

## In the Works

# Growth Strategies: The New Planning Game in Georgia

Arthur C. Nelson

*In 1989, Georgia adopted an innovative statewide land use planning program known as Growth Strategies. The author notes that North Carolina's Coastal Area Management Act served as one model for Georgia's program. This article describes the passage of this legislation and the application of Growth Strategies in Georgia.*

In 1989, the Georgia Legislative Assembly passed, and Governor Joe Frank Harris signed into law, HB 215, otherwise known as *Growth Strategies*. On October 1, 1990, administrative rules known as the Minimum Planning Standards and Minimum Environmental Standards, specially adopted by the legislature, went into effect. These standards are to be used by all Georgia cities and counties to produce land use plans that comply with Growth Strategies. There are rewards for compliance and penalties for noncompliance. These actions make Georgia only the second state in the South to put teeth into statewide land use planning. Governor Harris received the American Planning Association's 1990 Outstanding Elected Official Award for his leadership role in developing and implementing Growth Strategies.

Why has Georgia embarked on such an ambitious course? How is it different from other states? How does it work? What are the prospects for long-term success in managing growth statewide?

### Background

Until recently, Georgia could not be described as a leader in land use planning. Indeed, its 1983 constitution prohibits the state government from interfering in local zoning questions, but the constitution does allow the state to mandate land use planning. Georgia nevertheless has a long tradition of regional approaches to land and economic development. The state has one of the nations most exemplary coastal zone management programs, for instance.

Georgia also has one of the nation's most pro-active and multi-faceted regional planning programs. It is perhaps more out of necessity than progressive thinking that for nearly thirty years many local economic development and planning activities have been supported, coordinated, and undertaken by eighteen Regional Planning and Development Centers (RPDCs). Georgia has 159 counties, more

than any other state east of the Mississippi (and second only to Texas in total numbers), and about 550 active municipalities. More than 95 percent of all cities have populations under 10,000; more than 70 percent of the counties have populations less than 15,000. There are about 3,000 elected city and county officials; fewer than 10 percent serve full time.

The RPDCs offer a wide range of services these smaller local governments cannot afford on their own. Local governments have worked within the RPDC system for thirty years. It is a system that is understood and trusted principally because it delivers services and has become a forum for constructive decision-making among local cities and counties.

Entering the 1990s, however, there was a perception among business and government leaders that improvements could be made to existing mechanisms of coordinating government and development investments. A decade of rapid economic development and population growth had stretched infrastructure to its limits and beyond. As John Sibley, the governor's special assistant responsible for pulling together the Growth Strategies legislation, stated in a speech before Georgia's Association of County Commissioners in 1989, Georgia business and government leaders were concerned that the "devil they didn't know was better than the devil they knew." The devil they knew was government at all levels incapable of fairly apportioning infrastructure and other resources to accommodate development. The devil they trust more is Growth Strategies.

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Governor Harris began his second term in 1987 with a pledge to pursue quality growth patterns by forging a new kind of partnership between state, regional, and local governments. The governor appointed a 35-member Growth Strategies Commission and charged it with recommending a course of action for Georgia's future growth and development. The commission met several times throughout the state in highly advertised public hearings. The commission also enlisted several hundred volunteers to serve on a variety of policy groups, addressing land use planning, environmental protection, economic development, and uses of advanced technology.

The Growth Strategies legislation and the implementing rules codified as the Minimum Planning Standards and the Minimum Environmental Standards developed from the commission's work.

### What is Growth Strategies?

Growth Strategies requires local cities and counties to prepare comprehensive land use plans consistent with the state's minimum planning and environmental standards. Coordination among plans is done at the regional level through Regional Development Centers (RDCs), which replace the RPDCs, and is accomplished in three ways. First, RDCs prepare regional development plans that give general planning direction principally to "regionally important resources." Second, city and county plans must be consistent with regional plans. Disputes among local governments and between local governments and RDCs are to be settled at the regional level, if possible. Third, disputes that cannot be resolved are to be mediated at the state level by the Georgia Department of Community Affairs (DCA).

There is the additional dimension that regional development plans need to be consistent with each other. Inconsistencies that cannot be resolved among disputing RDCs are mediated at the state level by the DCA.

Interestingly, consistency of city and county land use plans with regional development plans is optional. Cities and counties need not plan; nor plan consistently with regional development plans. However, local governments whose plans are deemed inconsistent with minimum plan-



*Under Growth Strategies, Georgia's eighteen Regional Development Centers (RDCs) will prepare regional development plans and review county and municipal land use plans.*

ning standards and regional development plans are ineligible to receive state infrastructure funds, whether borrowed or granted. These local governments also may not assess development impact fees or other development exactions.

The aim of Growth Strategies is to realize goals in five general areas. These goals, drafted by the author, have been codified in the administrative rules as follows:

1. **Economic Development:** To achieve a growing and balanced economy, consistent with the resources of this state and its various regions, that equitably benefits all sections of the state and all segments of the population.
2. **Natural and Historic Resources:** To conserve and protect the environmental, natural and historic resources of Georgia's communities, regions, and the state.
3. **Community Facilities:** To ensure that public infrastructure facilities serving local governments, the region, and the state have the capacity and are in place when needed

to support and attract growth and development and/or maintain and enhance the quality of life of the residents of the state.

4. *Housing:* To ensure that all people within the state and its various regions and communities have access to adequate and affordable housing.
5. *Land Use:* To ensure that the land resources of the state are allocated for uses required to facilitate the topical areas of economic development, natural and historic resources, community facilities, and housing as outlined above, and to protect and promote the quality of life of the people of Georgia's communities, regions, and the state.

### How Does Georgia's Approach Differ?

Georgia's approach differs from the mainstream model of statewide land use planning. States that pursue coordinated statewide land use planning typically implement planning through a single state agency and all local plans must be deemed consistent with state policy by that agency. This approach is used by Florida, Hawaii, and Oregon, and will soon be used by Connecticut, Maine, and Rhode Island. In Georgia, however, coordination is done solely at the regional level. The primary role of Georgia's statewide agency is to help settle disputes. DCA is not in the business of reviewing plans for consistency except in the case of disputes.

It is possible that Georgia's approach can become the new mainstream model for the simple reason that statewide planning coordinated through a single state agency may not be politically possible in most states. Indeed, in Georgia, decentralizing coordinated planning to the locally trusted and long-proven RPDCs created the favorable political climate needed to assure passage of Growth Strategies. Many other states have equally trusted and generally competent regional agencies. In those states the Georgia model may be more politically feasible than the highly centralized models evolving out of Florida and Oregon.

#### *What Are the Responsibilities of Local Governments?*

To implement Growth Strategies, local governments must go through a series of simple planning steps. While many local governments already have plans that are consistent with the regional development plans, most smaller governments have no such plans at all. Growth Strategies establishes minimum planning standards partly in an effort to educate local governments in planning.



*Governor Joe Frank Harris advocated and lobbied for the Growth Strategies legislation.*

The process is characterized by three simple and logical steps:

First, communities need to prepare a basic planning inventory and assessment. In preparing this assessment, governments must ask:

*What do we have as a community?*

*Is what we have adequate?*

Second, communities use the inventory and assessment to prepare a statement of needs and goals. In this step, two more questions are addressed:

*What do we need as a community?*

*What do we want as a community?*

The third step concerns implementation. Communities must ask one final question:

*How are we going to get there?*

Plans are decidedly action-based. Cities and counties must prepare five-year Short Term Work Programs that list specific actions to be taken in the areas of economic development, land use management, and infrastructure improvements. Communities must also prepare twenty-year comprehensive plans that provide general guidance to short-term actions. Table 1 outlines the data, assessment, and decision requirements imbedded in the minimum planning standards. These standards guide communities throughout the process of preparing land use plans. Communities can refer to the administrative rules of the minimum planning standards for more detailed direction on what data to collect, how to assess it, and how to derive implications for planning.

### The Five Steps Toward Consistency

Plans are deemed consistent with regional development plans and the minimum planning standards when they receive certification from the DCA. The DCA bases its certification decision on the recommendation of the sponsoring RDC. There are five steps in the certification process.

#### *Step 1: Certification of Existing Plans*

Many communities already have plans. The RDCs and the DCA are now determining the number of pre-existing plans. These plans must be formally submitted for review against the minimum planning standards. If the plans comply, certification will be given; if they do not comply, the sponsoring RDC and the DCA will provide the community with specific recommendations.

**Table 1. Minimum Planning Standard - Inventory and Statement of Needs and Goals**

*Step 2: Presubmission Process*

Most communities will need to start from scratch. To begin the planning process, local governments must meet minimum presubmission requirements, most of which pertain to public participation. Growth Strategies requires at least one public hearing during the development of the plan and another to solicit citizen review and reaction to a draft version. Local governments then submit the plans to the RDC for review, comment, and recommended changes.

*Step 3: Regional Development Center Review*

The RDC reviews all local plans within their multi-county jurisdictions for compliance with the minimum planning standards and regional development plans. As an important part of this process, neighboring local governments are invited to review and comment on plans and the RDC holds a public hearing to solicit citizen views from throughout the region. The RDC then makes its determination to approve the plan as submitted, approve it subject to certain specific conditions being met, or return it to the local government, noting conflicts and recommended modifications. In the latter two cases, the local government can request a reconsideration hearing. Disputes involving local governments and RDCs can be forwarded to the DCA for mediation at any time by a local government, an RDC, or the DCA itself. Since submittal of all plans at the same time would overwhelm the review process, each RDC will devise a staggered plan submission schedule for local governments within its region.

*Step 4: Local Government Action*

Once a local plan is deemed in compliance, the local government receives DCA certification and can formally adopt

the plan. If the RDC determines that a plan does not comply, the local government can pursue a number of options. The first is to disagree with any comments or recommendations offered by the RDC and request mediation with DCA. The second is to accept any conditions and comply with the recommendations of the RDC and then adopt the modified plan. The third option, when the DCA recommends significant changes, is to make those changes and resubmit the plan for review by the RDC. Finally, the local government may adopt its plan and simply disagree with the RDC and any mediation recommendation of the

| <i>Basic Plan Element</i>             | <i>Inventory<br/>"What do you have as a Community?"</i>  | <i>Statement of Needs and Goals<br/>"What do you want as a Community?"</i>  |
|---------------------------------------|--|---|
| <b>Population</b>                     | <i>Population:</i><br>1960 / 1970 / 1980<br><br><i>Characteristics:</i><br># of Households      Education<br>Age / Sex / Race      Income<br><i>Where do they live?</i>  | <i>Population:</i><br>1990 / 2000 / 2010<br><br><i>Characteristics:</i><br># of Households      Education<br>Age / Sex / Race      Income<br><i>Where will they be living?</i>  |
| <b>Economic Development</b>           | <i>Assessment of past and present labor force:</i><br># of Workers      Place of work<br>Wage levels      Training, skills<br>Unemployment<br><br><i>Assessment of the economic base:</i><br>Manufacturing      Military<br>Commercial activity      Service<br>Tourism      Warehousing<br>Recreation      Shipping<br>Agribusiness | <i>Forecast and analysis of the labor force:</i><br># of Workers      Place of work<br>Wage levels      Training needs<br>Skills needed<br><br><i>Forecast and analysis of the economic base:</i><br>Manufacturing      Military<br>Commercial activity      Service<br>Tourism      Warehousing<br>Recreation      Shipping<br>Agribusiness                    |
| <b>Natural and Historic Resources</b> | <i>Assessment of any special or significant natural resources:</i><br>Coastal areas      Parks<br>Scenic views      Minerals<br>Agricultural land<br><br><i>Assessment and location map of historic resources:</i><br>Landmark buildings      Cultural sites<br>Rural resources      Residential districts                           | <i>Conservation and enhancement strategies for these natural resources:</i><br>Coastal areas      Parks<br>Scenic views      Minerals<br>Agricultural land<br><br><i>Preservation, development, and protection strategies for these significant historic resources:</i><br>Landmark buildings      Cultural sites<br>Rural resources      Residential districts |
| <b>Community Facilities</b>           | <i>Inventory of existing facilities:</i><br>Water supply      Education<br>Sewerage      Human services<br>Drainage      Cultural areas<br>Transportation      Recreation<br>Solid waste      Government<br>Public safety<br><br><i>Assessment and analysis of facility:</i><br>Capacity      Service Area<br>Location               | <i>Future facility needs:</i><br>Types of facilities needed<br>Adequacy of existing facilities<br>Service areas of facilities<br>Life cycle of new facilities<br><br><i>Assessment of external factors that may affect facilities planning.</i>   |
| <b>Land Use</b>                       | <i>Map and analysis of existing land uses:</i><br>Residential      Government<br>Commercial      Recreation/parks<br>Industrial      Natural/vacant<br>Agricultural      Undeveloped<br><br><i>Existing housing supply and demand:</i><br>Affordability      Type<br>Household size      Tenure<br>Condition and age                 | <i>Future land use strategies with map and policies:</i><br>Residential      Government<br>Commercial      Recreation/parks<br>Industrial      Natural/vacant<br>Agricultural      Undeveloped<br><br><i>Future housing supply and demand:</i><br>Affordability      Type<br>Household size      Tenure<br>Condition and age                                    |

DCA. In all cases, the RDC notifies the DCA whenever a local plan is formally adopted. If the RDC recommends certification to the DCA, the DCA certifies the plan.

#### *Step 5: Plan Updates or Amendments*

The last step really becomes a first step. Growth Strategies requires communities to update their plans every ten years, but five year updates are formally recommended. The procedures for original plans also apply to all updates or amendments. The local government must give public notice and hold a public hearing on any plan update or amendment, or any change to the short-term work program. The RDC reviews the change for compliance with minimum planning standards and regional development plans. If necessary, the local government modifies the update or amendment as recommended by the RDC prior to adoption. Furthermore, every five years the local government prepares a formal report on the status of the short-term work program.

#### *Penalties for Noncompliance*

To be effective, state planning mandates must impose real penalties on local governments if they fail to prepare plans consistent with state policy. In Oregon, for example, the usual penalty has been to impose building moratoria until substantial progress is made in planning. In Florida, local governments can lose state revenue sharing funds.

In Georgia, there are no direct penalties; however, jurisdictions with plans that are not consistent with minimum planning standards do not qualify for state loans or grants for water or wastewater systems, and certain road projects. Local governments that lack a certified plan cannot impose development exactions or impact fees.

### **What are the Prospects For Long-Term Success?**

Growth Strategies is here to stay. The use of regional agencies to determine compliance is a small stroke of genius. The RDCs have long been positive influences on local government in Georgia, and most are staffed with Georgia Institute of Technology and University of Georgia extension faculty. RDCs are trusted by local governments, and they are unusually competent. For these reasons alone, Growth Strategies is likely to be successful.

Growth Strategies will also be successful because its planning requirements are modest. The minimum planning standards require only basic planning. Unlike Florida and Oregon, which have nineteen and thirty-two goals respectively, Growth Strategies has but five goals. While planning criteria in Florida and Oregon exceed fifty pages of formal administrative rules, the minimum planning standards under Growth Strategies take up only eleven pages. There are considerably fewer criteria used to judge the compliance of local plans. Over time, however, the mini-

um planning standards may increase as the technical abilities of local governments improve.

But there are uncertainties which will become more apparent as plans are approved and disputes move to the courts. What happens, for example, if a local government rezones land in a way that is inconsistent with a plan? The Growth Strategies legislation does not empower the DCA or the RDCs to appeal those rezonings. It is not clear whether local governments with certified plans can challenge the actions of other local governments that lack certified plans. Nor is it clear the extent to which individual citizens can challenge development decisions that are inconsistent with the local plans, certified or not.

Potentially more messy are development decisions made by local governments based on plans that are not in compliance with minimum planning standards or, worse, not even consistent with uncertified local plans. There is also the possibility that conflicts of interest may emerge within RDCs. In many cases, RDCs will be contracted by local governments to prepare plans. Yet, the same RDCs preparing those plans also determine whether they are in compliance with minimum planning standards and the regional development plan. More problematic is the possibility that a plan prepared by a local government may be inconsistent with a neighboring plan prepared by an RDC, and it is the RDC that makes the preliminary determination of which plan is deemed consistent.

Those involved with the Growth Strategies program are aware of these potential problems. Resolution will come when and if conflicts develop. For instance, it is possible that disputes involving RDC-prepared plans will go automatically to the DCA for mediation.

There is a fundamental assumption inherent in Growth Strategies that all local governments will cooperate and work in good faith to devise plans that can be certified, and then make development decisions consistent with those plans. In a sense, there is the implied threat that if this good faith assumption does not hold, the legislature will give the DCA and perhaps the RDCs special powers to challenge or void actions of local government. Many officials hope that such draconian state involvement in local planning, like that used in Florida and Oregon, will not be needed in Georgia.

Georgia's approach to Growth Strategies is surprisingly similar to North Carolina's approach to coastal planning in the 1970s. In North Carolina, coastal communities were required to prepare plans consistent with regional plans, and regional agencies coordinated local plans. The state planning agency gave oversight to the process, including dispute resolution, technical assistance, and planning funds. The state of Georgia is hoping to apply statewide in the 1990s the approach North Carolina took in planning its coast during the 1970s. Perhaps Georgia can return the favor to North Carolina with the lessons it learns. □