

ZONING ADVISORY PANEL PUBLIC COMMENT

Received Between April 9, 2021 (noon) and April 23, 2021 (noon)

From: [Greg McNally](#)
To: [Thomas, Andrew](#)
Subject: RE: ZAP comments April 14th meeting
Date: Friday, April 23, 2021 4:32:00 PM

Andrew Thomas,
Thank you for your comments. Our office will be sharing them with the Zoning Advisory Panel members.
Best,
Greg

Greg McNally, Planner III

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From: Thomas, Andrew <arthomas@carroll.edu>
Sent: Thursday, April 15, 2021 12:39 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: ZAP comments April 14th meeting

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Hello,

Please include attached comments/questions as well as supporting documents in the public comments for the April 14th ZAP meeting.

Thank you,

Andrew Thomas

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Andrew R. Thomas

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Comment, Andrew Thomas, ZAP meeting April 14th 2021

Question: What would a progressive set of city/urban standards for services and infrastructure based on lot size look like? These standards would apply to county developments that either develop to certain urban standards such as roads etc., or see a utility in hooking up to city services.

Comment: It appears reasonable to assume that given current development patterns and individual preferences for certain types of development many people may not desire to reside or place their business in an incorporated area. At the same time, there is an obvious utility to extending certain urban standards or services to unincorporated areas. This could be done in anticipation of those areas eventually being annexed or remaining in unincorporated areas.

Question: Per Peter Italiano's comment: What is the amount of "subsidy" that non-urban development ultimately consumes? How do you specifically measure that and how do you balance that long term "subsidy" against other factors such as the cost to build or individual preferences. If there is a cost associated with developing in a certain pattern would not it be better to require development to pay impact fees to update services and infrastructure rather than simply forcing development into an area (adjacent to urban areas) that has been determined to be efficient?

Comment: One of the ZAP members mentioned the concept of "sprawl" with regards to development in the Valley. It is noteworthy that "sprawl" is a subjective concept in that one individual's well planned and built community might be interpreted as "sprawl" by another individual. See included document: *Is it Sprawl or Suburbanization? Respecting Markets and Citizens' Freedom to Choose*. In this instance, it would be wise for the ZAP members to consider more objective standards with regards to the issues at hand. Arguably, people are moving to Helena and the surround area because they are attracted to a dispersed rural or suburban lifestyle. If this were not the case we would not have witnessed the development patterns that have been observed to date. Additionally, if the challenges that the ZAP committee is presented with are addressed in a meaningful way it likely is the case that policy can accommodate a variety of development patterns without cause undue burdens on the rest of the community.

Comment: In regard to Mr. McNally's comment regarding the speaker at the Future West foundation, Joe Minicozzi, it is useful to point out that the model he advocates for maximizing property tax revenue is both highly questionable and generally inapplicable to the issues being addressed by the ZAP. Additionally, Mr. Minicozzi's work highlights some critical issues with regards to how we conceptualize economic efficiency relative to land use planning. Specifically, Mr. Minicozzi asserts that value per acre should be the determinative factor in planning decisions. <https://www.strongtowns.org/journal/2020/10/11/the-numbers-dont-lie>. From this, Mr. Minicozzi and his supporters assert that that higher density development is desirable to low density development. For example, Mr. Minicozzi asserts that a suburban Home Depot is inferior to a high rise office building and hotel:



Property	Type	Value per Acre
1819 Vine	Mixed Use	\$ 150,000
Downtown Home Depot	Commercial	\$ 190,000
Downtown Costco	Commercial	\$ 200,000
East 27th Street	Apartment	\$ 220,000
Westport	Commercial	\$ 520,000
Warwick	Apartment	\$ 630,000
1601 East 18th Street	Mixed Use	\$ 730,000
Westport	Mixed Use	\$ 800,000
Westport	Mixed Use	\$ 810,000
Westport	Mixed Use	\$ 1,160,000
Jefferson Street Apartments	Apartment	\$ 1,160,000
3935 Main Street	Mixed Use	\$ 1,940,000
Windmere Apartments	Apartment	\$ 2,250,000
The Aladdin	Commercial	\$ 7,940,000
Hotel Phillips	Commercial	\$ 19,170,000

This is at best a simplistic misestimating of what is optimal or desirable for any community. Specifically, Mr. Minicozzi’s model does not consider the exponentially higher cost per square foot of building a high rise or the ancillary infrastructure required to support such a building and its occupants. For example the Sears Tower in Chicago likely has a very high value per acre

since it is a very high skyscraper. However, we must compare the cost of the building relative to the greater context. For example a skyscraper with 10,000 people working in it likely requires massive transportation infrastructure extending in to the suburbs to support housing and other amenities for workers. Although density is somewhat of a fetish in the planning community it should be view objectively and holistically relative to its true cost as well as relative to the preferences of different people to live in different ways. For example “capsule hotels” of Japan or the high rises of Hong Kong, see images below, see also <https://www.youtube.com/watch?v=hLrFyjGZ9NU> , might be considered very desirable because they have both a high value per acre and house a high density of people. However, it is doubtful most people would want to live in them.



Although these are obviously extreme examples they do highlight the issue with applying poorly developed or simplistic models to a land use or policy problem. Given the issue that the ZAP is tasked with addressing it is wise to give fair consideration to the development pattern that has already occurred in the Valley as well as individual preferences and other considerations such as housing affordability. Although not as extreme as Japan or Hong Kong it is well established that efforts at restricting the supply of buildable land or forcing density have had a survey negative impact on housing prices, <https://www.mercatus.org/publications/regulation/how-land-use-regulation-undermines-affordable-housing> . Thus housing affordability, and the cost to build should be balanced against consideration of what is “efficient.” Additionally, given the obvious

preference of Helena residents to live in a dispersed manner consideration should be given to supporting such preferences in a transparent, and meaningful way. This will one, address the preferences of that constituency as well as creating an environment that will likely attract new residents who will contribute both economically and socially to the community. Regardless of this specific issue, this example clearly highlights why it is essential for the ZAP members to use well developed, empirical and equitable methodologies using the best evidence available to make specific and informed judgement regarding the issues at hand.

**Is it Sprawl or Suburbanization?
Respecting Markets and Citizens' Freedom to Choose**



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How do you define “sprawl?”

Consider the following definitions of sprawl from various organizations:

- The Sierra Club: “Sprawl—scattered development that increases traffic, saps local resources and destroys open space.”
- Natural Resources Defense Council: “Sprawling development eats up farms, meadows, and forests, turning them into strip malls and subdivisions that serve cars better than people.”
- U.S. Environmental Protection Agency: “[Sprawl is a] pattern of growth [that] has largely occurred in an unplanned, ad hoc fashion.”
- National Trust for Historic Preservation, Rural Heritage Program: “Sprawl is dispersed, low-density development that is generally located at the fringe of an existing settlement and over large areas of previously rural landscape. It is characterized by segregated land uses and dominated by the automobile.”

Problems with these definitions:

- They are based on emotion and use negative words to support the idea that sprawl is bad. They presume that any development outside the core on vacant land is sprawl. These are value judgments, not objective definitions upon which sound research can be conducted.
- Based on these broad definitions, any urban expansion/growth would be sprawl. How do we define the difference between naturally occurring urban/suburban growth and sprawl? At what point does urban/suburban growth become sprawl?
- Do cars drive themselves, or do people choose to drive cars?

Other considerations in defining sprawl:

- Sprawl is a highly subjective term that exists largely in the eye of the beholder.
- Increasingly, the term sprawl has replaced what had been called suburbanization, placing the anti-sprawl movement at odds with the lifestyle and living choices made by most people in Connecticut, the United States and the world -- including anti-sprawl advocates themselves, who mostly live in the suburbs.
- If we are to measure sprawl, then we need to agree on a meaningful definition of sprawl, void of emotion and value judgments. Without an agreed upon definition of sprawl, it is meaningless to measure sprawl. The definition changes what gets measured.
- Here’s how Merriam-Webster: defines urban sprawl: “The spread of urban development (as houses and shopping centers) on undeveloped land near a city.” This definition carries with it no value judgment that sprawl is bad. (Webster further defines suburban as “an outlying part of a city or town.”)

What is the situation in Connecticut?

- Connecticut has experienced outward expansion of its cities and regions, and lower density development has occurred in both the core and outer areas of the regions. Is this sprawl or natural urban/suburban growth? And at what point did it actually begin?

- This urban/suburban expansion and growth has been well planned. Most development has occurred in areas designated for growth in local plans and in areas zoned for those uses. In addition, this urban/suburban expansion has occurred along transportation corridors.
- Urban/suburban expansion has been orderly and meaningful. As core and inner suburban areas reach build-out, growth and development has expanded outward to available land. Most, but not all of this outward growth and expansion has been at lower densities than development in the core. In recent years greater low-density (increased lot sizes) development in suburban and rural areas has been fueled by unfounded fears of growth in population, school age children, and taxes.
- Connecticut is a very slow growing state and would in fact be losing population if it were not for foreign immigration. Compared to other states in the nation, Connecticut has lost the greatest percentage of 18 to 34 year olds, as well as many business expansions and jobs to other regions and states.
- Most recent development in Connecticut is driven by household formations (e.g., single heads of household, divorce) and increases in consumer spending (e.g., second homes, retail centers). Population, business, and job growth are not driving development here.
- Significant sprawl may be occurring in bona fide growth regions like Atlanta, Dallas, Las Vegas, and Phoenix, but it is hard to argue that Connecticut is growing or sprawling to any meaningful degree compared to these places.

If there is a problem, where is it?

The problems facing Connecticut are not growth or sprawl. Lack of growth (economic and population) is a significant problem facing Connecticut, and this is compounded by efforts to combat the perceived ills of suburbanization.

- Negative public reaction to growth is more about fear of change and the design (aesthetics) of development. Urban growth and expansion itself is not bad.
- Data related to sprawl (i.e. alleged loss of farmland, increases in urbanized land, fiscal zoning, and the cost of development) is abused and misinterpreted regularly.
- Efforts to force/redirect development into core areas are a problem. They do not consider the many factors that have pushed and pulled population, development, and investment away from traditional core areas. Instead, we shy away from the hard questions, some with harsh answers, which must be confronted before core areas can rebound.
- There is under-served market demand for urban living, including in-fill development, higher densities, transit-oriented development, and mixed-use, mixed-income neighborhoods. These forms of development should be encouraged. But we must not lose sight of the fact that most people and families – including many who now reside in cities —prefer to live in suburb-style, single family, lower density neighborhoods.
- A productive urban strategy would ask: “How do we create healthy, safe, desirable, and competitive cities where individuals, families, and businesses want to locate and invest?” Efforts to fight the market and “stop sprawl” by trying to force people and business investment back to the cities are counterproductive.

How serious is it?

The problems are very serious:

- Connecticut is not growing fast enough. The state is losing its competitive and economic advantage. As our relative share of young people, businesses, jobs and population shrinks, our state's political clout is reduced (e.g., Congressional representation), and our wealth and quality of life is threatened.
- The anti-sprawl (anti-suburban) movement plays a role in these losses by pushing public policies that drive up the cost of land and housing and make development more difficult. This undermines Connecticut's ability to grow and compete in national and global markets. Proposed developments (for homes, businesses and jobs) are opposed and rejected because they are claimed to be sprawl, even when they are in areas planned for growth and where land is zoned for such uses.
- Time we spend fighting sprawl is time not used to encourage well-planned growth where there is market demand. Economies, like companies, are either growing or dying – which path will Connecticut choose?

How do you balance the interests of residents with towns and regions?

We need a new framework of thinking about growth to ensure an economically competitive Connecticut. To that end, we offer these Principles of Balanced Growth:

- Planning and land use policies must protect important environmental resources while actively promoting the freedom of people to choose: 1) where they want to live, work, shop and play; 2) what type and size of home they want to live in; and 3) how they want to commute and travel in their daily lives.
- Land use policies and regulations must be reasonable and consider the ability of industry to cost-effectively supply safe, well-designed and affordable homes and the other commercial buildings people need to work, shop and play.
- Regulations must be clear and certain so that businesses, individuals and the public may know in advance what is permissible and prohibited on public and private property.
- Review processes must be timely, while allowing public input on local land use plans, regulations and specific proposals within the context of the law and regulations. Land use laws, regulations and processes must respect the freedom of individuals to use their land subject to reasonable regulation and certainty of process.
- Land use plans, maps and regulations should be created at the smallest political unit to: 1) be more accountable to the people; and 2) adjust more quickly to a constantly changing marketplace. The state and regions should provide vision, leadership, guidance, technical support, resources and incentives so that local plans and regulations are balanced, flexible and considerate of broader statewide and regional needs and goals.
- Research and data supporting any land use plan, policy or regulation must meet the highest standards of integrity and critical analysis.