Smarten Up, Georgia!

A State Growth Management Plan for Georgia

Growth Management Law (Group 6)

April 23, 2007

Emily Ahlquist, Reggie Delahanty,

Glenn Frankel, Ilan Guest, Liz Li, Jing Xu

Smarten Up, Georgia!

A State Growth Management Plan for Georgia

Group 6: *Emily Ahlquist, Reggie Delahanty, Glenn Frankel, Ilan Guest, Liz Li, Jing Xu*

Summary and Analysis of the Issue

Although the Georgia Planning Act of 1989 called for the development of a state plan, none has been developed. Georgia has, however, developed several functional plans regarding transportation, water use, etc. A state growth management plan is necessary to integrate and link these functional plans.

Our group has created a State Growth Management Plan for Georgia. We have researched Georgia's existing plans and have used them to create goals for the state. In addition, we have researched other states' growth management successes and failures, and have considered how Georgia could best implement its plan.

Our Report

Attached is our group's report, which begins with an analysis of state planning in general and an explanation of Georgia's planning environment. Next, we present our recommended state goals, which were informed by our research of Georgia's existing functional plans as well as by our research of other states. Finally, we give specific recommendations on implementation strategies that would allow Georgia to realize these goals. These recommendations include suggested changes to Georgia's plan review and approval process, a discussion of growth management tools to consider, and proposed modifications to the state's dispute resolution process. Our report also includes a discussion of funding considerations.

Although our report does not include sections specifically titled "Planning" or "Legal Analysis," our report does address both planning and legal concerns.

Division of Work

As a group, we worked well together and offered constructive feedback to each other. After we familiarized ourselves with Georgia's functional plans and other states' models, we divided the substantive work as follows:

- Emily Ahlquist
    - Researching, presenting, and writing sections 3.3, 3.4, and 3.5 (Encouraging Compliance, Funding Considerations, and Resolving Disputes)
    - Printing and binding the final report

- Reggie Delahanty
    - Researching, presenting, and writing sections 2.1, 2.2, and 2.3 (Goals: Intangibles, Principles of Goal Generation, and Smarter Goals for Smarter Growth)

- Glenn Frankel
    - Formatting and compiling the presentation slides
    - Formatting the written report
    - Researching, presenting, and writing section 3.2 (Encouraging the Use of Smart Growth Management Tools)

- Ilan Guest
    - Researching, presenting, and writing section 1 (About State Planning)

- Elizabeth Li
    - Researching, presenting, and writing sections 3.0 and 3.1 (Implementation Overview and Coordination and Integration)
    - Creating and copying the presentation handout
    - Compiling and proofreading the final report

- Jing Xu
    - Researching, presenting, and writing sections 2.4 and 2.5 (Goals: Why Our Goals are Smarter and Leading the Charge)

Table of Contents

1. About State Planning 5
1.1. Fragmented Land Use Planning 5
1.2. General Approaches to State Planning 7
1.3. Georgia Planning Act - In a Nutshell 8
1.4. Obstacles to Statewide Growth Management in Georgia 9
1.5. Our Recommended Growth Management Plan for Georgia 10

2. Goals 12
2.1. Intangibles 12
2.2. Principles of Goal Generation 14
2.3. Smarter Goals for Smarter Growth 15
2.4. Why Our Goals Are Smarter 16
2.5. Leading the Charge 19
2.5.1. Agencies to Be Included 20

3. Implementation 21
3.1. Coordination and Integration 22
3.1.1. Proposed New Tools for Integration 23
3.1.2. Planning at the Local Level in Georgia 24
3.1.3. Planning at the Regional Level 27
3.1.4. Planning at the State Level 28
3.2. Encouraging the Use of Smart Growth Management Tools 29
3.2.1. State and Regional Growth Management Tools 30
3.2.2. Strengthen Existing State and Regional Tools 33
3.2.3. Harness Innovative Tools at Local Level 36
3.3. Encouraging Compliance 41
3.3.1. Local Government Planning Status 43
3.4. Funding Considerations 44
3.4.1. Georgia Smart Growth Fund 44
3.4.2. Funding Plan Development 44
3.5. Resolving Disputes 45
3.5.1. Encouraging Mediation between Local Governments 45

4. Conclusion 46

5. Presentation Handout 47

6. Sources Consulted 48

7. Endnotes 50

1. About State Planning

Governmental interests in land at the State and Local levels over the course of the first 150 years of American independence were limited to recording deeds, collecting taxes and enforcing the handful of laws that regulated trespassing and nuisance. In the face of the population growth and urban densification that resulted from economic shifts towards manufacturing and commerce, the traditional concept of land as a commodity that was infinitely available and resilient was neither questioned nor tested. Rather, controls governing land use such as zoning, building codes and subdivision regulations were devised and applied in a manner that reinforced the land as commodity concept. Essentially, the public interest had been interpreted as protection of property values and of the speculative potential of land. It was believed that the controls exercised by local governments were best suited in dealing with urban growth and its pressure on land resources. State involvement was for the most part limited to the necessary enabling legislation for local land use regulation.

1.1. Fragmented Land Use Planning

The traditional attitudes towards land and the governmental interest in it have functionally and organizationally fragmented land use planning. The 'planning' that has been accomplished to date has largely been single goal, function or purpose orientated. Little attention has been paid to any higher order framework of goals or the long-term consequences associated with decisions that are made on a case-by-case basis. Planning in this manner is concerned only with the demand for facilities in support of the activity in question, and does not pay sufficient attention to the interrelationships between activities and their potential intensification under urban conditions.

Unfortunately, that planning which does attempt to derive a broader view across a number of functions, disciplines and activities is distinctly separate from the governmental institutions that implement the plans at the local level. This separation can be traced back to the notion of it being necessary to prevent compromising planning with politics. Local planning commissions were established as independent boards outside of the government framework. The division among levels of government itself has played a significant role in rendering supra-local planning ineffective. While attempts have been made to foster a regional perspective on area-wide planning problems, the planning responsibilities are ultimately assigned to regional planning commissions and other multi-jurisdictional bodies that do not have the authority to ensure that their plans and interests take precedence over localized plans and interests. The authority to implement the plan is almost always kept at the local level.

Poor land use planning coordination has resulted in severe development problems, including:

- Increased use of land per dwelling unit;
- Escalating energy, water and waste disposal requirements;
- Haphazard urban growth across rural and undeveloped areas;
- Decentralized industrial and commercial growth to outlying locations resulting in the poly-nucleation of settlements;
- Loss of open space and devastation of wetlands and other fragile natural heritage;
- Destruction of historical and architectural heritage;
- Increasing loss of productive agricultural land and forestry.

Most of the land use problems listed above are not the direct result of a lack of desire to avoid these issues at the local level, but rather they emanate from the fact that the scale and types of growth that have been experienced exceed the *legal authority*, *financial capability* or the *territorial jurisdiction* of most local governments.

1.2. General Approaches to State Planning

Without an independent growth policy component, land use planning tends toward becoming open-ended when coupled with global industrialization, rapid population growth, mounting pressure on natural resources, and increasing metropolitanization. The land area under jurisdiction is assumed to be a resource that may be completely divided and assigned to a host of social and economic uses.

Clearly the states should be charged with bringing local land use policies in line with overarching economic and environmental realities considering the level at which their oversight and governing power is located. Since the 1960s, more than 21 states have attempted to set goals for future development, forming organizations such as Southern Growth Policies Board, and developing statewide land use planning programs. Most states have some element of land use controlling legislation that forms part of a specific problem or resource management area, such as:

- Coastal Zone Management
- Wetlands Management
- Power Plant Siting
- Surface Mining
- Critical Areas Designation
- Property Tax Incentives
- Floodplain Management

The state level is best suited to address problems that exceed the scale or scope of local governments. Action at the state level establishes an area-wide norm or mechanism for handling issues that have a broad level of concern. It should form part of the state's land use management role that important regional determinants of development patterns, such as transportation systems, utility infrastructure and major recreation areas be designed and referenced with particular reference to the array of local land use plans and spatial policy framework. The general approaches of the state towards land use management and natural resource planning can be grouped into five general methods:

1) Statewide, Comprehensive Land Use Management
2) Management of Selected Activities According to Functional Criteria
3) Management of Specific Geographic or Critical Environmental Areas
4) Management of Uncontrolled Areas
5) Growth Management Principles and Objectives

1.3. Georgia Planning Act - In a Nutshell

Why is it then that Georgia, with one of the fastest growing metropolitan regions therein does not engage in some form of state level growth management?

Interestingly enough, the Georgia Planning Act of 1989 does allow, and in fact promotes a statewide growth management plan. The Georgia Planning Act put a framework in place which provides for a “bottom up” planning process, beginning at the local level with cities compiling local comprehensive plans. According to the Act, these local plans are then submitted to the respective regional development center (RDC) for review. Once local plans within the regions have been completed, it is the responsibility of the RDCs to compile regional plans based on the needs and priorities identified by local governments in the comprehensive plans. In turn, the regional plans are to be used as a basis for the development of a state plan.

The foundation of the Georgia Planning Act is a comprehensive, coordinated and integrated planning process across the local, regional and state levels. The Department of Community Affairs (DCA) was given the responsibility of overlooking matters of uniformity and consistency, exercised specifically through the development of planning standards and procedures for local and regional plans, as well as planning and review procedures for regionally significant resources, developments of regional impact (DRI) and mediation for inter-jurisdictional conflicts.

At the state level, the Georgia Planning Act also created the Governors Development Council (GDC), which was originally fashioned to draw together the heads of eighteen state agencies to coordinate the planning undertaken by departments, agencies, commissions and other institutions of the state. The GDC was specifically established to coordinate the planning and location of public facilities on the basis of state, regional and local considerations and to craft these into a statewide comprehensive plan.

1.4. Obstacles to Statewide Growth Management in Georgia

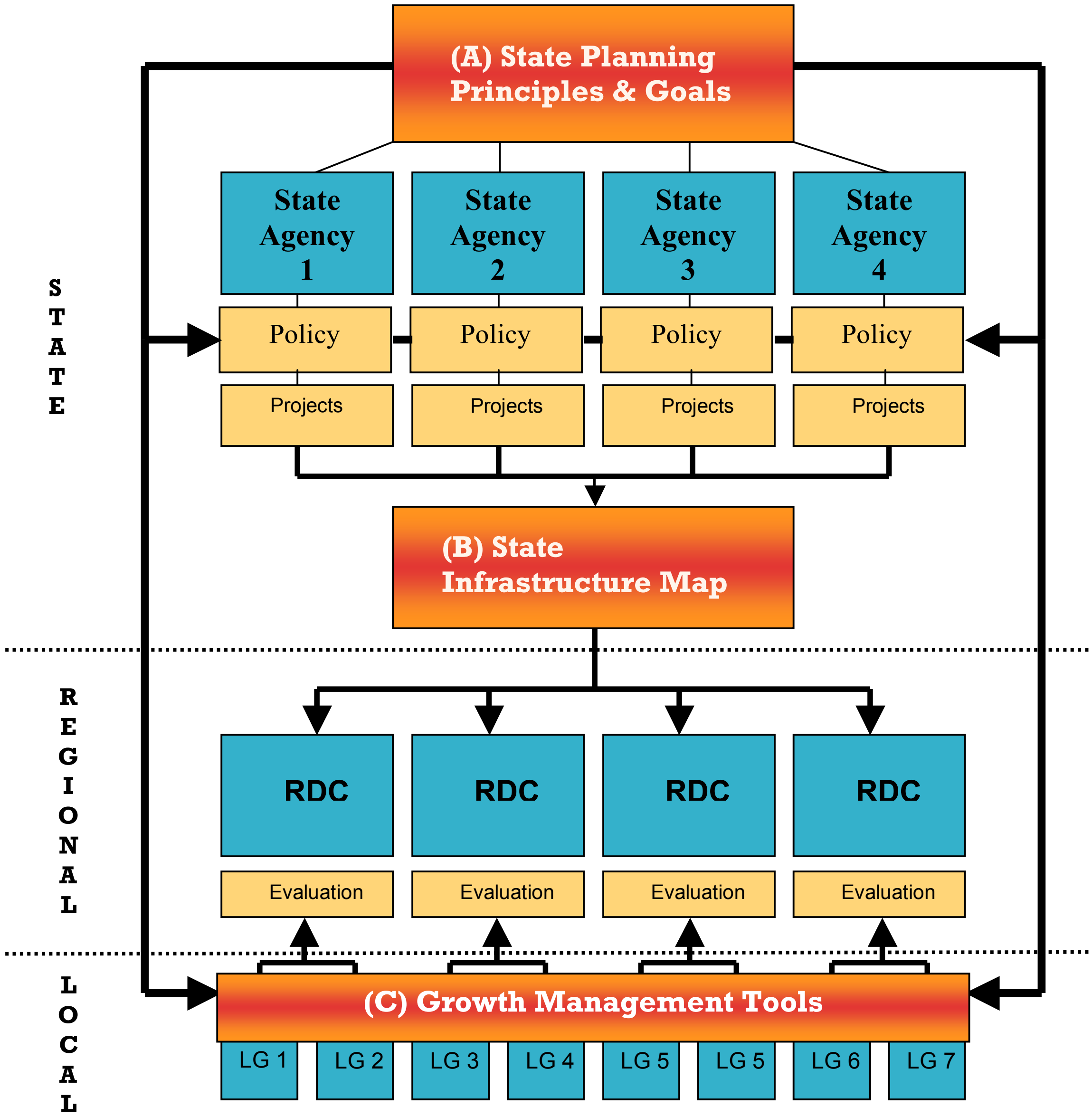
If the law then says a State plan should be in place, then what exactly is the problem?

The obstacles to state growth management in Georgia concern both *coordination* and *implementation.* The coordination role originally devised for the DCA and GDC has not been effectively undertaken, evident in the fact that no state plan has been developed to date. State agency functional plans, such as those concerning transportation, recreation, open space, water supply management have been developed in isolation of one another and have not been integrated. The goals of the state agencies in this regard also do not reflect or support the goals of their state agency counterparts. Similarly, the state has continued to establish institutional structures that are developing state policies, programs and standards for transportation, air quality, water quality, and water supply, among others. The problem is such that there is no overall mechanism, such as a state comprehensive plan, to link together and coordinate these efforts. According to the GPA, mechanisms need to be put in place in the administrative arm of state government to ensure that individual state programs are coordinated with a potential state growth management policy and comprehensive plan. The GDC, originally established to comprise members of the Governors Cabinet, was transformed by a 1999 amendment to be comprised of the directors of the Georgia Regional Transportation Authority (GRTA). This has been criticized since GRTA is, for the most part, comprised of private sector representatives and other appointees that are not state agency directors, and has been blamed as a major reason behind the lack of impetus towards a statewide comprehensive plan for Georgia.

1.5. Our Recommended Growth Management Plan for Georgia

The diagram below highlights the various interventions we believe are necessary should the notion of a growth management plan for Georgia be realized. Three levels of intervention are proposed, and are discussed in greater detail over the course of this report:

1. State Level Principles and Goals
2. State Infrastructure Map
3. Revised local QLG status through local smart growth management


S T A T E
(A) State Planning Principles & Goals
State Agency 1
State Agency 2
State Agency 3
State Agency 4
Policy
Policy
Policy
Policy
Projects
Projects
Projects
Projects
(B) State Infrastructure Map
R E G I O N A L
RDC
RDC
RDC
RDC
Evaluation
Evaluation
Evaluation
Evaluation
L O C A L
(C) Growth Management Tools
LG 1
LG 2
LG 3
LG 4
LG 5
LG 5
LG 6
LG 7

2. Goals

2.1. Intangibles

Any hopes that the state of Georgia would have for both the creation and fully functional implementation of a growth management plan are, in our estimation, hinged on several essential intangible components:

- Leadership
- Visioning
- Commitment and Consistency
- Evaluation and Improvement

Even the best conceived plan would be unsuccessful if the legislative environment of Georgia fails to acknowledge these ingredients to be of near equal importance for enacting smart growth policies within the state.

Leadership

First and foremost is leadership, a trait that does not necessarily come with the mere presence of elected officials. Growth management laws are complex and take a long time to implement. The fact that Georgia's legislative environment is bottom-up means that there would likely be a level of opposition to a strong central authority championing a smart growth agenda to direct and coordinate a standard for development statewide. Overcoming this can prove difficult as those that fit the bill are few and far between, but without the direction of a strong chief executive office or coordinating body, consensus building for smart growth initiatives would be lackluster at best. It is up to the voters and those already in office who understand the urgency for a growth plan to take the necessary action for ensuring that the right people are in places where they can make a positive difference.

Maryland is generally considered to be at the forefront of statewide growth management planning and that is directly related to the strong leadership exhibited by its governors and the office of planning over the past 35 years. Time and again they have taken on the responsibility for making both the difficult and controversial decisions related to their smart growth policies. At times these decisions put their ability for reelection in jeopardy, but the belief that their model for growth was the only way to address Maryland's problems over the long term forced them to make these sacrifices. Strong leadership lends itself to the establishment of the other intangibles.

Visioning

Visioning is particularly connected to strong leadership. A plan can not lay out a map for achievement of goals if a destination is not targeted. Initially, a period of visioning needs to be undertaken and it is most effective if the process is directed by those with central authority who can solicit feedback, analyze findings and incorporate them into a larger vision that addresses where each locality sees Georgia within a certain timeframe, such as 20 years. Only when a vision of a Georgia is realized that takes into account the needs of all its current and projected future residents over the selected timeframe can smart growth goals and policies be created.

Commitment and Consistency

Commitment and consistency are the most necessary of components during the implementation portion of a growth management plan. These characteristics must be exemplified by the leaders at the forefront of the smart growth movement, but also must be maintained locally so that the support of the citizenry does not wane when immediate results are not seen or contradictions to their perceived local needs are not being met. This proves especially difficult in Georgia, a state with 159 counties and myriads of even smaller jurisdictions, all with their own lists of interests and concerns that over time will surely fall out of alignment with development goals for the entire region. It is general practice for elected officials to focus their efforts on the present, whether because of what is deemed an immediate need or for electoral purposes, but these compulsions need to be combated with a commitment to achieve and maintain adherence to the smart growth goals and remain consistent in how their actions relate to the goals.

Evaluation and Improvements

Lastly is the need to establish a framework for consistent evaluation and improvements of the generated state development plan. For many a list of objectives and goals are nothing more than words, so a system that gauges whether the related policies and structural changes of government and agencies within the state are actually effective is a must. A regular inspection of progress would also highlight which jurisdictions are complying with and committing to the growth agenda and which areas would benefit from additional assistance. Cumulatively, evaluation and a commitment to improvements allows the state to be proactive in addressing the shortcomings of the growth management development plan as well as identifying the areas that are most successful and might translate well to other states.

2.2. Principles of Goal Generation

Goal generation is a difficult process. The principles listed here are what we believe to be the foundation of our general statewide development plan and what guided the formulation of our set of specific state goals and policy recommendations for Georgia:

- State agency plans must complement each other and further statewide goals
- The plan must be respectful of Georgia's Home Rule Tradition
- Goals should be measurable and actionable
- The plan must incorporate principles of Smart Growth

Georgia is already well along the way to a growth plan, so the primary action that needs to be undertaken is that of coordinating what exists in comprehensive statewide agency plans into a greater framework that complement each other and further the statewide goals that come out of a visioning process. It is also imperative to pay specific attention to Georgia's Home Rule tradition by giving localities the power to still conduct themselves as best they see fit, while also making it worth their while to adhere to the smart growth goals laid forth.

Making the goals actionable and measurable falls in accordance with the evaluation and improvements mentioned in the previous intangibles section. By making the goals specific and quantifiable it will be easier to both manage and address the shortcomings of the state growth plan.

Incorporating the already established generally accepted principles of smart growth listed below was also considered a mandatory inclusion:

- Mix land uses;
- Take advantage of compact building design;
- Create housing opportunities and choices;
- Create walkable communities;
- Foster distinctive, attractive communities with a strong sense of plan;
- Preserve open space, farmland, natural beauty, and critical environmental areas;
- Provide a variety of transportation options;
- Strengthen and direct development to existing communities;
- Make development decisions predictable, fair, and cost effective; and
- Encourage community and stakeholder collaboration in development decisions

2.3. Smarter Goals for Smarter Growth

The goals listed below were created through careful analysis of other state growth plans with specific attention being paid to the goals already set forth by Georgia state agencies and the

Georgia Department of Community Affairs, which is currently leading the charge. We feel they best address Georgia's specific needs and serve the advancement of smart growth development in the state while also adhering to the guiding principles of the previous section:

1. Concentrate new development in environmentally suitable areas and communities where infrastructure is in place
2. Target resource expenditure and improvements on existing population centers
3. Revitalize Georgia's towns and cities and focus on making developed areas healthier, more appealing places to live
4. Stimulate economic growth in accordance with Georgia's unique demographic characteristics, capabilities, and environmental objectives
5. Minimize resource consumption through conservation, reuse, and efficiency
6. Balance and integrate a multi-modal transportation system that provides opportunities for smart growth
7. Sustain and enhance Georgia's resources of natural, historic, cultural, environmental, economic, scenic, and recreational value
8. Provide adequate and equitable public facilities and services at a reasonable cost
9. Provide adequate and equitable housing at a reasonable cost for all income levels
10. Use systematic evaluation to ensure sound coordination of planning, development, expenditure and implementation statewide

2.4. Why Our Goals Are Smarter

It is always a complex problem to set statewide growth management goals in a dynamic society. Establishing goals involves making decisions about the future. The suggested goal system is believed to be a development and deepening of smart growth principles.

Nationwide, smart growth principles provide a very brief outline for state and local government as directions for managing growth. These principles emphasize growth issues and opportunities on a national scale, but they are not easily applied to a particular state, because different states have different growth management issues and focuses. When setting state growth management goals for Georgia, in addition to following the smart growth principles, we think goals should also be appropriate and pertinence for Georgia's current issues.

The following are widely believed to be Georgia's current local growth management issues:

- We lack sufficient jobs or economic opportunities for local residents.
- There is an imbalance between the location of available housing and major employment centers.
- Economic development projects are promoted without adequate consideration of their impacts on infrastructure and natural resources.
- Economic development projects are promoted without adequate consideration of access to housing and transportation.
- New development is located in areas that should not be developed, such as farmland or environmentally sensitive areas.
- There is not enough greenspace or park land.
- We have environmental pollution problems.
- Natural and cultural resources are not being improved, enhanced, and/or promoted.
- Current development practices are not sensitive to natural and cultural resources.
- Local natural and cultural resource protection is inadequate.
- We have inadequate public facility capacity to support new development.
- Access to public facilities and services is not provided to persons at all income levels.
- Provision of public facilities is not used to guide development to desired locations.

- Current facility extension policies promote sprawl, instead of fostering infill, redevelopment and compact development that would maximize the use of existing infrastructure.
- There is an insufficient mix of housing sizes, types, and income levels.
- Higher density and affordable housing are not supported by neighborhood.
- There is too much land dedicated to parking or other paved areas.
- We have too much unattractive sprawl development along roadways.
- High-density uses are not concentrated along major corridor or activity centers that might facilitate public transportation.
- People lack transportation choices for access to housing, jobs, services, goods, health care and recreation.
- We lack a local trail network.
- The current transportation system encourages loss of open space, farmland and wildlife habitat.
- Streets are designed in ways that discourage pedestrian and bike activity.
- Streets design in our community is not always sensitive to the context of areas, such as pedestrian activity centers, historic districts, environmentally sensitive areas, or quiet residential neighborhoods, where street traffic impacts need to be minimized.

To deal with Georgia's real problems, the state's goals should provide a stable basis for decision-making, which can continuously adjust to changing conditions and needs. Goals that are of real value in raising horizons and improving conditions must reflect ideals in abstract terms: they are values to be sought, rather than ends to be achieved. But they must be more than vague statements of basic values or promotional rhetoric. To provide meaningful guidance in decision-making, the goals set at any point in time must be statements of intermediate rather than final purpose. Useful goals must be expressed as standards, rather than as concrete destinations which can be reached in a stated period of time by application of a specified quantity of resources.

State goals are smarter if they are workable and measurable, rather than vague and abstract. When setting our goals, we made an effort to use correct and appropriate language, avoiding ambiguous and inaccurate terms. For example, in the housing goals, instead of formulating a slogan such as “provide affordable housing”, we think it’s more measurable to define the goal as “provide adequate and equitable housing at a reasonable cost for all income levels.” Instead of suggesting detailed housing types, sizes and numbers in each community, requesting a statewide “adequate and equitable” housing is a measurable objective. Also, providing quality housing for people of all income levels is an integral component in any smart growth strategy. The terms “for all income levels” should be included in the housing goals statement as a critical workable criterion for growth management.

2.5. Leading the Charge

Establishing state growth management goals is the first step to integrate the State Growth Management Plan for Georgia. The next step is organizing or reorganizing state leadership to improve the ongoing state planning activities and to see that the state’s goals are implemented effectively and efficiently.

The Georgia Planning Act (1989) stipulates that the Governor’s Development Council is to serve as the leadership for state planning. Pursuant to an amendment to the Act, the members of the board of directors of the Georgia Regional Transportation Authority constitute the membership of the council. The council holds meetings no more than 12 days each year. The duties and the powers of the council are to:

a. Advise the Governor on the state’s economic development policy;
b. Coordinate, supervise, and review planning by state agencies. This shall include, but shall not be limited to, coordination of long-range planning and coordination of the location and construction of public facilities on the basis of

state , regional, and local considerations identifies in the comprehensive statewide plan developed by the Governor with the assistance of the Department of Community Affairs; and

c. Establish procedures for, and take actions to require, communication and coordination among state agencies in any respect which the council deems necessary or appropriate in order to further the coordination of planning by state agencies.

As we were investigating the Governor's Development Council, we found that their actions and activities were focused on a transportation-oriented planning level. Since a smarter growth management leadership should be an integrated group with all concerns stressed, we suggest representatives from Georgia state agencies be included in the Governor's Development Council, as the Georgia Planning Act originally mandated.

Besides members from GRTA, representatives elected from other agencies should have seats in the council. Such a change would require an amendment to the Georgia Planning Act, which would have to be done through the General Assembly. As an alternative to amending the Act, the governor could set up a new leadership group, composed of representatives from the various state agencies. This consulting group should be on the equal footing with the current Governor's Development Council. Together, they could serve as the state's leadership in furthering a smarter state growth strategy.

2.5.1. Agencies to Be Included

The following is a list of state agencies that should be included in the Governor's advisors.

- Department of Agriculture
- Department of Community Affairs
- Department of Community Health
- Department of Economic Development

- Department of Education
- Department of Human Resources
- Department of Natural Resources
- Office of Planning and Budget
- GRTA
- Department of Transportation
- Some University Smart Growth Coalition
- Georgia Public Service Commission

The state agencies listed above should cooperate with each other to achieve smarter growth in Georgia.

3. Implementation

The goals and principles discussed above will not be realized without successful implementation strategies. The state must encourage coordination between agencies, regions, and communities. In this vein, Georgia's planning process should be geared towards resolving inconsistencies among different plans. The state should also take steps to ensure that the state's overall goals guide decision-making at all levels. In addition, the state should encourage local jurisdictions to use growth management tools that are most likely to advance the state's overall goals.

Ensuring compliance, resolving disputes, and securing funding are important aspects of any growth management implementation strategy. To encourage compliance in Georgia, an incentive-based approach would best respect the state's tradition of Home Rule. To more effectively resolve disputes between different players, the state's current mediation process could be tweaked slightly. Finally, to secure funding for planning in Georgia, the state should consider options that would allow development to fund smart growth.

3.1. Coordination and Integration

Georgia's growth management plan must address two main types of coordination. First, the state's overall goals must be integrated vertically, through its state agencies, regions, and communities. Second, each agency, regional, and local plan must be compatible to its "neighbors'" plans.

Vertical Integration

To achieve vertical integration, each of the state agencies (Department of Transportation, Department of Natural Resources, etc.) must allow the state's overall goals to inform their respective agency plan. The agencies must adopt the state's overall goals not only when they draft their plans, but also when they design and execute their programs. In addition, the state's regions and local communities must consider the state's overall goals as they proceed through their own planning process.

Horizontal Integration

Horizontal integration may be most important at the state agency level. Consider this example: the Department of Transportation may have a goal of putting all areas of the state within 20 miles of a 4-lane road, while the Department of Natural Resources may have a goal of keeping forests intact. Although each department's goal may be a legitimate priority for that individual agency, they are nonetheless inherently incompatible with each other. To address areas of potential incompatibility between state agencies' plans, as in this example, the different agencies will need to communicate and cooperate with each other.

At the same time, it is also important that the state's growth management framework provides a mechanism through which incompatibilities between jurisidictional plans (at the regional or local level) may be addressed.

3.1.1. Proposed New Tools for Integration

There are several ways to encourage integration and coordination across plans. This growth management plan proposes two new tools that would help the state address these concerns.

State Infrastructure Map

First, a State Infrastructure Map (SIM) would be helpful to planners at all levels. Local, regional, and agency planners could look at the map to see what major infrastructure investments are planned for Georgia. The SIM should be updated regularly by the Department of Community Affairs (DCA) and should reflect the upcoming infrastructure investments of all the state's agencies. The SIM would serve as a graphic depiction of major infrastructure investments (which may include, for example, highway improvements, proposed power plant sites, or acquired conservation lands) that have been approved by a state agency. DCA should make the SIM available to all agencies, Regional Development Centers, and local governments, so that they can see – in a single, easily accessible document – what projects are pending, and can consider these as they do their own planning.

Scorecard

Each community has unique growth pressures, concerns, and opportunities. Although Georgia has a legitimate interest in promoting certain "ideals," the state must give communities the flexibility they need to respond to their unique challenges and opportunities.

Georgia's DCA already reviews regional and local plans and grants Qualified Local Government (QLG) status to communities that comply with the state's planning requirements. A scorecard would be a new evaluation tool. It should be developed by DCA – in conjunction with the other state agencies – and should reflect the priorities of the different agencies as well as the state's overall goals. As DCA reviews local and regional plans, it could evaluate them against this scorecard. Plans would earn points for furthering the state's goals, and communities whose plans earn the most points would qualify for the incentives discussed below in Section 3.4.

A scorecard approach would allow for a more objective, quantifiable review process. For example, a section on the scorecard might award 0, 1, 2, or 3 points according to the extent to which the plan "encourages infill development." Another section might award 0-3 points if the plan "preserves sites of historical value." Thus, plans that best comply with the state's overall goals will receive the most points, and will make the community eligible for incentives that are meant to help the community achieve smarter growth.

This approach is respectful of Georgia's Home Rule tradition because it does not mandate the use of any particular growth management tools. Rather, it encourages communities to strive for universal "ideals," such as vibrant urban areas and the preservation of historical sites.

3.1.2. Planning at the Local Level in Georgia

Georgia's planning requirements for local governments are set forth in Section 110-12-1-.01 to 110-12-1-.09 of DCA's Rules. The smallest communities (those with a population under 300) are designated to be at the "Minimal Planning Level" and are subject to the fewest requirements. Most communities fall under the "Basic," "Intermediate" or "Advanced" planning levels and must follow the process outlined below.

Local Comprehensive Plans

Comprehensive plans for "Basic," "Advanced," and "Intermediate" planning level communities must include three components: 1) a Community Assessment, 2) a Community Participation Program, and 3) a Community Agenda. Local plans must be updated at least every ten years, although certain events (such as a substantial population change) can trigger mandatory plan amendments.

The Community Assessment is meant to be an objective evaluation of the community. It includes:

- An identification of potential issues and opportunities;
- An analysis of existing development patterns (including a map of existing land use and an evaluation of areas requiring special attention, such as areas of historic value, areas with redevelopment or infill potential, and areas housing natural resources);
- An evaluation of the community's current policies and development patterns for consistency with DCA's Quality Community Objectives, and;
- The data and maps necessary to illustrate and document these discussions.

The next step in local planning is designing a Community Participation Program. In this step, the community identifies stakeholders (everyone who should have a voice in the Community Agenda) and participation techniques, and decides on a schedule for completing its Community Agenda.

The final step in developing a comprehensive local plan is drafting the Community Agenda, which DCA describes as "a road map for the community's future…usable for day-to-day decision-making by community leaders."[i] It includes a future development map, a list of community issues and opportunities, and an implementation program.

Review Process

The local government gives its Community Assessment and Community Participation Program to its Regional Development Center (RDC), which checks them for completeness before forwarding them to DCA. The RDC must also notify "any interested parties" (including any local entities, contiguous local governments, RDCs, and state agencies that are likely to be affected) that these documents are available for review and comment.

The RDC reviews the Community Assessment to make sure that potential issues and opportunities have been adequately identified. DCA reviews the Community Participation Program to make sure the local government has proposed specific mechanisms to insure adequate community involvement in development of the Community Agenda. After the Community Assessment and Community Participation Program are reviewed by the RDC and DCA, the local government must make them publicly available.

Then the local government can begin drafting its Community Agenda. Before it submits its final version to the RDC, it must hold a public hearing. Upon submission, the RDC checks the Community Agenda for completeness before forwarding it to DCA, and notifies interested parties that the Community Agenda is available for review and comment.

The RDC reviews the Community Agenda for compatibility with neighboring jurisdictions and the regional plan. DCA reviews the Community Agenda for compliance with planning requirements.

Qualified Local Government (QLG) Status

Once a Community Agenda has been certified by DCA to be in compliance with the state's planning requirements, it may be adopted by the local government. This will make the community eligible to for QLG status, which is granted to local governments by DCA. QLGs receive priority funding consideration by many state agencies.

Suggested Changes to the Local Planning Process

We do not suggest wholesale revision of the planning process. Instead, we urge the governor to direct DCA to change its review process and to use a scorecard-based approach. This will result in a more meaningful review process, which will help to ensure that local plans further statewide and regional goals. Also, enhancing the QLG "carrot" may encourage local governments to consider state and regional goals as they draft their plans. As discussed below, in the "Encouraging Compliance" section, these changes may be more effective than the current scheme in persuading local governments to adopt plans that further the state's overall goals.

3.1.3. Planning at the Regional Level

Georgia is divided into sixteen Regional Development Centers, which are responsible for the state's regional planning.

Georgia's 16 RDCs[ii]

Regional Planning and Review

Pursuant to Chapter 110-12-6-.01 through 110-12-6-.09 of DCA's Rules, regions in Georgia follow a planning process that is similar to the one followed by most local governments. The three main steps are: 1) a Regional Assessment, 2) a Stakeholder Involvement Program, and 3) a Regional Agenda. Regional plans must be updated at least every five years.

The region's Regional Assessment and Stakeholder Involvement Program are reviewed by DCA and made public before the region begins work on its Regional Agenda. Once DCA certifies that the Regional Agenda meets the planning requirements, the region may adopt its Regional Agenda. Then, the region will be eligible for state funding.

Suggested Changes to the Regional Planning Process

Again, we do not suggest that Georgia make substantial changes to its planning process. However, once again, a scorecard-based approach would allow for more meaningful review of regional plans by DCA. We urge the governor to direct DCA to work with other state agencies to develop a scorecard that will allow the Department to evaluate regional plans for compliance with the state's overall and agency goals.

Given Georgia's tradition of Home Rule, RDCs must be sure to incorporate their local communities' plans and visions into their regional plans. DCA's review of regional plans should include an evaluation of their compatibility with local plans for communities within that region. DCA should also review regional plans for compatibility with other regional plans.

3.1.4. Planning at the State Level

State agencies draft department and functional plans on a regular basis. These can address anything from the state's transportation strategy to the state's preparation for pandemic flu. However, these plans are usually completed in isolation, and not in consideration of the goals and policies of other state agencies. To achieve full implementation of Georgia's overall goals, this needs to change.

These state-level plans should be reviewed for compliance with the state's overall growth management goals. Agency plans and polices should also be evaluated for compatibility with other agencies' goals and policies. DCA and the Governor's Development Council (as reorganized, to include representatives from all state agencies, or in conjunction with a new planning advisory council) should take the responsibility of reviewing these state-level plans. The State Infrastructure Map (SIM) would be a useful tool in these evaluations. When an agency or functional plan is submitted to the Governor, the reviewers' comments should accompany it. A Governor who is committed to Georgia's growth management goals will give weight to the reviewers' comments and direct his state agencies accordingly.

The Georgia General Assembly has a large role in deciding which programs receive funding, and legislators, who are influenced by numerous factors, may find it difficult to adhere to the state's growth management goals. However, the Governor can use his influence to encourage the legislature to fund programs that help the state achieve smarter growth.

Further, he can use his position as the head of the Executive Branch to direct the state's departments to develop polices and execute their programs in ways that further smart growth.

The state's execution of its many programs is the key to effective implementation of its goals: if the policy is not executed, it will do no good. Ultimately, it is the Governor's responsibility to lead the executive branch and the state's departments, but DCA and the Governor's Development Council (and, if necessary, a planning advisory council,) could be a source of valuable advice.

3.2. Encouraging the Use of Smart Growth Management Tools

The adoption of the Georgia Planning Act by the Georgia Assembly in 1989 has spurred planning at the local and regional levels. As of 2005, over 700 local communities have authored comprehensive development plans.[iii] As described in the previous section, the Georgia Planning Act aims to create a coordinated process of "bottoms up" planning across the state. While the act established a valuable baseline that encouraged Georgia's communities of all sizes to consider how best to plan for their future, it has failed to create statewide *momentum* towards growth management. Pockets of hope do exist. In local municipalities across the state, new projects are underway that recognize the need to think differently about growth – from the conservation subdivision of Serenbe in South Fulton[iv] to Macon's Brownfields Revitalization Project[v]. But as new suburban-style subdivisions appear in the Central Savannah River Area and the "The Brain Train" (a proposed commuter rail between Athens and Atlanta[vi]) faces stiff resistance, it is clear that across Georgia, the nature of growth is largely "development as usual."

While being mindful of the unique character of the different regions of Georgia, the Department of Community Affairs (DCA) must aim to get the state's towns, cities, and regions marching to the same growth management "beat." Towards this end, the state should pursue a two-pronged approach: (1) establish and expand programs that help local and regional plans to adopt coordinated growth management strategies, and (2) create new rules and incentives for developers that will lead to fundamental change in how they design and build projects across the state. To tie these efforts together, DCA should encourage grass-roots support and seek new ways for community groups to advocate locally for smart growth initiatives.

3.2.1. State and Regional Growth Management Tools

This section describes tools that should be considered at the state level to encourage coordinated growth management at the regional and local levels. Today, DCA offers a host of recommended policies on its website (http://www.dca.state.ga.us/). The next step is to actively spearhead the adoption of a coordinated set of policies that will achieve demonstrable smart-growth results.

Urban Growth Boundaries and Alternatives

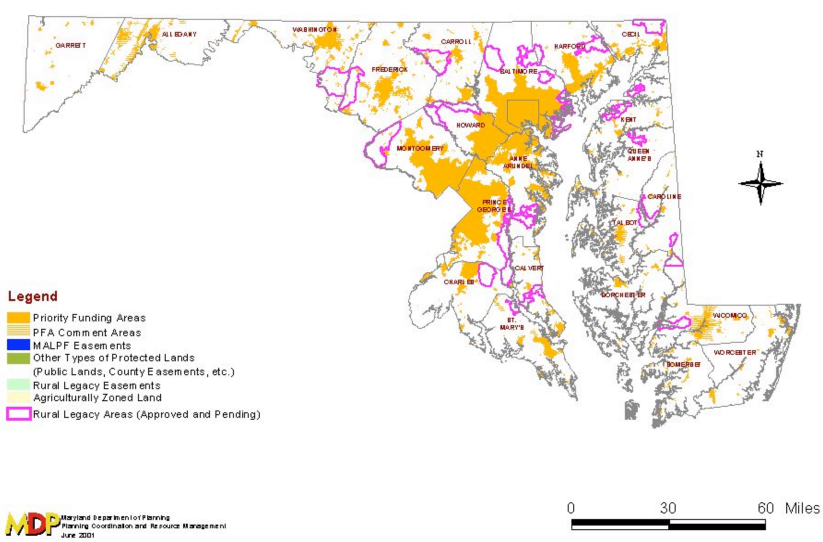
A number of states employ urban growth boundaries (UGBs) as an overarching growth management tool. A UGB defines the extent of future growth in a community by establishing a physical boundary within which development will be permitted. Outside the boundary, development is restricted to preserve rural and agricultural land. Besides encouraging development within the existing urban core, UGBs help local governments invest in infrastructure (e.g., water, sewer, roads, schools) in a more efficient manner. Instead of encouraging sprawl, the UGB helps to reinforce the upkeep and improvement of existing services (roads and sewer lines, transit, parks).[vii]

Seattle's Urban Growth Boundary[1]

It is important to recognize that UGBs are meant to control growth, not stop it. The boundary lines are drawn to provide sufficient land for a period of projected population growth (e.g., 20 years), and processes are put in place to review and possibly expand the boundary. This represents a safety valve to reduce unintended growth pressures, such as a sharp increase in housing prices. (Affordable-housing strategies, such as inclusion zoning, should be pursued in concert with UGBs.)

The two most famous UGBs are in the Portland (Oregon) and Seattle-Tacoma (Washington) regions. Both took coordinated efforts at the state, region and local levels. They have been effective in practice and as a rallying cry; the fact that they exist sets the tone that the state and region, together, have made growth management a priority. However, UGBs have also been controversial and have faced repeated attacks by developers and land-owners. The most significant legal setback in Oregon is Measure 37, which put severe limits on land-use regulations that may reduce private property values.[viii] The measure has forced advocates of smart growth – both within government and at the grassroots level – to expend considerable energy fighting back, further draining resources from ongoing and future growth management efforts.

UGBs would be beneficial to Georgia because they would require greater coordination at the regional and local levels, would change how developers approach development projects, and would create a visible platform for fostering community dialogue about smart growth. However, it is likely that they are too “heavy-handed” for Georgia and could prompt a backlash to growth management in general. An alternative approach that Georgia could pursue comes from Maryland. The “Old Line State”[ix] has two statewide programs that empower regional and local governments to steer development *and* conservation, in a manner that lacks the “absolutist” quality of a growth boundary. ***Priority Funding Areas*** (PFAs) allow county governments to designate geographic areas where the state should target future infrastructure spending and growth-related support (e.g., capital investments, grants and tax credits).[x] These areas receive preferential status for new roads and sewer lines, economic development assistance, and the citing of new state offices and other civic investments. Developers can choose to build outside of PFAs, but will face less support and greater costs.[xi] Here, PFAs provide clear incentives towards smarter growth practices but also provide choices for developers. The program’s complement is the ***Rural Legacies Program***, where local communities nominate environmentally sensitive land (agricultural and forest land, cultural resources) for protection and preservation through state funds.



Maryland’s Designation of Priority Funding and Rural Legacy Areas[xii]

While both programs have created tension between the state and regional governments, they have also produced a healthy dialogue among the various actors who are working to guide growth at the state, regional and local levels. Moreover, the programs together result in a visible roadmap (pun intended) that articulates to developers, government agencies and local citizens, in a unified, statewide manner, where future growth should occur.

Pay As You Drive Insurance

Another innovative program for Georgia to consider at the state level is “Pay As You Drive” auto insurance. This program allows insurance providers to calibrate premiums based on how much a person drives. This acts as a financial incentive for commuters: those who take public transportation or are able to live closer to where they work are rewarded with lower insurance costs. In the same way that car owners are rewarded for risk-reduction systems such as anti-lock breaks, this smart-growth strategy rewards car owners for reducing risk by driving fewer miles. (While lower-income workers often have less choice about where they live, they can still achieve the benefit if they are able to reduce the amount they drive by using public transportation.) Auto insurance policies are governed by state rules; enabling this system, therefore, requires action by the state government. Texas passed legislation in 2001 allowing pay-as-you-drive insurance, and other states are running pilot programs.[xiii] We encourage DCA and the governor to explore such a program in Georgia.

3.2.2. Strengthen Existing State and Regional Tools

Two tools that could have a greater impact on achieving statewide growth management are Atlanta’s Livable Centers Initiative and the state’s Development of Regional Impact program.

Replicate LCI Program Statewide

One of the most successful tools used for encouraging smart growth in the Atlanta region is the ***Livable Centers Initiative***. Run by metro Atlanta’s regional development center, the

Atlanta Regional Commission (ARC), the program leverages transportation funds to encourage Transit Oriented Development (TOD). TOD is a growth management approach that encourages denser, mixed-use communities near major activity centers and transportation corridors. According to the ARC's latest regional plan, $73 million dollars were allocated in the FY 03-05 Transportation Improvement Program (TIP) to help fund these projects.[xiv] As of 2005, the ARC has invested over $500 million in LCI projects.[xv] For example, the City of Chamblee is using an LCI grant to design and build 242 loft-style apartments directly across the street from its MARTA station.

Example of dense housing proposed near local transit line (MARTA) from City of Chamblee's LCI..[xvi]

The LCI program is a powerful tool for smart growth because it turns best practices into real world solutions. These projects act as tangible models for other communities to see and emulate. We recommend that DCA expand this program across the state through the regional development centers. While transportation funds may be more limited in the state's smaller cities, other states have taken steps to encourage transit- and pedestrian-oriented development with smaller sums of money. For example, Minneapolis/St. Paul has a program called ***Livable Communities Opportunity Grants***, which provides grants to municipalities throughout the seven counties in the Twin Cities area to foster smart growth design principles before development occurs. While the grants are smaller than LCI grants – they range from $10,000 to $75,000 – the program helps communities tap into millions of additional dollars in private and public investments.[xvii] Grants have helped communities clean up polluted land for redevelopment, develop affordable housing units, and explore more efficient development that leverages existing infrastructure and supports existing activity centers. We urge DCA to make the ARC's LCI program a statewide tool for smart growth.

Support Proposed DRI Changes

One of the most powerful tools that emerged from the Georgia Planning Act was the ***Development of Regional Impact*** (DRI) process. Large scale projects that exceed certain thresholds (e.g., Commercial properties over 300,000 gross square feet in a metropolitan area, Housing developments with over 125 units in a non-metropolitan area, etc.) trigger the local planning bureau to request a DRI review by the regional planning body, such as the ARC. The regional body then initiates a detailed review process of the development plan against a number of criteria, from its relationship to transit to its handling of storm-water run off. Subsequently, it delivers its feedback to the associated local government which reviews any zoning changes and ultimately delivers the necessary building permits.

The DRI review is a critical tool for smart growth because it leads to active engagement between planners and developers. Representatives of the planning body meet face-to-face with developers, which gives them both a powerful soapbox for evangelizing and encouraging the adoption of more progressive, "Smart Growth" development practices. For example, the DRI review that occurred for Sembler Corporation's Edgewood Retail District (Moreland Ave., Atlanta) led to a host of positive changes in the design, including greater connectivity to the surrounding neighborhoods and the addition of housing and offices for small businesses above some of the retail units (on Caroline Street, which runs through the property).[xviii]

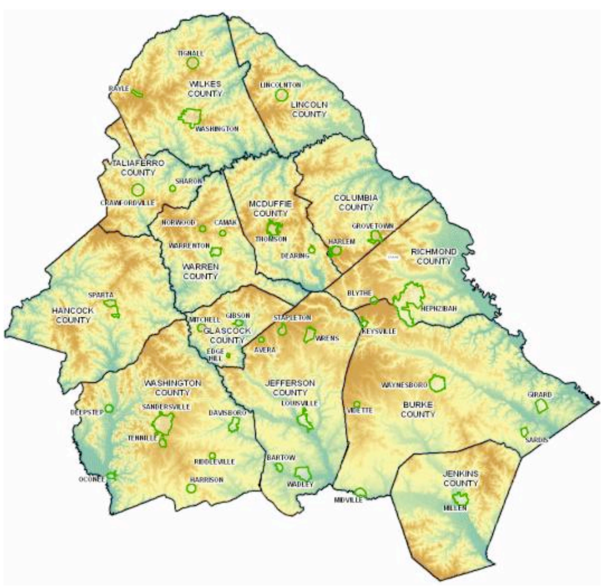
In 2007, DCA is considering a set of changes to strengthen and streamline the DRI review process. The changes include refinements to the program's "carrots" and "sticks". As an incentive, developments can receive an expedited review if the project scores well during the initial evaluation and analysis.[xix] By following smart growth principles, developers can increase their score. For developments that receive a negative finding (the project is deemed to be not in the best interest of the region), the proposed changes include allowing a longer review process. This gives the RDC more time to engage developers and seek positive, remedial action, but it also represents a possible time delay that the developer would like to avoid The DCA Board is scheduled to vote on these changes in late 2007. Given the value of the DRI process in promoting smart growth at the regional level, we urge the Governor to support the adoption of these changes.

3.2.3. Harness Innovative Tools at Local Level

Turning our attention to the local level, there are a number of tools that local and regional governments should actively support in the pursuit of growth management across Georgia.

Adopt Zoning Universally

Our first recommendation is that DCA, in concert with regional and local governments, work to enact zoning ordinances in *all* municipalities across the state. As of 2006, 48 counties in Georgia do not have zoning.[xx] While many of these areas have traditionally been considered rural, that trend is changing. In the Central Savannah River Area (Regional Development Center #7), only 8 of 13 counties have zoning, and less than half of its cities have zoning. The region's comprehensive regional plan acknowledges the changing landscape and the effect of uncontrolled growth. The report writes, "Housing has become more expensive, roads more congested, and developable land has dwindled."[xxi] Without zoning, it's difficult

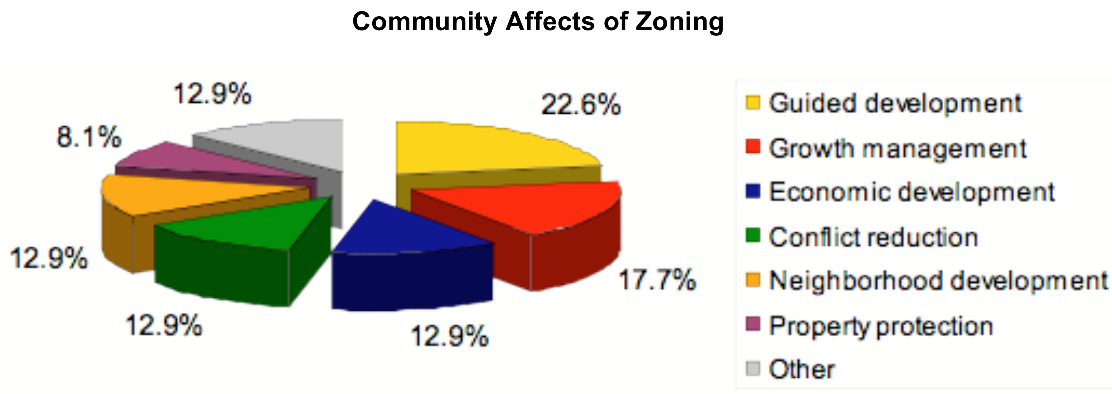


Counties of Central Savannah River Area Regional Development Center (CSRA RDC)[1] for areas to plan for and manage growth.

Zoning represents a fundamental land use tool for local governments, and provides a common baseline for addressing growth management across the state. Since 1916, when New York City put in place the first comprehensive zoning ordinance, over 9,000 cities, towns, and counties have used zoning across the country – representing over 90% of the nation's population.[xxii] The foundation for zoning was the Standard State Zoning Enabling Act of 1924[xxiii] and the basic authority for adopting zoning ordinances is the "police power", which was legitimized by the landmark case, ***Euclid v. Amber Realty Company*** in 1926. The *Euclid* case stated that a zoning regulation is not unconstitutional unless its stipulations are "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare."[xxiv]

Beyond the strong legal basis for zoning, zoning can have a positive impact on the economic landscape of a community. In 2006, the Georgia Tech Enterprise Innovation Institute studied Georgian communities with zoning versus those without zoning. It found that zoning had a positive and statistically significant relationship on employment rates and property values.[xxv] Moreover, qualitative surveys recognized zoning's ability to help guide development, protect property, and support growth management and economic development.

This study's key takeaways are that land-use planning through zoning has provided economic benefits for Georgian communities and that once-rural Georgia has an opportunity to shape future development positively through zoning. Furthermore, urban and suburban communities should further leverage zoning to encourage redevelopment and infill development.



Affects of zoning from study by the Georgia Tech Enterprise Institute (2006)[xxvi]

It is important to recognize that zoning is considered a "dirty" word in some places. However, clear arguments can be made as to why zoning does not represent an illegitimate loss of property rights, nor will it lead to a reduction in property values. In fact, as the aforementioned study has shown regarding property values, the opposite is often true. Ultimately, local communities recognize that changes are afoot (greater traffic congestion, damage to natural resources, etc.). DCA, with its regional and local planning partners, must help Georgia's un-zoned communities see that zoning represents a necessary and positive step forward in managing and shaping that change.

Innovative Zoning Practices

While encouraging the adoption of zoning universally across Georgia, it is vital to note that zoning is not perfect. Zoning is a tool, and while it has mostly been used to support communities, it has also been used to exclude and suppress certain segments of society, including minority groups and the poor. In instituting zoning statewide, we have a golden opportunity to not repeat the "sins of our parents." In fact, the growth management initiatives represented in this report attempt to fight the sprawl that conventional forms of zoning helped create.

A typical suburban development that lacks many of the elements that planners believe lead to more pedestrian-friendly, safe and vibrant communities, including sidewalks, a dense street grid (does this street end in a cul-de-sac?), proximity to parks, shops, and public transit.

For this reason, local communities should explore a variety of innovative tools when enacting new zoning, or modifying existing zoning ordinances across Georgia. Furthermore, DCA should seek a combination of new regulations and incentives to achieve higher and more consistent rates of adoption of these tools. Such tools include reducing barriers to mixed-use projects. Zoning should actively promote ***mixed-use development***, as opposed to a separation of uses. At the same time, it should advocate greater density in key "activity centers". Regional planning bodies should team with local planning boards to identify how to remove barriers to mixed-use projects, so that residential, commercial, and institutional buildings can exist within a single community. For example, Largo, Florida changed its zoning to use performance measures as an incentive to create mixed-use developments. Once a development's design could show it met certain performance measures (e.g., jobs created), certain zoning regulations are relaxed to allow for denser developments (such as side yard setbacks).[xxvii]

Communities should also explore instituting ***form-based codes***, like SmartCodes, as an alternative to conventional zoning. Form-based codes are founded on the idea that a local area's physical form, rather than its land uses, is the most important characteristic to consider when aiming to create vibrant, healthy communities. Form-based codes carefully consider how an individual development fits in with and affects what is around it. Many Gulf Coast towns that were devastated by Katrina are exploring or adopting SmartCodes. Most recently, city officials in Biloxi, MI adopted a new form-based code that they believe will better shape the growth that comes from rebuilding their community.[xxviii]

A third zoning tool for fostering more equitable growth management is ***inclusionary zoning***, where a city requires that a certain percentage of new housing developments sell or rent at below-market rates for lower-income residents. DCA should explore ways to creating a unified model for inclusionary zoning that local communities can adopt across Georgia. The governor should encourage this effort; it will show that the state speaks with *one* voice that it cares about the housing needs of all of Georgia's citizens. Moreover, it will reduce the argument that the municipality that enacts inclusionary zoning requirements will lose development dollars to neighboring municipalities that do not have such rules. If the barriers to adopting mandatory inclusionary zoning remain too high, communities should enact a series of inclusionary zoning incentives, including density bonuses and expedited permitting.

Another useful tool that DCA should explore instituting statewide is requiring a "pedestrian master plan" as part of all updated and new local comprehensive development plans. A 2002 study reports that residents are 28-55% more likely to choose walking over other modes of transportation when they have access to sidewalks, trails, and foot paths.[xxix] Too often, developments are designed without considering how they accommodate pedestrian traffic, and city-funded infrastructure improvements are done without considering how they could improve non-automobile mobility.[xxx] In many cases, the tools for promoting walking are not expensive; they are simply not evaluated during the design review and permitting process. DCA, by requiring this new component of a CDP would help communities consider growth specifically from a pedestrian standpoint. Such plans would provide design and implementation guidelines for all projects (e.g., street design), help communities prioritize the funding of pedestrian projects, and promote consistent, but flexible policies for making sure growth encourages, as opposed to inhibits, walking.

Considering these tools in total, we urge the Governor to help DCA, and its regional and local planning partners, provide a larger palette of incentives to encourage adoption of these growth management tools at the state, regional and local levels.

3.3. Encouraging Compliance

Encouraging local governments to participate meaningfully is a challenge to any statewide growth management plan. Given Georgia's constitutionalized Home Rule tradition, it is important to give local governments true autonomy to manage their respective growth. It is also important, however, that local plans are created and followed in furtherance of statewide goals.

Under our proposed scorecard approach, local governments are given great latitude in creating their own growth management plans. Local governments can and should consider the individual character of their community, the needs of their local citizens, and the expected growth issues that are particular to their local community. There are currently over 700 local plans in Georgia. No local government would be required to start over, if they want to keep their existing plan. However, given the new state goals and new scorecard approach, local governments would be permitted to revise their existing plans or create an entirely new plan.

Currently, under the Georgia Planning Act (GPA) local governments submit their plans to their appropriate Regional Development Center (RDCs) and RDCs send approved plans to the Department of Community Affairs (DCA). Under the scorecard approach, this will not change. Local governments will continue to send growth management plans to the RDCs. There, plans will be evaluated for consistency with the regional plan, state goals and the State Infrastructure Map (SIM). RDCs will continue to send approved local plans to DCA.

The GPA already allows DCA to evaluate local plans and either gives the local government Qualified Local Government (QLG) status or not. To be certified and maintain QLG status, a local government must:

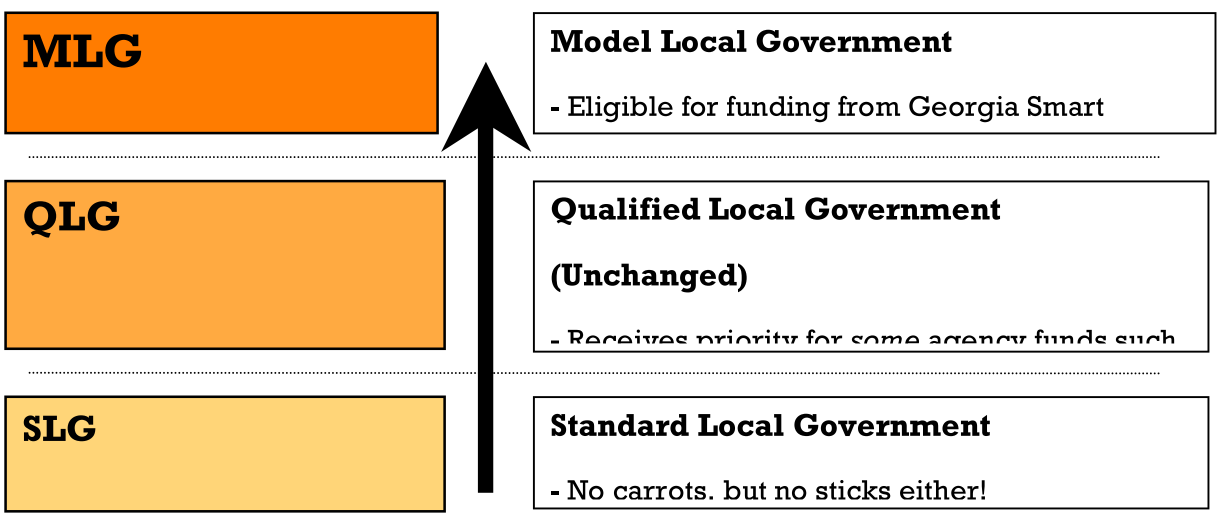
- Prepare and adopt a comprehensive plan that conforms to the "Minimum Standards and Procedures for Local Comprehensive Planning" which specify items the plan should address;
- Adopt and implement regulations consistent with the comprehensive plan and the Minimum Standards;
- Update the Short Term Work Program (STWP) portion of the plan at least every five years. (The STWP identifies and schedules specific activities to be undertaken over a five year period to implement the plan);
- Update the entire plan at least every ten years.

QLG status currently makes local governments eligible for funding from DCA, DNR, Georgia Environmental Facilities Authority (GEFA), the Local Development Fund and other sources of funding. However, these incentives are weak because local governments not certified as QLG still receive funds from other major sources, such as DOT. Also, the Local Development Fund is currently without funding, so it provides no incentive for local governments to strive for QLG status. Therefore, QLG status does provide some incentive for local governments to adhere to minimum standards, but more could be done.

Under the new proposed scorecard approach, the DCA will coordinate with agencies such as the Department of Transportation (DOT) and the Department of Natural Resources (DNR) to create a scorecard. The scorecard might award points for the adoption of Smart Growth Tools, as well as the degree to which a local plan furthers state and agency goals. For example, a local plan that incorporates zoning, an urban growth boundary (UGB), and protects a regionally important resource (RIR) or other natural resources will receive a higher score than a plan that only provides for zoning or only protects a natural resource.

3.3.1. Local Government Planning Status

We propose to maintain the current QLG status but to add a higher incentive level: Model Local Government (MLG). DCA will establish a point value on the scorecard that qualifies local governments for MLG status. The Model Local Government status will be reserved for local governments that are committed to growth management, Smart Growth principles, and working toward achieving the new state goals. The name Standard Local Government (SLG) will be given to those local governments who do not achieve MLG or QLG status. SLGs will continue to be ineligible for existing QLG funds, but will not be punished.



3.4. *Funding Considerations*

3.4.1. Georgia Smart Growth Fund

The Local Development Fund was created to encourage and fund planning for QLGs. However, the Georgia General Assembly has not provided funding for 2007, so there are currently no funds available. We propose the creation of a Georgia Smart Growth Fund. This fund will allow MLGs to pay for specific Smart Growth projects. For example, a town that achieves MLG status would be eligible to receive funding from the Georgia Smart Growth Fund to build a bicycle path through town, or to complete a greenspace renewal project. Creating this fund will not only encourage planning by giving local communities an incentive to achieve MLG status, but it will also facilitate Smart Growth by funding specific Smart Growth projects.

To avoid the problems that the Local Development Fund has faced due to lack of funding, we propose that the Georgia Smart Growth Fund be funded by an increase in the Certificate of Occupancy Permit. The DCA currently requires any owner, agent or contractor who desires to construct, alter, repair, move, demolish, or change the occupancy of a structure or to alter, repair, remove or replace electrical, gas, mechanical or plumbing systems that are regulated by technical codes to obtain a certificate of occupancy. We propose that an additional fee be added to the certificate of occupancy permit only for new construction. This will allow new development to fund future growth management.

3.4.2. Funding Plan Development

One positive aspect of Georgia's current system is that the state has helped local governments by allowing DCA to provide funding to RDCs to carry out their duties. From 1990-1999, DCA provided $20.7 million to RDCs. We encourage strong state commitment to planning by funding local plans, thereby reducing burden on local governments. We also encourage state agencies to fund planning and Smart Growth.

Another possible source of funds for county governments is the use of special-purpose local –option sales tax (SPLOST). Any county in Georgia, for the purpose of funding the building and maintenance of parks, schools, roads and other public facilities, can levy SPLOST taxes. Use of a SPLOST tax could help counties fund the implementation of some elements of their plans. For example, if a county's plan included more greenspace and public recreation facilities, the implementation of a SPOLST tax could fund the purchase of land and the building and maintenance of a park.

3.5. Resolving Disputes

3.5.1. Encouraging Mediation between Local Governments

Hopefully, by improving communication at the local, regional and state levels through the SIM, the local plan review process and the new state goals, disputes between parties will be minimized. When a dispute does arise, mediation is the best option for dispute resolution. When parties enter mediation, a neutral third party, called a mediator, helps the disputing parties engage in negotiations to agree on an acceptable solution. Mediation improves relationships between parties by fostering fair play and debate. Mediation is often cheaper and friendlier than litigation and it increases the chances of reaching a mutually beneficial resolution of the conflict.

The goal of mediation is a "memorandum of agreement" signed by all parties. This agreement is monitored for good faith compliance by the RDC or DCA. Currently, DCA sets rules for mediating local governments planning disputes (often involving land use issues). These rules were last revised in 1997. Unfortunately, only a few local governments have initiated or entered the mediation process. We propose two changes to the current DCA mediation rules to encourage the use of the mediation process. First, by allowing any local government (instead of only QLGs) to enter mediation, more disputes are likely to be resolved by mediation. This will also encourage planning and coordination between neighboring local communities. Second, we propose that the Georgia Smart Growth Fund (discussed above) fund mediation instead of splitting the costs between parties. Funding mediation from a state fund will show state support of dispute resolution and make the mediation process affordable for local governments.

EXISTING RULE	PROPOSED CHANGE
Only QLG's can enter mediation process	Allow mediation between any local government
Costs split between parties (local gov'ts or RDC)	Fund mediation from Georgia Smart Growth Fund to encourage mediation

4. Conclusion

Using the State Infrastructure Map, new state goals, recommended smart growth management tools, and the Georgia Smart Growth Fund for MLG's, Georgia can achieve…

- comprehensive planning,
- coordination between all levels of government, and
- smarter development!

5. Presentation Handout

Smarten Up, Georgia!

A State Growth Management Plan for Georgia

Our plan has four major components:

1. **Identify New State Goals**
    - Concentrate new development in environmentally suitable areas and communities where infrastructure is in place
    - Target resource expenditure and improvements on existing population centers
    - Revitalize Georgia's towns and cities and focus on making developed areas healthier, more appealing places to live
    - Stimulate economic growth in accordance with Georgia's unique demographic characteristics, capabilities, and environmental objectives
    - Minimize resource consumption through conservation, reuse, and efficiency
    - Balance and integrate multi-modal transportation system that provides opportunities for smart growth
    - Sustain and enhance Georgia's resources of natural, historic, cultural, environmental, economic, scenic, and recreational value
    - Provide adequate and equitable public facilities and services at a reasonable cost
    - Provide adequate and equitable housing at a reasonable cost for all income levels
    - Use systematic evaluation to ensure sound coordination of planning, development, expenditure and implementation statewide

2. **Develop a State Infrastructure Map**
    - A resource for state, regional, and local governments
    - Reflects upcoming major infrastructure investments by all state agencies

3. **Encourage the Use of Smart Growth Management Tools**
    - Promote tools to help local governments plan for smart growth

4. **Create a Smart Growth Fund**
    - Use carrots (not sticks) to encourage local governments to develop plans that comply with state and regional goals
    - Let development fund smart growth
    - Provide funding for mediation to encourage friendly dispute resolution

6. Sources Consulted

The Council of State Governments (1975), *LAND: Stage Alternatives for Planning and Management*, Iron Works Pike: Lexington, Kentucky

DeGrove, John M. *Planning Policy and Politics: Smart Growth and the States*, Lincoln Institute of Land Policy, 2005.

Ga. Comp. R. & Regs. 110-12-1-.01, *et seq*. "Local Planning Requirements" Available at: http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/downloads/MinimumStandardsAdopted.pdf

Ga. Comp. R. & Regs. 110-12-6-.01, *et seq*. "Regional Planning Requirements" Available at: http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/documents/RegionalStandards2007Draft102906.doc

Ga. Comprehensive Wildlife Conservation Strategy, Available at: http://www.gadnr.org/cwcs/

Ga. Dept. of Community Affairs website. www.dca.state.ga.us

Ga. Emergency Operations Plan, Available at: http://www.gema.state.ga.us/

Ga. Land Conservation Partnership Plan, Available at: http://www.gadnr.org/glcp_old/Assets/Documents/GLCP_Final_Report_for_web.pdf

Ga. Pandemic Influenza Plan, Available at: http://health.state.ga.us/

Ga. Planning Association, *Statement of Legislative Priorities*. Available at: http://www.georgiaplanning.org/news.php?news_id=52&start=0&category_id=4&parent_id=0&arcyear=&arcmonth

Ga. State Energy Strategy, Available at: http://www.georgiaenergyplan.org/

Ga. Statewide Transportation Plan, Available at: http://www.dot.state.ga.us/DOT/plan-prog/planning/swtp/index.shtml

Ga. Statewide Water Plan (under development), Available at: http://www.gadnr.org/gswp/

Governor's Road Improvement Program (GRIP), Available at: http://www.dot.state.ga.us/DOT/preconstruction/SpecialSubjects/grip/index.shtml

Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change, 2002

Maryland Dept. of Planning website: http://www.mdp.state.md.us/smartintro.htm

New Jersey Dept. of Community Affairs website: http://www.nj.gov/dca/osg/

O.C.G.A. § 45-12-200, *et seq*. "The Georgia Planning Act"

Rhode Island state planning website: www.planning.state.ri.us/sgp/sgp.htm

Weitz, J (1999), *Sprawl Busting: State Programs to Guide Growth*. Planners Press: Washington D.C.

7. Endnotes

[i] Ga. Comp. R. & Regs. 110-12-1-.05(1-2). Rules of Ga. Dept. of Community Affairs: "Local Planning Requirements." Available at: http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/documents/RegionalStandards2007Draft102906.doc

[ii] Source: DCA. Available at http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/documents/RDCDirectory.061906.pdf

[iii] DeGrove, John M. *Planning Policy and Politics: Smart Growth and the States*, Lincoln Institute of Land Policy, 2005, p.220. For a list of completed and draft plans, visit the Georgia Department of Communities Affairs (DCA) at http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/currentplans.asp.

[iv] For more information on Serenbe, "a 900 acre sustainable living community", visit http://www.serenbecommunity.com.

[v] For more information on Macon's Brownfields Project, see http://www.cityofmacon.net/Projects/Brownfields.htm.

[vi] For more information on the Brain Train, visit http://www.georgiabraintrain.com/.

[vii] Land-use Planning, Metro, Portland OR, Available at: http://www.metro-region.org.

[viii] DeGrove, John M. Planning Policy and Politics: Smart Growth and the States. Lincoln Institute of Land Policy, 2005, p.38.

[ix] Here is a bit of state trivia. It is believed that Maryland was given the nickname the "Old Line State" by General George Washington because of the well-ordered lines of the state's troops during Revolutionary War battles. From 50states.com, *State Nicknames,* Available at: http://www.50states.com/bio/nickname2.htm.

[x] Maryland Smart Sites, Incentive, Available at: http://www.mdsmartsites.org/incentives.asp.

[xi] DeGrove, John M. *Planning Policy and Politics: Smart Growth and the States*, Lincoln Institute of Land Policy, 2005.

[xii] Maryland Department of Natural Resources, State Map of Priority Funding Areas and Rural Legacy Areas, 2001, Available at: http://www.dnr.state.md.us/education/growfromhere/LESSON2/lesson2_4.htm.

[xiii] Getting to Smart Growth II: 100 More Policies for Implementation; Smart Growth Network, International City/County Management Association, Available at: www.smartgrowth.org.

[xiv] Atlanta Regional Commission, *Regional Development Plan Land Use Policies*, 2003, Available at: http://www.atlantaregional.com/cps/rde/xchg/arc/hs.xsl/317_ENU_HTML.htm.

[xv] Reuter, Dan, Atlanta's Livable Centers Initiative, Brownfield News, 2005, Available at: http://www.brownfieldnews.com/Archive/0504April/V92_so_atlanta.htm.

[xvi] Reuter, Dan, Atlanta's Livable Centers Initiative, Brownfield News, 2005, Available at: http://www.brownfieldnews.com/Archive/0504April/V92_so_atlanta.htm.

[xvii] Livable Communities Grant Program, Metropolitan Council, 2006, Available at: http://www.metrocouncil.org/services/livcomm.htm.

[xviii] In Fall 2006, I (Glenn Frankel) researched the DRI process as part of a paper I wrote for the CRP program's History and Theory course. My research included interviewing Mike Alexander of the ARC.

[xix] Georgia Department of Community Affairs, *Regional Rules: Proposed Changes to Developments of Regional Impact*, Available at: http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/regionalrules.asp.

[xx] Wilkins, Joy, Georgia Tech Enterprise Institute, *"Land Use Planning: Does It Work?"*, 2007, Available at: http://www.locationgeorgia.com/ed_forum_2007.php.

[xxi] Central Savannah River Area Regional Development Center, *Regional Development Plan,* Available at: http://www.csrardc.org/csra/planning/planning_search_start.asp.

[xxii] Georgia Planning Association, Georgia Planner: September 2006 Quarterly, Available at: www.georgiaplanning.org/quarterlyNewsletters/GPA_quarterlyNewsletter_2006Sep.pdf.

[xxiii] APA website - http://www.planning.org/growingsmart/enablingacts.htm.

[xxiv] Euclid case, full text available at: http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=272&invol=365

[xxv] Wilkins, Joy, Georgia Tech Enterprise Institute, *"Land Use Planning: Does It Work?"*, 2007, Available at: http://www.locationgeorgia.com/ed_forum_2007.php.

[xxvi] Wilkins, Joy, Georgia Tech Enterprise Institute, *"Land Use Planning: Does It Work?",* 2007, Available at: http://www.locationgeorgia.com/ed_forum_2007.php.

[xxvii] Getting to Smart Growth II: 100 More Policies for Implementation; Smart Growth Network, International City/County Management Association, Accessed from: www.smartgrowth.org.

[xxviii] Newsome, Michael, Sun Harold, "Board Approves SmartCode Text", April 4, 2007, Available at: http://www.sunherald.com/201/story/23600.html.

[xxix] Nancy Humpel, "Environmental Forces Associated with Adults' Participation in Physical Activity: A Review," American Journal of Preventive Medicine, 22, no. 3 (2002): 188-198.

[xxx] Getting to Smart Growth II: 100 More Policies for Implementation; Smart Growth Network, International City/County Management Association, Chapter 4, Available at: www.smartgrowth.org.