
Affordable Housing and Agricultural Preservation: An Inevitable Tension?

Peter J. Pizor

Farmland was identified as an important national resource by the Farmland Protection Policy Act (Public Law 97-98), which was enacted in 1981, but for which regulations were not completed until 1984. This act requires federal agencies to consider any adverse impacts their policies might have on the preservation of farmland (3). Housing advocates feared the act would restrict the land available for housing, and the President's Commission on Housing called for its repeal (3). The tension at the national level foreshadows the much greater antagonism that exists at the local level, especially in areas where city and countryside collide.

Where cityscape meets countryside, the United States is experiencing a new form of urban growth. This emerging metropolitan complex, or metroplex, can be found along the eastern seaboard, in parts of Florida, and in California. The pattern is different from the more compact urban structure that preceded it. The shape of old cities reflected an economy based on manufacturing and shipping. The metroplex has a different form and appearance from the old cities, and places a new set of demands on a limited land base. Metroplex is linear in form, consisting primarily of corridors of residential, commercial, and office buildings closely clustered around interstate-style highways. The land use pattern is much more diffuse than traditional cities, but still contains fairly high residential densities. Its general shape is the locus of points within a short drive from a four-lane, divided highway. Commercial and office complexes are usually within sight of the highway, residences somewhat more distant. In the metroplex the conflict between housing and agriculture is pronounced.

The new urban morphology emanates from an economy increasingly dominated by the service sector and based on the diffusion, enhancement, and manipulation of information. Metroplex is not widespread in the United States, but typical examples can be found in Orange County, California, and in many counties along the San Francisco Bay. Other areas include Palm Beach County, Florida; Montgomery County, Maryland; and much of Fairfax County, Virginia, as well as the area between New York City and Philadelphia. The metroplex is urban, but lacks a definable center. Each of these areas has had rapid population growth and increases in employment, but the major cities to which they are tied by major highway corridors are largely incidental to that growth. Growth has filled the interstices along the main transit routes. Unlike traditional suburbs, the metroplex does not serve as a bedroom for the main cities. Instead, it has an economic momentum of its own. The metroplex is home to workers, to services, and to employment. As the metroplex grows, the supply of agricultural land dwindles.

Exclusionary Zoning and the Metroplex

Communities in the metroplex find themselves being rushed into a new and poorly understood spatial structure. As the metroplex swells along its corridors, small communities must confront the imperatives of growth. At the beginning of the process they have few residents and limited governmental services that often are provided by a small and often part-time staff. As the community grows, staffing requirements may fall behind population growth. During periods when growth is rapid, long-range planning and management functions are likely to be neglected as local officials find themselves preoccupied with the many short-range tasks engendered by rapid growth.

Growth management options are limited. Planning and zoning were developed for cities that had grown out of a manufacturing economy. Most of the growth control techniques available to local decision-makers were based on the experiences of Boston and New York City and had been developed during the 1920s and 1930s. Consequently, metroplex communities are being asked to resolve planning dilemmas with aging regulatory tools and inadequate staff support. Under current law and practice, communities in the metroplex are forced to rely on local, piecemeal responses to complex regional changes.

The first communities to try to develop growth management techniques were in the metroplex. This did not occur by happenstance. Small commu-

ities swept up in the new urban morphology. Traditional planning techniques were innovative as the population grew. To limit the number of units, New Jersey, in 1952, decreed that an annual quota of units would be allowed until sewerage collection systems were in place. The tactics of exclusionary zoning in New Jersey tried open housing. Several affluent communities used means of maintaining their status, such as trusts, large-lot zoning, and other policies were slowed down. The growth stream, the people from buying homes often became a barrier to growth also set a precedent. In part, with exclusionary zoning between policies, it included unwanted metroplex, open and steeper housing.

Although the growth throughout the state, complete airing in the Mt. Laurel I and II cases, to be unconstitutional. Below the construction of nearly one-third of the state law, and a disposition toward exceeding 1,000 units. The conflict between public policy and the phenomenon is a phenomenon is a phenomenon lies ahead elsewhere.

New Jersey is the first in the nation. The

ities swept up in the tide of rapid change could not find guidance in traditional planning or zoning theory. Consequently, they were forced to innovate as the price of survival. Ramapo, New York, adopted a point system to limit the number of new houses that could be built; Petaluma, California, decreed that the total number of building permits would be fixed by an annual quota; Fairfax County, Virginia, established a moratorium until sewerage capacity was increased; Hillsborough, New Jersey, relied on the tactics of complexity and delay to manage its growth (2); and California tried open space and timing approaches to growth management (1). Several affluent areas passed bond issues to buy prime open space as a means of managing growth. Others experimented with community land trusts, large-lot zoning, or transferable development rights. All of these policies were directed at managing growth, and to the extent that they slowed down the amount of building and took land out of the development stream, they drove up the price of housing and excluded some people from buying homes. The attempts to manage growth in the metroplex often became attempts to stop growth. The same tools used to manage growth also served to exclude unwanted people from moving to the community. In parts of the metroplex growth management became synonymous with exclusionary zoning. In practice it is frequently difficult to distinguish between policies that seek to preserve open space and those that try to exclude unwanted individuals from the community. All too frequently in the metroplex, open space preservation came to mean exclusion of the poor and steeper housing prices.

Although the tension between housing and farmland preservation exists throughout the metroplex, the legal issues involved reached their most complete airing in New Jersey. In two major state Supreme Court decisions, Mt. Laurel I and Mt. Laurel II, the court declared exclusionary zoning to be unconstitutional and ordered municipalities to relax zoning codes to allow the construction of less expensive housing. The resulting furor brought nearly one-third of the state's municipalities into litigation, triggered a state law, and attracted national attention. New Jersey may have been predisposed toward the controversy because with a population density exceeding 1,000 persons per square mile the competition for land forced the conflict between housing and open space to a prominent position on the public policy agenda. Equally important, in New Jersey the metroplex phenomenon is well developed, so that its experience may foreshadow what lies ahead elsewhere.

New Jersey is small in land area but has the highest population density in the nation. The United States' population is 70 percent urban, New Jer-

sey's, 98 percent. The conversion of farmland to more intensely developed uses has been going on since at least the 1940s, when aerial photographs of Bergen County show fields, farms, and orchards reaching out to the tracks of the commuter railroads. New Jersey lies between two growing urban areas—New York City and Philadelphia. The New York metropolitan region, which includes much of northern New Jersey, has grown to 15.3 million people, an increase of 23 percent since 1950. In the same period nearly 1 million acres of New Jersey farmland were converted to nonfarm uses, and additional acreage is scheduled for eventual development (Figure 1).

The expectation of growth is pervasive, and evidence of building construction is widely seen as New Jersey is transformed from the Garden State to the Jersey Metroplex. Neither cultivators, planners, nor investors expect a reversal or change in the trend. The shared expectation of growth means that undeveloped portions of the landscape are perceived as incomplete or temporary, awaiting some kind of development to complete the process.

While population in the old cities—Newark, Jersey City, Elizabeth, Camden, Paterson, and Trenton—has been stable or declining, the population in other communities that at first glance might be thought to be suburban have increased dramatically. Townships, such as Woodbridge in Middlesex

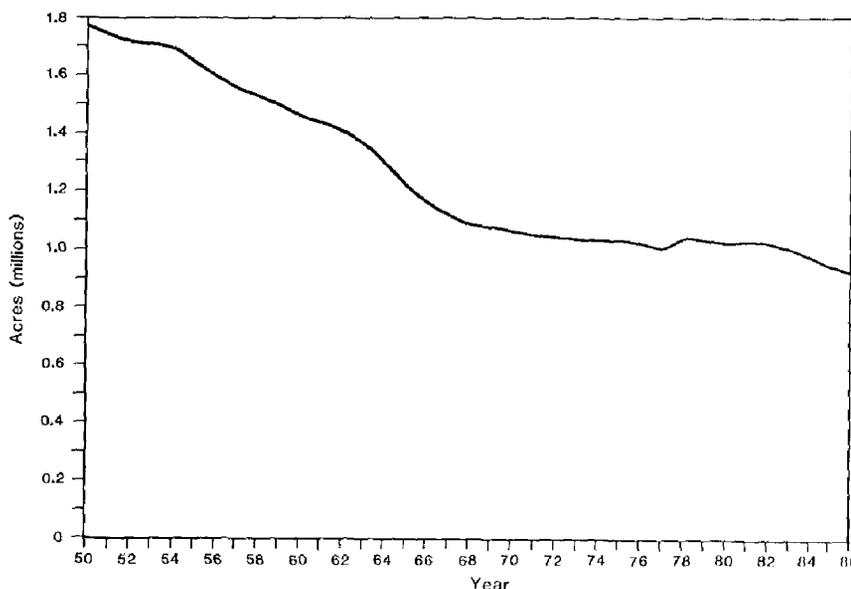


Figure 1. New Jersey land in farms, 1950-1986.

County, are comparable. The tallest buildings in cities but in towns are located in towns. Metroplex evolved importantly for agriculture as a portion of New Jersey.

New Jersey municipalities are part of a local home rule in New Jersey control over these functions in the hands of local ready have or are a statutory power to decisions on agriculture.

Patterns of Growth

New Jersey experiencing only a little more a substantial change declined, while in the As development of old cities and bedroom extensive. Some elements. In growing communities, through the underground utilities, including sewer permit application, including sewerly warranted. Often This was practiced of of housing. Because incomes. This is clearluent communities, higher total family Exclusionary zoning

asely developed
al photographs
hing out to the
n two growing
rk metropolitan
grown to 15.3
me period near-
nonfarm uses,
ent (Figure 1).
F building con-
m the Garden
, nor investors
tion of growth
ved as incom-
complete the

ty, Elizabeth,
g, the popula-
to be suburban
e in Middlesex

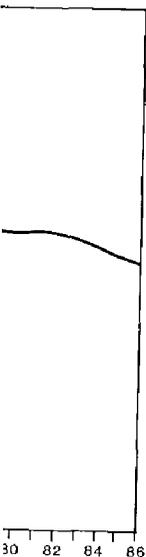
County, are comparable in size to Portland, Maine, or Albany, New York. The tallest buildings in Somerset and Middlesex Counties are located not in cities but in townships. A majority of New Jersey's population and jobs are located in townships along the corridors of the metroplex. As the Jersey Metroplex evolved, it acquired many traditional urban functions. More importantly for agriculture, the metroplex also contains a substantial proportion of New Jersey's agricultural land.

New Jersey municipalities are given substantial discretion in controlling local growth. Planning, zoning, and control of subdivisions and building are part of a jealously guarded tradition of local home rule. While home rule in New Jersey is more circumscribed than in many other states, control over these functions has until very recently been left almost entirely in the hands of local officials. The communities in New Jersey that already have or are about to experience substantial growth all have equal statutory power to control growth. The impacts of the Mount Laurel decisions on agriculture need to be studied against this background of change.

Patterns of Growth and Exclusion in the Metroplex

New Jersey experienced relatively minor growth during the 1970s, gaining only a little more than two percent in population. There was, however, a substantial change in land use. The population of the state's largest cities declined, while in the metroplex per capita consumption of land increased. As development of the metroplex advanced, it became less dense than the old cities and bedroom suburbs that preceded it; spatially it became more extensive. Some elements of this were due to demand for houses on large lots. In growing communities, however, the pressure to recruit attractive development while excluding undesirable persons and land uses resulted in increasingly restrictive zoning and subdivision ordinances. Many communities, through their zoning codes, expressed a preference for large lots, underground utilities, and long periods of delay while subdivision and building permit applications were reviewed. Given the shortage of infrastructure, including sewers, water lines, and roads, some delays were undoubtedly warranted. Often, however, the intent was to divert or delay growth. This was practiced on a sufficiently large scale that it increased the price of housing. Because housing costs rose, newcomers needed ever higher incomes. This is clearly demonstrated in one of New Jersey's most affluent communities, Tewksbury Township, where newer residents have higher total family incomes than do long-term residents (Table 1).

Exclusionary zoning cordoned large areas of the metroplex, and there



were severe penalties for communities that eased restrictive zoning standards. Hillsborough Township in Somerset County illustrates the plight faced by many towns in the metroplex. When it modified its zoning ordinance, it became a moderate-density island in a sea of exclusionary zoning codes and was deluged with building permit applications. In one year the town granted approvals for three times as many dwelling units as the town's total existing housing supply (2). Throughout the New Jersey metroplex exclusionary zoning became widely accepted as a means to control growth. Initially, the rise in housing costs precluded the middle class from buying a suburban house. Later, costs rose even higher, fueled by scarce land and rising interest rates, so that an even greater portion of the population was financially excluded from purchasing a new home. Exclusionary zoning was politically popular. In addition, because it reduced the supply of housing relative to demand, it also increased the profits of those builders who were able to understand and successfully navigate the regulatory maze. Although they often encountered delays of up to several years from a project's inception to the completion of the first dwelling unit, once the project was ready to sell profits were correspondingly higher for the relatively small number of builders who had learned how to operate within the system. According to the National Association of Realtors, by July 1986 the median price of a house in the metropolitan New York City region had reached \$160,000, the highest of any of the housing regions in the 48 contiguous states.

The Judicial Response

The developing community of Mt. Laurel became the focal point in the legal battle against exclusionary zoning. The New Jersey Supreme Court's ruling in 1975 declared exclusionary zoning unconstitutional in New Jersey (*So. Burlington County NAACP v. Township of Mt. Laurel*). In what has since become a widely studied decision, the Court determined that exclu-

sionary zoning

The response was clamorous, with consultants' criticism of current zoning of controversy of the Southern ment of Colored Laurel. Other coming virtually no appeared to be la

At any time the the Mt. Laurel of the metroplex hold the balance- ture studiously a

A second deci in January 1983 Laurel II decisio various aspects of and their paid p

"The Mount I this time, ten ye ing ordinance, M ordinance. Pape ordinance at its to exclude the p widespread non-opinion in this c

It was a sweep expressed in Mt. date to impleme

Mt. Laurel II of the courts wa Laurel cases, one state. Many of the judges were give ment regulations legal tactics, Mt. the judges were i

Table 1. Mean household income by tenure.

<i>Years Lived in Tewksbury</i>	<i>Mean Household Income</i>
More than 16	\$64,231
10 to 16	65,458
5 to 10	83,504
0 to 5	87,289

Source: Survey of Tewksbury, New Jersey residents, summer, 1986, N = 289.

sionary zoning was a violation of the rights of persons to seek housing.

The response to the frequently cited decision of Justice Frederick Hall was clamorous. The suburban communities retained attorneys and housing consultants who developed elaborate rationales to support a continuation of current zoning practice. While the decision occasioned a great deal of controversy and subsequent lawsuits, the original litigants, members of the Southern Burlington County National Association for the Advancement of Colored People, were still unable to buy affordable housing in Mt. Laurel. Other communities also evaded the Court's edict. In spite of the ruling virtually no affordable housing was constructed. The prime beneficiaries appeared to be lawyers, planners, and housing experts who served all sides.

At any time the New Jersey Legislature could have intervened. However, the Mt. Laurel decision was very unpopular in the growing communities of the metroplex. Moreover, these communities, and not the old cities, hold the balance of legislative power in New Jersey. As a result the legislature studiously avoided any serious examination of exclusionary zoning.

A second decision, commonly referred to as Mt. Laurel II, was released in January 1983, 10 years after the original suit had been filed. The Mt. Laurel II decision represented the consolidation of six cases dealing with various aspects of exclusionary zoning. The court denounced municipalities and their paid professionals:

"The Mount Laurel case itself threatens to become infamous. After all this time, ten years after the trial court's initial order invalidating its zoning ordinance, Mount Laurel remains afflicted with a blatantly exclusionary ordinance. Papered over with studies, rationalized by hired experts, the ordinance at its core is true to nothing but Mount Laurel's determination to exclude the poor. Mount Laurel is not alone; we believe that there is widespread non-compliance with constitutional mandate of our original opinion in this case."

It was a sweeping decision that reaffirmed the constitutional principles expressed in Mt. Laurel I and added to the earlier ruling a powerful mandate to implement the court's decision.

Mt. Laurel II moved the court into the executive arena. The structure of the courts was reorganized, and three judges were appointed to Mt. Laurel cases, one each for the northern, central, and southern portions of the state. Many of the Mt. Laurel I tactics were declared invalid, and the three judges were given wide discretion to review zoning and related development regulations. Because Mt. Laurel I had been frustrated by delaying legal tactics, Mt. Laurel II limited most cases to a single appeal. In addition, the judges were instructed to make liberal use of court-appointed masters

to revise local zoning codes so that they would conform to the spirit of the Mt. Laurel decision. The masters were planners who were retained by the courts to redraft local land use regulations. Working under a strict timetable, the masters prepared suitable ordinances and then reported back to the court, which retained the power to approve the regulations. All communities were required to find a way to accommodate the housing needs of the poor who lived within the town as well as a prorated share of the regional housing need.

Recognizing that judges make decisions but do not build houses, the court also authorized a "builder's remedy." The builder's remedy allowed a builder to include in a project some housing units dedicated for lower income housing. Each lower income unit could be supplemented by four units of market housing. Thus, a town could find itself forced to accept a project containing all of the lower income dwellings specified for the community, plus four times that number of market-priced dwellings. In an effort to reduce the volume of litigation the court stated that communities that had been sued under Mt. Laurel, and whose zoning was found to be consistent with Mt. Laurel dictates, would be protected from additional Mt. Laurel litigation for six years.

In general, the decision favored housing at the expense of open space. It did, however, recognize environmental factors and specifically indicated that such considerations could be taken into account in the decision whether to grant a builder's remedy. In *Caputo v. Chester*, one of the Mt. Laurel II cases, the denial of the builder's remedy was based on environmental concerns. In *Field v. Franklin Township* (1985) the court recognized that the builder's remedy was not a license for unrestricted growth.

Mt. Laurel II took the Supreme Court far from the traditional role of the judicial system in the normal concept of separation of powers among legislative, judicial, and executive branches of government. The appointing of masters represented a direct intrusion of a state court into what had been a purely local decision-making arena. The sweep of the decision was unprecedented and represented the most activist stance ever taken by a state or federal court on land use questions.

Like its predecessor, the Mt. Laurel II decision spawned additional litigation, and soon several hundred separate suits were pending before the three special judges. By March 1986, 172, or 30 percent of New Jersey's 567 minor civil divisions, were faced with litigation deriving from the Mt. Laurel II decision.

The municipalities that had been skirting on the edge of Mt. Laurel for a decade faced a decision with substantial teeth. With the judicial avenue

AFFO

close
ture.branc
cial a
Fair

Th

forda

out th

1987
hous

Th

creat

used

dition

giona

same

lated

ment

By

estab

goals

are o

on ho

Cour

tion e

ing.

Supr

tiona

Wl

land

latur

its im

comp

impa

The

M

affor

quen

the spirit of retained by a strict time-rted back to s. All com- using needs hare of the

houses, the dy allowed or lower in- y four units cept a pro- r the com- ngs. In an mmunities ound to be additional

pen space. y indicated on whether . Laurel II mental con- ed that the

nal role of ers among e appoint- what had cision was aken by a

onal litiga- e the three sey's 567 n the Mt.

urel for a al avenue

closed to them, pressure was directed toward the governor and the legisla- ture. Strong bipartisan sentiment existed in both the executive and legislative branches that the court had moved the balance too far in the direction of judi- cial activism, and legislative action was initiated that led directly to the Fair Housing Act (NJSA 52:27 D-301 et seq.).

The Fair Housing Act produced an executive body, the Council on Af- fordable Housing, which has called for 145,707 new housing units through- out the state. According to the Council, these would be needed by July 1, 1987. The municipalities have six years, until July 1, 1993, to provide the housing.

The housing figures developed by the council are more flexible than those created by Mt. Laurel II, and communities have various options that may be used to determine the number of housing units that must be provided. In ad- dition, municipalities have the option of transferring a portion of their re- gional share, but not their indigenous share, to other towns or cities in the same housing district within the state. Generally, the housing figures calcu- lated by the council are lower than those accepted by the courts. Adjust- ments are to be provided for farmland preservation areas.

By September 1986 the Council on Affordable Housing had hired a staff, established its working priorities, and promulgated regulations. While the goals and directions to be pursued by the council are emerging, its actions are only beginning to take effect. Consequently, any evaluation of its impact on housing or on agriculture would be premature. The New Jersey Supreme Court allowed municipalities to choose whether to stay within the jurisdic- tion of the court or to transfer their case to the council on Affordable Hous- ing. The council will take over most of the executive functions from the Supreme Court, and its establishment represents a return to a more tradi- tional balance of power among the branches of New Jersey government.

What were the impacts of the Mt. Laurel II decision on the agricultural land base? If Mt. Laurel had only served to prod the hitherto reluctant legis- lature into action on a politically sensitive topic, such as exclusionary zoning, its impacts would have been substantial. But because it also sparked the most comprehensive series of rezonings ever under taken in New Jersey, its impact was even more significant.

The Impact of Mt. Laurel II on Farmland

Mt. Laurel II was designed to open communities in the metroplex to affordable housing. Because agricultural land is flat, well drained, and fre- quently free of buildings and trees, it is desirable for new house construc-

tion. It appeared the decision would weaken restrictive zoning ordinances, resulting in further erosion of the agricultural land base.

The proposition that Mt. Laurel litigation affected agricultural land could be tested by comparing those communities involved in Mt. Laurel litigation with communities not affected. If the two groups did not differ substantially, the decision must have had little direct impact. However, any observed differences would raise several possibilities. The simplest hypothesis, although unlikely, is that Mt. Laurel litigation somehow caused the difference. More likely is the scenario discussed above, namely, that Mt. Laurel is itself a product of the larger process of creating the metroplex. Thus, the factors that put communities under development pressure are also likely to make them the objects of litigation by developers and others interested in opening up zoning ordinances.

Communities involved in litigation were compared with all other communities in the state to determine how they differed in population, tax assessment, land use, and building activity. The data were gathered at two-year intervals for the period 1970 to 1984. Although there is agricultural activity in only 330 of New Jersey's 567 municipalities, complete data were gathered on every New Jersey municipality. Because there is no unincorporated land in New Jersey, the data base covers the entire state. The completed data base included 364 variable entries for each of the 567 communities. The final matrix consisted of more than 200,000 individual cells.

New Jersey municipalities vary considerably in size and amount of land devoted to agriculture. The ratio of farmed area to total area was used as a measure of the importance of farming in a community (Table 2). Using 30 percent as a threshold, only one-fifth of New Jersey communities can be classified as agricultural.

How did litigation under Mt. Laurel II affect farmland? If the impact was evenly distributed or more pronounced among communities with small

Table 2. Number of communities by ratio of farmland to total land.

<i>Amount of Land Farmed</i>	<i>Communities</i>	
	<i>Number</i>	<i>Percent</i>
No farming	234	41.3
< 5%	102	18.0
5-15	59	10.4
15-30	47	8.3
30-50	54	9.5
> 50	71	12.5

oning ordinances,
 se.
 cultural land could
 Mt. Laurel litiga-
 not differ substan-
 However, any ob-
 simplest hypothesis,
 w caused the dif-
 namely, that Mt.
 ng the metropolx.
 nent pressure are
 lopers and others

th all other com-
 lation, tax assess-
 nered at two-year
 s agricultural ac-
 complete data were
 re is no unincor-
 e state. The com-
 of the 567 com-
 individual cells.
 l amount of land
 l area was used
 (Table 2). Using
 communities can

? If the impact
 nities with small

nd
 -
 nt
 it

proportions of agricultural land, the decision's impact on agriculture could presumably be minor. The results show clearly and conclusively that the communities with the greatest proportion of their land in farming are much more likely to face litigation than communities in which agriculture plays a less prominent role (Figure 2).

These data show that although Mt. Laurel I and Mt. Laurel II mentioned the importance of agricultural and environmental factors, the cumulative effect of these policies nevertheless appears to be detrimental to maintaining a large, stable agricultural land base. The data are derived from municipal statistics and do not address the question of whether or not the sites in litigation are currently farmed. While it cannot be inferred that farms were being converted directly to housing, it is clear that farming communities were disproportionately more likely to be involved in litigation than municipalities with little or no farmland.

The average population density in communities in litigation is less than half that in other communities. In addition, the assessed value of agricultural land in communities in litigation is significantly greater, they have twice as much permanent pasture land and land with farmhouses, and their land values across all classes of land are 30 percent higher. Some of the means that do not differ significantly are the number of vacant parcels, woodlands,

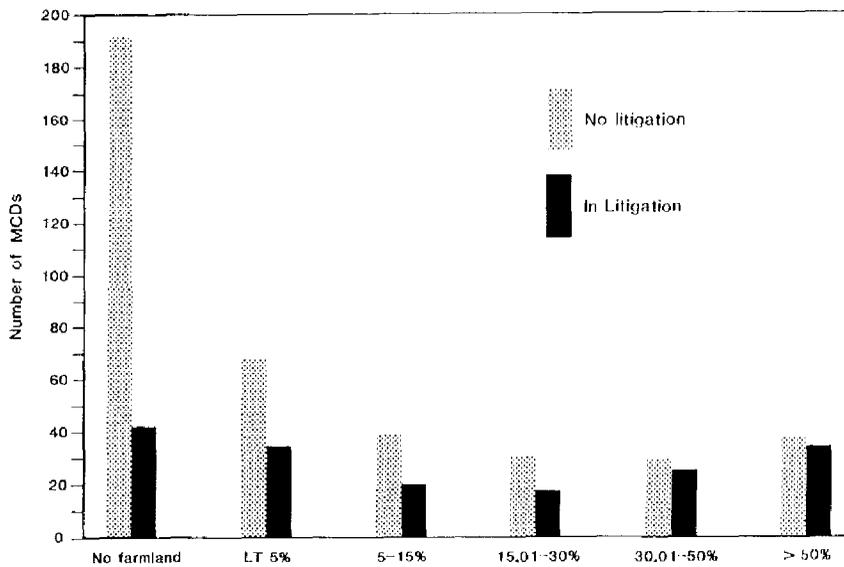


Figure 2. Mt. Laurel suits by percent of MCD farmed.

and the area not devoted to agriculture or horticulture. There also is no difference between the average populations of the two groups of communities.

Predisposition Toward Mt. Laurel Litigation

What are the factors that predispose communities to become involved in Mt. Laurel suits? Multiple regression analysis was used to determine if a community might face Mt. Laurel litigation.

As growth disperses from the traditional cities and former suburbs to areas currently facing development pressures, land prices mount along the urban-rural fringe and beyond. One of the first signs of this pressure is an increase in property values. The strongest single predictor of Mt. Laurel suits was the increased price of agricultural land.

While the court cases should be seen as following from existing market pressures for more land to develop, their significance for New Jersey's agricultural base has been clearly demonstrated: litigation is more common in communities with more agricultural land. The presence of Mt. Laurel litigation, even in an agricultural community, does not necessarily mean that the real estate in contention is currently in agricultural use. Such a determination would require a case-by-case examination of the hundreds of separate suits, a task that was beyond the range of this study. Whether or not the development occurs on agricultural land, the presence of substantial development anywhere in a community begins its transformation from a rural place to an element in the metroplex. In the process land prices are bid up and the rate of agricultural conversion tends to escalate. The litigation appears to be most pronounced on the fringe of the rural-urban boundary. This is also supported by the tendency for litigation to increase as one moves from higher to lower density areas. Increases in vacant land prices are also associated with litigation, while an increase in building permits shows a negative relation.

The Mt. Laurel impact thus is directed at those communities on the edge of the expanding metropolitan portion of the state. Communities with farmland are much more likely to be the subjects of Mt. Laurel litigation. Moreover, the price increases in farmland and vacant land appear several years ahead of the construction of new dwelling units, suggesting that the market anticipates expansion in the metroplex.

Changes Over Time

Each parcel of land in New Jersey is identified by site, location, and value for tax assessment purposes. As part of the study data base, the total number

AFFORD

and val
Jersey r
through
land we
land. Th
tial, con
number
increase
The in
may be
average
Mark
health o
fluctuat
followin
construc
employ

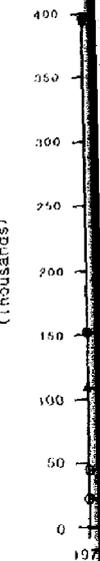


Figure 3.

also is no dif-
communities.

be involved in
determine if

burbs to areas
ng the urban-
ts an increase
suits was the

sting market
ersey's agri-
e common in
Laurel litiga-
nean that the
etermination
parate suits,
the develop-
development
l place to an
and the rate
s to be most
o supported
er to lower
with litiga-
e relation.
on the edge
with farm-
ion. More-
veral years
the market

and value of parcels in the major categories were recorded for each New Jersey municipality. There were substantial shifts in land use categories throughout the state for the period under investigation. Most parcels of land were classified as residential, commercial, industrial, vacant, or farmland. The category with the most parcels is "vacant," followed by residential, commercial, farmland, and industrial land. From 1970 to 1982 the number of vacant parcels declined, while residential and farmland areas increased (Figure 3).

The increase in the number of farm parcels suggests that farmland parcels may be subdivided. Because total farm area has declined since 1972, the average farm lot size has also declined.

Market pressures vary substantially, depending upon interest rates, the health of the economy, and other factors. The number of building permits fluctuated widely during the period. The number of housing starts declined following the recessions of 1974 and 1980. While the number of new units constructed is quite variable, demographic factors, such as family formation, employment shifts, and population growth, continue to increase the pool

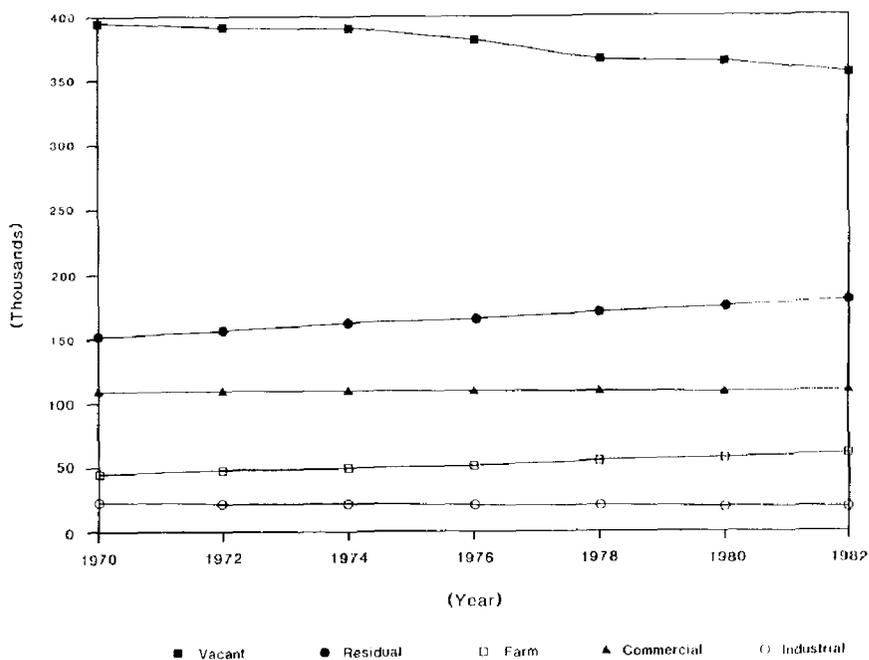


Figure 3. Change in number of parcels by type, 1970-1982.

, and value
tal number

of potential purchasers, even during slow building periods. When the pace of new home construction picks up after each cyclical downturn, the pent-up demand for housing still remains. In the metroplex, population growth has outpaced new home construction. In addition, the numbers adopted by the court and the council show only the projected need for the lower end of the housing scale. Consequently, they seriously understate total housing demand.

Figure 4 compares the mean number of building permits in all communities of the state for even numbered years between 1970 and 1984. In addition, separate means were plotted for all communities that were involved in Mt. Laurel litigation and for those that were never sued. In every year for which data were gathered the number of building permits issued was consistently higher for the communities in litigation than for the whole state or for communities not in litigation. In both 1982 and 1984 the gap widened. Consequently, it would appear that the litigation, at least in part, was provoked by actual market pressures. Exclusionary zoning did serve to reduce the amount and pace of development.

Restrictive zoning practices, no doubt coupled with other factors, inhibited the operation of the housing market. In early 1986 low interest rates, a strong economy, pent-up demand, and the moderation of some zoning

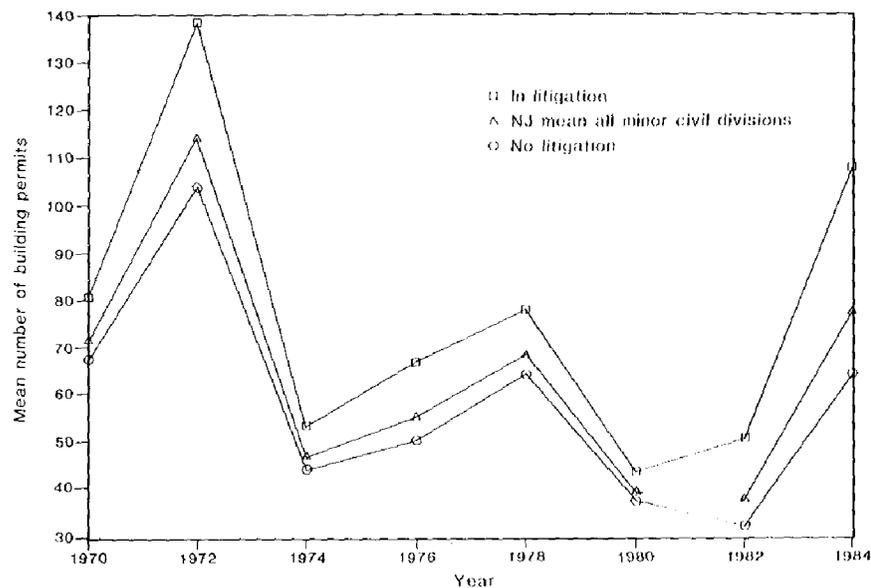
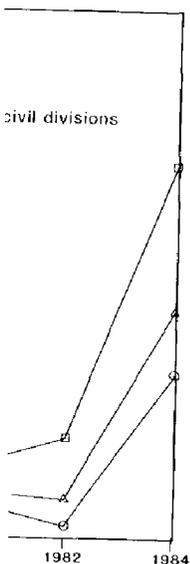


Figure 4. Building permits issued.

ds. When the pace
wnturn, the pent-up
population growth
numbers adopted
d for the lower end
erstate total hous-

ermits in all com-
1970 and 1984. In
ities that were in-
ver sued. In every
ng permits issued
than for the whole
and 1984 the gap
n, at least in part,
zoning did serve

er factors, inhib-
ow interest rates,
n of some zoning



restrictions all combined to create a record number of new housing starts. Most of the housing will be suburban or exurban, and the pressures on farmland in the metroplex may increase.

With the upholding of the Fair Housing Act and the transfer of most of the pending Mt. Laurel cases to the Council on Affordable Housing, the action has shifted from a judicially run process to the executive branch. However, the impacts on New Jersey's farmland were unchanged. The taming of zoning ordinances throughout the metroplex will continue and in conjunction with existing market forces may be expected to drive up the price of New Jersey farmland to unprecedented levels.

Housing and Farmland: An Inevitable Tension?

The growth of the metroplex and the loss of effective growth management tools in New Jersey virtually forces a headlong conflict between agricultural retention and housing. The tension need not be inevitable. Its resolution lies in providing communities with a realistic set of land use tools. At present planning guidelines and land use controls to manage change are lacking. Preferential taxation for farmland, designated agricultural districts, easement purchase programs, and related policies are somewhat useful but insufficient to retain farmland in the metroplex. If no further action is taken, future land use patterns in the metroplex will be quite predictable. Regions served by major highways will continue to experience residential, commercial, and office development, generally at low densities. While such developments will not take up all or even most of the available land, they will not be concentrated in one area or town, but will continue to spread corridors of development across the landscape: the metroplex will continue to expand. In the absence of an affirmative policy to alter this pattern, farmland and developed uses will become increasingly inter-leaved.

To the extent that Mt. Laurel II and the Council on Affordable Housing open the formerly exclusionary communities, they will produce an early increase in the number of new construction permits issued. Over time, as supply and demand reach equilibrium, the opening of the metroplex should allow housing to spread in a diffuse pattern, hastening the decline of large agricultural areas. Exclusionary zoning, its constitutional liabilities notwithstanding, was evidently effective as a means of agricultural preservation. After Mt. Laurel II, inclusionary zoning will benefit housing but increase the pressure on agricultural land. Sweeping away zoning restrictions has left municipalities without effective growth management tools.

If farmland preservation is a desirable policy, serious planning, legislative action, and support of land management policies appropriate to the new reality of the metroplex will be needed. Policies need to be explored that expand what can be done by zoning. Examples include transfer of development rights, zoning designed for agriculture, and land trusts. The conflict between affordable housing and agricultural preservation appears to be a result of municipal attempts to manage growth with inappropriate techniques. The conflict is real, but if additional zoning tools designed specifically for the metroplex are developed and implemented, it would appear that much of the tension could be ameliorated.

REFERENCES

1. Dowall, David E. 1984. *The suburban squeeze: Land conversion and regulation in the San Francisco Bay area*. University of California Press, Berkeley.
2. Pizor, Peter J. 1982. *Management of growth in developing communities*. New Jersey Agricultural Experiment Station, New Brunswick.
3. Schnidman, Frank. 1986. *The evolving federal role in agricultural land preservation*. *The Urban Lawyer* 18(2): 423-444.

Urban Perception

Joseph J. Mohr

Although farm
tion, agriculture
several explanati
though the numb
have both increas
tor of the nation
general interest in
of the "agrarian
values can be exp
formerly agrarian
representation als
seen in the contin
programs.

Although these
benefits, continue
signs that the ideol
ers may be chang
posal for the 1985
benefits. Although
favorable to farm
agricultural subsid
understood what v
policy and expend
sympathies and pre