

June 12, 2007

To the members of the NYS Commission on Local Government Efficiency and Competitiveness:

Good afternoon and thank you for the opportunity to speak to you today. My name is Katherine Daniels and I am the senior planner for the New York Planning Federation, a Statewide not-for-profit organization dedicated to promoting sound planning and zoning among New York's municipalities. I'd like to address my comments today to effective models for regional government and smart growth.

All across the State, communities are updating their comprehensive plans, incorporating smart growth language on future growth and development as they look to the years ahead. The problem is that they are encountering problems trying to implement those plans. Much of New York remains zoned for sprawl, even among those communities that have updated their zoning – typically with one to five-acre minimum lot sizes that neither protect farmland nor open space nor promote affordable housing. Our communities are struggling, often alone and without planning staff, to find guidance, tools, funding and incentives to achieve genuine smart growth objectives.

What is smart growth, exactly? It is a nebulous term to many communities. To me, it is primarily growth management – that is, directing growth and development into and adjacent to villages, cities and downtowns where infrastructure is available and away from farmland and open space that communities often wish to see protected. This kind of smart growth has been shown to revitalize urban areas and provide large landscape protection for rural areas (examples: Oregon, Maryland). Yet the current toolbox available to municipalities in New York cannot achieve this smart growth scenario, which is really *only* achievable using regional and intermunicipal approaches.

I believe that county planning departments have tremendous potential for promoting smart growth programs but are currently vastly underutilized and underfunded in New York compared to other parts of the country where I have lived and worked. Their size and constituencies make counties a natural vehicle for regional smart growth initiatives. I've observed through past work and research that county planning departments play a key and prominent role in the most successful smart growth programs in the nation.

New York counties could be creating growth management and open space protection plans, identifying priority funding areas, developing transfer of development rights programs and sponsoring regional revenue-sharing schemes – all programs that make the most sense when undertaken for a region rather than a single municipality. Counties could play a more active role in the review of developments of potential regional impact, such as new big box development and high tech industry. Counties could be asked to provide matching funds for participation in the State's farmland preservation program, thus better leveraging limited State funds.

Even states such as Pennsylvania, that also have “home rule”, have made excellent use of their county planning departments. Lancaster County, PA, for instance, offered to share revenues for local roads and parks with communities in exchange for the voluntary creation of growth boundaries around cities and villages that separate developing areas from rural and resource lands. Public sewer and water lines must stay within the boundaries. Every qualifying community in the County is now a participant in this program. The County Homebuilders Association, that initially opposed the program, now supports it because it provides predictability in the development process.

County planning departments can further provide many planning services to communities that communities alone typically cannot afford. County planning staff can act as de facto circuit rider planners and provide hands-on, tailored assistance as needed to communities, such as Dutchess County does. Counties can hold planning conferences and conduct training workshops as services to their communities, such as Saratoga County does. Counties can provide model ordinances to their communities for guidance, such as Westchester County does. However, these counties and a few others are the exception to the rule. Most county planning departments lack the resources and the support to provide such assistance.

In addition to vesting greater planning authority and funding in counties, new enabling legislation is needed at the State level to give municipalities additional tools they need to guide growth and development to appropriate locations. Legislation is needed to:

- Pass the Community Preservation Act
- Allow and incentivize regional revenue sharing
- Make annexation easier
- Eliminate existing subsidies to sprawl and replace with subsidies for compact development (priority funding areas)
- Require that infrastructure planning (sewer, water, roads, schools) be in accordance with comprehensive plans
- Expand permitted local impact fees
- Require clear and objective local review standards and streamlined review processes
- Adopt minimal State planning and zoning standards
- Approve funding for multi-municipal comprehensive plans (example: Pennsylvania)

I encourage you to recommend the passage of this needed legislation as well as the creation of a more vital role for counties in your new smart growth strategy. I believe upstate revitalization depends on it. Thank you for your consideration.

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