

FIGHTING SPRAWL: A NEW ROLE FOR COUNTIES

Governor James E. McGreevey proposes to give counties a role in managing land use conflict, as part of his plan to combat sprawl, which will reach the New Jersey Legislature shortly. This is a significant move in the right direction. Regional land use approaches are sensible, and, in Morris County, they are essential.

Critical to success, though, are the following elements: (a) greater authority or power for the counties (the Governor recommends a veto be accorded to county planning boards); (b) incentives to encourage cooperation among potentially warring municipalities (and counties) that would include mechanisms to provide for and support constructive dialogue.

Any proposed legislation should require a facilitative process for handling land use disputes that cross borders. So, for example, a proposed housing project, likely to have a negative impact on a neighboring municipality by increasing traffic congestion and placing additional demands on sewer capacity, probably will generate opposition. That should trigger a role for the county. What should happen first?

I suggest that the county act as a catalyst, establishing a facilitative process to bring all parties in for discussions. That process should be managed by a facilitator experienced in handling public policy and planning discussions. The purpose is to manage, creatively and constructively, discussions around the proposed project and its potential impact. There should be a search for incentives, options and alternatives--all in an effort to build intelligently, reconcile differences, satisfy needs and interests and amicably produce an outcome that reflects "smart growth" objectives. Perhaps most important, the outcome should be one that both municipalities and the county can accept.

Based on experience with facilitative processes elsewhere, there is reason to be optimistic. Agreements have been reached on broad issues such as education and transportation policy as well as on more discrete issues such as highway location, port development, urban renewal plans, water resource management and the siting of power plants. These processes reduce the burden on courts and, given the consensus they generate, produce results that last. Towns are more likely to implement agreements they have reached themselves than those that are thrust upon them.

Given that adjacent communities have continuing relationships, counties need a capacity to encourage cooperation among them, or, at least, to reduce the hostilities and often counter-productive litigation that land use decisions can generate. A process that pits towns against each other and determines only winners and losers is ill-suited for devising remedies that work in the long term, or, for that matter, that encourage regional development consistent with the state plan.

Providing counties with a role in land-use decision-making makes sense but we need to consider, carefully, how that role will be implemented. Susan Bass Levin, commissioner of the state Department of Community Affairs, says the intention in giving

a role to counties, “is to resolve disputes between towns,” not to pre-empt or usurp municipal planning and zoning prerogatives.

That’s the right way to approach regional planning. Providing counties with a veto power will get municipalities to pay attention; facilitating discussions among those towns within a supportive framework, will allow counties to manage land use disputes in ways that are less confrontational and adversarial, and, notably less litigious than current border wars.

As he attempts to implement a “smart growth” agenda for New Jersey, the governor is correct in attempting to find a way to deal with this increasingly vexing dilemma.

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