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## Introduction Symposium - Selected Topics on Land Use Law.

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## SYMPOSIUM

### INTRODUCTION

**HENRY G. CISNEROS\***

The rapid urban growth in Sunbelt cities in recent years in combination with changing lifestyles and social and political needs have made land use planning a major function of governmental organizations. The involvement of local government in the use of private property is a natural outgrowth of this phenomenon which will likely increase as cities continue to grow. For example, San Antonio, Texas, one of the fastest growing cities in the nation, has experienced this increased involvement in dealing with its remarkably rapid growth in recent years. Last year over 21,000 new housing units were constructed in Bexar County, a total which is almost 200 percent above 1982. Previously, the highest total of housing starts was 14,700 in 1973. The future looks equally promising for San Antonio. According to a report issued by the National Planning Association, San Antonio is expected to be among the top

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\* Mayor of the City of San Antonio; B.A. 1968, Texas A&M University; Master of Urban and Regional Planning, 1970, Texas A&M University; Master of Public Administration, 1973, Harvard University, John F. Kennedy School of Government; Doctoral Research, 1974, Massachusetts Institute of Technology; Doctor of Public Administration, 1975, George Washington University.

thirty American cities in providing jobs during the 1980s. Chase Econometrics has rated San Antonio as the nation's tenth fastest growing metropolitan area in the next decade. San Antonio, like other major cities, faces a serious challenge to sustain and accommodate this growth activity and yet remain both sensitive to the needs of the general public and protective of the rights of private landowners.

The increase in the number and variety of factors and interests which must be taken into consideration in meeting the demands of future municipal expansion promises not only to change the processes by which cities have traditionally dealt with growth problems, but also to redefine the role of the lawyer and the planner within these processes. Twenty-five years ago Professor Charles Haar made an observation which is still true today: "[t]o adjust community and private interest in the urban environment requires the sympathetic albeit not uncritical alliance of planners and lawyers."<sup>1</sup> Before lawyers or planners can deal with the land use issues which already exist and which will continue to arise, they must examine the intricacies of the problems and identify the limitations which may affect their solutions.

St. Mary's Law Journal has compiled this Symposium on urban land use law to promote the alliance described by Professor Haar and to facilitate an understanding of the interdisciplinary nature of land use problems. The process by which a city protects its territorial integrity and provides for expansion is addressed in an article on municipal annexation. Another article, particularly applicable to Texas with its miles of Gulf Coast shoreline, deals with issues peculiar to waterfront development. Student-authored works cover topics such as condominium law, warranties of habitability, and urban homestead exemptions.

While land use regulation is an area where common law regard for private property may clash most strongly with a city's need to provide for orderly growth, it is by no means the only area of concern to lawyers or planners. A major factor affecting the ability of cities to deal with growth related problems is the evolving relationship between the federal and local governments. As government has become more decentralized, federal aid to cities has reduced sig-

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1. C. HAAR, *URBAN LAND USE* xiii (1976).

nificantly, and cities have been forced to redefine their resource base. Beset by shrinking budgets, increased social responsibilities, and deteriorating infrastructure cities are aiming to maximize the value of their technological, natural, and human resources. Among the new economic tools cities are investigating to fill the void left by federal retrenchment are tax increment financing, public improvement districts, free enterprise zones, privatization of public services, and public-private partnerships. To remain competitive in the future high technology era, cities will need to expand the range of their activities. San Antonio's blueprint, Target '90 which outlines goals for the City's future, addresses many areas not traditionally considered as responsibilities of municipal corporations, including improved educational facilities, development of nationally recognized research parks, literacy and training programs, encouragement of venture capital, and expansion of the City's research activities.

By remaining receptive to new ideas and aware of past experiences, urban lawyers and planners may act as a positive force in future land use policy-making. In this regard, we should combine and direct our efforts toward developing innovative and informed solutions to the land use problems confronting our cities—solutions which demand a balance of the public good and individual needs and wants.