University of Nevada Cooperative Extension

Fact Sheet-14-03

Principles of Smart-Growth Development – An Overview and a Nevada Perspective

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This University of Nevada Cooperative Extension fact sheet was produced as part of the curriculum developed for the Local Leaders Institute, a new Cooperative Extension program developed in 2013 and designed to teach the technical aspects of government in Nevada to elected and appointed officials. Between February and September 2013 a total of five separate two-day workshops were taught across the State of Nevada. Workshop sessions included an introduction to local government in Nevada, an introduction and overview of public finance and budgeting, land use planning and zoning law in Nevada, and an introduction to local economic development.

What is "Smart Growth"?

The phrase "smart growth" is short-hand for good planning. If you asked 100 people to define smart growth, you might get 100 different answers, depending generally upon what issues are important to each person. To some, smart growth is maximizing resources, to others it is green building, to others it is affordable housing, to others it is compact urban centers and to others it is urban growth boundaries. No matter what the definition, smart growth is good planning, and a plan is only as good as it is followed. People instinctively know what smart growth is, and usually the elements of smart growth are included in local government master plans.

There is no Nevada case law relating to smart growth per se; however, one could assume that most cases currently reported and relating to changes in land use are grounded in either smart-growth concerns or "not-in-my-backyard" (NIMBY) concerns, both usually a result of a change in a local master plan. Sometimes, litigation results from the adoption of a master plan itself. For example, according to Imran Ghori in The Press Enterprise (2007), San Bernardino County, Calif., was recently sued for failing to take global warming into account in the adoption of its master plan, that is, failing to consider the impact so much housing would have on global warming worldwide.

Nevada Revised Statutes Chapter 278 Section 160 (NRS 278.160) includes descriptions of master plan elements, all or some of which are to be included in various local government master plans. Only Clark County and its cities must adopt a master plan for each of the subjects set forth in NRS 278.160(1). Washoe County must adopt a master plan to, at minimum, include a housing, conservation and population plan.

The legislatively indicated subjects of a master plan include:

- Community Design
- Conservation
- Economic Development
- Historical Preservation
- Housing
- Land Use
- Population Estimates
- Public Buildings
- Public Services and Facilities
- Recreation
- Rural Neighborhood Preservation
- Public Safety
- School Facilities
- Seismic Safety
- Solid Waste Disposal
- Streets and Highways
- Transit and Transportation

Most, if not all, of these elements may be addressed, and usually are, in terms of smart-growth principles. The more popular components of smart growth relate to land use (community design), conservation, public facilities and services, affordable housing and urban growth boundaries.

Land Use

Smart growth is the opposite of urban sprawl. The Merriam-Webster Dictionary (2013) defines urban sprawl as "the spreading of urban developments, as houses and shopping centers, on undeveloped land near a city." Smart growth encourages, depending upon the overall characteristics of an area, compact urban centers and the maximization of infrastructure and facilities that serve growth. Because suburban, nonurban growth has grown in relative popularity in the United States and Nevada since the 1950s, smart growth seeks to provide for suburban residential communities with a goal of minimizing travel for household and employment needs.

In *Sustainable Development and Urban Life in North America*, in Vig and Kraft's (2010) book, *Environmental Policy: New Directions for the Twenty-First Century*, Robert C. Paehlke explores the roots of suburban sprawl in America and how smart-growth principles can help alleviate the adverse economic, environmental and social impacts of suburban sprawl. Paehlke (2010) concludes that the three leading causes of suburban sprawl in the United States today include (1) the desire to separate family life from work, (2) the comparatively low cost of land at the urban fringe, and (3) that many people choose to distance their residences from locally unwanted land uses including environmentally contaminated former industrial lands, from transportation and transmission corridors, and from rundown neighborhoods.

Paehlke (2010) further concludes that poor land-use decisions that have contributed to increased suburban sprawl threaten the public's economic, environmental and social well-being in a number of ways. Increased distance from a person's place of residence and place of work requires an individual to expend more personal income on fuel and other related transportation costs, such as automobile maintenance and additional taxes collected by the jurisdiction to maintain complex and inefficient surface road networks. Increased commute time between a person's place of residence and

place of work has led to a significant increase in nationwide carbon emissions and has been linked to ongoing global climate-change patterns. In addition to contributing to global climate change, increased commute times and further separation of land use may provide individuals with less time to engage in social activities with their families and neighbors. Paehlke (2010) argues that, "Civic life is minimal, in part because everyone works long hours and almost everyone commutes a considerable distance. That, combined with the pervasiveness of television, leaves less time for participatory citizen activities. The suburban setting chosen in the expectation of a greater sense of community is friendly enough but often less actively community oriented than the old urban neighborhood of an earlier area." (pg. 253)

Paehlke (2010) suggests five sustainability land use and land-use planning initiatives as a way of mitigating the negative economic, environmental and social impacts of suburban sprawl. These are:

- A participatory and inclusive urban planning process with a focus on sustainability;
- Improved public transit;
- Special attention to residential development and the affordability of housing within urban cores;
- Efforts to preserve existing historic buildings and architectural gems; and
- Diverse innovative policy initiatives that help to change habits, including transportation habits, investment habits and the bureaucratic rules of the urban game.

Conservation

While in Nevada conservation is ordinarily thought of with regard to water, conservation may also include policies addressing open space, air quality, recharge, floodplains and wetlands, and other natural resources including solar resources. The land-use plans of a local government consider these items in order to minimize the use of limited natural resources, to provide for the recharge of hydrographic basins, to minimize impacts on wildlife and to maximize use of renewing natural resources. For instance, to maximize Nevada's solar resource, a plan could encourage the use of passive solar design of housing with windows facing south in developments having street patterns maximizing such housing design.

With respect to the conservation of wildlife, Paehlke (2010) argues that the failure to include smart-growth principles and sustainability into smart-growth land-use planning threatens wilderness and habitat in at least five specific ways. These include:

- Sprawl disperses what are called urban shadow functions, such as gravel pits and waste disposal sites, into the countryside;
- Sprawl encourages transportation options that are themselves more land intensive;
- Energy-inefficient transportation adds urgency to energy extraction activities within wilderness regions;
- Sprawl may contribute to a pattern of deteriorating urban cores and building everything anew at the periphery, thereby encouraging additional extraction of raw materials in wilderness areas; and
- Sprawl displaces near-urban agriculture often to lands of lesser quality, thereby

requiring more land per unit of agricultural output.

Public Services and Facilities

Smart growth recognizes that the best growth occurs in existing or adjacent service areas and maximizes existing facilities and manpower. A master plan element normally includes policies along this line and identifies existing and future intended service areas for municipal water and sewer in particular. Difficulty occurs when growth either extends beyond indicated service areas and/or outpaces planned extension of facilities.

Smart growth should include policies to eliminate or minimize the likelihood of extension or outpacing, even if it means a developer must wait a period of months or years to move forward with a particular project. For instance, zoning for small-lot-size development may be premature in advance of a sewer interceptor being constructed. It does not necessarily mean that the requested zoning is forever wrong. Smart-growth policies, if in place, would allow the community to be aware of the possibility of denial pending the construction of such an interceptor. Often referred to as concurrency planning, the intent of this type of planning is to have a plan for facilities and services in place prior to any approval of any zoning ordinance changes instead of having to plan and determine facilities and services after the fact.

Affordable Housing

Many communities seek to provide affordable housing through land-use policies such as density transfers and other developer incentives. These types of policies that work for the developer could potentially be unpopular with the citizens in the communities or areas where the development is proposed. Other entities may seek to provide for affordable housing by imposing fees on new development for the establishment of trust funds, the proceeds of which are to provide for affordable housing whether through direct subsidies to individuals, low-income loans or project assistance. These types of policies can result in higher-cost housing in general and tend to fail to make any dent in the actual affordable housing needs within the community.

Ross and Levine (2012), in their book *Urban Politics: Cities and Suburbs in a Golden Age*, examined five U.S. cities, including Chattanooga, Tenn.; Austin, Texas; Boulder, Color.; Portland, Oreg.; and Seattle, Wash., and found that smart-growth planning principles that led to measurable improvements in the sustainability of these community's urban areas included comprehensive approaches to affordable housing development. Ross and Levine (2012) found that Portland's Comprehensive Plan sets targets for reduced energy use, increased recycling efforts and for the construction of new units of multifamily and affordable housing. Instead of using density transfers and other developer incentives, the cities of Austin, Boulder and Portland set sustainability benchmarks and comparative performance measurements agreed to by the public during an open and inclusive master planning process in order to achieve public support for the development of new affordable housing in each jurisdiction.

Smart growth calls for "inclusionary zoning" or "mixed-use" housing developments, the goal of which is to include persons unable to qualify for traditional or standard housing within the traditional or standard housing development. This is done by requiring a certain percentage of units created to be sold at below market price to qualifying individuals. Inclusionary zoning is considered by some to be a form of price control and can have some unintended consequences, such as lost tax revenue to,

as well as impact on the levels of services provided by, the local government.

Urban Growth Boundary

Both Oregon and Washington have state laws requiring the creation of urban boundaries resulting in similar case law in both states regarding the use of urban-growth boundaries. Nevada does not require urban boundaries, and urban boundaries are seldom referred to as such and, even if intended to be boundaries, they are often not followed. For example, in Washoe County, the Truckee Meadows Services Area boundary is supposed to be an urban boundary beyond which land cannot be subdivided into parcels of less than five acres. However, since the rural development area (that area outside of a city's sphere of influence and outside the Truckee Meadows Services Area boundary) is less costly to purchase than land within the boundary, development tends to be approved outside of the boundary as long as it is annexed into a city. Land outside the boundary that is annexed then does not constitute sprawl because it is in a city.

While the current Truckee Meadows Regional Plan, developed and administered by the Truckee Meadows Regional Planning Authority (2012), purports to establish an urban boundary, it does not serve in that capacity. It does serve as a planning boundary with regard to facilities and services. Unfortunately, it has been changed, through annexations and through plan amendments, so many times, that even planning for facilities and services has become difficult, if not impossible.

Conclusion

In summary, while inclusionary zoning and other smart-growth principles and approaches are recognized in state law as proper land-use tools in Nevada, they are often not utilized. According to Paehlke (2010), "Planners do not often enough adopt a systems perspective – one that uses geographic information systems and other tools that incorporate the effects of sprawl on water quality and quantity, the protection of near-urban wildlife habitat and agricultural land, and numerous other sustainability (i.e. smart growth) variables. Moreover, developers, home buyers, and local officials make their decisions in terms of present, not possible future, energy supplies, traffic patterns, and access to nature. Homebuilders and buyers simply do not consider the economic and environmental implications of tens of thousands of developments similar to theirs." (pg. 259)

Smart-growth principles provide policymakers, planners and the public in Nevada with an opportunity to address many of the economic, environmental and social problems we currently face. Through creative smart-growth planning and sustainable development practices, we can begin to address many of the needs we currently face.

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