

It's Now All Up To Us

The 2011 Florida Legislature has effectively repealed growth management.

This now places even more importance on groups like Control Growth Now working to keep sensible controls on development at the local level.

If we do not, we face traffic gridlock, higher taxes, inadequate schools, urban sprawl and environmental degradation.

The biggest problem is the elimination of the state requirement for concurrency in roads, schools and parks. Concurrency is the law that a development may not be approved unless the roads and other facilities needed to serve that development are in place concurrent with, that is at the same time as, the impacts of that development. While the law has allowed some loopholes it has still had substantial teeth that limited the discretion of local governments. Now, a county or city may allow a developer to overcrowd our roads, schools and parks without constraint.

Unfortunately, it is the position of some in County government that overcrowding of roads may be desirable in some places for some developments. That is a very wrong-headed position supported by few outside of the development industry. No one likes or wants traffic congestion, wherever it occurs. It does not need to be allowed anywhere and should not, if vehicular mobility is to be the public policy objective that it should be. A report by the Establishment-supported group Sarasota County Openly Plans for Excellence (SCOPE) reported numerous significant evils of traffic congestion and recommended strongly against any relaxation of concurrency. The May 26, 2011 USA Today carried yet another article on the health harms of traffic congestion.

We need not choose between urban sprawl and traffic congestion in urban areas. Overgrowth that creates problems should not be allowed anywhere. We have plenty of capacity for projected population growth in the county without weakening prudent controls on development anywhere.

Buses do not solve traffic congestion as buses get caught in traffic too and dedicated lanes or signals for buses just deny their use to vehicles in a way that makes congestion worse.

There is a legitimate concern there may be three Sarasota County Commissioners who will weaken concurrency to allow a developer or developers to overcrowd our roads. The plans of Benderson Development at one of the most congested intersections in the County and a gateway to Siesta Key, Stickney Point Road and US 41, is just one of many places this is threatened. Mobility on roads at the bayfront and elsewhere in our cities is at risk as well.

As to other issues, it is alarming that the state will no longer review Comprehensive Plan amendments for compliance with state law unless an important state resource or facility would be harmed (and even then may approve it if some local benefit outweighs the harm), and that the standard for citizen challenges has been made more difficult. This further increases the threat of bad decisions by local governments to please developers while harming the public interest.

The repeal of the financially feasibility requirement means that a local government no longer needs to show that there will be adequate roads and other facilities in place to serve approved development.

The “needs analysis” previously applied by the state is now out the window. The new law treats population projections not as the basis for determining how much development should be allowed in the Comprehensive Plan but instead only as a minimum that must be allowed. Indeed the new law states that the local government must allow the real estate market to provide adequate choices for development and that development “may not be limited solely by the projected population” even if the local government wants to.

Intense urban sprawl is no longer limited by state law because the term has been redefined to refer only to “low density” development.

More frequent Comprehensive Plan amendments, which usually loosen development constraints, will now be allowed, as they are no longer limited to two cycles each year.

Fewer developments will be subject to the public benefits provided by a Development of Regional Impact review under relaxed standards for that determination.

Citizens no longer will be required to have referenda for any Comprehensive Plan amendments, even if their local charters require it. Citizens should have a right to choice in that matter that if they want to. It has worked well for example on Longboat Key, where the Charter requires a referendum for any increase in residential density.

The legislation even deletes from the goals of the Act to “prevent the overcrowding of land and avoid undue concentration of population”, as if that’s now a good thing to be embraced.

Even the renaming of the law from the Growth Management Act to the Community Planning Act bears the paw prints of State Senator Mike Bennett of Bradenton. He said at a forum last year “I don’t like the term growth management because it suggests that growth creates problems that need to be managed. I prefer the term community planning instead.” What an irresponsible view, that growth never creates problems, that all development is good. Of course no less can be expected of a developer writing the laws that govern developers, especially one who also said at the same forum, “I have a problem telling a builder or developer what he can do with his land.”

This new law is a developer’s dream but a nightmare for the rest of us.

The public should be very alarmed and vigilant now that local governments are free to cater to every developer’s ill-conceived scheme. Just as undue developer influence in Tallahassee caused this new law to pass, undue developer influence is rampant at the local level throughout Florida and Sarasota County and its cities are no exception.

Already, County staff has recommended using the pending Evaluation, Appraisal and Review (EAR) update of the Comprehensive Plan to reconsider concurrency, repeal all the policies that regulate development under the Sarasota 2050 Plan (allowing urban sprawl without paying its own way, protecting the environment or having a mixed use and walkable form) and eliminate density and intensity constraints in the neighborhood compatibility policies.

Without protection by the state, protection here at home is up to us.