
***LIVABILITY AT THE BALLOT BOX:
STATE AND LOCAL REFERENDA ON PARKS, CONSERVATION,
AND SMARTER GROWTH, ELECTION DAY 1998***

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As part of our effort to better understand metropolitan growth trends, Brookings releases this paper which summarizes and examines the results of state and local referenda on conservation and smarter growth in the November 1998 elections.

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The views expressed in this discussion paper are those of the authors and are not necessarily those of the trustees, officers, or staff members of the Brookings Institution.

ABSTRACT

On Election Day 1998, voters across the country considered a wide array of ballot measures designed to protect or improve parks, open space, farmlands, historic resources, watersheds, greenways and biological habitats. Many measures were advanced as part of larger programs and initiatives to enhance community livability and manage growth. In a comprehensive survey, conservation consultant Phyllis Myers identified 240 state and local measures related to conservation, parklands, and smarter growth. The survey finds that: (1) voters approved 72 percent of these 240 measures; (2) the approved ballot measures will trigger more than \$7.5 billion in additional state and local conservation spending; and (3) conservation ballot measures elicited strong constituency and grassroots engagement. The paper provides a guide to the goals, finance techniques and strategies of successful measures; discusses regional variations in the success rate; examines lessons from ballot-box defeats; and assesses growing grassroots support for land conservation and more livable communities means for policymakers and practitioners.

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LIVABILITY AT THE BALLOT BOX: STATE AND LOCAL REFERENDA ON PARKS, CONSERVATION, AND SMARTER GROWTH, ELECTION DAY 1998

I. OVERVIEW

On November 3rd, 1998, voters from California to New Jersey approved, often with large majorities, more than 70 percent of two hundred-plus state and local ballot measures to protect, conserve, and improve parks, open space, farmlands, historic resources, watersheds, greenways, biological habitats, and other environmental enhancements in communities and regions across the country. The measures will trigger, directly or indirectly, more than \$7.5 billion of new state and local money.

News about votes for such close-to-home referenda typically does not travel far. Yet these local votes caught the attention of such national and business media as *The New York Times*, *USA Today*, *The Washington Post*, *Wall Street Journal*, Bloomberg News, Reuters, CNN, PBS, and Dow Jones. Regional and city newspapers, too, featured articles on these ballot measures in reports on races for governor, the state legislature, and key local posts. The local votes were quickly described as part of a national, dramatic grassroots rebellion against sprawl, an urgent call for preserving land, and a clear message of support for smart growth policies.

Two months later, with the benefit of complete data and more time for reflection, it is evident that the array of conservation ballot proposals and outcomes last Election Day was more varied than the initial post-election reports suggested. The 240 referenda identified in 31 states asked voters to approve a basket of finance and regulatory actions ranging from conventional park and recreation funding to purchase of farms and coastal areas to adding green infrastructure in growing communities on the edge of expanding metropolitan areas. A number of measures are part of comprehensive statewide and regional land conservation, habitat restoration, watershed protection, historic preservation, and outdoor recreation programs. Other measures are important elements in broad programs aimed at containing sprawl and reining in metropolitan growth. Contrary to past election years, an increasing number of measures this year moved beyond traditional land acquisition and involved the purchase of easements to restrict future development of privately owned, productive farmland. These measures appeared on ballots in older, declining urban neighborhoods as well as growing communities, and in rural areas as well as metropolitan regions.

The Election Day 1998 results are more than a sudden happening. While last fall may have been a record year for the number of approved ballot measures (and level of funding) in support of smarter growth and environmental improvements, the sentiment these measures reflect has been building up over decades as people and jobs continue to move from older cities and suburbs to farther out communities at the metropolitan fringe. In the late 1980s and through the 1990s, citizens and professionals sounded increasingly louder alarms about the deleterious effects of these settlement patterns on farm and forest resources, biological diversity, watersheds, scenic

assets, access to nature and outdoor recreation, and the economic health and sustainability of established communities and resource-based economies.

Advocates, continuing to push for more responsive federal, state, and local policies and programs, have awakened often dormant land-related authorities and resources. By the century's end, these efforts have resulted in increased funding for strengthened park and conservation programs in about a dozen states as well as hundreds of counties, cities, and towns.

Since financing for such programs at the state and local often requires voter approval, grassroots ballot measures provide an informative window into debates across the country on the pace, quality, and direction of development and voter sentiment on parks, conservation, and growth. Yet, because of their decentralized nature, ballot measures were unexamined until recently.

This paper examines and summarizes the results of a new comprehensive survey of the November 1998 crop of state and local ballot measures for parks, open space, and environmental improvements. The paper also compares these findings with that of a similar survey conducted in 1996, the first systematic effort to track these measures.¹

Major findings include:

- **There were 240 state and local conservation ballot measures identified in 1998**, over 50 percent more than those identified in the 1996 survey.
- **Voters approved 72 percent of these measures**, a success rate similar to that in 1996. In recent years, conservation finance measures have attracted the highest rates of approval among capital measures put before voters. Information on comparative approval rates for other capital spending ballot measures in 1998 is not yet available.
- **These measures triggered more than \$7.5 billion in new state and local conservation spending.** Voters directly approved \$4.5 billion in conservation and growth-related spending to be raised from bonds and recurring revenue sources.² In addition, Florida voters approved a constitutional amendment that clears the way for renewing Preservation 2000. This popular 10-year, \$3 billion program is the nation's best-funded state land conservation initiative.
- **A number of these conservation measures approved funds to help leverage additional sources of public monies.** For instance, Martin County, Florida, approved a one-cent sales tax to help leverage

¹ See Phyllis Myers, "Voters Go for the Green," *GREENSENSE* (published by the Trust for Public Land), Spring 1997, p. 3. Myers conducted a limited survey in 1997 for a report published by the National Conference of State Legislatures.

² Money estimates are approximate. They include authorized bonding authority and pay-as-you-go estimates where available.

federal funding to restore the Florida Everglades. New Jersey and Massachusetts approved state funds and more flexible enabling authority to help leverage local initiatives.

- **The approved measures supported a wide range of conservation and community enhancement activities.** New Jersey's high-profile constitutional amendment to set aside \$98 million a year for the next 30 years to help protect half of the state's developable land was the most ambitious and far reaching of these 240 ballot measures. While anti-sprawl sentiments prompted approval of some measures to raise funds solely for land acquisition, most of the ballot referenda reflected a broader spectrum of activities, such as facility renovation in older cities; development of trails and greenways linking cities and rural areas; construction of soccer fields in public school complexes; upgrading of water systems; restoration of habitat for endangered species; and even construction of mental health facilities.
- **The number and outcome of these conservation and growth-related ballot measures varied by region.** The Northeast, which has the nation's strongest traditions of land conservation and largest numbers of organized constituencies, had the most measures on the ballot (111) and the highest approval rate (86 percent). The West, now experiencing the nation's fastest growth rates, showed significantly increased ballot activity (56) and higher approval rates (68 percent) since 1996. The South continued to have the fewest conservation ballot measures, and the approval rate in the Midwest declined from 1996.
- **Last fall's ballot measures included approvals for urban growth boundaries.** Although most ballot measures provide funding for conservation programs and projects, a slew of urban growth boundaries were handily approved in California's Bay Area and Ventura County. Regulatory restrictions on development outside the limit lines, say advocates, provide the only sure way to assure compact, defined urban areas and productive, sustainable agricultural zones.
- **Voters continue to be tax averse.** The only new statewide tax on the ballot, in Georgia, failed. Approved statewide finance measures involved renewals of popular conservation programs (Minnesota and Arizona), environmental programs financed by bonds repaid from general revenues (Alabama, Michigan, and Rhode Island), or pledges of revenue set-asides from existing tax sources (Arizona, Oregon, and New Jersey). New local bonds and taxes fared better, perhaps because residents identified more closely with the projects that would be funded.
- **Conservation ballot measures elicited strong constituency and grassroots engagement.** Some hard-fought grassroots ballot measure campaigns saw a ratcheting up of their budgets and the level of involvement by national and statewide interest groups, including conservation organizations, planners, farmers, realtors, and developers. In several instances, sharp divisions developed within as well as between the groups on tactics and goals.

Some caveats about the ballot study should be noted. The 240 measures are not presented as a representative sample of the array of conservation actions reverberating in state houses, county seats, and city and town halls or the tens of thousands of governments in the country. For the most part, these ballots reflect activism

on parks and conservation issues, with citizens either working alone or with government officials to put initiatives on the ballots.

But other place-based constitutional and statutory requirements, traditions, and political considerations also account for what measures may come to ballot in one place and not in another. Minnesota and Connecticut lawmakers approved significant new conservation funding programs this year without triggering a requirement for voter consent, for example. Throughout the country, state legislatures are revising and revisiting laws governing conservation easements, local option taxes for conservation and open space, support for agriculture, partnerships with nonprofits, developer impact fees, and other tools and strategies where direct voter approval is not needed.

II. THE SURVEY RESULTS

State Resource Strategies, a private conservation policy consultant firm, conducted the survey of state and local parks, open space, and growth-related ballot measures appearing on Election Day ballots in November 1998. Relying on methods similar to those employed in 1996, the survey methodology combined electronic research with extensive interviews of state and local government officials, stakeholders in various campaigns, national advocacy organizations, and the media.

Overall, the success rate of state and local parks and conservation referenda identified in the survey was 72 percent, similar to that in 1996. Moreover, the 1998 survey identified 240 measures, more than 50 percent more than in 1996, triggering approximately twice as many new state and local dollars (see Charts 1 and 2). Geographically, there are important regional differences (see Charts 3 and 4). In both 1996 and 1998, the Northeast had the largest number of conservation ballot measures. The 1998 group included a bundle of local measures approved in New Jersey, Cape Cod, Massachusetts, and eastern Long Island. The Northeast has had a longer tradition than the rest of the country in planning and citizen involvement in conservation advocacy.

The South still had the fewest measures on local ballots, and the Midwest's approval rate declined somewhat, despite some successes in growth-related conservation levies.

An important new regional trend was the increase in dollars committed to parks, trails, resource protection, and open space in the West, where the nation's highest growth rates create unprecedented pressures on limited water, spectacular scenery, and long-held conservative traditions about property and government spending. Colorado's Douglas County, which floated a \$160 million open space bond, led the list for approved large-scale funding in the region. Voters also overwhelmingly approved more modest first-time open space and trails bonds in fast-growing Bernalillo and Santa Fe Counties, New Mexico, and Park City, Utah, site of the 2002 Olympics.

Statewide Measures

Of 13 statewide measures, 10 resulted in favor of conservation interests: 9 finance measures were approved while one proposal in Oregon was defeated. In 1998, more of the approved statewide measures were initiated or supported by the state's governor than in earlier years. Governors, including New Jersey Governor Christine Todd Whitman, paid unprecedented attention to land conservation, environment, and growth-related initiatives in their state-of-the-state speeches early in 1998. Thus, fewer referenda appear to have been placed on last year's ballots as a result of citizen signature campaigns, although private environmental, conservation, and civic groups played an important role in formulating proposals and campaign strategies.

The following is a typology of the 1998 state and local conservation ballot measures, arrayed by finance strategy.

General Obligation Bonds

Several state referenda asked voters to approve issuance of long-term general obligation bonds. Such debt financing is typically favored for capital investments in public infrastructure whose life extends over a period of years. There is strong competition for a share of the state's general obligation bonds, which are backed by the full faith and credit of government and carry the lowest interest rate. Most but not all states require a referendum for general obligation bonds. Revenue bonds, which are repaid with funds earned by the financed activity or pledges of an assured source of revenue, typically do not require voter consent. Bond funds cannot be spent on operations, routine maintenance, and programs.

1. Alabama: Improving State Parks and Historic Sites

Voters approved by three to one a constitutional amendment to issue a \$110 million general obligation bond to develop, acquire, and renovate the state's parks and historic sites. This is the first statewide capital investment bond floated for Alabama's park system since the 1960s. The system, which has relied on user fees for a budget that skimmed on maintenance, has a large backlog of infrastructure and facility repair needs. Six million dollars is targeted for historic sites across the state.

2. Michigan: Protecting the Environment and Natural Resources

Voters overwhelmingly approved a \$675 million Clean Michigan Initiative general obligation bond, supported by Governor John Engler, to finance environmental and natural resources protection programs to clean up and redevelop contaminated sites, protect and improve water quality, improve parks, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and restore lakes, rivers, and streams. Debt costs will be covered through annual appropriations. The largest amount, \$335 million, is targeted to brownfields.

3. New Mexico: Defeating Environmental Protection

Citizens voted against two small, narrowly focused statewide bond measures – one for \$620,000 to purchase endangered species habitat, and the other for \$1,030,000 to finance a heritage center and trail system for the proposed El Camino Heritage Area along the Rio Grande River. Authority to issue bonds for land purchases to protect endangered species was approved by state lawmakers several years ago, mainly at the urging of The Nature Conservancy.

4. Rhode Island: Protecting Farmland, Parks, and Open Space

Rhode Island voters easily approved, by a two to one majority, a \$15 million bond for protecting farmland and acquiring and developing bikeways, greenways, and state parks. The measure provides \$5 million for state farmland easement purchases and park improvements and \$10 million for regional and local bike paths and greenways, with an emphasis on local matching grants for projects consistent with the state's Greenspace and Greenway Plan. A few months before the vote, Governor Lincoln Almond announced

support for a \$50 million parks, watershed, and open space initiative that will finance the purchase of 35,000 acres by 2010.

“Pay-As-You Go” Measures

Pay-as-you-go measures provide ongoing funding from dedicated revenues such as taxes on property and sales, lotteries, or other sources. Because such financing facilitates multi-year planning and does not incur borrowing costs, these “stable funding sources” enjoy considerable appeal. A drawback (depending on the source) is the prospect of lower revenues when the economy slows down. Also, most revenues, even when earmarked, must be appropriated annually and are vulnerable to diversion to other activities. Greater protection for revenues may be secured (if state law permits) through constitutional provisions for a tightly controlled trust account into which revenues are deposited without requiring annual appropriation. Or, following approval of an assured dedicated source of annual funding, the anticipated revenue flow may be bonded to provide access to more funds upfront.

1. Arizona: Conserving Land

This constitutional amendment, approved by 53 percent of voters, provides for the appropriation of \$220 million for 11 years primarily to finance purchases of easements and full title to environmentally sensitive state-trust lands. This funding, to be matched by local and private sources, is an important element in Governor Jane Hull’s Growing Smarter legislative package of planning and zoning reforms. This growing interest in conservation has placed new tensions on the state’s management of millions of acres of state trust lands, particularly those in the path of urban development. The state must now balance its responsibilities for managing its land legacy with maximizing trust earnings to support public education. The environmental community was divided in its support for the business-supported Growing Smarter program. A competing initiative backed by the Sierra Club would have authorized urban growth boundaries and developer impact fees, which are prohibited in the approved measure.

Arizona voters also handily approved continuation of the state’s lottery, which has, since 1990, contributed \$20 million annually to a Heritage Fund that is equally divided between state parks and wildlife programs.

2. Georgia: Rejecting New Taxes for an Environmental Protection Fund

Voters said “no,” by a margin of 54 to 45 percent, to a proposed one percent increase in the real estate transfer tax to finance a new land, water, wildlife, and recreation heritage fund approved by state lawmakers and supported by popular outgoing Governor Zell Miller. The measure, which would have raised an estimated \$40 million a year for four years for the fund, was backed by a coalition of leading national and statewide conservation, recreation, and historic preservation organizations.

3. Minnesota: Protecting the Environment and Natural Resources

More than three-quarters of Minnesota citizens said “yes” to a 25-year extension of Minnesota’s Environment and Natural Resources Trust Fund to 2025. Established in 1988, the “perpetual and inviolate” trust fund is structured to create a sustainable endowment to support such activities as: habitat protection, watershed planning, river cleanup, wetlands restoration, trails and parks, and environmental education. Thus far, the fund has awarded 177 grants and disbursed some \$82.8 million from its annual set-aside of 40 percent of net lottery proceeds, while contributing steadily to a growing endowment. The fund is expected to generate revenues reaching \$50 million a year by 2010. A 20-member legislative commission oversees the fund’s budget and strategic plan; a citizens committee appointed by the governor advises the commission.

4. New Jersey: Preserving Open Space

New Jerseyans approved, by two to one, a set-aside from existing sales tax revenues to help protect half of New Jersey’s developable land, a million acres, in the next decade. The measure also authorized bonding of the annual set-aside, which is expected to help secure a \$1 billion bond to help accomplish the land protection goal. Billed as “pennies for preservation,” this measure was advanced by Governor Whitman as part of a comprehensive statewide initiative to revitalize older cities, invest in existing infrastructure, and foster balanced economic development. The statewide ballot measure was complemented by votes in 55 counties and towns to increase or levy modest property taxes or issue bonds for farmland protection, historic preservation, open space acquisition, and stewardship.

5. Oregon: Protecting Parks and Natural Habitats

Two-thirds of Oregon voters approved a citizens initiative to earmark an estimated \$45 million annually from an existing lottery set-aside for 15 years for “Parks and Salmon.” Specifically, the monies will be equally divided between creation and renovation of state parks, historic sites, and beaches, and a new fund to restore and enhance native salmon habitat, river corridors, watersheds, and wetlands. The fund will be managed under a single state agency, to be designated in the next legislative session. The agency’s mission will also include the implementation of the Oregon Plan for Salmon and Watersheds, which is being developed in concert with federal agencies and other stakeholders. The state’s plan to protect habitat and rescue endangered species around Portland and Eugene enhances the Willamette Valley’s much discussed growth management efforts.

New Authority/Regulation

1. Florida: Financing Conservation Land Purchases and Recreation

More than 70 percent of Florida’s voters approved a constitutional amendment that permanently extends the state’s authority to issue revenue bonds to finance land acquisition and outdoor recreation improvements. Revenue bonds, repaid by a set-aside from the state’s lucrative documentary tax on real estate sales, have financed the state’s expiring \$3 billion, 10-year Preservation 2000 program. The

popular program has facilitated the acquisition of a million acres of environmentally sensitive land and, according to local studies, spurred new businesses, increased land values, attracted eco-tourists, and saved public funds by reducing the need for costly infrastructure to serve outlying residential development. During his campaign, Governor-elect Jeb Bush gave strong support to a successor program, which is likely to allocate a larger share of funds for urban and metropolitan open spaces, recreation, and trails.

2. Oregon: Blocking Potential Efforts to Stymie Growth Management Decisions

Voters defeated a constitutional amendment that was vigorously opposed by advocates of Oregon's innovative land use law. The measure would have enabled two percent of voters, or 25,000 persons, to petition for legislative approval of an administrative rule. Inaction by lawmakers would have killed the rule unless it were approved again by a state agency and adopted by state lawmakers the following year. The measure was seen as especially directed against urban growth boundaries. This is a "confusing and unnecessary" measure, said the *Salem Statesman*, arguing that laws in place provide numerous opportunities for public involvement in administrative decisions.

Local Measures

Of the 240 measures identified in the survey, 226 ballot measures were considered in counties, towns, cities, and special districts. Of these, 163 measures were approved, amounting to about one-fourth of the total estimated dollars approved by voters on November 3rd. While the local measures represent a small proportion of funding approved last year, they are a telling indicator of growing grassroots interest in conservation, outdoor recreation, and open space funding and programs. While most of the approved measures provide dollars directly through bonds or pay-as-you-go authority, the approved measures also include 19 regulatory and 4 advisory measures.

The majority of local ballot measures involved conservation finance. They included 49 bonds and 91 pay-as-you-go measures – 76 property tax assessments (many in New Jersey) and 15 miscellaneous taxes, including set-asides from general sales taxes, real estate transfer fees, and a lodging tax.³

Bonds

The bonds include a nearly \$76 million park and greenway general obligation issue in Austin, Texas, an important element in the city's smart growth initiative.⁴ Austin's smart growth strategies include incentives for development in selected priority zones, neighborhood involvement in community investments, and purchase of

³ Statistics on the number and amount of bonds versus pay-as-you-go measures are approximate, since communities may bond an ensured annual revenue flow to provide more money upfront. This is not always evident in the ballot measure. Jefferson County's \$160 million bond, for example, which will finance land purchases to curtail sprawling growth around Denver, is secured by a local sales tax approved by voters at an earlier election.

⁴ Austin's program seeks to modify the path of growth away from environmentally sensitive areas in the city's western sections and encourage revitalization of the downtown and principally poorer, ethnic neighborhoods in the east.

parklands, greenways, and open space. Bond financing of green improvements was proposed to increase recreational services for under-served residents and attract new residents to these communities. Austin voters also approved a \$19.8 million revenue bond, financed by utility rate increases that will buy more land in the west, where settlement impinges on water quality and threatened species.

Smaller bonds for parks and open space were approved in: fast-growing Johnson County, Kansas, to buy land for the first regional park in two decades; in Arlington and Fairfax Counties, Virginia, for facility development as well as parkland acquisition; in Wake Forest, North Carolina, a growing bedroom community outside of Raleigh, for land acquisition and park improvements, and in Bernalillo and Santa Fe Counties in New Mexico for open space, trails, and historic spaces.

Two city park bonds on the November ballot were rejected – in Portland, Oregon, and Los Angeles, California. Since a sizable regional park and open space bond had been approved in Portland a few years ago, voters may have been confused about the need for this measure. In Los Angeles, the measure failed because the 59 percent vote in favor of the bonds was not enough to meet the two-thirds majority required by the state to approve this spending increase.

Bonds to finance park improvements were approved in Denver, Colorado, and Eugene, Oregon. The Eugene measure will retrofit older neighborhoods with playgrounds and sports facilities and acquire land for new parks in growing neighborhoods. A Eugene planning official says green amenities help ease pressure to relax Eugene's urban growth boundaries as population in the city's urban neighborhoods increases.

Pay-As-You-Go Measures

Fifteen towns in Cape Cod approved new three percent property tax assessments to finance open space acquisition. Most towns had earlier rejected a real estate transfer tax proposal to fund land banks. Realtors who opposed that initiative delivered on a promise to support a tax that shared the burden. An editorial in *The Cape Codder* advised readers that the assessment—about \$50 a year on average—was a sound investment to protect property values.

In Ohio, where most parks are managed by independent districts that seek funding directly from voters, expanding suburbs near Cincinnati, Akron, and Columbus approved property tax measures to finance conservation and nature-based recreation. Although the ballots are technically "replacement levies" and do not involve an increase in the tax rate, these measures will raise significantly more money because property values have risen significantly since the rate was last approved.

Several measures around the country, including the property tax assessments in Cape Cod, real estate transfer taxes in Long Island, local sales tax set-asides for parks in Missouri, and county open space bonds in New Mexico, illustrate the pivotal role that state enabling authority is playing in expanding community funding options for conservation. Recently approved state enabling authority, all of which required voter consent, triggered some 30 new revenue streams for parks and open space in the November 3rd election.

Regulations

In recent years, increasing attention has been given to non-regulatory, incentive-based, voluntary measures for conservation. However, voters' support in November 1998 for new regulations may have revealed public frustration with underfunded voluntary measures and a growing desire to better control zoning changes, public infrastructure investments, and other government decisions perceived to encourage development of land on the edge of metropolitan areas.

Voters in seven communities in California's rapidly growing Bay Area and Ventura County stood almost solidly behind the adoption of urban growth boundaries to draw a firm line between development and outlying agricultural land. The Ventura County measure prohibits rezoning of agricultural land in unincorporated areas for the next 20 years, unless approved by another public vote. For the first time, says Jim Sayer of Greenbelt Alliance, a leading advocate for the Bay Area's 15 growth boundaries, more limit lines have been initiated by voters than by officials. In Sayer's view, this gives people more clout in difficult decisions ahead that will impact on the effectiveness of the boundaries. California, unlike Oregon, has no statewide law requiring consistency among levels of government with growth boundaries.

Voters turned down a citizens' initiative in San Diego City and County, California, that would have rezoned almost 600,000 acres of rural agricultural lands to 40 and 80 acre parcels. San Diego is the site of the nation's most ambitious effort to guide development on the basis of science-based conservation plans designed to protect habitat for multiple species while providing developers with assurances about future development. The Sierra Club and others view the massive rezoning as a stronger way to restrict development on sensitive lands. Critics claimed that it was unfair to small farmers, a theme that appeared elsewhere in the country in opposition to measures that would have financed purchase of farmland development rights.

San Diego voters did approve two amendments to the general plan which allow more urbanization of several thousand acres of ranchland as well as provide mitigation for lost sensitive habitat, including \$160 million for a new preserve and recreational open space. The amendments were presented to voters as arising from a consensus of environmental organizations and the local planning board.

Voter distrust of official decisions is evident in several other measures. Residents of Scottsdale, Arizona, approved a charter amendment calling for a public vote before lands placed in the Sonoran preserve are sold or leased. Voters in Southampton, New York, said "yes" to a measure calling for a public vote on any proposed changes to protected lands. Residents in Clark County, Nevada, the fastest growing region of the U.S., affirmed a conservation plan for managing a large desert preserve, which also calls for voter consent to proposed changes.

Advisory Ballots

Advisory ballots are, as the name implies, placed on the ballot to provide elected officials with a sense of voters' views on proposed measures, especially when they involve new taxes. While officials are not bound to follow voters' decisions, they may either commit in advance to do so or feel it is politically wise to do so.

There were a few advisory measures in 1998. In Scottsdale, Arizona, the advisory measures concerned doubling the size of McDowell Sonoran Preserve, a protected area of scenic mountains and desert, where purchases are financed by a sales tax set-aside. In California's Bay Area, the measure sought public opinion on expanding the East Bay Regional Park District to include spectacular coastal lands in San Mateo County. Both measures were decisively approved. Another measure sought voter advice in Clark County, Nevada, on whether to finance water system improvements with utility rate increases alone or in combination with a sales tax increase. Voters opted for the latter.

Failed Measures

Of the 240 measures in this survey, 67 failed at the ballot box. Three of these were statewide measures and 64 were local measures. In general, failed measures are perceived to result from an overly narrow a focus, too little preparation, or overconfidence in voter support for a vague green measure. For these reasons, it is not unusual to see a measure defeated by voters in previous elections resurface and get approved after its provisions and campaign strategy have been redesigned.

The reasons for the defeat of two of these conservation measures in 1998 – one statewide and one local – are more complex. In these two measures, supporters knowingly ventured into risky territory, backing new taxes in regions where political support for conservation and land acquisition had been weak. The high-stake outcomes generated substantial resources to campaigns by both advocates and opponents. These defeats, described below, serve as a reminder of the difficult challenges that remain despite growing popularity for conservation and smarter growth.

1. Georgia: Real Estate Transfer Tax

The Georgia measure, fashioned by an alliance of national and state conservation, environmental, historic preservation, and recreation groups, proposed a one percent increase in the real estate transfer tax to finance a Land, Water, Wildlife, and Recreation Heritage Fund approved by state lawmakers earlier in the year. The modest fee increase, a doubling of the existing rate, would have raised about \$40 million a year for four years. Promoted as a land acquisition legacy for outgoing Governor Zell Miller, the measure earmarked 75 percent of the funds for land acquisition and 25 percent for recreation grants.

Campaign officials attributed the defeat to the difficulty of getting public approval for a tax increase and to opposition by realty and building interests to using the real estate transfer tax for conservation. Supporters argued that the real estate transfer tax had a logical nexus with real estate activity and financed a number of well-regarded programs elsewhere in the country, often with the support of business interests who saw its value in encouraging quality development. Opponents said that the tax unfairly selected certain people to pay for conservation, especially elderly homeowners and young buyers, raised the cost of housing, and dampened the economy.

The modest size of the proposed tax increase was an issue. It failed to lure support and also may have diminished fervor among advocates, given the breadth of activities covered in the initiative. In addition, garnering support for a growth-related tax proved difficult in a state with varied growth challenges. Sprawl was a major campaign theme in the Atlanta region, which was recently ranked by the Sierra Club as the nation's most egregious example of formless, unplanned expansion. In the state's poorer rural communities with stagnant economies, however, the major themes and messages were clean air, clean water, and family values, not sprawl.

In retrospect, close observers also questioned the campaign strategy which relied on well-financed TV spots and heavy mailings, editorial endorsements, and support from such luminaries as Jimmy Carter, but failed to cultivate the grassroots sufficiently. In the last weeks of the campaign, opponents, including real estate interests and developers, mounted an effective neighborhood campaign with billboards, yard signs, stickers, and peer-to-peer phone calls largely directed against the tax, not the issues.

2. Washtenaw County, Michigan: Property Tax Assessment

The measure in Washtenaw County, Michigan, advanced by a coalition of farmers and urban, planning, and conservation interests after several years of study, proposed a small property tax increase for 10 years. Projected to raise some \$3.5 million annually, the multi-pronged measure proposed to spend 75 percent of the revenues for land conservation, including buying open space and development rights to farmland, and 25 percent for urban revitalization and planning.

In the post-election reprise, supporters saw the unexpected defeat mostly as a sign of resistance to a new tax but also to the complexity of the proposal. "We failed to communicate the vision that connects the pieces," observes Keith Schneider of the Michigan Land Use Institute. A media photo opportunity showing urban mayors from Detroit and Ann Arbor in a farmers' market – intended to demonstrate the common interests of farmers and cities – may have backfired. Opponents argued that the measure unfairly placed the economic burden of land protection on small farmers and relayed this message through quiet networking among farmers and others in the last weeks of the campaign.

Explaining its failure to endorse the measures, the influential *Ann Arbor News* agreed that poorly planned growth created "aesthetic, economic, transportation, and other public-service problems," but questioned the efficiency of using public funds for voluntary purchases of farmland development rights, although it also recognized that some "randomness" was inevitable in a program crafted to work with willing sellers.

Schneider also believed that state support would have been helpful in leveraging local support. In Massachusetts, the governor held out \$15 million in state matching grants as incentives for Cape Cod towns that voted for land banks.

As in Georgia, opponents of the Washtenaw measure said that they supported the goals of the measure but disagreed with the approach.

III. IMPLICATIONS OF THE 1998 SURVEY

Both the 240 state and local conservation measures on the ballot in November 1998 and the \$7.5 billion revenues they will trigger may be a record. Although the only comparative data are from a 1996 survey, there are solid reasons to support this conclusion.

Decentralizing trends over the past decade have seen states and local governments take on a more active programmatic and finance role in many policy areas. Federal programs to assist environmental and community development programs have either been cut back or re-crafted to better respond to and leverage state and local successful models. At the state level, consumer confidence and low interest rates have helped increase the pace of residential and commercial development at the suburban edge and have provided the wherewithal to finance the conservation side of a balanced growth agenda. Also, tax limit measures have increased the number of finance measures that go to ballot to override the limit or allay officials' nervousness about raising taxes.

While the trends have been building up for some time, there is clearly a difference in the tempo today. The November 3rd ballot measures provide a window into that difference.

1. Communities throughout the country are showing a willingness to finance green infrastructure with locally raised revenues.

While the details vary between Cleveland and Akron, Ohio; Dade County, Florida; Barnstable County, Massachusetts; Bernalillo County, New Mexico; the Front Range, Colorado; Portland, Maine; and Portland, Oregon, citizens are showing a willingness to pay for close-to-home conservation measures. Mainstream political leadership for these measures is growing. Rapid transfer of information through the media and the internet provides real-life examples to stimulate other communities with similar concerns about conservation and growth.

2. Although it is useful to look at these ballot measures as a whole, it is also important to understand their variety in finance methods, governance, and political alliances and strategies.

While a number of measures in the survey are garden-variety funding for parks and recreation funding, others are influenced by broader visions and alliances that, at their most ambitious, would integrate a multi-dimensional conservation program into other state programs for revitalizing cities, economic development, and increased equity.

The measures do not all fit easily in a land acquisition or anti-sprawl template, although a number do. Rather, they reflect a spectrum of programs supported by the alliance working to craft and campaign for these measures. The package may include tourism, farmland preservation, watershed protection and water quality, brownfield conversion, easement purchases, endangered species protection, historic preservation, and new trails.

The measures may include dollars for urban as well as suburban parks, and facility renovation as well as land acquisition, and funds for operations as well as capital investments. However, sometimes a narrowly focused measure has the greatest chance of approval.

3. This election saw an increase in regulatory measures, although most of the measures provide funding for incentive-based voluntary programs and projects.

The increase in regulatory ballot measures – such as urban growth boundaries and a proposed massive rezoning of agricultural land in California, expansion and management of an Arizona preserve, and a substantial increase in developer impact fees in Bozeman, Montana – may represent public frustration at the failure to enact broader incentive-based programs, or the shortcomings of existing planning and land purchase programs. These regulatory measures may also show the continued validity of the planners' mantra, "you can't buy it all," and the importance of both regulatory and incentive-based programs in balanced growth.

4. Despite the high approval rate for these conservation measures, they are not easy wins.

Conservation ballot measures are political as well as financial actions, and a high success rate reflects astute crafting of measures and campaigns. Voters are not simply saying “yes” to green measures. Successful measures typically are quite specific about purpose, projects, funding, and process – how the measures will be implemented, where, how much they will cost, and what the decision process will be. Some conservation ballot measures benefit from the advice of professionals working for such conservation groups as the Trust for Public Land, Nature Conservancy, Conservation Fund, and American Farmland Trust. This election also was accompanied by national and state farming, realtor, and development associations increasing their monitoring of local measures; campaign spending rising on all sides; and important differences about land issues and tactics emerging within and among constituencies. “Our members are divided on these issues,” a spokesman for the National Association of Home Builders remarked, “so we have not adopted any national position.”

5. While the ballot measures and the campaigns show increased mainstream support for conservation and financing tools and dollars, they do not by themselves constitute a call for the complex measures needed to achieve change in urban and metropolitan form.

By their very nature, these ballot measures at best set the stage for the broader convergence of land conservation with growth management, as demonstrated by the expanded programs in Maryland and New Jersey. In New Jersey, voters approved long term state and local financing for conservation measures, not the whole program that Governor Whitman has proposed to promote jobs, create affordable housing, restore brownfields, assure good schools, and foster inner city and suburban equity.

The outcome of decisions on all these programs, and their integration in an effective, financed state plan will have considerable bearing on whether the New Jersey measure simply moves growth around (which still could be an important accomplishment) or seriously reins in metropolitan settlement.

California editor William Fulton writes, “Land use is a funny business. You can pass a ballot initiative, but you can’t stop the conversation.” While urban growth boundaries are designed to be the last word, they are “not an end but a beginning,” says Fulton, urging people on both sides of this hard-fought election to “get on with it,” accepting the boundaries as the basis of Ventura County land policies yet recognizing that growth and change will not stop. He points to positive decisions on housing and retail siting forced by a divisive earlier boundary election and growing consensus among former opponents.⁵

As exemplified by California’s urban growth boundaries and New Jersey’s dramatic billion-dollar land initiative as well as hundreds of large and small programs around the country, the challenge ahead for states, localities, and the nation as a whole lies in translating the ballot box statements into actions and alliances for on-the-ground change in the older settled areas and edges of America’s expanding metropolitan regions.

⁵ *Los Angeles Times*, November 15, 1998.