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Ohio Smart Growth Agenda

Promoting sensible development and livable communities, maintaining historic cities and towns, preserving farmland and open space, and reducing tax burdens on future generations.

A special report on land use in Ohio and state policies for managing growth by EcoCity Cleveland and researchers of the American Planning Association.
Mission

EcoCity Cleveland is a nonprofit, nonsectarian, educational organization. Through the publication of the EcoCity Cleveland Journal and other programs, it will stimulate ecological thinking about the Northeast Ohio region (Cuyahoga Basin) which is an area of great ecological sensitivity. The following study (pages 15-39) of the Cleveland Metropolitan Protection Agency. Researchers have been studying the current state of development in the region. The findings of this study provide insights into the existing patterns of development and suggest potential solutions for improving the ecological sustainability of the region.

Summary:

The Process for Smart Growth in Ohio

Ohio is growing slowly in population and jobs, yet we are converting land from rural to urban uses. By spreading out our assets, we are undermining the health of existing urban areas, destroying valuable farmland and open space, and creating intractable environmental problems.

Process for Change

In a diverse state like Ohio, it will be challenging to forge a consensus on broad priorities. The process for change will need to be carefully planned and executed. The following recommendations are intended to help us reach our goals.

RECOMMENDATIONS

1) The creation of a high-level organization

2) Development of an incentive-based state investment program

3) Creation of a state task force on Smart Growth

4) Protection of our natural resources

5) Education and outreach

6) Implementation of Smart Growth policies

7) Coordination with local governments

8) Support for Smart Growth organizations

9) Advocacy for Smart Growth policies

10) Continued monitoring and evaluation

HOME AT ECO CITY

Our role

As a nonprofit environmental planning organization, EcoCity Cleveland promotes a vision of ecological cities existing in balance with their surrounding countryside. For the past five years we have worked hard to inform the debates about regional planning and urban sprawl in Northeast Ohio.

Now, with this special issue of our journal, we turn to the State of Ohio as a whole. We attempt to summarize— albeit the latest thinking about the state’s impact on development patterns. We offer ideas for harnessing the power of state investment to maintain our cities and towns and preserve farmland and open space.

We feel an urgency about the need for change. More than almost any state in the nation, Ohio has lost of its urban areas. Many metropolitan areas are spending outwards. Another generation of this sprawl will bring a huge leap in urbanized area and impose tremendous costs on our children.

We realize that the recommendations contained in this report are just the beginning of a much longer process in progress—a conversation that will involve many thousands of people and diverse constituencies around the state. But we believe that we are contributing to a recent groundswell of concern. The contributions will be a catalyst for a growing movement to create a more sustainable future for land use in Ohio.

The following study (pages 15-39) of the Cleveland Metropolitan Protection Agency. Researchers have been studying the current state of development in the region. The findings of this study provide insights into the existing patterns of development and suggest potential solutions for improving the ecological sustainability of the region.

Note to EcoCity Cleveland subscribers

Special projects have made the publication schedule of our journal easier in recent months. The last issue you should have received was dated Spring 1998 (Vol. 5, Numbers 8-9) and had "Gleaning" as the cover story. This special issue is dated Fall 1998 (Vol. 5, Numbers 10-12), and because of its length and expense required to produce it, are counting us as the equivalent of three single issues of the journal.

All subscribers will continue to receive the equivalent of 12 single issues. If your expiration date is March 98 or earlier, this will be your last issue. If it is December 97 or earlier, your subscription has expired and you are getting this issue as a bonus. Please renew!

Our next issue will be a special issue about our Cleveland EcoVillage project. Then we will attempt to get back to a monthly publication schedule and more timely coverage of local environmental news.

David Bench, Editor

EcoCity Cleveland © Fall 1998

Ingredients for success

If a Smart Growth Agenda is to be successful in Ohio, the following must happen:

1. Agreement on direction-setting visions or goals for the state that are concrete and capable of being implemented.

2. A long-term commitment by the governor and state legislators to make the Smart Growth process work.

3. A stereotype that people are not communicating and organizing to challenge the commitment of the program and the people accountable for change in agency policies and practices.

4. Effective public involvement and education.

5. An adequate package of incentives to local governments to encourage participation in the program.

Benefits of growing smart

The Smart State's benefits to the long run:

- Open space, natural areas and wildlife
- Historic investments in cities and towns are maintained, not abandoned
- We build the infrastructure that Ohioans can afford to maintain (fiscal common sense)
- Metropolitan areas are compact, with destinations located so that the need to drive is reduced and traffic congestion is minimized
- Jobs are located close in where people live
- Economic and racial disparities are reduced in metropolitan areas
- The urban cores of our metropolitan region provide a high quality of life and unique character that can compete globally

We consider all the long-term costs of development for entire regions, not just the short-term benefits for individual developers and municipalities in certain high growth areas.
The smart growth challenge

By David Beach

The Ohio landscape is being transformed before our eyes. Cornfields and woodlots are being turned into strip malls, subdivisions, and suburban industrial parks. Historic small towns are becoming booming suburbs. Overall, the state's metropolitan areas are spreading outward into the surrounding countryside at a rate almost five times faster than population growth. And state government policies and programs are actively promoting this rapid process of land consumption.

In response, we've seen a rising tide of concern about land-use problems in Ohio. Residents of older cities and suburbs are realizing that the "growth" at the edges of metropolitan areas is often just extirpation from the urban core—a costly and destructive shell game of population and tax base that undermines the long-term investment society has made in existing communities. Residents of the new boom towns are finding that unmanaged growth often brings sudden demands for city services, higher taxes and the loss of the rural landscape that attracted them to the country in the first place.

Environmentalists are understanding how the way land is developed impacts air quality, water quality, and energy use. Opinion polls are showing that people see the wisdom of maintaining existing communities and preserving open space.

Ground swell of concern

In the past several years, we have seen these concerns surface in the work of many organizations:

• Concerns about the loss of productive farmland became the focus of a governor's task force on farmland preservation and then became specific legislative proposals.
• The inner suburbs of Greater Cleveland and other metropolitan areas of Ohio have organized to address the unbalanced public investment that favors new development over maintenance of older communities.
• Transportation planners are realizing that they can't expand highways to solve the traffic congestion problems of rapidly expanding metropolitan areas.
• The Catholic Diocese of Cleveland has initiated its "Church in the City" project to speak out about the moral and social implications of abandoning older urban areas.
• Studies by the Ohio EPA and the Northeast Ohio Regional Environmental Priorities Project have named urban sprawl a major environmental threat.
• Historic preservation groups have called sprawl the biggest threat to historic neighborhoods and rural landscapes.
• Home builders have begun to criticize large-lot zoning in suburbs, which forces builders to consume land in unnecessarily large chunks.
• Groups from the Sierra Club to the League of Women Voters are studying suburban sprawl and are educating the public about its costs.
• And many other citizen groups have sprung up to fight the construction of wider highways, new interchanges, and sewer lines—the public infrastructure that opens up new land for development.

In all this, the State of Ohio has played a contradictory and frustrating role. Various state agencies influence land use and development in an uncoordinated manner. There's no unifying vision. And, in the absence of a clear vision, the undefended but de facto state policy has been to open up practically every acre of the state for development—take our population and employment base and smear it over the state in a thin film, ignoring the devastation left behind in older communities, ignoring the infrastructure costs we are passing on to our children, ignoring the environmental damage.

It doesn't have to be this way. Other states—Maryland to New Jersey to Washington—have adopted "smart growth" programs that seek to rebuild older urban areas, reduce subsidies for urban sprawl, and preserve open space and farmland. More than a dozen governors, both Democrats and Republicans, highlighted smart growth in their recent inaugural or state of the state addresses. A noteworthy example is Republican Governor Christine Todd Whitman of New Jersey, who has forged an exciting partnership of environmentalists and corporate leaders to preserve a million acres of open space in her state. It's time for Ohio to catch up with such initiatives so it can compete in the 21st century.

DRAFTING A SMART GROWTH AGENDA FOR OHIO

As a nonprofit environmental planning organization, EcoCity Cleveland promotes a vision of ecological cities existing in balance with their natural environment. We want sustainable patterns of development—development that our children can afford, development that will preserve the natural resources upon which all life depends.

With the support of the Katherine and Lee Claitore Foundation, we have undertaken Ohio Smart Growth Agenda education project to accomplish three things:

1) Explain how a smart growth initiative, perhaps similar to the one recently adopted in Maryland, could be adopted in Ohio. One attractive feature of the Maryland model is that it doesn't require a regulatory approach. Instead, it harnesses the power of state investment to support and focus development in existing urban areas.

2) Rally citizens around a positive agenda for change. Many groups have spoken out against present land-use trends. Now is the time to offer solutions.

3) Convince Ohio's next governor to provide leadership on the issue. The states that have made progress on growth management have had strong gubernatorial leadership. Ohio's next governor can make a big difference.

To help us draft our Smart Growth Agenda, we have retained the American Planning Association's (APA) Research Department in Chicago. The principal author of the working paper, Stuart Meck, AICP, has been the principal investigator for APA's Growing Smart project—a multyear effort to draft the next generation of metropolitan planning and zoning legislation for the U.S.—and therefore is a specialist on the planning and land-use programs of the 50 states. In addition, he is especially knowledgeable about Ohio. He has worked as a planner in the state and has co-authored a treatise on Ohio planning and zoning law. Thus, he is ideally positioned to help us think through an objective manner, how to adopt a smart growth program to Ohio's statutory and political situation.

In the document on pages 15-19, Meck, assisted by Jason Wittenberg, an intern in APA's Research Department, analyzes the barriers to smarter growth policies in Ohio, summarizes the progressive programs of other states, and recommends policy changes. He concludes by recommending a process for adopting a Maryland-style Smart Growth program.

During July and August, we circulated a draft of this document to interested people throughout the state. We received thoughtful comments from planners, elected officials, environmentalists, home builders, university faculty, and other civic and religious leaders (see list on page 38). We incorporated as many of their comments as possible in the final draft that appears in this publication.

As our resources allow, we will continue to circulate this agenda document among the leaders of the growing movement that will be an educational work in progress, and the recommendations will continue to evolve.

Ohio land-use changes

Figures from the Ohio Farm Bureau Research Task Force:

• Projected Ohio population increase for 1995-2000: 1.3%.
• Highest population growth is occurring in counties surrounding metropolitan areas.
• Cropland experiencing more than 30% farmland loss due largely to the influences during 1956-92: Ashtabula, Clay, Cuyahoga, Franklin, Geauga, Hamilton, Lake, Mahoning, Medina, Portage, Stark, Summit.
• For every 1% increase in Ohio population, the state increased 0.04% during 1960-90. This compares to a U.S. average 2.3% and is a sign of low-density development around metro areas.

Plenty of land? If you listen to some development groups, there's no need to worry about land-use trends in Ohio. The state has 26 million acres, they say. All the construction in Ohio consumes less than 30,000 acres a year—only 0.11% of the state's land area.

There's plenty of land for development, plenty of farmland left to feed a growing world population, plenty of open space remaining to keep us connected to nature.

It's true that, year by year, the overall change in the landscape is small. The trouble with trends, though, is that they keep going. The small percentages add up over time. Before you know it, vast areas of the state have been transformed. This is especially true for the counties surrounding Ohio's metropolitan areas—places like Medina, Lake, Delaware and Clermont counties, where development is concentrated.

The real concern for Ohio is this rapid sprawl around the state's many metro areas. That's where the farmland is being lost to low-density development. That's where the costs for new infrastructure are spiraling. That's where the new shopping malls and industrial parks are being built that suck tax dollars and jobs from established urban areas.

You needn't trouble to point out what is happening. All you have to do is drive around the outerbelt highways and look.
We hope to raise the tide, inspire people to think about alternative land-use policies, and point a way forward.

**A pro-development vision**

One point needs emphasis: a Smart Growth program is not anti-growth. It simply means state support of a different kind of growth—development that does more to maintain existing urban areas and that can be more easily sustained in the long run.

As Cleveland Bishop Anthony Pilla has said, "I am not opposed to new development, but ask for a greater balance between new development and redevelopment. So-called urban sprawl has been subsidized by billions of public dollars. Unbalanced public spending has harmed our urban neighborhoods, begun to impel our first tier of suburbs and threatens the essential rural character that long characterized so much of northeastern Ohio. We cannot continue down a path of unplanned, wasteful, subsidized development and land use that pits our region's communities against one another without, in my opinion, causing serious economic, environmental, social and moral harm."

In other words, we want development in Ohio. We need to keep developing, redeveloping, and improving our communities in many ways. But we need to be more thoughtful about the location and form of that development.

Although home builders, road builders and construction workers may initially oppose smart growth policies, they should have nothing to fear. There's enough work to keep everyone busy for a long time to come.

**Social engineering?**

Another point needs emphasis, too. The goal of smart growth policies is not to force people back into the cities against their will. Nor is it the aim to prohibit development in certain areas or to criticize people for moving to the country.

It is appropriate, however, for the state to make distinctions about where it wants to promote development to promote long-term economic and environmental health. Indeed, it is the state's responsibility to set priorities that promote the general welfare. Only the state can do this. The fragmented patchwork of local governments in our metropolitan areas is incapable of cooperating without strong state direction.

In recent decades, the "social engineers" in the state (and federal) government have created a host of policies that promote sprawl at the edges of metropolitan areas over the redevelopment of older communities. Every time a new highway or interchange is constructed, for example, it sends a powerful signal that development is desired in a particular location.

Increasingly, we are seeing that such policies are wasteful and costly in the long run. It's time for different priorities that tilt the balance of development in the direction of greater stewardship. We need to support existing cities and towns—make them so wonderful that people won't want to move out.

**A time to choose**

We have chosen in Ohio. If we let past patterns continue, land consumed by development will increase at an even faster pace, necessitating costly new roads, sewers and schools. Smart planning and improved regional cooperation are needed throughout Ohio to accommodate this development in a cost-efficient way while improving quality of life for residents. If we change nothing, open space and agricultural land will continue to be depleted at an alarming rate, older communities will be undermined by expropriation of jobs and population, and air pollution levels and time wasted in traffic jams will erode regional economies and the health and productivity of our workforce.

The alternative is to focus our resources, our incentives, and our policies to promote development where it will be an enduring asset for all Ohioans. The state must help channel growth into more sustainable forms. It's a matter of fiscal responsibility, good stewardship, environmental quality, and fairness to the majority of property owners in the state. And it's a matter that should transcend the partisan politics that makes fundamental change so difficult to achieve in Ohio.

The stakes are high. Many other states are moving ahead of Ohio on these issues. It's time to take a stand for the long-term future of our state. It's time to believe in Ohio as a special place worthy of our affection, worthy of our care.

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**Where the growth is**

Percentage change in number of households by county, 1980-1990

Ohio is not growing much overall, but a number of rural counties are rapidly gaining households thanks in part to sprawl from urban centers.
CALLS FOR CHANGE

Our own state government is undermining us

The following is adapted from a draft position statement issued recently by Ohio's Mature Suburbs, a group that includes elected officials from the older suburbs in the Cleveland, Columbus, Dayton and Toledo metropolitan areas.

We are a consortium of Ohio's mature suburbs and older communities who recognize that existing government policies and practices jeopardize our future. New developments on unzoned "greenfield" land at the outer edges of our metropolitan regions—often promoted or supported by our state government—are powerful magnets draining residents and employers away from Ohio's historic and fully-developed communities. There is not comparable state support for established communities.

We believe that the health of each region in Ohio depends on the health of its urban core. In the long run, a state which maintains its huge investment in existing areas will be stronger economically. From the taxpayers' perspective, it's far cheaper to take care of our heritage and past investments than to abandon older communities and build new. We want all the communities in our states—from the mature to the newly developing—to be prosperous and stable. We want a level playing field, which will require shifting the policies, practices and expenditures of our state government toward greater emphasis on redevelopment. For that reason, we call for the following:

Focus on mature suburbs and older communities
Ohio's mature, developed communities are at risk because of state policies and practices that promote the continuing exodus of people and businesses from the urban core. In response to farmland loss, Governor Voinovich established the Farmland Preservation Task Force. It is timely to do the same for mature suburbs.

- The next governor should appoint a special task force to examine the conditions of Ohio's mature suburbs and the factors threatening their well-being, and provide recommendations for ensuring their long-term stability.

Farmland preservation
The Ohio Farmland Preservation Task Force in its report to the governor stated: "Preservation of a healthy agricultural economy and urban revitalization are two sides of the same coin. Strategic planning for one must incorporate the dynamics of the other. In order to reverse the costs and consequences of farmland loss and unplanned urban growth, communities must have the tools they need to preserve agricultural areas and retain in our older communities.

We agree with that perspective. However, the legislation (H.B. 645) that has been introduced to implement the recommendations of the Task Force fails to address the needs for reinvestment in older communities.

- Recent H.B. 645 to include major initiatives to support the maintenance and redevelopment of older communities.

Economic development
Communities that have open, greenfield land for development have a major competitive advantage over fully developed communities that lack such land and need redevelopment. Not only does the state fail to compensate for that disparity, it aggravates it by promulgating and infrastructure investments to assist new development on greenfield land. As a result, the state should:

- Create new economic incentives for older suburbs and communities that have the greatest needs for redevelopment.

Transportation
The Ohio Department of Transportation expands highway access to undeveloped land surrounding the state's metropolitan regions. But the resulting development often comes at the expense of older communities, as residents and employers relocate. To promote more balanced patterns of development, the state should:

- Broaden ODOT's mission to include responsibilities for maintaining roads and bridges in incorporated areas, increase funding to do so.

- Make operating policies and procedures more flexible so that Ohio's transportation needs can be met with a mix of transportation modes, rather than the present reliance on highways.

- Distribute motor vehicle fuel taxes according to need and contributions so that urban communities get their fair share.

- Revise the scoring system for major new capacity projects to make urban redevelopment count as much as new development.

- Change the state constitution to allow fuel tax revenues to be used flexibly for all transportation purposes, not just roads.

If Ohio is to be a strong competitor in the global economy, it must achieve real growth rather than simply relocating existing businesses and duplicating expensive infrastructure. It's time for leadership across Ohio to encourage thoughtful, coordinated development aimed at sustainable growth.

Concerns over urban sprawl seem to be on everyone's agenda these days. The fact remains that sprawl will continue unabated until alternatives exist, such as reusing abandoned areas of the inner city. In the long run, development in urban areas is cheaper (most of the infrastructure is already in place), more accessible to workers, and more strategically located for the efficient transportation of goods. In the short term, financial help is needed to assemble and remediate developable parcels and, in turn, sell them at a cost which is competitive with greenfield sites.

—From "An Economic Development Agenda for Ohio's Next Governor" by the Greater Cleveland Growth Association, January 1998.
Maryland's common-sense approach for smart growth

Our Ohio Smart Growth Agenda calls for Ohio to adopt the kind of program that Maryland passed recently. Here's how the Maryland program works.

Maryland has realized that it can't afford to expand roads and other infrastructure. The state economy and the water quality of the Chesapeake Bay can't survive the continued paving of the countryside.

So Maryland has decided to stop subsidizing sprawl. Instead of serving every new subdivision out in the countryside, the state will direct its funding and programs to improve the quality of life in existing communities. It's a simple, common-sense idea—a vote for sound maintenance, fiscal prudence and long-term sustainability.

The program

Called the "Smart Growth and Neighborhood Conservation Initiative," Maryland's program is a comprehensive investment and land-use strategy to slow sprawl that will go into effect in late 1998.

Central to the plan is a law that directs state agencies to invest public funds in most construction planned for rural areas and natural areas. It establishes up to $254 million in general obligation bonds and state appropriations to buy land and purchase development rights in order to conserve 200,000 acres of farmland and open space by 2011.

In short, the Maryland program is not a regulatory program that prohibits development. Rather it is an incentive program that harnesses the power of state investment to promote development in desirable locations.

Rebuilding neighborhoods

The initiative also:

- Directs the Maryland Department of Transportation to work more closely with local governments in planning and paying for road improvements in cities and towns, and to discourage building new roads in undeveloped areas.
- Prevents state agencies from investing public dollars in most construction planned for rural areas and natural areas.
- Estabishes up to $254 million in general obligation bonds and state appropriations to buy land and purchase development rights in order to conserve 200,000 acres of farmland and open space by 2011.
- Directs the Maryland Department of Planning to work more closely with local governments in planning and paying for road improvements in cities and towns, and to discourage building new roads in undeveloped areas.
- Prevents state agencies from investing public dollars in most construction planned for rural areas and natural areas.
- Establishes up to $254 million in general obligation bonds and state appropriations to buy land and purchase development rights in order to conserve 200,000 acres of farmland and open space by 2011.

In short, the Maryland program is not a regulatory program that prohibits development. Rather it is an incentive program that harnesses the power of state investment to promote development in desirable locations.

"It just makes sense. People understand we cannot go on with sprawl eating up every acre of farmland and forest land. We cannot go on with programs that constantly cause deterioration and inner suburbs. We cannot keep using public funds to promote sprawl."

The initiative includes specific policies for the redevelopment of cities and neighborhoods:

- A new school construction financing policy that encourages modernization and expansion of existing schools and discourages building new schools in outlying areas.
- Tax credits to business owners who create at least 25 new full-time jobs in cities, towns, and other areas that already have been developed.
- A fund of $20 million in below-market-rate mortgage funds to encourage home buying in urban neighborhoods.
- A $300,000 state mortgage program that provides grants of at least $3,000 to families that purchase homes in Priority Funding Areas near their place of work.
- Income tax credits equal to 15 percent of the cost of rehabilitating historic structures.
- A derivative to invest state economic development funds in jobs, plant modernizations, new businesses, and other activities in Priority Funding Areas.
- New health standards and home grants, and urban tax credits to speed the cleanup and redevelopment of contaminated brownfield sites in urban areas.
- Preserving farmland and natural areas

- Maryland Office of Planning, 107 W. Franklin St., Baltimore, MD 21201 (410-757-4500 or at www.op.state.md.us)
- Chesapeake Bay Foundation—Land's Program, 362 Prince George St., Annapolis, MD 21401 (410-268-8115)
- 1000 Friends of Maryland, 111 W. Chase St., Baltimore, MD 21201 (410-385-2910)

Maryland Smart Growth contacts:

- Maryland Office of Planning, 107 W. Franklin St., Baltimore, MD 21201 (410-757-4500 or at www.op.state.md.us)
- Chesapeake Bay Foundation—Land's Program, 362 Prince George St., Annapolis, MD 21401 (410-268-8115)
- 1000 Friends of Maryland, 111 W. Chase St., Baltimore, MD 21201 (410-385-2910)

Maryland Department of Planning, 107 W. Franklin St., Baltimore, MD 21201 (410-757-4500 or at www.op.state.md.us)

Surveys say...Ohioans want smart growth!

Opinion surveys are showing that Americans believe uncontrolled development threatens their quality of life in many ways. For example, a poll of 600 registered voters in central Ohio conducted in 1997 for The Nature Conservancy found:

- 78% say sprawl is a threat.
- 78% say sprawl is a threat.
- 88% believe development should be spent on maintaining existing infrastructure rather than be used to encourage more growth.
- 90% believe sprawl is a threat.
- 90% believe sprawl is a threat.

A recent telephone poll of 1,725 Northeast Ohio residents by the Citizens League of Greater Cleveland found:

- More than three-quarters of the public (84%) either disagreed or strongly disagreed with the statement: "It's time to build new neighborhoods in suburban and rural areas instead of investing in neighborhoods our communities already have." (73% agree)
- Three-quarters of residents in fast growing Medina and Geauga counties said that the loss of farmland was a serious problem.

Who has a stake in smart growth?

Promoting the redevelopment of existing cities and towns rather than more suburban sprawl makes smart growth important to many people, including:

- Taxpayers, because it allows the efficient use of existing public facilities and infrastructure
- Children, because traditional environments are easier to get around in on foot or by bike.
- Senior citizens, who benefit from greater transit options and more affordable housing.
- Business leaders, who realize that compact, livable cities with efficient transportation systems make good business sense.
- Conservationists, who want to protect natural areas and wetlands, save energy, and prevent air and water pollution.
- Inner-city residents, who need safe, green neighborhoods that are not affected by regional patterns of urbanization.
- Farmers, who want to keep farmland out of the threat of encroaching subdivisions.
- Developers, who would like to see a consensus on where development is appropriate.
- Local officials, who want to balance the needs of suburban growth and those of people who want to keep their quality of life intact.

Across the country, groups like the ones listed above are coming together in new, smart growth coalitions to fight for the character of their communities, the movement crosses partisan lines and is a growing political force.
Debunking the myths about sprawl and smart growth

Doesn't everyone want a new house with a big yard in suburbs?

Some people do, but many home buyers are realizing they can get better housing value and quality of life in more compact communities. They are tired of long commutes and the maintenance of a big yard. And they want the amenities that traditional neighborhoods provide—parks and shops within walking distance, sociable town centers, streets that aren't dominated by high-speed traffic, and quality public spaces. As the American population ages, the market for such communities will grow. Thus, a smart growth program that reinvests in older communities makes good sense.

Won't smart growth policies interfere with private property rights?

Who owns property? Current policies subsidize sprawl and land speculation at the edges of metropolitan areas. Smart growth policies, on the other hand, support the private property rights—and property values—of the majority of people who own homes and property in existing communities. A study in New Jersey found that sprawl costs taxpayers over 20 times what it provides in financial gains to speculators.

Shouldn't we let the free market determine what gets built?

What free market? Current land use patterns are the result of many market-distorting policies. Highway construction, fragmented property tax systems, favorable tax treatment of homes, etc., all shape the 'market.' We need to free the market from the unintended consequences of such policies. We want to level the playing field so that older urban areas can compete fairly.

Won't smart growth policies stop growth and progress?

No, such policies aren't about stopping or even slowing growth; they're about growing smarter. Too often what we call "growth" is about making more sprawl with more land-use controls and urban growth boundaries around metropolitan areas. Such policies are very difficult to enact in Ohio. That's why we are recommending the Maryland Smart Growth program model—which directed investment to existing urban areas rather than subsidizing more sprawl. This program had a positive impact in Ohio, and it could be adapted to Ohio's political and historical situation.

Why is there any hope that this land-use reform effort will succeed when others have failed in Ohio?

Today the civic landscape is very different from the 1970s when the Ohio Land Use Review Committee failed to get its recommendations adopted. Sprawl is much more of an issue at the state and national levels. Many more communities—and their representatives in the statehouse—support smarter growth. We are also a great deal more informed and research on the extent of sprawl and its impacts. So this is a new day.

Gover nors Speak Out

Every part of New Jersey suffers when we plan haphazardly. Sprawl eats up our open space. It creates traffic jams that clog our mind and pollutes the air. Sprawl can make one feel downwot.th claustrophobic about our future.

—New Jersey Gov. Christine Todd Whitman (R)

If we allow sprawl to continue in this state we will lose our community and become an inundated and unidentifiable part of our larger region. Think of everything we do in terms of a short-term vision, in terms of a 10-year vision, and in terms of a 100-year vision.

—Vermont Gov. Howard Dean (D)

A building restlessness

In their State of the State and inaugural addresses earlier this year, fifteen governors appealed to their constituents with an increasingly popular theme: preserving open space, improving public parks, and strengthening state land-use laws to stop sprawl. Most of the governors added their conviction that doing so would also solve many of the state's environmental, social, and economic problems.

This issue transcends party lines. There were eight Republicans—from Arizona, California, Connecticut, Maine, New Jersey, New York, South Carolina and Utah—and seven Democrats, from Colorado, Delaware, Georgia, Hawaii, Maryland, Oregon and Vermont.

New Jersey Republican Christine Todd Whitman is a leader among the governors who sees the scope of her vision as a "package deal" in which supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth." I will focus on revitalizing our cities and preserving farmland—supporting the voluntary elements of the pending "Access Ohio," our state transportation plan, in line with the principles of "smart growth.."
Who speaks for the land?

If enough people had spoken for the river, we might have saved it. If enough people had believed that our scarred country was worth defending, we might have dug in our heels and fought. Our attachments to the land were all private. We had no shared love, no literature, no set to root us there; to give us courage to help us stand our ground. The only maps we had were those issued by the state, showing a maze of numbered lines stretched over emptiness: The Ohio landscape never showed up on postcards or posters, never unfurled its tapestry in films, rarely filled even a paragraph in books. There were no mountains in that place, no waterfalls, no rocky gorges, no vistas. It was a country of low hills, cut over woods, scoured fields, villages that had lost their purpose, roads that had lost their way.

—Scott Russell Sanders, Writing from the Center (describing his childhood along the Mahoning River in Northeast Ohio)

Development that destroys communities and the places people care about isn’t progress. It’s chaos. And it isn’t inevitable. It’s avoidable—or, at the very least, controllable.

Who speaks for the land?

If enough people had spoken for the river, we might have saved it. If enough people had believed that our scarred country was worth defending, we might have dug in our heels and fought. Our attachments to the land were all private. We had no shared love, no literature, no set to root us there; to give us courage to help us stand our ground. The only maps we had were those issued by the state, showing a maze of numbered lines stretched over emptiness: The Ohio landscape never showed up on postcards or posters, never unfurled its tapestry in films, rarely filled even a paragraph in books. There were no mountains in that place, no waterfalls, no rocky gorges, no vistas. It was a country of low hills, cut over woods, scoured fields, villages that had lost their purpose, roads that had lost their way.

—Scott Russell Sanders, Writing from the Center (describing his childhood along the Mahoning River in Northeast Ohio)

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—Richard Moe, president of the National Trust for Historic Preservation

Summary

This working paper presents a proposal to develop a Smart Growth legislative agenda for Ohio. That agenda is intended to respond to long-term trends affecting the state and to fit with Ohio’s governmental structure and political traditions. Its goal is to shape a new approach to development, redevelopment, and resource conservation.

The first part of the paper gives an overview of Ohio’s progressive traditions in planning and land-use control. The second part analyzes economic, demographic, and land consumption trends in the state since the 1960s, both on a statewide basis and among seven urbanized areas. While population growth overall has been modest, it notes that urbanized areas have spread rapidly outward, due in part to Ohioans consuming much more land per capita than in previous years. Employment in metropolitan areas also decentralized from core to outlying counties. In addition, the density of the urbanized areas of the state decreased markedly, resulting in greater land consumption for development purposes and loss of farmland. The third part of the paper reviews a number of state plans and programs that affect, directly or indirectly, the pattern and amount of growth. The fourth part describes how six other states—Oregon, Washington, New Jersey, Tennessee, Rhode Island, and Maryland—have confronted similar trends and what measures they have taken. The last part lists several criteria that a Smart Growth agenda should satisfy.

Next, the paper proposes a legislative program consisting of three components:

1. A high-level organization to coordinate among state departments and promote sound planning at all levels.
2. A cross-cutting state goals document that will integrate state policy and set direction for development, redevelopment, and resource conservation for Ohio.
3. An incentive-based program to guide state capital investment, based on a 1997 law from Maryland, that would target state growth-related expenses to county-designated compact growth areas that meet certain statutory criteria.

Finally, the paper suggests a number of immediate measures that a new governor and the state legislature would like to provide leadership in implementing this new agenda.

Preparation and publication of this paper were supported by a grant from the Katherine and Lee Chichota Foundation.
Introduction

The premise of this working paper is that the state of Ohio, through its investments in infrastructure, its many state programs, affects development patterns. These development patterns are clearly changing. Development over the past 30 years in Ohio has become less dense and is spreading out, using more land.

The term that is used in popular and planning literature for this pattern is "urban sprawl," which has been officially defined by one state, Florida, as: "Burgess immutable, regardless of the public's which fail to not functionally related to land uses which public facilities or the use of areas within predominate the adjacent Urban There can, of course, be a fair degree of debate on whether this is good deeply entrenched preferences and cause unanticipated "and Tom Bier have movement "urban "enevelopment "mobility, "draw "cofunit concern "about growth and sprawl and are brought about a rethinking of state policies in Oregon, Tennessee. It suggests that the governor and General Assembly should begin to look at the sum total of state actions that affect development patterns and ask themselves whether the result is really desired and, if not, whether there could be a better way.

Part I

Historical background: Overview of Ohio's progressive traditions in planning and land-use control

Ohio's progressive tradition in planning and land-use control began decision that originated in Ohio was Village of Euclid v. Ambler Realty Co., 272 U.S. 365, the 1926 United States Supreme Court case that upheld the constitutionality of zoning. Once the land-use regulations were determined by the Court, zoning spread rapidly throughout the United States.

In Ohio, county and regional planning commissions received the authority and regulate land use itself in unincorporated areas through zoning until 1947 when the enabling legislation was enacted; those zoning enabling statutes underwent redefinition and amendment in 1957. The first of a series of reports on the roles and responsibilities of local government in planning and land-use control. The municipal authority for planning and land-use control is derived from Article XVIII, Section 3 of the Ohio Constitution, the Ohio Municipal Conference of Planning Commissioners of Ohio, is charged with drafting and adoption of specific urban and rural areas. The report also suggested that regional tax-base sharing, a mechanism implemented in the Twin Cities area by which local governments share a proportion of the net increase in property values来源于 state and industrial real property tax base, should be studied further. As these recommendations were aimed chiefly at local governments, the report does not indicate any dramatic changes in responsibilities for state agencies. The General Assembly was advised to implement the report's recommendations, it was never enacted because of lack of strong political support for the changes suggested by the Committee.

In 1986, Governor George Voinovich created, by executive order, the Ohio Farmland Preservation Task Force. After conducting hearings around the state, the Task Force made its report in 1997. Among its recommendations was a proposal to encourage local governments to prepare comprehensive land-use plans. Such plans would, in turn, encourage the preservation of farmland, the efficient use of public infrastructure investments, the use of agriculturally supportive zoning, and the managed expansion of urban and suburban areas, including the identification of urban service areas. The report also called for the state provide matching grants and technical assistance for the preparation of local comprehensive land-use plans. A bill that incorporated the Task Force recommendations (including the passage of comprehensive plans), H.B. 645, was introduced in the Ohio House in December 1997; it has yet been enacted. Neither has S.B. 223, a companion proposal to authorize the purchase of agricultural conservation easements. One Task Force proposal has been implemented through legislation—the creation of an office of farmland preservation in the Department of Agriculture. That office has been charged with carrying out another Task Force recommendation, the development of a strategy to preserve farmland in the state, to be unveiled in September 1998.
Between 1960 and 1990, Ohio’s population grew from 7,906,397 to 10,847,115, an increase of 11.8 percent. The state’s 1997 population is estimated at 11,186,331, an increase of 3.1 percent for the first seven years of the decade. Taking into account the estimated population in 1997, the state is growing at about 0.38 percent per year. Of the seven urbanized areas, Columbus had the greatest gain, increasing from 616,743 to 945,237 from 1960 to 1990, a change of 33.3 percent. Because population loss in Cuyahoga County, the core county, the Cleveland urbanized area’s population decreased, dropping 6.9 percent from 1,783,436 to 1,677,492. 

Based on data from County Business Patterns (which excludes agricultural and most governmental jobs as well as self-employed persons), employment in Ohio grew from 2,540,433 to 4,550,590 over the period from 1959 to 1995. Job growth was more rapid in counties along the fringes of metropolitan areas compared to counties containing central cities. In the Cleveland area, for example, Cuyahoga County experienced a 28.8 percent increase in the number of private sector employees over the 36-year period. In Geauga and Medina Counties, employment growth was more than quadrupled, while Lorain County underwent a 91 percent rise (see figure on p. 20). Land area in these counties, however, had decreased. In terms of percent change in square miles of urbanized land, however, the Columbus area grew the fastest, increasing from 143.6 to 344.9 square miles, a 141.9 percent change. In contrast, the Cleveland urbanized area experienced the slowest growth, the square miles of its urbanized area only rose by 9.4 percent over 30 years. Although the land area of the Cleveland urbanized area increased at a rate that was one of the slowest in the state, the increase occurred overall, as noted, the population of the urbanized area itself actually decreased by 5.9 percent (still, population of the urbanized area outside Cuyahoga, the core county, grew). For all seven major urbanized areas of the state, the number of persons per square mile—a measure of density—decreased substantially from 1960 to 1990. The most dramatic shift occurred in the Dayton area, which dropped from 4,013 to 2,243 persons per square mile, a 48.1 percent decline. Density decreased more gradually in the Cleveland urbanized area, a 14 percent decline, from 3,067 to 2,638 persons per square mile. Of the seven urbanized areas, Columbus was the most dense in 1990, with 2,740 persons per square mile, while Akron was the least dense, with 2,053. Ohio lost 4,258,827 acres in farms between 1959 and 1992, a rate of 10,755 acres per month, according to figures from the U.S. Census of Agriculture. The acres were lost in the Columbus metropolitan area (Franklin, Delaware, Fairfield, Licking, Madison, Pickaway, and Union) account for the largest amount of farmland lost, 425,101 acres, approximately 1,073 acres per month over the 33-year period, or a 22.9 percent change. Among metropolitan areas, counties in the Cleveland metropolitan area (Cuyahoga, Geauga, Lake, Lorain, and Medina) together lost 39.4 percent of their farmland. They were followed closely by counties in the Cincinnati metropolitan area (Hamilton, Butler, Clermont, and Warren), which lost 39.1 percent. By comparison, Toledo area counties (Lucas, Putnam, and Wood) underwent the slowest rate of loss, 13.2 percent.

Dispersed development patterns are certainly part of changes in transportation behavior in Ohio (although other factors, such as increased labor force participation, are at work). According to Access Ohio, the state transportation plan (see below), while Ohio’s overall population increased by only 0.45 percent over the past decade (1980-90), the increase in vehicle miles traveled in Ohio was 29.7 percent, going from 717.9 billion miles a year to 931 billion miles a year. Trips are more frequent and longer as well. In 1990, according to the plan, Ohioans averaged 3.1 trips per day, compared to 3.02 trips per day nationally. While average trip length nationally increased almost 10 percent from 1977 to 1990, from 8.3 miles to 9.1 miles, Ohio’s average trip length for 1990 was even higher at 10.76 miles.

Promoting low density
State investment decisions, of course, have influenced these changes, particularly in the area of transportation. For example, a 1996 review by the Cuyahoga County planning commission on the impacts of proposed Interstate 90 in Lorain County, to the west of Cuyahoga County, observed:

The patterns of outmigration which were established in the 1950s have been further accelerated by the development of the Interstate Highway System in the Greater Cleveland area. As new freeways were added, interchanges constructed and arterial roads improved and upgraded, outlying areas began to take advantage of the increased traffic capacity by zoning large tracts of valuable farmland for low-density residential, retail centers, and industrial parks. As a result major shifts in population and employment began to occur. Between 1970 and 1990, the population of Cuyahoga County decreased by 13%, while the core county’s share of the six surrounding counties [Geauga, Lake, Lorain, Medina, Portage, and Summit] increased by 4.4%.

In the ten-year period between 1980 and 1990, 157,580 people moved from Cuyahoga County to the surrounding counties, while 104,635 residents moved from those counties to Cuyahoga County. Thus, in that ten-year period, the central county experienced a net loss of 52,945 residents to adjacent counties. Of these, the largest exodus, in the aggregate of 31,555 persons, was to Lorain County. In a subsequent 1998 analysis of the land-use impacts for the Ohio Department of Transportation (ODOT) District 12 Major investment study, the Cuyahoga County planning commission pointed to the construction of I-71 in Medina County as a factor in corresponding population loss by Cuyahoga County:

In 1960, Medina County’s population was 65,315 and Cuyahoga County’s was 1,647,895. By 1996, the population of Medina County had increased by 112% to 138,847, while Cuyahoga County’s decreased by 266,343. These population changes are based on a number of factors. . . [increased road capacity, the decline of manufacturing, the Cleveland [public school] desegregation suit, and the start of Brown in Cleveland] influenced the trends of Cuyahoga and Medina Counties for the past 36 years. The largest increase in Medina County’s population (37%) and largest decrease in Cuyahoga County’s population (13%) occurred in the ten-year period following the opening of I-71.

Since 1990, Medina County has had the fifth highest population growth rate of the state’s 88 counties increasing 13.6 percent. Cuyahoga County had the tenth largest rate of decline, 9.7 percent, and had the largest actual population loss of 10,588.

In an extensive study of development patterns in Medina County, Cleveland State University’s Patricia Burgess and Tom Bier offer another perspective on the nature of change there. In the early 1970s most of the county’s land was in active agricultural production and many of those who lived in the cities and villages worked in the county in agriculture-related jobs or meeting the consumer and service needs of Medina County farmers and other residents. They observe:

Despite its proximity to Cleveland, the county did not perceive itself—and was not perceived by others—as being within the Cleveland metropolitan area. In the 1980s, however, population growth became visibly apparent as new subdivisions appeared at the edges of the

**Population for selected urbanized areas in Ohio, 1960 and 1990**

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<thead>
<tr>
<th>Area</th>
<th>1960</th>
<th>1990</th>
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<tbody>
<tr>
<td>Akron</td>
<td>270,2 square</td>
<td>67,9 square</td>
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<tr>
<td>Cuyahoga</td>
<td>1,185,436</td>
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**Land area of selected urbanized areas in Ohio, 1960 and 1990 (square miles)**

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**Percent increase in population and urbanized land, 1960-1990 (total for seven Ohio urbanized areas)**

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<tr>
<th>Year</th>
<th>Population</th>
<th>Urbanized land</th>
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<td>1960-1990</td>
<td>16.5%</td>
<td>6.15%</td>
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cities. The pace has picked up in the 1990s, especially with the increased reliance on five-to-ten acre parcels. Many of the new residents of the last 15 years do not work in Medinawhich, unlike the suburbs of Cleveland and Akron. The county is now clearly within the greater Cleveland metropolitan area, and its development is seen as evidence of "sprawl." 17

Burgess and Ierio point to home building on five-to-ten acre parcels as having a much greater impact on the character of Medinawhich, conventional suburban development. Burgess notes that development typically bypasses local platting procedures through an exemption in the Revised Code that applies to unincorporated areas. This development involves "cutting out" minor township roads as well as county or state highways, they report. "For every year since 1991 between half and two-thirds of the residential building permits issued in Medina County have been for parcels outside of the three cities [of Medina, Brunswick, and Wadsworth]. ... A foreseeable problem is that land will be sold off in five-to-ten acre parcels for residential development at a faster rate than it can be developed for such development to bring the land undeveloped but no longer suitable for agriculture because of its size, location, and loss of agricultural tax class. 

Factors other than state agency decisions of course influence these changes in development patterns as well. As a 1995 study by the Ohio Environmental Protection Agency pointed out, reductions in household size, combined with changing household composition, have created a demand for additional housing units, apart from the loss of agricultural land undeveloped but no longer suitable for agriculture because of its size, location, and loss of agricultural tax class. 

Part III

Description of the major state agency activities that affect growth

State agencies in Ohio directly and indirectly affect growth in a variety of ways. They may:

(a) have the authority to prepare plans or formulate policies that provide a basis for or justify state investment or influence state action,

(b) construct facilities that may affect the state or cause them to take action to provide a remedy.

The construction of public facilities for the purpose of development may collectively and analyze information that other state agencies, local governments, and the private sector may use to make development decisions. 

Below are summaries of selected state department activities that have growth-related implications. The programs were selected to give a representative range of state agency activity in the county that has a direct or indirect impact on the conversion of farmland. I think they may be a viable agricultural industry. They are concerned that Ohio's best soils are being paved for roads, houses, schools, etc., with no regard for agricultural, historical, environmental, or scenic resources. They recognize that their taxes have risen while their quality of life has declined. They believe there are hidden costs that are not being recognized, and which may be obscured by the advent of urban sprawl and urban growth. They may decline in urban areas and they know problems continue to persist in Southeast Ohio. They are looking for leadership from state and local elected officials. I think they want something done to address these issues. ... —Allen Prin-di, associate professor of economics, Oberlin College

Ohio Department of Agriculture

In 1997, an office of farmland preservation was created within the Ohio Department of Agriculture (ODA). The office is charged with establishing a farmland preservation program to coordinate and assist local farmland preservation programs. It also is to administer a farmland preservation fund, established by the state legislature, consisting of money received by the office and to be used to leverage or match other farmland preservation funds provided from federal, local, or private sources.

By executive order, Governor George Voinovich directed the office to work with state agencies to formulate an "Ohio Farmland Preservation Plan." The plan is to describe the impacts of planned or pending state agency actions that may threaten farmland and what steps state agencies can take to mitigate the harm. The office will prepare a preview of what the new plan, scheduled for release on September 22, 1998, will contain. According to the release, state agencies such as the Ohio Department of Transportation (ODOT) (see below) and the Ohio Department of Natural Resources (ODNR), will work to avoid or minimize farmland conversion as part of their routine planning and permitting decisions that affect land use. The plan also calls for them to take into consideration local comprehensive land use plans. The plan will create a coordinating group that includes the agencies with the greatest potential impact on farmland use, including ODOT, ODNR, Ohio Environmental Protection Agency, Ohio Department of Development, ODOT, Water Development Authority, Ohio Public Works Commission, and Power Siting Board.

Farmland preservation can be a tool to direct or shape development patterns by removing certain farmland, particularly on the urbanizing edge of metropolitan areas, from the inventory of lands that could otherwise be developed. This is an emerging function for the ODDA; its success will depend on the extent to which ODDA shows leadership in this area.

The director of agriculture plays a role in determining whether a governmental agency can use eminent domain in agricultural districts under R.C. 2929.01 et seq. An agricultural district is created by the initiative of individual landowners, who can apply to the county auditor to place the land in a district for five years. The land must have been devoted exclusively to agricultural production or devoted to and qualified for payments from a federal land retirement or conservation program for the preceding five years. Also, the land must either total less than 10 acres or the activities conducted on the land must have produced an average yearly gross income of at least $2,500 during that three-year period, or the owner must have evidence of an anticipated gross income of that amount from those activities. Once placed in a district, such land is taxed at its use value rather than its true market value and is exempt from special assessments for sewer, water, or electrical service without the owner's permission. There is also some protection from nuisance suits by nearby property owners stemming from the impact of agricultural use.

When a state or local government and certain private agencies intend to appropriate 10 acres or 10 percent or more of an individual property in an agricultural district, whichever is greater, or to distribute public funds for the construction of housing, or to buy or offer the use of land for any purpose other than agricultural purposes, the government or agency must notify the ODDA before commencing action. The notice must be accompanied by a report justifying the proposed action and identifying alternatives that would not require the action within an agricultural district. The ODDA reviews the proposed action to determine its effect on agricultural production and on plants, policies, options, areas, or activities of other state and local government agencies. If the proposed action will adversely affect the district, the director can notify the government, which can delay the action, and can recommend other alternatives to prevent impact on farmland loss to the agency contemplating the action.

It is not necessary, however, to be placed in an agricultural district to benefit from current agricultural use valuation. Under R.C. 5713.31 et seq., any owner of agricultural land can apply to a county auditor, requesting that the auditor value the land for real estate taxation purposes for the current year at its agricultural use value such value has for agricultural use. When all or a portion of land is converted to nonagricultural uses, the county auditor levies a charge on such land equal to the amount of tax savings during the three tax years immediately preceding the year in which the conversion occurs. The county auditor then values such land under rules promulgated by the state tax commission. Land valued on such a basis does not have the protection that land in agricultural districts has.

Ohio Department of Development

By statute, the Ohio Department of Development (ODOD) is the state planning agency, with the authority under R.C. 122.06(D), to prepare "comprehensive plans and recommendations for promotion of more desirable patterns of growth and development of the resources of the state." A number of Ohio cities have local ordinances impacting on housing. For example, through the Ohio Housing Finance Agency (OHFA), the state allocates housing credits for projects on a state-wide basis for acquisition, substantial rehabilitation, new construction, and single room occupancy. The credits are used to offer an individual corporation's federal income tax liability. The allocations appear in a "qualified allocation plan" prepared by OHFA. The plan gives preference to housing projects that are located in qualified census tracts (as defined by the U.S. Department of Housing and Urban Development—HUD) as well as low-income counties (concentrated in the southeast portion of the state) and counties that have been declared federal disaster areas. OHFA also administers the state's first-time homebuyer program that provides low-interest loans to qualified applicants to purchase new homes. The criteria for home selection can determine where such a home may be located. The maximum size of a tract on which such a home may be located is two acres but could be larger depending on health requirements for septic tanks. Consequently, this criteria allow the purchase of homes in rural areas as well as those receiving urban services.

Vis a View of Housing and Community Partnerships, ODOD administers the Small Cities Community Development Block Grant (CDBG) program for smaller municipalities and communities.
...As residential and business development in Greater Cleveland expands our urbanized area, it costs more and more to provide the water, sewer, road, and transit services that we have come to expect. This coupled with a stable or declining population means that per capita costs are increasing, a situation that requires efficient financial management for disaster preparedness. From the newsletter of Build Up Greater Cleveland, a program of the Greater Cleveland Growth Association.

The ODOD also oversees a large portfolio of state economic development programs that have locational criteria. An example is the urban or rural jobs and enterprise program, RC 5799.61 to RC 5799.69, which is administered by the ODOD and ODOR for counties with municipalities that qualify. County zones may include municipalities as well as unincorporated areas, but their establishment requires the consent of the affected legislative body or municipal corporation. County zones are intended to be covered by overall regional economic development within areas which have existing concentrations of low- and moderate-income individuals.

One of the Cleveland State University's Urban Center's recommendations proposed that lozal area for zone designation be allowed to designate areas that were experiencing distress and those that were already benefiting from new business start-ups and expansions. Under the proposal "disadvantaged communities" would be permitted to offer the greatest amount of benefits to firms locating within zones. In contrast, a community that was experiencing rapid growth would be authorized to offer the least amount of benefits to firms. The study recommended that an analysis be conducted to identify and develop a common set of factors to identify what localities would be classified into different zone types. Enterprise zone designations would be limited to municipalities, in certain counties with current poverty.

Within the ODOD for administrative purposes is the Ohio Water and Sewer Commission. The commission can advance money to counties and municipalities to help to meet the costs of public works and to maintain or improve water and sewage systems. The ODOD can also be used to provide grants and loans to new business start-ups and expansions that benefit low- and moderate-income residents of the state.

Ohio Environmental Protection Agency

The impact of the Ohio Environmental Protection Agency (OEPA) on growth stems from its planning and regulatory authority over water and wastewater. OEPA regulates water and wastewater systems as well as water quality issues. OEPA also regulates wastewater treatment and facilities and wastewater treatment plants. The agency also reviews regional and local plans for the state and county water distribution systems and wastewater collection systems. OEPA also has a vital role in determining future land use and land development, and ensures the access to public water supply and treatment facilities.

As the state's environmental regulator, OEPA is concerned with the protection of the environment and the quality of the water supply. OEPA reviews applications for new wastewater treatment facilities and regulates the expansion of water supply and treatment facilities and wastewater treatment plants. The agency also reviews regional and local plans for the state and county water distribution systems and wastewater collection systems. OEPA also has a vital role in determining future land use and land development, and ensures the access to public water supply and treatment facilities.

OEPA's ability to regulate development and enforce environmental standards is crucial in maintaining environmental quality and protecting the health and safety of Ohioans. The agency works to achieve and maintain environmental quality and provides technical assistance to local governments and industries.

The ODNR is required to develop and adopt a statement of coastal management policies if the ODNR director approves those policies and if the project or activity is in accordance with the statement. The ODNR's Division of Water supervises the Coastal Ocean Management Program in the state, including review of local and federal plans and regulations for the Lake Erie coastline as well as the state's programs. The ODNR also regulates water use, land use, and land use policies that are subject to state and local government and the private sector.

Under the authority granted to it by RC 1506.07, the ODNR is the lead agency for coordinating coastal management in the state and for developing a coastal management program. The ODNR's Division of Water supervises the Coastal Ocean Management Program in the state, including review of local and federal plans and regulations for the Lake Erie coastline as well as the state's programs. The ODNR also regulates water use, land use, and land use policies that are subject to state and local government and the private sector.

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agricultural use, development reviews, and the coastal zone program. A key land-use tool developed by CDRN in its Ohio Capability Analysis program that allows the computer generation of composite maps useful for land use analysis and planning. In addition to improved amenity values, capability maps also enable the evaluation of land use changes over time. Projects that could, for example, expand highway, water, or sewer capacity or affect the state's natural resources. Recent OPWC policies recognize this to some degree. For example, a May 1998 division decision that overturned a permit for a proposed project that would have had a significant impact on productive farmland.

Ohio Department of Transportation

The Ohio Department of Transportation (ODOT), pursuant to RC 5301.03(A),(Z), coordinates development with local, regional, state, and federal planning agencies, "emerging and balanced state policy and planning to meet present and future needs for adequate transportation facilities." ODOT also serves as the administrator for federal department of transportation grants for planning and the construction of highways and mass transportation facilities. ODOT's current plan for the state's transportation system is Access Ohio. The plan is organized around five goals that address system preservation and management, economic development and quality of life, a cooperative planning process and transportation efficiency, transportation safety, and funding. The plan proposes a variety of initiatives in the areas of highways, bikeways/ pedestrian activities, rail, air, transit, and water.

In particular, Access Ohio highway proposals contemplate a series of "macro-corridors" connecting 76 of Ohio's 88 counties and these obviously have the greatest potential for transportation development in the state. The macro-corridors include widening 299 miles (including 250 bridges) of the rural interstate system "to ensure that increasing traffic will not reduce the level of service." For example, the plan calls for widening 88.6 miles (including 160 bridges) of the east-west highway, I-70, across the center of the state. Some 57.7 miles of I-75 (including improving 34 bridges) from Miami County to the Cincinnati Nexus is proposed for widening. Some 13 miles of interstate 90 east of Cleveland will require widening (including improvements to 14 bridges).

Segments of I-71 adjacent to the Cincinnati Nexus that are congested, totaling 88.6 miles (including 150 bridges), are also proposed for widening. Access Ohio comments that "[j]ustic of the highway between Cincinnati and Columbus is adequate (traffic increases at the same rate it has in past years. However, a major new generator of traffic in the southwestern part of the state could trigger new growth and may require additional improvements in the decades ahead." (emphasis supplied) This new "generator of traffic" is the series of local land-use decisions that could force change in the state plan, at least as the decision affects this transportation corridor.

The plan includes improvements to major arterial highways as well. U.S. 20 across the entire state, U.S. 24 from the Indiana border to Toledo, U.S. 23 and S.R. 2, and portions of U.S. 30, S.R. 161, S.R. 71, U.S. 33. The plan also projects a possible high-speed rail line on 260 miles of track connecting Cleveland, Columbus, Springfield, Dayton, and Cincinnati. The Ohio High Speed Rail Authority, which is the state land agency in passenger rail, commissioned a study that anticipated a capital cost for this effort of $3.1 billion. Access Ohio also includes summaries of the regional transportation plans for the 16 urbanized areas in the state that have metropolitan planning organizations (MPOs). The details of transportation planning (including mass transit) within the state's urbanized areas are handled by the MPOs, rather than ODOT. However, the state and regional transportation plans obviously must be coordinated, and the state has considerable influence over the contents of these plans through participation in the state's transportation planning process.

In large measure, although the plan does not generally acknowledge it, Access Ohio will have land-use impacts. For example, it is clear from reading the plan (including its system of prioritizing corridors and hubs) that it contemplates a continual corridor of urbanization between Miami County, north of Dayton, to Cincinnati, along I-75. The plan also recognizes the possibility of an urbanized corridor between Columbus and Cincinnati along I-71; it anticipates a major new passenger air facility in the southwest portion of Ohio, "possibly within the triangles of Columbus, Dayton, and Cincinnati," and in fact shows this new airport facility southwest of Columbus in Clinton County on one of the plan's maps. This new facility would be necessary, according to the plan, to accommodate a new generation of "hypersonic" aircraft that fly at twice the sound and would make international flights into Ohio. Less apparent are improvements to U.S. 30 and the consequent potential for urbanization of portions of a corridor along the northern quarter of the state extending from eastern Pennslyvania (including the area from Cleveland to Toledo). U.S. 35, which cuts across the southeast and south central portion of Ohio is another candidate for additional urbanization.

ODOT has the ability to implement Access Ohio through the formulation of a transportation improvement program that lists federally backed transportation improvements for the areas outside of MPO jurisdiction. MPOs then prepare implementation plans for their urbanized areas that establish immediate funding priorities. ODOT maintains a system to prioritize and select new road projects. The system places high priority (50 percent of the total lane score) on average daily traffic, traffic volumes, and completion of the "macro-corridors," but also takes into account economic development, regional multimodal transportation, and traffic accident factors. A newly-created Transportation Review Advisory Committee (TRAC) is reviewing the ranking system and can hear appeals from any local government that believes its project did not receive a high enough ranking.

Apart from programming and serving as the advocate for transportation projects, ODOT also reviews engineering designs, such as those for interchanges and bridges, and approves land access to roads under state jurisdiction, among other duties. These responsibilities give ODOT authority over the design and type of access that property will have to state roads and, therefore, some control over the type and intensity of development.

Access Ohio also documented the relatively limited role of the state in the area of public transit and proposed heightened support through dedicated funding options that are "politically feasible." According to the plan, there are 56 public transit systems in Ohio that serve villages, cities, and unincorporated areas in 48 of the state's 88 counties. Twenty-four systems serve urban areas and 12 serve rural communities. Thus, public transit is only an option in 54 percent of the state's counties. Recent expenditures for

Covering the state with highways

A generation of state highway plans have worked to open up every corner of Ohio to development. Access Ohio, the most recent long-range plan by the Ohio Department of Transportation, identifies "macro-corridors," a network of highways connecting every part of the state. This network passes through 76 of Ohio's 88 counties, and all counties are within at least 10 miles of a macro-corridor. The map at right shows these highways and the areas within 10 miles of them.

According to Access Ohio, "up to 648 miles of the non-interstate macro-corridor network may need improvements at an estimated cost of $4.6 billion in 1993 dollars. In the next update of Access Ohio, ODOT will have to decide whether filling gaps in this network remains a priority for new construction. [Source: Access Ohio: Multimodal State Transportation Plan to the Year 2020, Ohio Department of Transportation, 1993]"
Transportation from the 1950s...

Most of Ohio's existing transportation financing policies and programs were formulated during the 1950s when the federal government provided the necessary funding for a totally new system of interstate highways. Since then, the commission has used all of these sanctions.

...the commission has used all of these sanctions.

that the commission "acknowledged" or certifies the plan. If it does not, the commission requires that it be revised and resubmitted. The commission criticizes local governments to a local government for failing to fulfill its responsibilities under the legislation by identifying corrective action to be taken and suspending local authority to issue building permits or that it would prohibit Ohio from enacting a dedicated tax to raise revenue for higher density residential uses, which the Ohio program requires, the commission can force the issuance of permits or approval of subdivision. The commission can also block development. Development decisions made by cities, counties, and the regional planning agencies of the state have in the past been called into question by the commission.

Ohio Water Development Authority

- Remove the constitutional constraint on the use of motor vehicle fuel tax
- Revise existing state formulas for distributing transportation revenues to townships, municipalities and counties to more equitably reflect each jurisdiction's share of the total system's preservation needs, contributions to state transportation revenues, and/or local transportation-related tax effort.

- Provide additional state transportation funds to assist in the financing of priority state, regional and local preservation, capacity-enhancement and new projects and that can be utilized with maximum flexibility among all transportation funding mechanisms to supplement federal transportation programs and policies.

- Provide new and/or expanded permissive transportation funding mechanisms to a local government for the purpose of making loans and grants to governmental agencies for the acquisition or construction of water development projects in the state. These projects may include both wastewater and water management projects. These projects are funded through water revenue bonds issued for such projects. The authority is composed of seven members appointed by the governor, and the directors of natural resources, environmental protection, and development, who serve in an ex-officio capacity.

PART IV

Possible state land-use planning models for Ohio

This section describes state level land-use planning programs from Oregon, Washington, Tennessee, New Jersey, Rhode Island, and Maryland.

The Oregon system, enacted in 1973 and under continuous change, is perhaps the most advanced state land-use planning system in the United States. The system is administered by a state agency, the Department of Land Conservation and Development, and an appointed board, the Land Conservation and Development Commission. Over a period of years, the commission has adopted 19 statewide planning goals, as well as detailed regulations that guide how the statutes are administered. All cities and counties are required to have local comprehensive plans and implementing measures that satisfy both planning goals and administrative rules. Once local governments adopt new comprehensive plans, they are reviewed by the state commission, with the assistance of the state department, reviews each proposed city and county plan to determine whether it properly implements these goals.

If the local government's plan satisfies the state requirements, the commission "acknowledges" or certifies the plan. If it does not, the commission requires that it be revised and resubmitted. The commission criticizes local governments to a local government for failing to fulfill its responsibilities under the legislation by identifying corrective action to be taken and suspending local authority to issue building permits or that it would prohibit Ohio from enacting a dedicated tax to raise revenue for higher density residential uses, which the Ohio program requires, the commission can force the issuance of permits or approval of subdivision. The commission can also block development.

Decisions made by cities, counties, and the regional planning agencies of the state have in the past been called into question by the commission.

There has also been criticism, notably by developers and housebuilders, that the urban growth boundaries throughout the state, but particularly in the Portland area, have not been expanded sufficiently over time to add to the supply of land for housing; this has increased the costs of all housing relative to income. To some degree, this criticism may be valid (although it is a logical consequence of constraining land supply), but it should be recognized that the occasional bid up to the current demand for dwellings as the Portland metropolitan economy expands.

Washington

Washington State enacted new growth management laws in 1990 and, in 1992, approved a series of minor amendments to the planning statutes. Under the Washington state program, programs (as well as the cities within them) of a certain population size and/or that have experienced certain percentages of population increases over the previous decade must prepare comprehensive plans. The plans must reflect cooperative efforts with each municipality or county.

Like the statutes and administrative rules governing the Oregon system, Washington's system are extremely detailed. The statutes require that growth management programs include elements addressing land use, housing, capital facilities, transportation, and utilities. The program employs extensive use of urban growth areas. County plans must designate growth areas as either "greenbelts" or "urban growth boundary" areas, depending on their urban boundary, for example, gradually increasing. The state's 28 million acres in private holdings, some 2 million were inside urban growth boundaries in the early 1990s. The system has also dramatically slowed, but not stopped, growth in the urban areas that make up the urban growth boundary around the state. The loophole in the law has done to approve by local government of "hobby farms" in the rural areas by the counties. These farms are non-commercial operations but are non-economic agricultural operations that are also serving as rural home sites serviced by on-site sewage treatment systems. Consequently, in some areas, not only the farming activities but also the houses are not permitted. The local government reserves the right to disapprove the plan, but has not done so. The households, of course, has occurred, this is a result of a lack of enforcement by the county governments.

There has also been criticism, notably by developers and housebuilders, that the urban growth boundaries throughout the state, but particularly in the Portland area, have not been expanded sufficiently and that the plans have increased the costs of all housing relative to income. To some degree, this criticism may be valid (although it is a logical consequence of constraining land supply), but it should be recognized that the occasional bid up to the current demand for dwellings as the Portland metropolitan economy expands.

EcoCity Cleveland Fall 1998

EcoCity Cleveland Fall 1998
The Washington program has been controversial but has survived attempts to repeal it or water it down. The controversy has focused on the role of growth management boards in the decision-making process and on the potential conflicts of interest that arise from the counties, urban boundaries for each municipality in the county. The approved growth plan must contain at least two public hearings after due notice and does not take effect until ratified by the county legislative body and by the individual municipalities.

If the county or municipality rejects the proposed growth plan, the next step is for the board of county commissioners to make a decision. If the county or municipality declares that there is an increase in the ratification process, the Secretary of State appoints a three-member dispute resolution panel. The panel can impose a growth plan that is acceptable to the county and the state. The county and the state can agree to the growth plan, or the county can appeal the decision to the state's Court of Appeals. If the court upholds the growth plan, the county must prepare and adopt a comprehensive plan. The plan’s general strategy is to achieve all state planning goals by coordinating public and private actions to guide future growth into compact forms of development and to accomplish this goal, the state’s Department of Commerce and Community Development was created.

If the city or municipality does not agree with the state’s comprehensive plan, the city or municipality may appeal the plan to the Court of Appeals. In many cases, the Court of Appeals has upheld the state’s comprehensive plan, but in some cases, the Court of Appeals has remanded the case back to the city or municipality for further consideration.

The state has also established a comprehensive planning program that must be adopted by all cities and counties. The program includes a hierarchy of planning areas into the legislation. Because there are three boards in place, one in each county, the state’s comprehensive planning program is designed to be flexible and to allow for local needs and preferences. The planning program includes a comprehensive planning commission, a state planning commission, and a local planning commission. The comprehensive planning commission is appointed by the governor and consists of representatives of the state, counties, municipalities, utilities, boards of education, and chamber of commerce. In the alternative, if the population of the largest municipality in the county is at least 25 percent of the county’s population, the comprehensive commission may be the county planning commission and the local planning commission of that municipality. Each committee must develop a growth plan for its county by January 1, 2000, including recommendations from the municipalities, urban growth boundaries for each county, and urban growth boundaries for the county. The approved growth plan must first undergo at least two public hearings after due notice and does not take effect until ratified by the county legislative body and by the individual municipalities.

In May 1998, Tennessee enacted a statute intended to create a "comprehensive growth policy for the state" that incorporates the designation of urban growth areas, urban growth boundaries, and planned growth areas for unincorporated areas. The statute establishes in each county a coordinating committee consisting of representatives of the county, municipality, utilities, boards of education, and chamber of commerce. In the alternative, if the population of the largest municipality in the county is at least 25 percent of the county’s population, the comprehensive commission may be the county planning commission and the local planning commission of that municipality. Each committee must develop a growth plan for its county by January 1, 2000, including recommendations.

In 1998, New Jersey's state-wide land-use planning was the adoption of the State Planning Act in 1986. The new law requires that each state plan must incorporate a comprehensive map of state, county, and municipal boundaries as well as detailed policies and programs for effective land-use planning. The state plan also provides a framework for the development of comprehensive plans at the local level. The state's comprehensive planning program is designed to be flexible and to allow for local needs and preferences. The state's comprehensive planning program includes a comprehensive planning commission, a state planning commission, and a local planning commission. The comprehensive planning commission is appointed by the governor and consists of representatives of the state, counties, municipalities, utilities, boards of education, and chamber of commerce. In the alternative, if the population of the largest municipality in the county is at least 25 percent of the county’s population, the comprehensive commission may be the county planning commission and the local planning commission of that municipality. Each committee must develop a growth plan for its county by January 1, 2000, including recommendations.
Other legislation that is part of the “Smart Growth” package is intended to support locally identified development needs. For example, the program allows municipalities to designate undeveloped or underutilized industrial sites that are either polluted or perceived to be polluted through grants, low-interest loans, and limitations on the amount charged for permits. It provides tax credits to businesses creating jobs in a priority funding area. A “Rural Legacy” program also makes state funds available to enable local governments and land trusts to purchase properties, development rights, or permanent easements in order to protect targeted rural greenbelts. The new initiative supplements Maryland’s agricultural lands preservation program and open space program.

The 1997 Maryland “Smart Growth” Act has attracted a lot of attention in the United States because it is one of the few instances in recent years where a governor has staked his political career on a comprehensive planning approach for his state. Here, it was the governor who pressed the state legislature to enact this package of laws, and it will also be the governor who steers state agencies through the law’s implementation.

Transferability to Ohio

Each of these programs has different implications in terms of transferability to and adaptation by other states. As noted, the Oregon program involves a strong centralized role for the state, both in terms of establishing state goals for land-use planning, as well as oversight and enforcement. The Tennessee approach, which does not have as strong a centralized role, is based more on local government discretion.

In Washington, the state role is more indirect, there is no formal approval by the state of local plans. Disputes over whether a local government’s plan complies with the state’s standards are resolved through the courts. Virginia’s approach, while also more centralized, does provide for a somewhat more flexible process of hearings and appeals.

Ohio’s unique character

• Most state growth pressure
• Priority on economic development
• Farmland preservation as a bellwether issue
• No formal integration of strategies across state agencies
• Home rule tradition
• No strong organizational infrastructure for state planning

Ohio’s unique character

The Ohio Department of Development has stressed training in community and economic development and application of the state’s various economic development statutes and programs. There is little emphasis on formal local comprehensive planning and limited technical assistance, save for the use of the land capability analysis mapping programs in the Ohio Department of Natural Resources. Still, as the discussion of state programs above shows, the state is clearly affected development through various avenues.

• Farmland preservation as another issue. The creation of the office of farmland preservation is a significant initiative.

• No formal integration of state agencies. The emphasis of the office of farmland preservation may be a bellwether of a shift in attitude in the state. The analysis above underscores that farmland loss is real. A report on the state of Ohio’s environment by the Ohio Environmental Protection Agency, citing an ODNR assessment of trends facing the state by the year 2000, confirms this. “As urbanization continues,” it states, “more agricultural land will be removed from production and converted to residential areas. Conversion of farmland from agricultural to residential use is most likely in metropolitan counties. Prime farmland, once converted to urban use, will never again be available for agriculture.”

• No strong organizational infrastructure. The needs of statewide planning and land-use control programs that Oregon, Washington, and Rhode Island have enacted, which involve the state in the planning of regional growth policies and in setting and monitoring local development decisions, would run afield of the political tradition of municipal home rule. Counties and townships, which are the principal units of local governmental organization in such states, have a history of withdrawal from state government. For example, Ohio has no strong organizational infrastructure that would permit the administration of such programs. Furthermore, there is no model to create one.

So far, efforts to implement a statewide comprehensive planning program in Ohio have been poorly coordinated, if not nonexistent. The Ohio Environmental Protection Agency, for example, has attempted to develop a comprehensive planning program that is coordinated with the state’s various environmental programs. However, the program has been fragmented and has not been implemented in a coordinated manner. As a result, the program has not been successful in achieving the goals that were set for it.

Criteria for a Smart Growth Agenda

Given these considerations, a Smart Growth Agenda for Ohio could involve a program or strategy that meets the following criteria. The agenda will have to include:

• Adoption of a comprehensive statewide planning strategy that is coordinated with the state’s various environmental programs.
• Development of a state planning agency to oversee the comprehensive planning program.
• Development of a comprehensive state planning strategy that is coordinated with the state’s various environmental programs.
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Part V

The framework for a smart growth program for Ohio

What kind of Smart Growth program would fit Ohio? What needs would it fulfill? What would its chief components be? Clearly, there are conditions, unique characteristics, and political traditions in the state that any type of reform effort will have to address, including:

• Most state growth pressure. Even though the state is growing, the growth pressures are not intense. Of all the municipalities in the state that have experienced growth, only one, the city of Hudson in Summit County, has adopted a state growth management program, firmly opposed by home building and development interests.

• Priority on economic development. Moreover, in contrast to states like Washington and Oregon, Ohio has not been faced with a long history of development pressures or heightened and well-recognized political awareness of the need to protect and conserve natural resources.

• Home rule tradition. In Ohio, local governments have consistently resisted the state’s efforts to assert greater control over local planning decisions.

• No strong organizational infrastructure. The lack of a strong organizational infrastructure for state planning in Ohio is a significant obstacle to the development of a comprehensive state planning program. The lack of coordination among state agencies and the absence of a state planning agency have hindered the development of a comprehensive state planning program in Ohio.

• No formal integration of strategies across state agencies. The lack of coordination among state agencies has hindered the development of a comprehensive state planning program in Ohio.

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Home rule is a powerful and cultural tradition in Ohio and other midwestern states, but one unfortunate side effect is the absence of meaningful coordination or even communication on regional, multi-county or statewide planning, development and land-use patterns. Our state pattern is really a series of disconnected actions, with a result where the total may be less than the sum of the parts.

— Lawrence W. Libby, Department of Agricultural Economics, Ohio State University

could overwhelm or despire any strategic planning or development responsibility. While the ODOD certainly has ample authority, its orientation is still primarily toward economic development. By contrast, ODNR and OEP, deal primarily with conservation, recreation, and regulatory issues, but do not have clear statutory authority. There are, at least two approaches that could be used: a state planning commission or a cabinet coordinating committee that works directly for the governor.

A state planning commission is an independent state body that develops state goals, plans, and broad-based support for planning, and advises the governor, state agencies, and the legislature. It may be composed of members of the governor’s cabinet, representatives from various governmental organizations (like the state municipal league, township trustees associations, and county commissioners groups), and lay citizens. Sometimes specific non-governmental organizations, like those for environmentalists and home builders, are also represented.

A number of states still have state planning commissions, as discussed above. Maryland, for example, reconstituted its state planning commission in 1992 as the "Economic Growth, Resource Protection, and Planning Commission.

The concept, it is what we might call a state planning commission, an appointed advisory body responsible for all state planning, dates back to the late 1890s. The early planning boards, in states including the preparation of an annual report to the governor and helping plans for compliance with state mandates. This paper strongly discourages the development of a map as part of the goals document (in contrast, for example, to New Jersey’s state development and redevelopment plan) that would describe the effect of the document’s strategies on the entire state. A false goals document containing a map is most difficult to achieve, particularly in a large state with major urban concentrations, because of the amount of information that has to be collected, the many actors involved, the individual determinations on delineation of the state’s policies to specific areas, and the sometimes threatening perceptions of less showing that specifies areas for different purposes, scales of development or direction of growth.

What kind of goals could conceivably be incorporated? The state has in fact begun the process by requiring the important of the protection of farmland. That is one program of a strategy dealing with resource conservation, an approach that would also address

...a patchwork of weak law

The state’s provisions for planning and land-use control are a patchwork of state-adopted, local, and a patchwork of provisions for court cases. Local day-to-day land-use activity appears to center on individual zoning and subdivision approvals with little attention to how those discreet actions compose the “big picture.”

We also see an outdated Ohio Constitution, no state policy on land planning, no single agency that oversees land planning, no public input, and many interests that derive continuous short-term benefits from fragmentation, duplication and waste. Ohio lacks direction on growth, and the political will to substantially change inefficient systems. This may exacerbate the decline of towns and urban centers, the degradation of natural systems, and the conversion of farmland. It may also exacerbate traffic congestion and other transportation problems, the costly remediation of growth-related problems, and generally unsustainable growth. One can say Ohio is thus at a large economic and social disadvantage.

James Dunham, executive director of the Ohio-Kentucky-Indiana Regional Council of Governments

We are strongly supportive of this and any other effort that might improve bring improvements to Ohio’s growth policy. [A] Smart growth approach to the land use planning process is one such opportunity. In order for such a document to become a mind-bending abstraction or weighed down with specific conditions or restrictions that make the achievement of its direction unlikely. On the other hand, it could be so detailed—a like administrative rule—that it would threaten potential users and supporters.

What is being proposed? This paper strongly discourages the development of a map as part of the goals document (in contrast, for example, to New Jersey’s state development and redevelopment plan) that would describe the effect of the document’s strategies on the entire state. A false goals document containing a map is most difficult to achieve, particularly in a large state with major urban concentrations, because of the amount of information that has to be collected, the many actors involved, the individual determinations on delineation of the state’s policies to specific areas, and the sometimes threatening perceptions of less showing that specifies areas for different purposes, scales of development or direction of growth.

What kind of goals could conceivably be incorporated? The state has in fact begun the process by requiring the important of the protection of farmland. That is one program of a strategy dealing with resource conservation, an approach that would also address

other environmentally sensitive areas. But as contemplated here the goals document would also include...
multi-county designations of compact growth areas, deriving from the same philosophy that supports multi-county solid waste districts in Ohio. Such a statute would need to provide procedural options that a county could use in seeking authorization to do so. The designation process would be initiated by a county, could use in reaching its governing technical assistance to local governments within the county in well-recognized other would need to be established within state government to ensure fully implement and voluntary. Under that end, the governor wants as well as for private sector development and redevelopment.,,105 The program is working. Finally, a state department should be resources Ohio policies infrastructure of older cities and preservation. Appoint office of planning. It addresses promotions and distinctive housing, stock in core cities and inner-ring suburbs. Support state agencies in developing state agencies to locate downtowns (and in historic neighborhoods) wherever possible.

Next steps

What are some immediate steps a new governor and the General Assembly could take to put this agenda into effect, to build consensus and momentum for action now? What is the role for the legislature? Clearly, the approaches in this paper call for gubernatorial and legislative leadership, not passivity. Here are several implementing actions:

• A state conference on development, redevelopment, and resources conservation sponsored by the governor and General Assembly. Such a conference could serve as a means of discussing the trends identified in the experience of other states in formulating policies to encourage more compact growth, red Bent development patterns to existing urban areas, protect farmland and environmentally sensitive areas, expand public transit, and encourage economic development. One potential outcome would be to generate new ideas for legislation or development support for ideas that have previously languished. The conference would also provide a springboard for both the state's chief executive and legislature to initiate the Smart Growth agenda.

• A state agency working group, appointed by the governor, to assess the specific implementation and development patterns of the state, including their long-term costs to citizens. Such a working group could identify the particular state investments that are necessary to achieve the incentive-based program described above as well as state-administered programs that affect development patterns. The kind of policy evaluation research carried out by the Cleveland State University Urban Center in gauging the effects of the urban enterprise zone is the general method that is needed, but on a much broader basis. The results of this research would inform the preparation of implementing legislation for the Smart Growth Agenda.

Endnotes

1Smart Mask, ACP, is Principal Investigator in the American Planning Association/Ohio Foundation Smart Mask project, a multiyear effort to draft the next generation of model planning and zoning code for Ohio. The project, Bill, 1997) has 27 years of experience in planning, much of it in Ohio. Merk is coauthor, with Professor Kenneth Penland, of the tradition, Ohio Planning and Zoning law, 1998 Edition (Columbus: The Levin College of Urban Affairs, December 1998). Many of these state have been written by Bruce Burch and Brian G. Pashke, "The Social and Economic Costs of Sprawl," Urban Lawyer, 29, no. 2 (Spring 1997): 183-199.

2Ibid., 170.

3Patricia Burgers and Tom Hate, with research assistance from Charles Post and Ivan Meier, Public Policy and Rural Sprawl: Lessons from Northeast Ohio (Cleveland: Cleveland State University, The Urban Center, College of Urban Affairs, December 1997).

4Regulating planning and zoning, municipal governments in Ohio have the choice of following the Revised Code or, if they have adopted a charter that provides for regulations that achieve the same ends, to adopt additional requirements and procedures, following those alternate approaches, provided that they do not conflict with applicable general laws of the state.


An "urbanized area," according to the U.S. Census Bureau, is an area that: computes one or more places ("central place") and the adjacent closely settled surrounding territory ("urban fringe") that together have a minimum of 50,000 people. The urban fringe generally consists of contiguous territory having a density of at least 1,000 persons per square mile. The suburban fringe also includes existing territory that is contiguous to the core of the urbanized area and is within 1 mile of that core, or within 5 miles of the core, but separated by water, or other undeveloped territory. Other territory with a population of fewer than 500 people per square mile is included in the urban fringe if it eliminates an enclave or closes an indentation of a larger urbanized area.

U.S. Bureau of the Census, Urbanized Areas of the United States and Puerto Rico, 1990 CENSUS B2, Section 2 of 2 (Washington, D.C.: U.S. GPO, 1994), A12. Urbanized areas are not necessarily contiguous with counties or with metropolitan areas. Many of these areas are formed as a result of urban influence on urbanization and its impacts, the relevant unit was chiefly urbanized areas. However, the experience of state-level planning has confirmed, Endnotes

This paper attempts to describe a beginning and a potential new direction.
Densities can be measured in a variety of ways. For the purposes of this comparative analysis, which is based on census data, density is measured in terms of persons per square mile (which includes both residential and nonresidential land). It can also be measured in terms of dwelling units per gross residential area (including streets and other public improvements) or in terms of dwelling units per net residential area (excluding streets and other public improvements).

Some portion of this loss is the result of retaining marginal agricultural land to forest, although the land was suitable for urban development in metropolitan counties. The Ohio Environmental Protection Agency reports that in 1940, 3.2 million acres (1.3 million ha) were in forest. By 1990, these forest acres were located in the state. Ohio Comparative Risk Project, Ohio Environmental Protection Agency (OEPA), Facts and Figures About Ohio’s Environment Report (Columbus: OEPA, April 1996), 24.

Ohio Department of Transportation (ODOT), Access Ohio: Reaching New Horizons in the 21st Century, Macro Phase (Columbus: ODOT, October 1993), 29.

Cuyahoga County Planning Commission, Review of Proposed Interstate 90 West ( Lorain) Lane Addition and ODOT District 3 Major Investment Study (Cleveland: The Commission, November 16, 1996), 5.1.


Burges and Bier, op. cit., at 5:17-18.

Id.

Id.

Ohio Comparative Risk Project, Ohio Environmental Protection Agency (OEPA), Recommendation to Reduce Environmental Risk in the Ohio (Columbus: OEPA, July 1997), 1.

Id., 25.

Id., 60.

A summary of ODOT’s coastal management program appears at http://www.dot.state.ohio.us/ohrd/coastal.

RC 1521.13; RC 1521.18.

Board of County Commissioners of Clinton County versus Division of Mines and Minerals, 87-CA-48 (Reclamation Commission, December 12-18-1979), interpreting R.C. 151.04(A)(8).


The project advisory includes the following review criteria: (1) the immediate impact the project will have on productive agricultural and game lands; (2) the acquisition of land for recreation opportunity; and (3) mitigation measures that could be implemented when alternatives are found to sites or locations that no longer meet the Division’s requirements.


ODOT, Access Ohio, Macro Phase, 34. There is always the question of whether facility widening ever solves a congestion problem. Economic development officials in some states concur that the "triple convergence" phenomenon of equilibration, which makes traffic congestion a ubiquitous phenomenon, does not result in the movement of people and goods. It means that, as a governmental unit completes a highway capacity project, the capacity gets squeezed in a short period of time because the streams converge (1) people who travel to work, (2) people who do business in the downtown area, and (3) people traveling other modes, such as transit, now it finds it quicker to drive, thus increasing the traffic congestion. One metropolitan may be the beginning of the capacity of the highway because it is faster. Anthony Downes, Stack in Traffic Congestion with Peak-Flow Traffic Congestion (Cambridge, Mass: Brookings Institute and Lincoln Institute of Land Policy, 1992), 27-28. As widening increases capacity, albeit temporarily, and speed therefore increases as well, land is thus opened up for development because it is convenient driving time of population concentrations and employment centers.

The state department of transportation serves as the MPO for the areas of the state that are not urbanized.

ODOT, Access Ohio, Macro Phase, 43.

Id., Map 19 (Macro-Corridors and Hubs). Some who have traveled the I-77 corridor between Columbus and Cleveland might arguably perceive that the pattern of urbanization has already begun to set in.

The system for prioritizing major new highway projects is at http://www.dot.state.oh.us/ptips.htm. The system does not presently take into account the full development potential of communities.

ODOT, Access Ohio, Macro Phase, 131-137.


The Oregon planning goals appear in Oregon Department of Land Conservation and Development (DLCD), Oregon’s Statewide Planning Goals (Salem, ORE: DLCD, 1995).

See OR. Admin. Rule 660-07-035 (March 1991) (Minimum residential density allowable for new construction in rural areas) and 660-07-380 ( Existing urban growth areas). Oregon does permit the establishment of "exemption areas" for development concentrations (e.g., rural) and rural industrial development, which would otherwise be exclusive to agricultural or forest areas under very limited conditions. OAR, Admin. Rule, Div. 4 (March 1992). Additionally, in the Portland area, some lands immediately adjacent to urban growth boundary have been designated as "urban reserves" to be considered for future urbanization and white boundary is extended. OAR, Admin. Rule, Div. 21 (November 1992).


Ibid., at 131.


Ibid., at 131.


Id.

Id.

Id.

Id.

Id.
should consider is the degree to which local governments favor a program that provides incentive payments to homeowners. This is an issue that the 1977 Land Use Review Committee devoted considerable energy to. 

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