sit around and worry about how to support your family during this time of economic crisis because the Smart Growth special interests have gotten their priorities all confused.

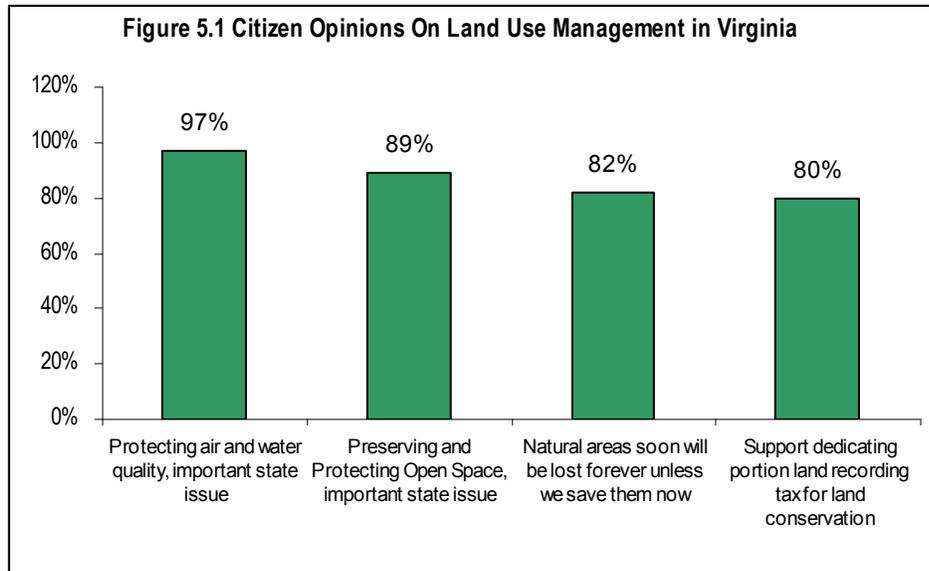
Again, respondents seem to be able to distinguish between party and ideology. Thus, we cannot assume that Republicans will reject Smart Growth proposals because they are conservative, as a number of Republicans support some restrictions on growth.

Similarly, we cannot presume that all Democrats support Smart Growth, even though many of them do. There are some who clearly are not open to all aspects of Smart Growth. Ideology, rather than party affiliation, determines the degree of support for Smart Growth policies, and rejection of those policies reflects strongly held philosophical opinions on the proper role of government in both the political and economic realm.

Section 5.10: The Citizens Respond

A recent poll conducted by the Nature Conservancy Fund, Trust for Public Land, and the Chesapeake Bay Foundation found that Virginians are most concerned with issues relating to land use and growth management. **Figure 5.1**¹²⁴ below demonstrates how strongly citizens feel about the issue of sprawl and how it has adversely impacted the state. More important, the results of this survey, like so many recent ones, emphasize voter support for more government involvement—at both the local and state levels. And the respondents seem to be able to recognize a linkage between sprawl, existing land use practices and patterns, and the need for government to pursue sound planning policies to combat sprawl. For instance, the results show that 89% of the respondents believe that protecting open space should be a high *state* priority and 80% of those surveyed would support some portion of property tax values dedicated to land conservation efforts.

¹²⁴ The poll was taken in 2002. The results are available at http://www.tpl.org/tier3_cd.cfm?content_item_id=3720&folder_id=632.



As we have seen thus far, most Smart Growth successes have occurred at the local level. County and municipal governments have tried to implement Smart Growth-related proposals by encouraging referenda, which may lend more credibility to the argument that citizens want growth controls, despite claims from the developer industry that voters actually prefer more development. Again, Smart Growth proponents have enjoyed success in politically progressive areas as shown in the following table, where Smart Growth referenda were passed by an overwhelming majority of voting constituencies:

TABLE 5.6 SMART GROWTH-RELATED REFERENDA 1998-2002	
Referendum	Description
Henrico County, 2000	\$16m bond issue for recreation and parks projects
Loudon County, 2000	\$7.8m bond for acquisition and development of Dulles South Regional Park
Fairfax City, 2000	\$0.5m, property tax increase for open space and parks over 5-year period
Arlington County, 2002	\$67.4m bond for conservation, parks, roads, safety, drainage, pedestrians, metro projects
Fairfax County, 2002	\$20m bond to acquire and development parkland facilities
Arlington County, 1998	\$17.5m bond for land acquisition, parks
Prince William, 1998	\$8m bond for land acquisition, parks
Fairfax County, 1998	\$87m bond for parks and facilities
Roanoke, 1997	\$39m bond for parks and recreation
Chesterfield County, 1996	\$9.3m bond for parks and facilities
Source: Commonwealth of Virginia Department of Planning Assistance, 2003	

Smart Growth advocates have also enjoyed electoral victories in recent elections. For instance, the citizens of Front Royal, a district outside of the Shenandoah Valley, elected a staunch supporter of Smart Growth. Elected in 2002, Mayor James M. Eastman successfully led the fight against a proposal to build a Wal-Mart megastore that was vigorously opposed by the majority in his district. Relying on the Smart Growth principle as a mantra of his campaign, Mayor Eastman pledged his commitment to preserve the 121-acre land parcel for a public park. Although the developer for the project vowed to move forward, the mayor and members of the city council countered with a massive campaign to stop further encroachment efforts.¹²⁵

Elsewhere, Smart Growth enthusiasts celebrated the electoral victories of pro-conservationists in the recent Falls Church municipal elections. These elected officials have pledged to continue efforts to encourage mixed-use, high-density development in the area, and to combat traffic congestion by proposing referenda for extension of mass transit systems.¹²⁶

Section 5.11: Conclusion—Does Smart Growth Have A Future In Virginia?

Smart Growth efforts were unsuccessful in the state of Virginia for two main reasons: one, the constitutional directives set forth by Dillon’s Rule, restricts the local government’s authority in the areas of growth management and land use planning. The state, for instance, does not give the local government a strong regulatory

¹²⁵ “Front Royal Voters Elect New Mayor, Council Members to Move Site of Proposed Supercenter,” *Washington Post*, (5/10/2002).

¹²⁶ Fredericksburg Area Metropolitan Planning Organization, or FAMPO, has established a long range plan to promote multimodal transportation systems and encourage pedestrian-friendly community design schemes, including bicycle and running trails. And the city of Hampton Roads is making plans to establish its own light rail system with citizen approval. See the Virginia Department of Planning Assistance, 2003, p. 10

apparatus to guide land use planning or oversee developer patterns. And yet, the local government maintains sole authority over land use planning decisions. However, Dillon's Rule should not be blamed solely for Smart Growth failures, as Smart Growth has thrived in states where Dillon's Rule shapes local policy making. In fact, Maryland and Wisconsin have instituted statutory law based on Dillon's principle, yet both also have also adopted innovative Smart Growth programs. The defining factor, according to many in the Smart Growth community, is the state's unwillingness to give the localities the necessary tools for effective growth management. When armed with these planning mechanisms, they argue, local governments can mandate growth control strategies that would directly address the issue of sprawl. But the Virginia state legislature has not given local governments that authority, which brings us to the second underlying explanation for why Smart Growth has failed in Virginia: the political culture of the state, under girded by a strong conservative ethic, appears to be antithetical to Smart Growth prerogatives. Smart Growth has met with success only in politically liberal or progressive areas like Fairfax County or the City of Alexandria, where sprawl has also been rampant.

When I surveyed interview subjects about what they thought was the prevailing factor driving growth management in the state, a majority of the respondents said that political ideology was the most important factor in determining Smart Growth success or failure. Most respondents were able to identify specific instances where advocates were successful and where they were the least effective in pushing for Smart Growth policies. But the overriding factor that determined Smart

Growth's fate in the state of Virginia was political ideology—even when economic considerations were taken into account.

Interview participants were also asked to rank, in order of importance, the governor's office, the state legislature, interest groups and political parties in terms of how influential each actor was in pushing for or against Smart Growth in the state. Again, by an overwhelming majority, the respondents chose interest groups, particularly real estate entities, as the most influential of these. The legislature and governor were ranked second and third, respectively, and most respondents explained that because growth management and land use planning are activities reserved to county and municipal governments, there is a very limited role for the state as a whole.

Political parties also appeared to be less visible, only in the sense that Smart Growth has been understood as a bipartisan effort. Many Republicans joined Democrats in support of Smart Growth study commissions, even though that support from Republicans may not have been as vigorous as that of their Democratic counterparts. I spoke to both Republican and Democrats in the state legislature that proposed major Smart Growth legislation, which ultimately failed. I also spoke with figures in the executive and legislative branches that opposed Smart Growth and happened to identify as Democrats. The state legislature is dominated by Republican interests that have varying points of view on Smart Growth. And yet, the state is headed by a Democratic governor who has not made any explicit statements in support of or against Smart Growth. Any expressions of support have been tacitly given at best.

So, what is the future of Smart Growth in Virginia, if any? Unlike Maryland where comprehensive planning is encouraged and even required, Virginia state planning laws do not mandate local comprehensive planning. It has been suggested by many in the Smart Growth community that Virginia could, under its Virginia Areas Development Act, otherwise known as the “Regional Cooperation Act,” attempt to encourage local governments to create regional planning entities, such as planning districts, to help find solutions to sprawl that has created regional spillover effects.¹²⁷ These planning commissions would not impinge on local governmental authority but could, rather, aid them in comprehensive planning and growth management practices. Smart Growth could conceivably see a future in regional planning, but any effort to involve the state would ultimately fail as long as the executive and legislative branches remain wedded to the cultural traditions that have long prevailed throughout the state’s history.

¹²⁷ Ibid. p. 20.

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Interview Questions (Standard Questionnaire)

Each respondent was asked 10 standard questions regarding the Smart Growth movement in the state of Virginia. Some questions were slightly altered as needed to suit the unique organizational or institutional role of each subject.

1. What is your role with respect to the Smart Growth movement at the state level in Virginia? What are your personal thoughts on the issue of Smart Growth, as a concept and as a policy?
2. Who would you say is/are the most visible and important actor(s) involved in the Smart Growth movement in Virginia?
3. If you had to identify the most important, most visible or most influential governmental player(s) involved, who would you choose? The governor? The legislature? Any other group(s)?
4. If you had to identify the least important of these actors, who would you choose and why?
5. How would you characterize the role of interest groups in the Smart Growth movement? Where they particularly influential with respect to how Smart Growth proceeded and/or failed at the state level?
6. What about developer, real estate or other pro-business industries? How influential are they? Do you believe that they have considerable influence in the state legislature?
7. Smart Growth has often been touted as a bipartisan effort. Do you agree with this assertion?
8. Virginia has a strong tradition of property rights laws. How strong are property rights groups in this state? Were they particularly visible or influential in the Smart Growth debate in Virginia?
9. Most states are grappling with a sluggish economy. Do you feel that the state of the economy has an impact on whether or not the state might accomplish Smart Growth goals?
10. Smart Growth still receives some attention across the states. According to some polls, most Virginians support some form of restriction on land development. In practice, however, Smart Growth has essentially been rejected at the state level. Do you have any insight on why that is the case?

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Number of interviews:	33
In-person interviews:	17
Phone interviews:	16
Taped discussions:	17

For one of the questions, respondents were asked to identify—and rank from 1 to 4—those actors in the Virginia Smart Growth movement who were most influential in discouraging and ultimately blocking Smart Growth passage and implementation in the state (1 is most important):

Representative	Governor	Legislature	Interest Groups	Local Governments
<i>From Governor's Office or Executive Branch</i>				
Respondent 1	4	2	3	1
Respondent 2	4	3	2	1
Respondent 3	1	2	4	3
Respondent 4	4	3	2	1
Respondent 5	4	3	1	2
<i>Other Governmental</i>				
Respondent 6	4	3	1	2
Respondent 7	4	2	3	1
Respondent 8	4	2	1	3
<i>Anti-Smart Growth</i>				
Respondent 9	4	3	1	2
Respondent 10	4	3	2	1
Respondent 11	4	2	3	1
Respondent 12	4	3	2	1
Respondent 13	4	3	1	2
Respondent 14	4	2	1	3
<i>Smart Growth Advocates</i>				
Respondent 15	4	1	2	3
Respondent 16	4	3	1	2
Respondent 17	4	3	1	2
Respondent 18	4	3	1	2
Respondent 19	4	3	1	2
<i>Pro Smart Growth Legislators</i>				
Respondent 20	4	2	3	1
Respondent 21	4	3	2	1
Respondent 22	4	2	3	1
Respondent 23	4	3	1	2
Respondent 24	4	2	1	3
Respondent 25	4	1	3	2
<i>Anti-Smart Growth Legislators</i>				

Respondent 26	4	3	1	2
Respondent 27	4	3	1	2
Respondent 28	2	1	4	3
Respondent 29	4	1	2	3
Respondent 30	1	3	4	2
Respondent 31	2	1	4	3
Other/Neutral Observers				
Respondent 32	4	3	1	2
Respondent 33	4	3	2	1

Totals:

- Governor ranked #1 or most important, 2 of 33 (**6%**)
- Legislature ranked #1 or most important, 5 of 33 (**15%**)
- Group(s) ranked #1 or most important, 15 of 33 (**45%**)
- Other(s) ranked #1 or most important, 11 of 33 (**33%**)

- Governor ranked #2, or second most important, 2 of 33 (**6%**)
- Legislature ranked #2, or second most important, 8 of 33 (**24%**)
- Group(s) ranked #2, or second most important, 8 of 33 (**24%**)
- Other(s) ranked #2, or second most important, 14 of 33 (**42%**)

- Governor ranked #3, or third most important, 0 of 33 (**0%**)
- Legislature ranked #3, or third most important, 19 of 33 (**58%**)
- Group(s) ranked #3, or third most important, 6 of 33 (**18%**)
- Other(s) ranked #3, or third most important, 8 of 33 (**24%**)

- Governor ranked #4, or least most important, 29 of 33 (**88%**)
- Legislature ranked #4, or least most important, 0 of 33 (**0%**)
- Group(s) ranked #4, or least most important, 4 of 33 (**12%**)
- Other(s) ranked #4, or least most important, 0 of 33 (**0%**)

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Interview Highlights on the Most Important Actor(s) in the VA Smart Growth Movement:

1. In stark contrast to Maryland's Smart Growth program, only 2 of the 33 interview subjects ranked the governor as the most important actor in Virginia's Smart Growth program. Only 2 of the 33 (15%) ranked the governor as the second most important actor. In fact, nearly all the respondents believe that the governor is least important.
2. The state legislature, however, is viewed as slightly more important than the governor. Five of thirty-three respondents view the legislature as the most important and 8 of the entire sample view the legislature as the second most important actor. The legislature is tied with groups—with 8 of 33 respondents—as the second most important actors in the debate on land use.
3. Nearly one-half or 15 of 33 respondents cited interest groups, namely pro-business interest as the most important actors in Virginia's growth management community. Like Maryland, very few respondents chose environmental groups as most important.
4. More often than not, groups seen as most or second most important than either the governor's office or the state legislature.
5. Not surprisingly, the "other" category—made up of local governments—was cited as the most or second most important actors behind interest groups. The responses seem to reemphasize the convergence of groups and local governments on issues pertaining to land use decisions. The responses also reflect Virginia's unique political culture, where local governments, along with laissez faire interests, generally tend to set the agenda when it comes to growth management issues.

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Interview subjects were also asked to identify what they perceived to be the most significant determinant of Smart Growth policy failure in the state (in rank order, from 1 to 4):

Representative	Ideology or Political Parties	Economy	Interest Groups	Other
<i>From the Governor's Office or Executive Branch</i>				
Respondent 1	3	2	1	4
Respondent 2	2	3	1	4
Respondent 3	2	3	1	4
Respondent 4	2	3	1	4
Respondent 5	1	3	2	4
<i>Other Governmental</i>				
Respondent 6	2	3	1	4
Respondent 7	1	2	3	4
Respondent 8	1	3	2	4
<i>Anti-Smart Growth</i>				
Respondent 9	2	1	3	4
Respondent 10	2	1	3	4
Respondent 11	1	3	2	4
Respondent 12	1	2	3	4
Respondent 13	1	2	3	4
Respondent 14	3	2	1	4
<i>Smart Growth Advocates</i>				
Respondent 15	3	1	2	4
Respondent 16	1	3	2	4
Respondent 17	4	3	2	1
Respondent 18	2	4	3	1
Respondent 19	1	3	2	4
<i>Pro Smart Growth Legislators</i>				
Respondent 20	4	2	3	1
Respondent 21	1	2	3	4
Respondent 22	1	2	3	1
Respondent 23	1	3	2	4
Respondent 24	2	3	4	1
Respondent 25	1	3	4	2
<i>Anti-Smart Growth Legislators</i>				
Respondent 26	4	1	3	2
Respondent 27	3	1	4	2
Respondent 28	1	2	3	4
Respondent 29	1	3	2	4
Respondent 30	1	4	3	2
Respondent 31	1	2	4	3

<i>Other/Neutral Observers</i>				
Respondent 32	2	1	3	4
Respondent 33	2	3	4	1

Totals:

Political ideology/political parties ranked #1, or most important, 16 of 33 (**48%**)
 State of the economy ranked #1, or most important, 6 of 33 (**18%**)
 Interest Groups #1, or most important, 6 of 33 (**18%**)
 Other ranked #1, or most important, 6 of 33 (**18%**)

Political ideology/political parties ranked #2, or second most important, 10 of 33 (**30%**)
 State of the economy, ranked #2, or second most important, 2 of 33 (**6%**)
 Interest Groups #2, or second most important, 9 of 33 (**27%**)
 Other ranked #2, or second most important, 4 of 33 (**12%**)

Political ideology/political parties ranked #3, or third most important, 4 of 33 (**12%**)
 State of the economy ranked #3, or third most important, 15 of 33 (**45%**)
 Interest Groups #3, or third most important, 13 of 33 (**39%**)
 Other ranked #3, or third most important, 1 of 33 (**3%**)

Political ideology/political parties ranked #4, or least important, 3 of 33 (**9%**)
 State of the economy ranked #4, or least important, 2 of 33 (**6%**)
 Interest Groups #4, or least important, 5 of 33 (**15%**)
 Other ranked #4, or least important, 22 of 33 (**67%**)

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Interview Highlights on the Most Significant Determinant of VA Smart Growth:

1. Nearly all (78% or 26 of 33) respondents cite political ideology and/or party as the most or second most important factor determining the failure of Smart Growth policies in Virginia.
2. When asked to rate interest group activity with other possible determinants of public policy, interest group action (from real estate and developer industries) was cited as the second most important factor after ideology.
3. The state of the economy only garnered 6 “most important” responses and 2 “second most important” responses. In other words, political ideology and/or parties were considered more important than the state of the economy. And interest group activity was cited as more important than the health of the economy.
4. “Other” factors, including terrorism, Iraq war were viewed as “least important” of all factors determining policy outcomes (22 of 33 respondents cited these “other” concerns as least important).

Key:

Respondents #1 - #5: Representatives from the Executive branch
Respondents #6 - #8: Representatives from other governmental agencies
Respondents #9 - #14: Members from the anti-Smart Growth community
Respondents #15 - #19: Members from conservation or environmental groups
Respondents #20 - #25: Legislators who generally support Smart Growth
Respondents #26 - #31: Legislators who generally oppose Smart Growth
Respondents #32 - #33: Other or neutral observers with insight/opinion on Smart Growth

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Interview Participants

Executive Branch

1. Representative, Virginia Department of Business Assistance, Respondent #1
2. Representative, Prince William County Department of Planning, Planning Office, Respondent #2
3. Representative, Virginia Department of Rail and Public Transportation, Urban Program & STIP, Respondent #3
4. Representative, Virginia Department of Agriculture & Consumer Services, Respondent #4
5. Representative, Virginia Department of Economic Development Partnership, Respondent #5

Other Governmental Agencies

6. Member, Virginia Municipal League, Respondent #6
7. Member, Virginia Association of Counties, Respondent #7
8. Member, Virginia Department of Trade, Respondent #8

Anti-Smart Growth/Interest Groups

9. Member, Virginia Club for Growth, Respondent #9
10. Representative, Thomas Jefferson Institute of Public Policy, Agricultural Policy & Programs, Respondent #10
11. Representative, Thoreau Institute, Respondent #11
12. Representative, Virginia Institute for Public Policy, Respondent #12
13. Member, Citizens for Better Transportation, Respondent #13
14. Representative, Realtors PAC of Virginia, Respondent #14

Pro-Smart Growth/Interest Groups

15. Member, Piedmont Environmental Council, Respondent #15
16. Member, Trust for Public Land, Respondent #16
17. Member, Southern Environmental Law Center, Respondent #17
18. Member, Coalition for Smarter Growth, Respondent #18
19. Representative, National Trust for Historic Preservation, Respondent #19

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Legislators

Pro-Smart Growth:

20. Delegate, Transportation Subcommittee, Respondent #20
21. Delegate, Counties, Cities, Towns Subcommittee, Respondent #21
22. State Senator, Agriculture, Conservation and Natural Resources, Respondent #22
23. State Senator, Transportation and Rules Committees, Respondent #23
24. State Senator, Agriculture, Conservation and Natural Resources, Respondent #24
25. Delegate, Finance Committee, Respondent #25

Anti-Smart Growth:

26. State Senator, Finance, Commerce and Labor, Respondent #26
27. State Senator, Transportation, Commerce and Labor, Respondent #27
28. State Senator, Commerce and Labor, Respondent #28
29. State Senator, Subcommittee on Local Government, Respondent #29
30. Delegate, Majority Caucus, Agriculture, Commerce and Technology, Respondent #30
31. Delegate, Agriculture Chesapeake and Natural Resources, Respondent #31

Other/Neutral

32. Representative, Office of Policy, Economics and Innovation, U.S. Environmental Protection Agency, Respondent #32
33. Representative, College of Architecture and Urban Planning, Respondent #33

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The following is a brief summary from a statewide survey of registered voters in Virginia on their opinions of land use and growth management in the state. This bipartisan survey was conducted by the Tarrance Group (a Republican research firm), in conjunction with a nonprofit organization, The Kitchens Group (a Democratic research firm). Voters were asked a series of questions about land use conditions and quality of life issues currently being debated in the state. This survey was undertaken prior to the 2002 midterm elections (August 2001), and the results were presented in May 2002.

Methodology: The Tarrance Group and the Kitchens Group selected 750 “likely” voters, randomly-selected by telephone numbers, covering a broad geographic area and varying demographic factors.

Here are the highlights of the survey:

1. Voters say that preserving open space and other land use issues should be equally as important as concerns about crime and public education. Eighty-nine (89%) of likely voters believe that growth management issues ought to be awarded a high priority for both the governor and state legislature. Nearly all (97%) of voters are willing to forego tax cuts in favor of conservation or preservation efforts.
2. An overwhelming majority of Virginians (90%) are willing to shoulder the financial burden of paying higher taxes to fund preservation projects.
3. Nearly one-half or 45% of likely voters also believe that a larger share of the state budget ought to be earmarked for conservation and open space preservation.

In addition, certain “quality of life” issues were brought up in the survey. Open-ended questions about the life conditions for Virginian’s were presented. When asked what “makes where you live a good place,” they responded:

Peaceful/quiet/private/rural/less crowded/country life	16%
Good community/neighborhood/neighbors	13%
Low crime rate/no crime/safe	9%
Beautiful scenery/mountains/coastal lakes/rivers/woods	8%
Schools/public education	8%

Friendly people	7%
Location is convenient/close to malls, amenities	6%

Respondents were given a list of political, social and economic issues being addressed in the Virginia state legislature. They were asked to rank the following policy priorities, in order of importance (1 being most important, 4 being the least important; 5, unsure):

Issue	Most Important (1)	Somewhat Important (2)	Somewhat Unimportant (3)	Least Important (4)	Uncertain (5)
Cutting Taxes	47%	33%	12%	6%	2%
Protecting Air & Water Quality	69%	28%	2%	1%	0%
Reducing Crime	75%	21%	3%	1%	0%
Public Education	83%	15%	1%	0%	1%
Preserving & Protecting Open Space	44%	45%	8%	2%	1%

How much of the state budget should be allocated to land conservation efforts (open space protection, clear air and water standards, Chesapeake, etc)?:

One to Five Percent	35%
Six to Ten Percent	11%
Eleven to Twenty Percent	9%
Twenty-One to Thirty Percent	11%
Thirty-One to Fifty Percent	9%
Fifty-One to Seventy-Five Percent	2%
Seventy-Six to One Hundred Percent	3%
Don't Know/Refused	21%

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Methods to pay for land and water conservation:

Funding Method	Strongly Support (1)	Somewhat Support (2)	Somewhat Oppose (3)	Strongly Oppose (4)	Uncertain (5)
Increasing sales tax by 1/8 of 1 percent	20%	28%	19%	31%	2%
Increasing the gasoline tax by 1 cent per gallon	12%	15%	18%	53%	1%
\$200 million bond for land conservation over 20-year period	14%	37%	20%	23%	5%

Voter Demographics:

Age:

18-34	21%
35-49	31%
50-64	28%
65+	20%
Refused	0%

Party Affiliation:

Strong Republican	22%
Moderate Republican	16%
Moderate Democrat	12%
Strong Democrat	21%
Independent	24%
Other	1%
Unsure/Refused	4%

Geographic Region:

Central City	8%
Suburban	34%
Mid-size City	18%
Small Town	17%
Rural Area	22%
Unsure/Refused	0%

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Homeownership Status:

Own Home	82%
Rent	17%
Unsure/Refused	1%

Education Level:

Some High School	5%
High School Graduate	20%
Some College	23%
Vocational Training	5%
College Graduate	27%
Post Graduate Degree	20%
Unsure/Refused	1%

Race Category:

White	86%
Black (African-American)	9%
Hispanic (Latin)	1%
Asian American	1%
Other	1%
Unsure/Refused	2%

This entire survey results can be viewed at www.tarrance.com. Or, contact The Tarrance Group at (703) 684-6688.

CHAPTER 6: Smart Growth: Then, Now...and the Future?

For nearly a decade, Smart Growth has received widespread attention throughout the halls of state and local government. Advocates celebrate the fact that almost twenty states have considered moderate to aggressive land use reforms, Smart Growth being the most innovative of these. Voters have also signaled their support for growth management reforms, and have expressed growing concern over urban sprawl in their communities. However, the Smart Growth community faces formidable challenges from a pro-growth countermovement. Leery of Smart Growth objectives and suspicious of the policy's central objective—encouraging the state to regulate real estate behavior—opponents maintain that market-oriented strategies ought to be pursued rather than top-down approaches to address and effectively stop sprawl. As we have seen in Virginia and other states that have rejected Smart Growth, a recurring patterns emerges: the decision not to adopt Smart Growth is a reflection of deeply held beliefs about the proper role of government in the lives of American citizens. In states where Smart Growth has been accepted, there was a general belief that the state and local governments, rather than the market alone, ought to be involved in managing growth and finding viable solutions to the sprawl problem.

Because the decision of state policy makers to adopt or reject Smart Growth reflect an ideological disposition of their respective state, Smart Growth has not only become one of the most controversial of policy issues in government discourse; it is also a highly charged political issue. Smart Growth is controversial primarily because it calls for a drastic change in how states and local governments plan for growth and how they address voter discontent with sprawl. Governors, state legislators, and

interest groups are all important actors in the politics of Smart Growth. The decision to pass or reject Smart Growth proposals is best explained by how these actors respond to their constituencies. And although Americans have clearly voiced their concerns about urban and suburban sprawl, and seem to embrace—albeit in theory—Smart Growth ideals, most state legislatures have not pursued Smart Growth as vigorously as others. I have argued that political ideology provides an important explanation for these differences. Conservative states are likely to oppose Smart Growth on the philosophical ground that growth should be managed by the market, while liberal states are more likely to support and pass Smart Growth policies because they believe that the state ought to assume a central role in addressing sprawl-related problems.

My theory of Smart Growth underscores the importance of politics. I believe that any model of Smart Growth activity should include political variables that capture both institutional and behavioral aspects of the political process. I have argued in this dissertation—quite fervently—that the decision of policymakers to adopt (or reject) Smart Growth is greatly determined by politics and various characteristics of state political systems: governmental officials, interest groups, political ideology, culture, and public opinion, for instance.

Section 6.1: Smart Growth, Then: What We Know

The Origins of State Growth Management Practices

Land use and growth management practices in America long precede Smart Growth. In the 1920's the local governments were given wide discretion in their zoning powers that were guaranteed by the Standard Zoning Enabling Acts. Land use

planning as we know it today was essentially an afterthought and restrictions on land development were virtually nonexistent. By the end of the Depression, the Standard Planning Enabling Act, which followed the Zoning Acts, gave municipal governments a very limited role in land use planning, but with no regulatory tools (Fishman 2000, Garreau 1991).

After WWII, the U.S. population boomed, and suburbs were transformed by massive migration from cities to outlying areas. Lack of role for states concerned many in planning and environmental communities. Efforts culminated into a so-called “quiet revolution” where state legislatures, pressured by these conservationists, began to review statutory laws with respect to growth management. Several states—which now have instituted statewide, Smart Growth comprehensive programs—began to take a more active role in land use planning: New York, Maryland, Vermont and Connecticut (Burchell et al. 2000, 836).¹²⁸

How We Got To Smart Growth

The underlying concept of Smart Growth is not new. By the 1980’s, states had already become more involved in growth management practices. Florida and California, for instance, issued coastal protection plans, while Hawaii assumed the most aggressive role in the country. Hawaii’s program involved a state-centered approach to land use planning, mandating that local governments submit comprehensive plans for state approval by an executive-level planning board. Other states, such as Rhode Island and Washington, combined conservation efforts with

¹²⁸ For another thorough discussion of growth management trends in the U.S., see Brookings Institute (2003a) and Burby and May (1997).

economic development and housing affordability programs. In each of these states, state-centered planning eventually met with some criticism because there was no explicitly stated role for local governments. Even Hawaii overhauled its program. But the seeds of Smart Growth were being planted and began to take root by the 1990's, in response to conservationists and urban planners who argued for a more central state role in managing growth (Cobb 1997, Fulton et al. 2001, Meck 2003).

The Smart Growth Revolution

As the federal government scaled back urban redevelopment programs, states stepped up efforts to tackle suburban sprawl by instituting strategies to address urban blight. States flirted with both market approaches and pro-conservation strategies to stop excessive outward expansion in outer-ring suburbs. Among the states to adopt a statewide comprehensive, Smart Growth programs, Maryland, Oregon, Washington and Maine were the first. By the end of the decade, nearly 20 states followed with their own Smart Growth laws. States incorporated innovative strategies to combat sprawl (e.g., urban growth boundaries; transfer of developer rights; multimodal transportation systems; incentive-based reward systems to discourage leap frog development in suburban areas; mixed-used residential and commercial development, etc.).¹²⁹ So, while the original concept is not novel, what is innovative about Smart Growth is this integrated approach to growth management, where the planning process fuses policies that address sprawl-related problems in a variety of policy domains—transportation, housing, urban renewal, and the environment.

¹²⁹ Goode et al. (2001) and the APA's (2002) updated State of the States handbook provides overviews of each state's history of growth management laws.

Section 6.2: Smart Growth, Now: What We Have Learned

What we have learned about Smart Growth is that politics matters. As for the politics of Smart Growth, those who make policy decisions have the power, skills and knowledge base about the issues of greatest concern to voters. The success of Smart Growth depends on variations of each state political system: the powers of the governor, state legislatures, and tactical skills employed by special interest groups and variations in political culture. In Maryland—the governor and state legislatures are the most influential actors in the politics of Smart Growth. Not to be forgotten are interests groups, which were also quite visible in the Smart Growth movement, particularly in Virginia. Pro-growth and developer industries were critical in shaping the state’s growth management policies at the local level, while environmental groups in Maryland were instrumental in reinforcing the commitment to Smart Growth. Political parties, on the other hand, were not as active in the Smart Growth movement; both Republicans and Democrats threw their support for Smart Growth policies in Maryland. In fact, I demonstrated that neither single-party control of the state legislature, nor the party affiliation of the governor had an impact on Smart Growth practices in the states.

Until very recently, political scientists have been relatively silent on the issue of Smart Growth. However, a handful of notable research exists that provide useful analyses of growth management issues in the states from a political science perspective. The strength of these studies is that they emphasize the crucial importance of politics (Borick 2001, Gerber 2001, Jenkins 2001). Scholars rightly point out that growth management reforms occur because they are pursued by

political elites and explicitly approved by constituencies at the ballot box. However, many of these studies lack empirical testing of political variables, instead focusing on the types of growth measures being passed throughout the state and how the results were achieved. This research, attempts to test the impact of various political variables on the policy process.

Section 6.3: Review of Research Findings and Discussion

Do characteristics inherent in state political systems influence the decision to adopt or reject Smart Growth policies? Or, in other words, what factors account for the adoption or rejection of Smart Growth in the American states? I have argued that there are a number of political variables, controlling for socioeconomic indicators, which determine the success or failure of Smart Growth. The political forces that shape land-use decisions are clear. In order for there to be successful administration of Smart Growth, states rely on an influential governor, a state legislature that can offer Smart Growth as a policy priority and direct clear and sound proposals to achieve that end, the presence and strength of interest groups in their capacity to shape public policy, directly or indirectly; and most important, a political ideology or philosophy that generally supports the idea that government ought to have a greater role in land use and growth management.

Governors

Governors have the constitutional authority to oversee and direct state agencies on how Smart Growth policies should be implemented. They achieve their policy objectives by making use of their constitutional powers to impact decisions favorable to their administrative agenda. The degree of formal authority varies from state to state. This authority includes budgetary powers, the ability to appoint executive agency heads and other non-elected officials, veto power, and tenure in office. Based on these characteristics, Thad Beyle (2000) created a typology of governor strength that has become a hallmark of presidential scholarship. According to his classification, governors in states like Arkansas, Massachusetts and Tennessee have strong constitutional powers. Governors in Colorado, Virginia and Washington have moderate formal powers, and Alabama and Texas rank near the bottom on the gubernatorial power scale.¹³⁰

For this research, I created an index of gubernatorial influence relying on three formal power indicators and one measure of informal power. The three formal measures of gubernatorial influence are veto power, appointive power, and executive orders invoked in the area of economic development. I argued that in states where governors have strong formal and informal powers, Smart Growth is likely to be adopted. Based on the predicted values, in states where governors have the power to issue executive orders, Smart Growth is more likely to succeed than in states where

¹³⁰ Beyle has updated the formal powers typology for the most recent years. These latest power scores can be assessed at <http://www.unc.edu/~beyle/gubnewpwr.html>. Beyle's work is widely cited and has been generally accepted as the foremost authority on gubernatorial powers.

governors do not have this power. However, because this variable fails to reach statistical significance, so I could not conclude, with certainty that the governor's power to issue executive orders matters much. On the other hand, I found that the authority of the governor to invoke the item veto had the greatest predictive impact on Smart Growth of all of the formal powers. In fact, the item veto variable was highly significant, and the likelihood that states will adopt Smart Growth when governors have use of the veto—one of the greatest influential tools available to a governor—is nearly 16% compared to those governors without this constitutional power.

Additionally, I have argued that governors are able to influence policy making if they are popular, and can and do rely on their popularity to persuade the legislature and visible actors (i.e., interest groups) to advance their agenda. Unpopular governors, by contrast, have a harder time building coalitions around issues they support. For the informal power measure, I considered the percentage of votes received in previous election. This informal measure of governor influence reflects public approval of the governor during any given election. The logic of this argument is that governors who win elections by favorable margins are able to capitalize on that electoral success and get their agenda priorities passed through the legislature. The implication here is that popular governors are liked, and if they are generally well liked, then state legislators can piggyback on their popularity and share in the successes enjoyed by the administration. In Maryland, this happened when Smart Growth was initially passed. Nearly every legislator who supported the legislation claimed credit for helping the governor secure his Smart Growth pledge.¹³¹ When I

¹³¹ For an excellent discussion on informal powers, consult Kevin B. Smith et al. (2005), *Governing States & Localities*, pp. 223-224.

spoke with a Republican member of the Maryland House Committee on Appropriations, who admittedly took advantage of the fact that the governor's Smart Growth policies were generally well regarded at that time, the legislator also commented that it was also mutually beneficial for both the governor and legislature that Glendening generally got his way on just about every policy proposal because he was initially liked and respected as a leader.

The results from the probit analysis affirm the legislator's sentiments: the informal power of the governor was highly significant, and confirms my argument that popular governors are able to exert influence on the Smart Growth debate in positive ways. States with popular governors are more likely to adopt Smart Growth than states with unpopular governors. In the earliest years of his administration, buoyed by his initial popularity and electoral mandate, Maryland's Governor, Parris N. Glendening, enjoyed support for his Smart Growth initiatives mainly from the democratically controlled legislature but also from both conservation and many business organizations, such as the Maryland Chamber of Commerce and the Back of America Corporation.

Legislative Professionalism and Smart Growth Policies

I hypothesized that the more professional a state legislature is, the more influence, knowledge and expertise it has about difficult or complex policy issues like Smart Growth. Included in the model are three of the "five S's" of legislative professionalism: the length of the legislative *session*, compensation or legislative *salaries*, and average number of professional legislative *staff*. The actual number of days in session and the average salary are important factors because they explain why

state legislatures have become more professional since the 1960's. With more time spent on considering important issues, the incentive becomes greater to stay in office if legislators receive a financial reward. Moreover, where there are constitutional restrictions on session length, the degree of professionalism is affected. Therefore, I argued that as issues become more complex and as decision makers spend more time and effort gathering information, debating and making decisions on complex issues, their days in session will increase, along with pay. As they continue to spend more time legislating, they become specialized in any given subject matter.

The two other professionalism variables—the average number of legislators in each state assembly and the mean number of professional staff—are widely used in studies of state legislative policy making. As stressed in earlier chapters, legislative staff is vitally important because they perform an informational function that often supplements that of interest groups or executive agencies. Legislative compensation and salary were added to the index.

The results confirm that legislative professionalism and Smart Growth are positively associated. However, some professionalism indicators demonstrated greater predictive power than others. The session length variable was highly significant and in the expected direction. As state general assemblies increase their days in session, the likelihood increases that state legislatures will pursue and enact Smart Growth. Thus, when we compare a state with the shortest legislative session with a state with the longest, Smart Growth as a 60% probability of passage. States witnessed a surge in Smart Growth activity over the past five years, and the fact that Smart Growth bills are brought to the floor from the committee level demonstrates

both the saliency of the issue and the amount of time devoted to it. Across the country, state legislatures continue to consider Smart Growth proposals, state ballot initiatives, and pressures brought forth by stakeholder groups.¹³² Though some believe that support for Smart Growth has waned in recent years, there is still a flurry of Smart Growth activity taking place at the local and state levels of government since 2002.¹³³ I also concluded that professionalized staff plays a vital role in state legislative decision making. State legislatures that boast professional staffs are 13% more likely to witness Smart Growth passage than states without professionals.

Finally, a word about legislative salaries. The predicted values show that states that offer higher legislative compensation are nearly 20% *less* likely to pass Smart Growth than states with lower member salaries. This finding is contrary to what I expected, but since the variable failed to reach an appropriate level of significance, I did not put much confidence in this result. In this instance, salary does not seem to make much of a difference; the implication being that legislators may also be concerned with making good public policy. In Maryland, where the average salary is right around \$43,000 a year, most legislators hold other careers as well, a number of them are either lawyers or in business, but many are also public school teachers.¹³⁴ One teacher from Prince George's County and a member of the esteemed

¹³² See Tables 6.2 and 6.3 in the Appendix, which provide a comparative outline of ballot measures and funding priorities for growth management and smart growth activities taking across the country between 1994 and 2004. According to the Trust for Public Land, states spent approved about \$23.5 billion on pro-conservation initiatives in the last decade.

¹³³ See Table 6.1 in the Appendix for an overview of the most recent smart growth activity occurring across the country.

¹³⁴ The NCSL provided statistics on legislative salaries. The Maryland Manual provided information on the careers of legislators.

House Committee on Appropriations, boasted about his support for Smart Growth as a good public policy. He believes that Smart Growth's commitment to providing funds for school construction in the county is one of the ways to improve public education and laments the fact that Smart Growth funding has been cut during the current administration.

Interest Groups and the Party Factor

I have also argued that campaign contributions provide a reliable measure of interest group influence. The question at hand is whether intended policies serve the public or ultimately cater to potentially regulated interests? In other words, can businesses or construction companies influence the political decision making process through their campaign contributions? Or, have environmental interests become adept at persuading legislatures to adopt proposals favorable to their cause through their fund-raising efforts? With public opinion on their side, conservation groups are bringing awareness to the public about sprawl's negative impact on air, water and land resources. To test the influence of both corporate and environmental groups, I included a measure consisting of campaign funds to state legislators compiled by the Institute on Money in State Politics.

The results also set up an interesting paradox. I found that Smart Growth is more likely to be enacted where environmental interests spend *less*, not more money on state campaigns. In fact, the results show that the probability of Smart Growth passage is near 40% when environmental groups devote less money. This is exactly the opposite of what I argued: *that as groups spend more, Smart Growth has a greater chance of adoption.*

I then offered an alternative argument: groups are strategic actors that weigh the costs and benefits of employing different strategies to gain political access and influence policy outcomes. They will not devote tactical resources to champion causes where they perceive no chance at winning.¹³⁵ In particular, they will not waste resources—e.g., campaign contributions—on causes for which they already have a *great* chance at advancing their claims.¹³⁶ In my conversations with representatives from Maryland and Virginia environmental and developer organizations, groups seem to rely on campaign contributions to block legislation—this in the specific case of the pro-developer interests in Virginia. Environmental groups in Maryland, on the other hand, were pretty much assured a victory on Smart Growth because of the widespread support from the governor’s office and most in the state assembly. In the context of Virginia’s pro-business-centered politics, money did in fact seem to make a difference in terms of fighting against Smart Growth issues that came before the assembly. I spoke to some politicians and members of the business elite who did not seem apologetic in pointing out the influence that donations have on campaigns when used to block legislation; in this sense, those fights involved property rights and

¹³⁵ Hall and Wayman (1990, 801) demonstrate that interest group preferences are closely aligned with those for whom they lobby. This was clearly apparent in Maryland and Virginia. Environmental groups had established a long-standing, ongoing relationship with both the executive and legislative branches in Maryland. Groups like 1000 Friends and Project Open Space often met with legislators and other interested parties. They testified often. In contrast, pro-developer and real estate industries were quite aggressive in their campaign strategies. But they did face some challenges from the smart growth community. They donated money to both Democrats and Republicans to thwart smart growth efforts from the progressive constituencies in Northern Virginia. See also Austen-Smith and Wright (1994) and Kollman (1997) for studies on strategic lobbying. These scholars generally confirm my argument that most interest group lobbying strategies involve repeated interactions between themselves and decision makers.

eminent domain claims, which conservatives believed were being threatened by Smart Growth advocates.

Second, I contended that with repeated interactions with political elites, groups already know where decision makers stand on any given issue. Groups have information on how legislators vote simply by relying on past voting behavior. Thus, if a legislator is known to vote a certain way on a range of issues that pertain to environmental regulation, the group has a pretty good indication of how that decision maker will vote on Smart Growth. Is it likely, then, that environmental groups may use their resources for other policy priorities because they have been assured a win on Smart Growth. In Maryland, Project Vote Smart surveys, as well as those undertaken by conservation and business organizations, are used to identify legislators that share the same views as they do. In Virginia, it is somewhat difficult to measure consistent voting behavior patterns, but research organizations, like the Virginia Public Access Network, monitor lobbying activities of interest groups.

The Smart Growth issue is unique in that it appears not to reflect the conventional partisan inclinations as much as traditional regulatory policies do. The question here is whether or not public policies enacted at the state level reflect the ideological dispositions of political parties. In other words, will Democratic-controlled governments pass liberal policies? Will Republican-controlled assemblies enact conservative public policies? When it comes to Smart Growth—widely depicted as a liberal or progressive policy reform—will Democrats move to enact while Republicans reject? As the results indicated, there does not appear to be a

patterned relationship between Democratic-controlled legislatures and Smart Growth passage or Republican-controlled legislatures and rejection of Smart Growth.

Political parties do not seem to make much of a difference in terms of Smart Growth adoption. Neither the party affiliation of the governor nor the partisan composition of the legislature added any value to the results. Although the results showed that Republican-controlled state legislatures were less likely than their Democratic counterparts to enact Smart Growth, again, this finding holds little predictive power because the variable fails to reach any level of statistical significance. Similarly, the results showed that in states where there is a Democratic governor, Smart Growth is more likely to be enacted than in states with Republican governors, but like the other results, this factor was also found to be insignificant.

The results of the party analysis and Smart Growth generally reflect what Smart Growth supporters have observed: Smart Growth is a bipartisan effort. Both the Maryland and Virginia interview participants acknowledge that Republicans and Democrats have thrown support for Smart Growth, indeed with varying degrees. In Maryland, many of the Republicans who supported the central Smart Growth precepts continue to advance the cause, and yet there were some Democrats who questioned the effectiveness of the policy. In Virginia, the differences were slightly more noticeable with Republicans, many of them staunch conservatives, denouncing the policy and liberal Democrats from the northern region generally in enthusiastic supporters of Smart Growth. Therefore, I was able to safely conclude that when it comes to this particular issue, the traditionally accepted notion that Republicans are conservative and Democrats are liberal does not hold in this instance.

Smart Growth as a Liberal Policy

These opponents of Smart Growth are deeply committed and more energized than ever. The leaders of the Smart Growth movement are in for much more effective opposition than anything in the past. The conservatives are fine-tuning their rhetoric, learning from their successes and failures, and reshaping their avalanche of statistics. They are getting more organized and unified. Their tactics and rhetoric are impressive: Smart Growth is now “snob growth.” Smart Growth is coercive. Smart Growth reduces home and transportation choices. Smart Growth increases home prices and traffic congestion. Smart Growth reduces affordable housing and harms minorities. Smart Growth opposes economic growth and prosperity. Smart Growth threatens the American dream. State groups are not likely to call themselves 1,000 Friends of Sprawl.¹³⁷

What we know about liberal political philosophy is this: liberals generally believe that government should assume greater responsibility in both the social and economic domains. On social issues, liberals generally believe that government ought to protect both individual and group freedoms. Liberals also agree that government should regulate business to ensure that their profit motive does not infringe on citizens’ right to enjoy certain public goods, such as clean air and water. On the other hand, conservatives tend to argue that government interference is undesirable, especially in the economic realm. The proper role for government is to allow the market to function by not imposing unnecessary restrictions on how businesses operate. The objective is to allow the market to respond to consumer demands. To the conservative, Smart Growth reflects the philosophy that government ought to have a limited role in managing growth. Therefore, I expected liberals to agree that the state

¹³⁷ Remarks from an address given by Joel Hirschhorn, an urban planner from the American Planning Association, in response to an anti-smart growth forum hosted by various conservative organizations in Washington, D.C. 2003. See his op-ed, “Behind Enemy Lines at the Anti-Smart Growth Conference,” *Planetizen* (3 March 2003): <http://www.planetizen.com/node/79>.

ought to pass land use policies that often involve regulatory mandates to curb excessive growth or sprawl. To be sure, liberal states are more inclined to adopt Smart Growth than conservative states.

Alternatively, conservatives tend to perceive Smart Growth as the government's attempt to slow or stop growth altogether. I therefore expected to see conservative states, such as Virginia and others, to reject Smart Growth policies. The most compelling finding is that political ideology has the greatest independent impact on Smart Growth adoption. In contrast, ideology outperformed all variables and had an overwhelming impact on the model in general. Liberal states are more likely to enact Smart Growth while conservative states are less likely. When it comes to Smart Growth, the question of whether or not to adopt the policy greatly depends on inherently different points of view about the proper role of government in managing growth. Based on the results of the study, when I compared the ideological scores of liberal and conservative states, I found that liberals are more likely to pass Smart Growth than conservatives.

Section 6.4: Did the Case Studies Add to Our Knowledge Base?

I selected two states—one with a statewide Smart Growth policy (Maryland) and one control state without Smart Growth (Virginia). To gain a better understanding of the politics of Smart Growth in both states, I had conversations with thirty-two subjects in Maryland and thirty-three in Virginia. The interviews consisted of a cross section of actors who were either directly or indirectly involved in the Smart Growth movement. The discussions involved members from the executive and legislative branches, supporters and opponents of Smart Growth, representatives from

Smart Growth advocacy groups, the counter Smart Growth and pro-industry communities, and other, neutral observers.

The case studies demonstrated that the success of Smart Growth, greatly depends on state political context, but that context is largely shaped by political ideology. Smart Growth passed in Maryland because it garnered support from progressive or liberal elites. (In some conservative areas of the state, Smart Growth efforts have stalled.) In contrast, the attempt to adopt a statewide Smart Growth program in Virginia failed because of the state's philosophical commitment to conservative, free enterprise values, which are inherent in its social, political and structural institutions. Like Maryland, in the more progressive areas of the state—the Northern Virginia towns of Falls Church and Fairfax City, for example—Smart Growth flourished and continues to enjoy support from citizens and governing officials alike.

Smart Growth Begins in Maryland, Stalls in Virginia

I asked respondents to identify—from most to least important—the actor most influential in their respective state. Twenty-seven of the thirty-two respondents ranked the governor as the most influential actor in Maryland's successful Smart Growth program. However, this is not the case for Virginia. In stark contrast to Maryland's successful Smart Growth program, only two of the thirty-three respondents ranked the governor as the most important actor in Virginia. Similarly, the Maryland state legislature is ranked highly in terms of influence, only second to that of the governor, while in Virginia, the legislature is viewed by many as inconsequential. When asked to give possible reasons for this view, most of the

respondents explained that it is a widely held belief that local governments, not state governments, are best equipped to address growth management issues.

As for interest groups, both Virginia and Maryland share a commonality: business groups were ranked highly in both instances. In fact, nearly one-half, or 15 of the 33 interview subjects, cited corporate interests as the most influential shapers of Smart Growth policies, one subject even going as far as to assert that businesses were mainly responsible for hindering Smart Growth passage in Virginia. In Maryland, although corporate interest were ranked highly, there was still some room for environmental groups: the interview participants seem to believe that although conservation groups were not considered the most influential, they were instrumental in shaping much of the language of the Smart Growth policy. Urban planners, along with environmental groups joined with state legislators and the governor's office in support of Smart Growth and provided a very important informational role.

The views of the Maryland and Virginia subjects also converged on the importance of political ideology. With some exceptions, many respondents chose ideology as the most important determining factor of Smart Growth passage in their state. In Maryland, only political parties ranked second in order of importance, and in Virginia, the economy was rated a close second to ideology. In some instances, there was an overlap where a few felt that party and ideology were indistinguishable in the sense that Republicans in both states are conservative.

There are obvious reasons why case studies are useful. For this research, the comparative studies of Maryland and Virginia provided a general understanding of how contextual factors shape the policy process in these states, but also make for a

much more interesting narrative of Smart Growth that the statistical analysis cannot provide. The most apparent strength is that the case studies helped to develop and strengthen many of my theoretical assumptions about the role of politics by putting a human face to the results. Yes, an overwhelming majority of the respondents agreed that politics matters, but in different ways. For instance, many of the Virginia respondents discounted the influence of the governor and emphasized the role of interest groups; while in Maryland, it is the exact opposite, is a testament to how important political context is. The emphasis here, then, is on context rather than attempting to make generalizations—a weakness of the case study.

Another point to make with regard to the case studies is that they helped me to think more intellectually about the political process. Governing officials are constrained by structural impediments that dictate what they can or cannot do. Although I realize this from many years of studying politics, the discussions proved useful in understanding how structure is also related to context. In Maryland, the governor sets the agenda through his budget powers. He has full budgetary making authority, and the legislature cannot increase the executive budget; they may make recommendations, but do not have an enormous power over the agenda in this way. Some pro-Smart Growth legislators expressed their frustration over this, as they tried to get more Smart Growth measures through the assembly. In Virginia, this is not the case. Although the governor has full budget authority, the legislature has unlimited power to change the executive budget. Speaking with the subjects, I was able to recognize the intensity of feeling and interest in the subject matter, but also the biases colored their answers an often got off track.

In a general sense, the case studies confirmed the findings from the statistical analysis. I was amazed at how well the respondents were able to make a connection between the underlying problem of sprawl and Smart Growth. I was also keenly aware of the disagreements that many of them had as far as what Smart Growth is and is not, and how whether or not Smart Growth could effectively address sprawl. This latter concern is tangential to this particular study; however, the respondents still seemed to agree that where urban sprawl has created the biggest problems is where Smart Growth has been pursued the most.

Finally, the most significant complement of the studies and the analysis is that, by and large, the subjects view Smart Growth as a politically liberal concept. Whether this is a fair assessment or not, the respondents believed, as I do, that as long as Smart Growth is viewed as a liberal policy, it will face shortcomings. Some of the conservatives I spoke with based their arguments against Smart Growth on the fact that it is perceived to be a liberal enterprise. The legislators from the conservative American Legislative Exchange Council (ALEC), for instance, rejected any other notion outside of the accepted assumption, even when presented with various definitions of Smart Growth. The Smart Growth advocates, on the other hand, have committed themselves to working tirelessly to reframe their arguments and discount what they view as negative misconceptions of Smart Growth.

Section 6.5: Smart Growth for the Future? Why Politics Remain Important

The politics of Smart Growth provides important implications for the study of state and local politics. My interest in Smart Growth has led me to explore more

intently the nature of state and local relations. This relationship between states and their localities is a very special one. In the area of land-use regulation, that relationship can become more or less complex, depending on the constitutional directives and the structural arrangements that shape or constrain policymakers as they render decisions. In the case of Smart Growth, most of the implementation responsibility that was historically set aside for local governments is now centralized at the state level. State governments usually tend to set the agenda, the standards by which implementation must take place, and local governments are often obligated to comply with state objectives. Even in the case of California, which has decentralized land use regulation to local governments, each locality must present its plans for implementation to a state task force on Smart Growth for approval before those plans can be carried out (American Planning Association 2001).

The states under examination provide an interesting and unique narrative on the politics of land use decision making because their approaches to growth management differ broadly. Maryland adopted the strategy that allows the state to assist local governments in their comprehensive land use planning. While local governments have the option to decide for themselves whether or not to pursue slow-growth strategies, the state will not fund infrastructural projects that exacerbate sprawl. Virginia, by comparison, has not chosen this state centered approach. Instead, local governments are generally free from any state imposed obligation to implement comprehensive planning and are not encouraged to do so.

This study of Smart Growth has presented some lingering research issues for scholars of state and local politics. Smart Growth policies have been in effect for

nearly seven years, so this research is somewhat limited. However, as more and more states consider and implement Smart Growth, researchers might want to consider various explanations for why the policy has diffused across the states over a period of time. Another important consideration that Smart Growth lends itself to is the question of why the movement seems devoted to mobilization at the grassroots level, especially where parties appear to be less relevant than interest groups. Finally, a study of Smart Growth at the state level has relevant policy implications for representative democracy. In states across the country, legislatures are attempting to involve citizens in land use decision making by reintroducing the referendum and initiative process. Even in the Virginia, there has been a dramatic increase in ballot measures involving land use and growth management issues within the last decade or so.

Some scholars have suggested that sprawl is a byproduct of government fragmentation or lack of coordination between various levels of government. States and their localities must operate under a set of structural or institutional arrangements that dictate their decision making powers. Smart Growth advocates are calling on states to strive for better coordinated efforts at the state and local levels to address issues related to urban sprawl on a regional scale. As we have seen in Virginia, one of the reasons why Smart Growth failed was because local governments were not equipped with the necessary regulatory tools to carry out land use comprehensive plans. What is more, the sprawl that has pervaded across local jurisdictions also spill over into regional areas, and many in the planning community have suggested that states strengthen statutory laws that relate to regional planning and oversight. In

Virginia, however, the state has not taken an active role in these areas. Only the state can revise land use planning or growth management laws that will strengthen land use oversight mechanisms that local governments can employ to combat sprawl. But because local governments are creatures of the state, Smart Growth supporters are frustrated by the fact that local governments are not afforded enhanced powers to direct land use planning and growth management initiatives.

State and local researchers might want to explore how grassroots involvement in growth management decision making may also contribute to Smart Growth success or failure at the state level. Growth management reforms have occurred at the local and regional levels, and there has been a surge in citizen political participation in planning decision making, particularly by suburban homeowners. Although sprawl problems are not endemic to the suburbs, suburban residents have taken a more active role in preventing locally unwanted construction projects in their communities. The most recent example of citizen action occurred in Maryland, where voters helped to thwart plans for an inter-county connector between Montgomery, Prince George's and Fairfax, Virginia counties. Elsewhere, citizens have banded together to get Smart Growth policies passed in Massachusetts and California. In the most recent election of 2004, voters in Ventura County, California approved one of the most stringent open space laws in the nation, which allows local governments to impose tough land use restrictions against developers. As evidenced by the increase in ballot measures and referenda occurring across the country, Smart Growth proponents see an ally in a concerned, active citizenry that is holding developers accountable for runaway, sprawling growth.

Section 6.6: Concluding Remarks

The nascent, but fast-growing Smart Growth movement has captured the attention of government officials, real estate developers and other private entities, environmentalists, urban planners, and many ordinary Americans. Of the twenty states that have adopted Smart Growth programs, Maryland, Oregon, New Jersey, Arizona and California are the most innovative. There are, however, a number of states that do not have Smart Growth, but have at the very least, co-opted some Smart Growth ideals. These ideals are certainly not new, as most elements of Smart Growth have been around for decades, such as the incorporation of urban growth boundaries. Nevertheless, the Smart Growth label has enjoyed broad appeal across the country. State legislatures have passed over 400 growth-related ballot measures, many of them concerned more efficient approaches to land-use zoning ordinances, preservation of popular tourist and historic attractions, protection of natural resources and Brownfield redevelopment. All of these measures dealt with combating urban sprawl. Although over one-half of the states have not adopted state-level Smart Growth, the growth management ballot trend continues across the country, mainly focusing on local area growth issues.

However, Smart Growth has received harsh criticism for two main reasons. First, there is no universal definition. Smart Growth is, in essence, what anyone says it is. To urban planners, Smart Growth means one thing, while to conservationists, it means something different. I defined Smart Growth as a catchall phrase that has been used by supporters to describe a growth management policy that incorporates comprehensive planning and state and locally-imposed sanctions against developers

who build in sprawling communities. According to supporters, the goals of Smart Growth are to contain sprawl by limiting excessive development in low-density suburbs and by redirecting those resources to designated urban and suburban areas that are in greatest need of capital or infrastructural improvements. Opponents charge that Smart Growth is really an attempt on the behalf of advocates to involve government in market affairs. Smart Growth, to them, really means “no growth.”

Over the last several years or so, supporters and detractors have fought back and forth over this highly charged political issue. In some instances, advocates have won; in many others, Smart Growth opponents have enjoyed success and continue to gain the advantage. Whoever wins or loses the debate has depended largely on the context within which these players find themselves. Context is shaped by political forces like the underlying political ideology of the state. However, there are other elements that are additionally important. To illustrate, let’s use Maryland—a state with a comprehensive Smart Growth program—as an example. Smart Growth worked in Maryland due to the presence of an influential governor who was relatively popular at the time, combined with bipartisan support from a relatively professional state legislature. A pro-Smart Growth consensus was reached between policy makers, active interest groups, some in the real estate development community, and citizens. Smart Growth would require an agreement between all parties that some form of regulatory oversight of growth patterns is necessary. These constituencies reached a compromise that called for Smart Growth as a way to address the state’s sprawling infrastructure and its notorious traffic congestion problems. This compromise, however, did not occur in Virginia or other states, like Nevada or New Mexico, where

Smart Growth at the state level does not exist even though sprawl-related problems pervade throughout their fast-growing metropolitan areas.

Although there is no surefire way to predict how successful Smart Growth will be in the future without knowledge of political context, we can safely assume that the current political climate does not appear to give Smart Growth advocates much hope. Conservative Republicans dominate over one half of all the state assemblies, and even in Maryland, Smart Growth has taken a backseat to other issues currently being debated in the legislature. Still, Smart Growth enthusiasts have not given up all hope. Former Maryland governor, Parris Glendening, now heads the Smart Growth Leadership Institute in Washington D.C., a nonprofit organization committed to advancing the Smart Growth agenda throughout the Washington D.C. metropolitan region. Glendening continues to tout Smart Growth ideas at speaking engagements across the country and often appears before the American Planning Association and the National Governor's Association, an organization he once headed. His goal is to speak to state officials on how to best sell the Smart Growth agenda, dispel the misgivings about what Smart Growth is, and offer technical assistance to states and localities for how best to implement growth reforms.

Other administrative officials from the Glendening administration have gone on to become prominent figures in the Smart Growth movement, including former Planning Department head, Harriet Tregoning, who now leads Smart Growth America, which is responsible for marketing Smart Growth ideals to urban planners and other important stakeholders throughout the country. Finally, the state has continued Smart Growth efforts, even during the Ehrlich administration. The

University of Maryland at College Park established its Center for Smart Growth Research and Education in 2002 to tackle regional growth issues across the state.

Smart Growth efforts continue around the country, albeit at a slowed pace. Michigan Governor, Jennifer Granholm, has recently teamed with Republican counterparts from the previous administration to establish a Land Use Leadership Council to investigate the impact of land use patterns on sprawl. Governors in Pennsylvania, Massachusetts, and Tennessee continue to push for Smart Growth in their respective states. But Smart Growth enthusiasts still have quite a long way to go to convince the broader decision making public that Smart Growth would offer an answer to the pervasive problem of urban sprawl. That challenge continues even in the face of a staunchly aggressive countermovement that is just as committed, if not more so, to the goal of stopping Smart Growth in its tracks.

APPENDIX

Chapter 6: Smart Growth: Then, Now...and the Future?

TABLE 6.1 MAKING THE CONNECTION BETWEEN SPRAWL AND SMART GROWTH, 2002-2005			
Sprawl Feature	Smart Growth Remedy	Land Use Control Strategy	State Examples
Low-density, widely dispersed development	Higher-density residential and commercial development	Place restrictions on run-away development, incorporate impact fees, urban growth boundaries	OR, WA
Urban blight	Infill development; Urban Service Areas	Brownfield Redevelopment in Existing Sprawling Location; Rehab Codes	PA, NJ, CT, MI, ME
Homogenous, non-mixed residential/commercial development	Encourage compact, mixed-used planning designs (high and low-density, pedestrian-friendly)	Incorporate both single- and multifamily housing development, mixed commercial and public facility developments with accessible designs	IL, MA, CO
Automobile-centered; non-accessible for walking, cycling and mass transit, traffic congested	Incorporate multi-modal transit systems	Light rail systems	MD, WA, OR
Accelerated Development	Protect Open Space, Preserve historic sites	Transfer of development rights; coordinated zoning ordinances	MD, NJ, TN
Excessive Development in critical areas	Conservation Easements	Priority Funding Areas, Smart Codes, may involve tax increment financing (CA)	MD, NJ, NH
Poor Air and Water Quality, Soil Erosion	Increase Environmental Standards	Designated Critical Areas barring development	NJ, MD, FL, CA

Unaffordable housing	Provide technical assistance to local governments; locate housing near job centers	Review local zoning ordinances that prescribe land uses; incorporate density restrictions, require minimum lot sizes, modify building code requirements	PA, NJ, ME , MN, RI
<p>Sources: Smart Growth America, 2004. Smart Growth Annual Report, 2004. Washington, D.C.: SGA. See also Smart Growth Network website, <i>Smart Growth News</i>, 2003-2005, www.smartgrowthnetwork.org.; see also Sellers (2003)</p>			

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Chapter 6: Smart Growth: Then, Now...and the Future?

TABLE 6.2 LANDVOTE MEASURE SUMMARY 1994 - 2004				
Year	Number of Measures	Number of Measures Passed	Total Funds Approved (\$ in billions)	Land Conservation Funds Approved (\$ in billions)
1994	43	30	\$1.0	\$0.6
1995	38	29	\$1.2	\$1.1
1996	93	73	\$5.4	\$1.2
1997	70	57	\$2.4	\$0.6
1998	184	150	\$7.9	\$6.4
1999	105	93	\$2.5	\$2.2
2000	212	175	\$11.5	\$4.8
2001	199	139	\$1.9	\$1.6
2002	194	143	\$8.7	\$5.5
2003	133	99	\$1.7	\$1.2
2004	219	164	\$26.2	\$4.1
TOTALS	1,490	1,152	\$70.4	\$29.3

TABLE 6.3 LANDVOTE MEASURES BY FINANCE MECHANISM 1999 - 2004				
Finance Mechanism	Number of Mechanisms	Number of Measures Passed	Total Funds Approved	Conservation Funds Approved (in billions)
Property Tax	502	364	\$4.4	\$3.3
Bond	385	324	\$23.2	\$13.7
Sales Tax	88	62	\$27.9	\$4.1
Other	60	49	\$2.6	\$2.3
Income Tax	35	28	\$0.2	\$0.1
TOTALS	1,070	827	\$58.3	\$23.5

APPENDIX

Chapter 6: Smart Growth: Then, Now...and the Future?

TABLE 6.4 LANDVOTE MEASURES BY JURISDICTION TYPE 1999 – 2004				
Jurisdiction Type	Number of Mechanisms	Number of Measures Passed	Total Funds Approved	Conservation Funds Approved (in billions)
State	27	25	\$16.8	\$10.5
County	189	148	\$31.3	\$7.7
Municipal	814	631	\$9.9	\$5.0
Special District	40	23	\$.3	\$.3
TOTALS	1,070	827	\$58.3	\$23.5

Source: The Trust for Public Land, Conservation Finance Program LandVote Database, 1994-2005

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