


American Planning Association National Conference | Boston 2011
 April 10, 2011 | 7:15-8:30 am | S416

Enabling Regional Plan Implementation



Introduction

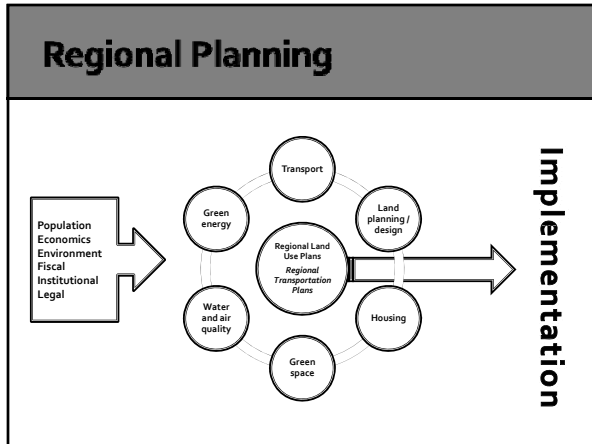
- Implementation issues
- Legal review
- Implementation in 6 regions

Introduction

| | |
|--|--|
| <p>THE RIGHT TOOLS</p> <ul style="list-style-type: none"> ▪ What works? ▪ What's acceptable? ▪ What's legal? ▪ Can we implement it? ▪ How does it relate to regional planning goals? | <p>BUILD COLLABORATION</p> <ul style="list-style-type: none"> ▪ Leverage MPO's role ▪ Use local authority ▪ Use regional authority ▪ Blend multiple goals |
|--|--|

What is "Plan Implementation"

- Actions taken by regional agencies, local governments or non-governmental organizations
- Programs, regulations, infrastructure
- Short term actions to advance longer range goals
- Address present needs while advancing longer range challenges

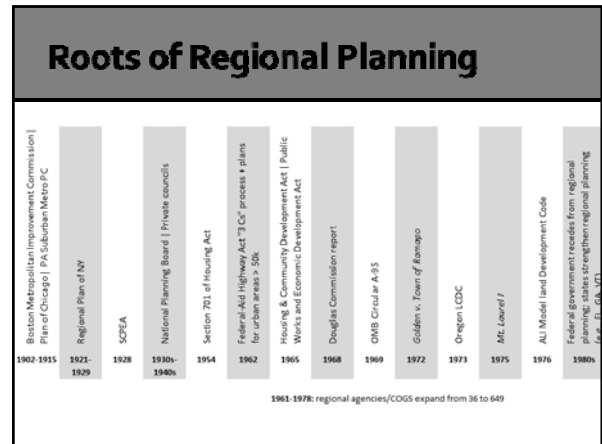


Issues

- Authority
- Funding
- Coordination
- Resources
- State / federal mandates

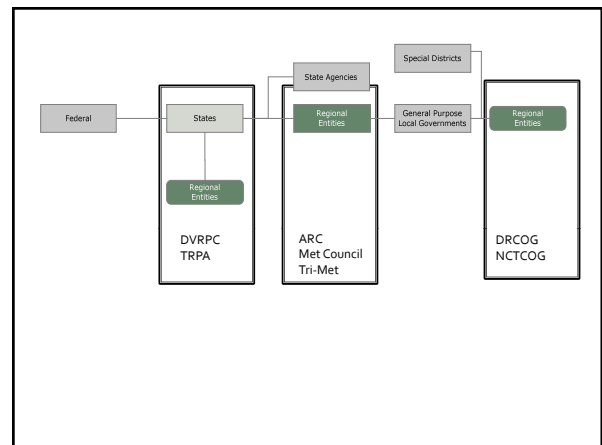
Legal Framework

| | Georgia | Texas | Minnesota | California | Colorado | Pennsylvania | New Jersey |
|--|---------|-------|-----------|------------|----------|--------------|------------|
| Regional planning mandates | ■ | | ■ | ■ | | | |
| Regional zoning mandates | | | ■ | ■ | | | |
| Broad zoning authority | ■ | | ■ | ■ | ■ | | |
| Regional general welfare | | | | ■ | | ■ | ■ |
| Fair share housing mandates / incentives | | | | ■ | | | ■ |
| Intergovernmental coordination | ■ | ■ | ■ | ■ | ■ | ■ | ■ |



Sources of Authority

| Authority | Examples |
|---|---|
| General Enabling Legislation | Atlanta Regional Commission, Met Council (Minneapolis-St. Paul), Tri-Met (Portland, OR) |
| Special State Legislation | Cape Cod Commission, NJ Pinelands Commission, Adirondack Park Agency |
| Bi-State Intergovernmental Agreements | Delaware Valley Regional Planning Commission, Tahoe Regional Planning Agency |
| City-County Intergovernmental Agreements / Mergers | Indianapolis-Marion County, Jacksonville-Duval County, Unified Government of Kansas City-Wyandotte County |
| Private / Voluntary | Regional Plan Association (NYC), Bluegrass Tomorrow (Lexington) |



Institutional Approaches

| | |
|-------------------|---|
| Easiest 8 | <ol style="list-style-type: none"> 1. Informal cooperation 2. Interlocal service contracts 3. Joint powers agreements 4. Extraterritorial powers 5. Regional councils of government 6. Federal encourages single purpose regional bodies 7. State planning and development districts 8. Contracting |
| Middle 6 | <ol style="list-style-type: none"> 1. Local special districts 2. Transfer of functions 3. Annexation 4. Regional special districts and authorities 5. Metro multipurpose districts 6. Reformed urban county |
| Tough Trio | <ol style="list-style-type: none"> 1. One tier consolidations 2. Two tier restructurings 3. Three tier reforms |

Henton, Melville & Parr, "Governing Complexity: the Emergence of Regional Compacts," in D. Soule, *Remaking American Communities: A Reference Guide to Urban Sprawl* (Westport, Conn.: Greenwood Press, 2006); Walker, "The Evolution of Regional Governance," in Kemp, *Regional Government Innovations: A Handbook for Citizens and Officials* (2003)

Authority for Tools

| REGIONAL | LOCAL |
|---|--|
| <ul style="list-style-type: none"> ■ Technical assistance ■ Forum to resolve issues ■ Develop regional plans ■ Articulate local interests to other levels of government ■ Conduit between local governments and other agencies | <ul style="list-style-type: none"> ■ Zoning & land use regulation ■ Development approval ■ Finance ■ Public-private partnerships ■ Eminent domain |

In re Petition of Dolington Land Group (Pa. 2003)

JOINT MUNICIPAL ZONING MAP
with Township
Keefe Township
South Township
2007

"We fully realize that the overall solution to these problems lies with greater regional planning, but until the time comes that we have such a system we must confront the situation as it is. The power currently resides in the hands of each local governing unit, and we will not tolerate their abusing that power in attempting to zone out growth at the expense of neighboring communities."

Prepared by: Bucks County Planning Commission

Atlanta Regional Commission

Regional Development Types Matrix

| Development Type | Metropolitan Area Planning and Development Commission (MAPDC) | Regional Commission (RC) | Metropolitan Planning Organization (MPO) | Area Agency on Aging (AAA) | Workforce Board | North Georgia Water Planning District (MNGWPD) |
|---|---|--------------------------|--|----------------------------|-----------------|--|
| Metropolitan Area Planning and Development Commission (MAPDC) | Yes | No | No | No | No | No |
| Regional Commission (RC) | No | Yes | No | No | No | No |
| Metropolitan Planning Organization (MPO) | No | No | Yes | No | No | No |
| Area Agency on Aging (AAA) | No | No | No | Yes | No | No |
| Workforce Board | No | No | No | No | Yes | No |
| North Georgia Water Planning District (MNGWPD) | No | No | No | No | No | Yes |

ARC Authority

- Develop plans
- Complete federal and state requirements
- Address the local governments needs
- Enter into contracts
- Administer funding

ARC Authority

- Metropolitan Area Planning and Development Commission (MAPDC)
- Regional Commission (RC)
- Metropolitan Planning Organization (MPO)
- Area Agency on Aging (AAA)
- Workforce Board
- North Georgia Water Planning District (MNGWPD)

MAPDC Authority

- Review area plans
- Research, study & planning for land use, transportation, service coordination
- Development guide
- Accept and expend funds
- Contracting and coordinating agent for regional projects

ARC Authority

- Liberally construed
 - ARC's powers
 - Regional planning legislation
 - "Necessary" and "convenient" powers
 - "Not limited to..." powers

ARC Authority

- Develop standards for regional plan implementation
- Develop incentives for implementation
- Coordinate and contract to build multi-jurisdictional projects
- Raise funds through coordination with local governments, applications, grants, etc.
- Undertake diverse programs and facilitate implementation

ARC cannot -

- Zone land
- Undertake actions that intrude on local home rule decisions
- Unilaterally build anything in a single jurisdiction
- Levy taxes

Examples

| Powers | Actions |
|--|---|
| Incentives or conditions for receipt of federal or state funding | Direct transit funds to jurisdictions with transit supportive density |
| Manage programs that require ownership of land or assets | Conservation programs, TDR program or land bank |
| Contract to build almost anything that is multi-jurisdictional | Sidewalks or multi-use trails that create a regional system |
| | |
| | |

Local Authority

- Direct constitutional authority –
 - Plans
 - Zoning
 - Police powers

Local Authority

- Important legislation
 - Georgia Planning Act
 - Zoning Procedures Law / Steinberg Act
 - Conflict of interest in zoning
 - Impact fees
 - Transfer of development rights

Local Authority

- Constitutional limitations on land use controls –
 - Takings / property rights
 - Economic impact
 - Exactions
 - Due process
 - Equal protection
- Vested rights

Local Authority

- Supported constitutional land development controls –
 - Subdivision regulations
 - Change zoning intensity
 - Impact fees/exactions
 - Design based standards (e.g., form based codes)
 - Adequate public facilities standards
 - Facility extension policies

National Review

Potential Actions

Typical legal framework & authority

- Support to implement transportation projects
- Intergovernmental agreements
- Common zoning ordinances
- Land use maps
- Official maps/major thoroughfare plans
- Public-private partnerships
- Marketing of region for tourism, etc.

Innovative legal framework & authority

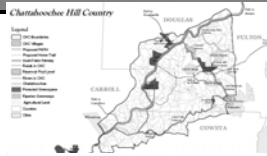
- Regional review of local plans
- Development Guides
- Regional water / wastewater systems
- Directed growth tools
 - Preferred public infrastructure investment
 - Growth boundaries
- DRI review
- Land development mediation
- TDR
- Enhanced water planning and allocation
- Housing allocation plans

Multi-Jurisdictional Zoning

- Typically voluntary
- Shares authority
- Shares resources
- Covers gaps

Transfer of Development Rights

- Specifically enabled
- Can cross jurisdictional lines
- Market-friendly
- Fewer complications than expected



Conclusions

- Coordination to harness local authority
- Partnership approach to planning
- Creative financing