

THE URBAN BOUNDARY

(Updated from 2001 Alliance Forum) By **Maggy Hurchalla** March 2015

The Urban Service District is not an invention of Martin County's environmental extremists. It is a planning concept with roots in economic and physical limits. It's about the fact that you can't do everything at once everywhere at once. It's about reality in planning.

It's about the fact that if you don't know what you're doing where, you can't do it very effectively.

When we didn't have cars, the railroad station created spatial limits that kept urban growth within walking distance of the station. In places where impermeable granite made septic systems and wells impossible, the limits of the sewer/water system set the special limits of urban development. Where there were no school buses, there were neighborhood schools.

As far back as the 1920s Florida destroyed all the conventional urban limits.

Cars could go anywhere. With sandy soil everywhere, wells and septic tanks could go everywhere. Salesmen touted "Sidewalks, yes! Streetlights, yes!" Sidewalks and streetlights could go anywhere.

Ever since we invented urban sprawl, we've been trying to get a handle on the beast. Urban service districts are about trying to limit the cost and impact of growth by putting it where we want it.

In Portland, Oregon, they did it to save irreplaceable farmland in the Willamette Valley. In Minneapolis they did it to save "The Land of 10,000 Lakes: from 100,000 septic tank drainfields. In other areas they've done it to save the soul of older cities instead of throwing them away.

USB GOALS

USBs, USDs, and limits on urban areas are meant to concentrate growth in urban areas with three main goals in mind:

1. Avoid the pattern of messing a place up, throwing it away, and then messing up another place. Concentrate on your urban area as a sustainable but changing place where you re-use what you have and fix what's broken.
2. Protect large open spaces in the hinterlands, whether it's farms or forests or environmentally sensitive areas.
3. Provide for cost effective and efficient urban services.

Urban boundaries don't necessarily create good planning inside the boundary. They don't solve all problems.

You still have to plan what you want and where you want it. You still have to provide amenities and services that make your urban area a good place to live.

Urban boundaries can control development over a large area to stop sprawl and leap frog development. They can prevent countywide chaos in terms of costs and

environmental destruction. They are good for businesses and residents if you mean the businesses and the residents that are already there.

Why not have a free-for-all? Why not let the market decide?

PREDICTABILITY

Predictability makes good business decisions possible. Chaos makes them unlikely. Without knowing where growth is going to happen, government can't provide services. Without knowing where growth will be allowed, developers can't plan communities. Both of them are partners in the development process and both of them need predictability. When you tell a property owner he can do anything he wants as long as he can convince the County Commission, you put him in a windfall- wipeout situation. If he can buy farmland cheap and turn it into an urban development, he can make a windfall. But he has to spend a whole lot of money convincing county staff and county boards and neighbors and voters and taxpayers that he should be allowed to do anything he wants at that particular place and time. Lots of developers have gone bankrupt dealing with the unpredictable game of free-for-all.

Investing millions when you thought you could get approvals is very frustrating. Being threatened by big developments they didn't expect and don't like makes residents very angry. An unpredictable development process is not business friendly and it's not user friendly. It polarizes a community.

One long time developer said to me "Why don't you just tell us what you want us to do?" Predictability saves money, no matter what you are doing. Knowing what you expect to happen and want to happen and plan to happen is absolutely critical to making it happen efficiently and cost-effectively.

But let's back up a minute and talk about what an urban boundary is.

HOW TO DRAW AN URBAN BOUNDARY

First you figure out how many acres you need to build all the homes and condos and grocery stores and schools and stuff you need for the next fifteen years.

Then you look at the existing urban/suburban area where you already have all the services you need for people and businesses. That's your existing core. It's the place where you already have one or more schools and libraries and fire stations and sewer plants.

Draw the line around your urban core so there is enough room to keep developing for fifteen years in the area where you can use and expand existing infrastructure.

Adjust the boundary every five years if you need to in order to make sure you always have room for ten* more years of development. (*State mandate.)

If you look at the history of housing recessions, projects that tried to project the market more than ten years ahead and tied those projections down in a site plan, frequently failed. Ten years of approvals in advance of when they are needed is more than enough.

The USB is not just about encouraging urban development where urban services already exist. It's about discouraging urban services outside of the line. It's about saying that the vast rural area of the county is rural, just like its land use designation and its zoning says. That land is for farming and non-urban uses that don't need urban services. Is that fair?

Remember that those were the uses allowed when the owner bought the property. The land was much cheaper then because the uses were limited. No one promised them a rose garden or an urban land use.

Owners inside the USB can't demand that their land use be changed from residential to commercial just because they want the land to be more developable and more valuable. Most urban service districts start out with a clear idea that development that requires urban services will be located inside the USB.

Outside the USB there will be no uses that need urban services.

The boundary will be expanded when there is not enough land inside the USB to meet the needs of projected growth.

PITFALLS IN USB POLICIES

USBs go astray most often in what they allow outside the boundary.

If one acre lots or even five acre lots are allowed in the rural area, it won't work. Those semi-rural subdivisions will out-compete farming in terms of return on the dollar for the property owner. That will bring pressure for less agriculture and more residential development.

Imagine five acre lots on 300,000 rural acres with 40,000 homes and 100,000 residents. That's not rural. Their demands and expectations are not rural. They will want schools and fire departments and grocery stores.

Outside Martin County's USB, the minimum lot size for a new residential subdivision is twenty acres. Lot sizes and densities more intense than that make it hard to maintain an effective USB. The USB concept fails where lot sizes are too small and density is too high.

The policy also fails when clustering is allowed.

Clustering is a nice idea that says that if you have 5,000 acres you want to develop and you put all the development on just 1,000 acres, there will be less impact. There may be less impact on the land, depending on how the clustering rules are structured. A loosely written clustering policy can result in high impact agriculture next to suburban housing and golf courses without any preservation of natural areas. The agriculture can't survive next door to complaining suburbanites, and you lose what you thought you were saving.

Clustered residential development in rural areas makes it difficult to maintain the urban boundary. 300,000 rural acres is still going to produce thousands of homes, even if density is not significantly increased, Clustered residents on one acre or one-half acre

lots around a golf course expect urban services, even when they are told they won't be there. They will eventually get them and the urban boundary will cease to exist.

When the rural area gets spotted all over with clusters of housing, schools will be needed all over. Fire stations will be needed all over. Residential neighborhoods expect to have fire and emergency services within 3 miles or 3 minutes. If every cluster needs a fire station within three miles, that's a whole lot more fire stations than you would need within an urban boundary that was spatially limited. All of the services that urban and suburban residents expect become very expensive when they have to be all over the map.

When clustered, more intense development is allowed outside the USB, a precedent is set. Even when folks insist that the higher intensity use in the cluster is not a precedent, it becomes one.

Those who own land next to that development will point out that planning policies and fairness both suggest that they should be allowed similar compatible use. They will also point out that raising pigs, burning sugar cane, and other agricultural uses are no longer possible on their land. The new suburbanites in the clustered development are not going to tolerate it.

Property adjacent to clustered development will demand a land use change to the same density and lot size as their new neighbors. They will cite policies about allowing land use changes where adjacent land has changed and the character of the neighborhood has changed. They will not propose setting aside part of their property to achieve clustering. They don't have to.

For an urban boundary to work, it has to be consistent. Trading something the local government wants for the right to put urban development outside the urban area effectively destroys the urban boundary.

SUPER CITIES OUTSIDE THE BOUNDARY

Super-developments out west that promised the moon were defeated by Martin County residents who rose up and said "No!" The present urban boundary policies in the comp plan are a hard won lesson from what might have happened.

The promise of jobs and increased tax base is always appealing. It is frequently used as an excuse for giving up on the urban boundary.

In 2012 a consultant named Fruth hired by the Martin County Chamber of Commerce produced a report which alleged that the County's comprehensive plan was destroying the local economy. He insisted that the county was one of the poorest in the nation because of our comp plan. He claimed that the only way for the county to avoid economic disaster was to allow large tracts of rural land around rural I-95 Interchanges to be opened up for commercial and industrial development.

Fruth's data on the local economy appears to have been invented. Martin County is at the top of the list on economic indicators compared to counties our size all over the

country and compared to the other coastal counties in SE Florida from Indian River County through Dade County. Our comp plan, including the urban boundary, has made our economy healthier, not sicker.

Fruth's insisted that we could have jobs and a strong economy only by allowing intense development well away from existing urban areas where land was cheap.

Every professional planning study has demonstrated that the cost to existing taxpayers of that kind of leap frog development exceeds benefits.

A variation on the jobs excuse for giving up on the urban boundary is the "new city" proposal. We've seen it recently in two failed developments of regional impact (DRIs) in Martin County. Harmony and Hobe Groves planned two cities west of the Turnpike on Bridge Rd. Together they would have been larger than the City of Stuart. The sales pitch said that they would provide all necessary urban services and build model cities. The economic analysis showed that state and local taxpayers would subsidize both projects. The projects withdrew in the middle of an election year when they became an acute embarrassment to the three pro-growth commissioners who were supporting them.

Before Harmony and Hobe Groves we had Aeroplex. It had jobs for everyone. It would be the largest cargo/passenger airport in the country. When the consultant for the project heard that Martin County wanted a state university of its own, he promised they would build one. I asked him if people would attend class while waiting for flights. They will promise us anything.

Before that proposal, we had the Sableton planned unit development. It was to be a lovely new residential suburb. The problem was it was in the headwaters of the Loxahatchee River west of I95 in an area that is 50% wetlands and has absolutely no existing urban services.

Before that a city of 50,000 called Rotunda was proposed for the same area. The Chamber of Commerce thought it was a wonderful progressive idea. It would have killed the Loxahatchee River and changed the character of Martin County forever.

The rule of thumb is to promise anything. It's almost impossible to enforce those promises.

The bottom line is that "public bribery" cannot be allowed to break the boundary or it won't work. Promises to provide things the public wants are the standard excuse for ignoring the boundary. Those super-projects offered jobs, culture, low cost housing and children playing happily in the village square.

A USB has to be clear and consistent or it doesn't work. You can't make exceptions and make it work. As one planning expert explained: "Once you provide sewer and water outside the urban boundary, you have no urban boundary."

So what are the benefits that make a USB worth having?

KEEPING EXISTING URBAN AREAS HEALTHY

USBs make existing urban areas grow and renew themselves.

Instead of letting the old parts of town deteriorate and moving out to cheap rural land, development is forced to fill empty land inside the urban boundary and re-use failed buildings in the urban core. It works. In Martin County we have far fewer dead shopping centers than those counties that sprawled westward and built edge cities along I-95. In downtown Stuart what was once the Piggly Wiggly became the A&P and then a movie theater and then the Palm Beach Post and now an office building. It keeps right on being recycled. What was over-built commercial north of East Ocean in the Smithfield Shopping Center became medical offices supporting Martin Memorial Hospital.

All that re-use of existing buildings and the existing urban infrastructure that supported them saved millions in tax dollars. It also contributed to safety and the quality of life in the existing urban area. Dead shopping centers depress adjacent property values and increase crime.

When development leap frogs to the rural areas, the money and the land values and the demand for services moves west. The old urban areas are left behind.

DO USBS HAVE TO BE LIKE NEW YORK CITY?

What about the argument that urban boundaries require high density and high intensity development? Attacks on Martin County's urban boundary suggest that if you don't allow rural expansion you will have to accept high density high rises next door to your single family home and high intensity commercial inside your residential community. That suggestion is flat out not true.

We know that having an urban boundary does not guarantee good planning inside the urban boundary. Neither does it guarantee bad planning. It definitely does not require high rises or high intensity. We have in the Martin County comp plan one of the strictest urban boundary policies in the state. We also have lower intensity development and more protection for the environment and for existing residential areas than most other counties in the state,

The best reality check on arguments against the urban boundary is to look at reality. As you travel north and south on I-95 compare what you see in other areas to what has happened in Martin County.

When someone insists that different policies work better, ask them to point out what those policies are and how they worked better. Go look at the places they reference.

USBs create a sustainable urban area by caging growth. It's not a tiny crowded cage. Think of it as one of those big open cages in modern zoos with lots of trees and room to roam.

Insisting that growth should happen in that USB cage -the area it has already started to happen - is a major step in protecting natural resources. Even with the best environmental policies in the state, urban development takes its toll, especially in coastal Florida counties. Land next to the coast is higher and drier. It can be developed without drainage. It can be developed with less impact on our rivers and surface waters. Land to the west is low and flat and frequently flooded. In its natural state it raises cows

much better than houses. It is hard to develop it to urban intensity without hurting the land and water around it.

The economic impact on businesses and on taxpayers is perhaps the single most important benefit of an urban boundary. It gets everyone's attention, because everybody pays.

When these grand schemes to leapfrog west come along, what some folks can't seem to understand is that you can't do it in both places at once. It's a variation on the question of predictability. What isn't stable, isn't predictable. If we put a city the size of Stuart out by I-95, when there is still room for growth inside the urban boundary, then growth isn't going to happen inside the boundary.

YOU CAN'T DO BOTH

If growth isn't going to happen inside the boundary, then libraries and schools and fire stations don't have to expand within the boundary. If we do not build on existing infrastructure to serve new growth then the businessman who bought properly zoned land where he was promised urban services would be available is out of luck. He paid an appropriate price for urban land. He purchased land with the proper land use and the proper zoning. Now we are telling him "Tough luck! We're going to grow west instead."

The business owner who planned to expand in the existing urban area to serve development that was planned for on the vacant land inside the urban boundary is out of luck. Growth will now be expected and planned for far away from his business. Residents and businesses that counted on highway expansion to solve their traffic woes and other improvements in urban services are out of luck. When growth shifts, expenditures for infrastructure will shift. Planned improvements in government services will not be made in town. They will be made out of town instead.

Urban boundaries are good for banks and those who loan money for development. They serve to make the planning process more stable and predictable. They make it possible to use the county's comp plan to make intelligent business decisions. The alternative free-for-all where growth can happen anywhere with three votes of the county commission means such decisions are more like tossing a coin. Banks that make decisions by tossing a coin cause recessions that hurt all of us.

MONEY

It's lots cheaper to build and maintain services inside of a defined area. Any way you look at it, it's more efficient to provide services to people in an area of 100,000 acres than it is in an area of 400,000 acres. Even if you are starting from scratch with no existing infrastructure, it's cheaper to provide sewer and water and fire stations in a smaller area

There's more to it than that.

Imagine four big leaping frogs out beyond our urban boundary.

They sound like lovely new developments. One of them has a university. One of them has the airport. One of them has culture. Another one has children playing happily in the Village Square. They all offer to donate their water and sewer plants. They will donate school sites. They will donate fire departments complete with the fire engine and the Dalmatian. They're telling you this is a wonderful thing that will make your taxes go down. And all of the developers in town and all of the Chambers of Commerce are supporting them.

Why look gift frogs in the mouth?

PROMISES CAN'T BE ENFORCED

Reason number one is that you can't make them deliver on their promises. Land use can't be conditional. Snatching it back after you've given it away is not easy. If a big leap frog development convinces three county commissioners that their 4000 acres of agricultural land should be mixed commercial and residential land use, then the land use gets changed. The zoning gets changed. The county starts doing its part to provide services.

Extortion is not legal in land use planning. State law says that the developer cannot be asked to pay more than his fair share. That means the public has to pay the rest. So suppose one of these wonderful new developments needs the local highway 4 laned for ten miles. He will only pay part of that. You will pay the rest. If a developer offers more than his "fair share" to get the land use change, he can then come back and tell you it is illegal to demand more than his fair share.

Concurrency is the requirement that new development cannot be approved unless a plan exists to make sure that all necessary services will be available when the buildings are built and the services are needed. When Florida abandoned growth management at the state level, they slipped out of the concurrency game. The Martin County comp plan still has policies that require concurrency. It used to be more protective of existing taxpayers. If a developer wanted to get a change to a higher intensity land use where the roads had to be expanded to handle the new traffic and the county had no need for and no plans to carry out that road expansion, then the county could ask him to pay for the 4 laning. The state thought that was unfair. Now, even though they had no need for the road, the County taxpayers have to fund the cost for the portion of road capacity the developer doesn't need.

The least understood part of concurrency is that the government has a legal obligation to have a capital improvement plan and to provide services for the growth that it approves and that expects to happen. That is a very expensive obligation when there is no urban boundary.

There is no free lunch. You can't get something for nothing. Letting a property owner build where you had not planned for development to happen can't be paid for by extorting contributions from the developer.

SEPARATE FROGS ARE MORE EXPENSIVE

Remember the old hymn “Lean on me”? Inside the boundary, services can lean on and support each other as growth fills in vacant land.

When you stay within the USB and you’re building in one of the vacant areas, you can “lean on” the schools, you can “lean on” the libraries, you can “lean on” the water system until you grew to a point that additional capacity is needed. If I try to build those four new cities where there are no services at all, I’ve got to build four new fire stations. I have to build them when the first buildings go up. There is no existing infrastructure to lean on in the start up years.

Suppose the developer keeps his promise to build a fire station. He even supplies one fire engine. He even supplies the dog.

Do you have any idea what it costs to “man” fire stations 24 a day?

You need at least 3 or 4 firemen on at least 24 hours a day. How many shifts is that? And it doesn’t matter if they only get 1 call a week. They have to be there.

You have to have one station for each of the red frogs. At that point they have no tax base and hardly any fires. The taxpayers in the existing urban area will be subsidizing those stations for years to come. And even with those four shiny fire stations, there won’t be any backup to lean on. There won’t be another fire station five miles away that can help out when two trucks are needed.

The new super city has a similar catch-22 for schools. The developer donates a school site. The school system is not required to build a school when there are very few children. You can bus children. You can’t bus fires to the existing urban fire station. That busing is very expensive, but it’s cheaper than building a school for ten kids. What happens next? People with school age children don’t move there because there is an hour long bus ride. So it takes a a long time for a school to be built. They promised a diverse and happy community, but there are no children playing happily in the village square because there are no schools and no children.

The developer promised to build a whole new sewer and water system. He told you it would be even better than the county’s existing utility because it would be built by private enterprise. As a private enterprise his job is to spend as little as possible - not to build a system that will last for a long time and has low maintenance and operating cost. If this seems cynical, look at reality. The Treasure Coast Mall donated a deep well injection system for sewage. The well turned out to be cracked. Martin Downs donated a water and sewer system. They were shut down because it was cheaper to expand and operate the regional system. The private utility the county bought to serve Port Salerno was in such bad shape that it was replaced with the regional system. A regional sewer and water system is safer and more cost effective than four small separate systems. A regional system can’t work where leaping frogs are many miles apart.

BACK TO REALITY

When you understand that there is no such thing as a new city that is born self-sufficient; when you understand that existing taxpayers will be subsidizing new rural development; when you understand that extortion is illegal and you can't make a developer make enough donations to avoid those subsidies; then you understand better why an urban boundary can save money.

Areas that have strong urban boundaries have shown that they work. Martin County has shown that a strict urban boundary works. Areas that have no urban boundary have created wonderful ugly examples of what happens in a free-for-all.

A set of good urban boundary policies can:

- Protect the value of existing urban areas
- protect the environment
- protect the tax payer

The irony is that the more effective the urban boundary is, the more lucrative it is to break it. There will always be pressure for exceptions. An urban boundary with exceptions is not a boundary.