


American Planning Association National Conference | Boston 2011
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Enabling Regional Plan Implementation



Introduction

- Implementation issues
- Legal review
- Implementation in 6 regions

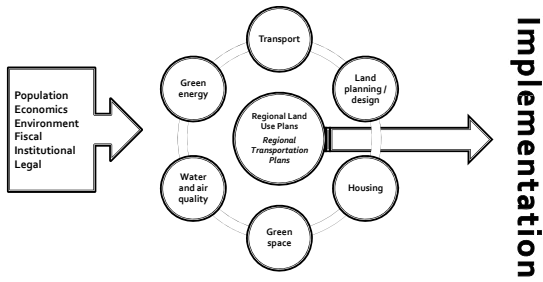
Introduction

<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
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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

Regional Planning

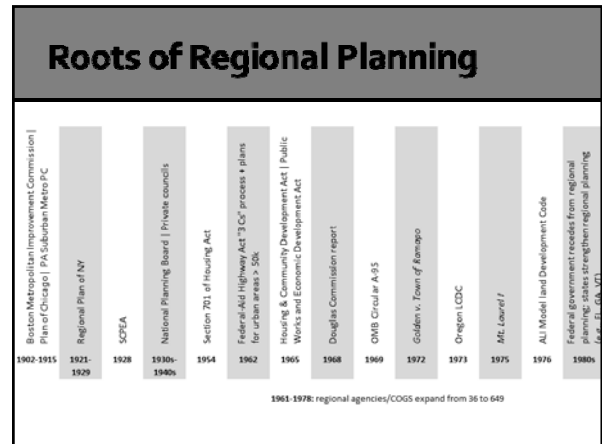


Issues

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

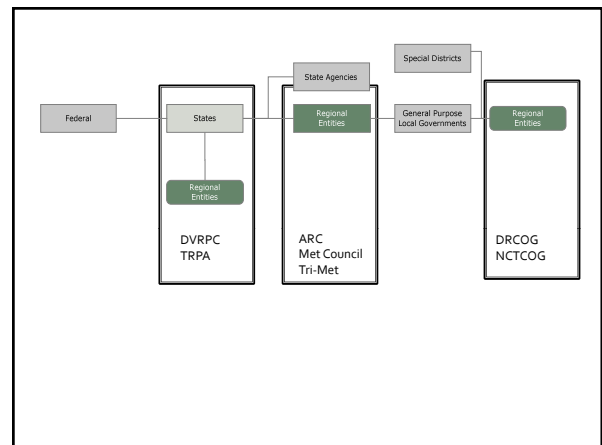
Legal Framework

	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 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

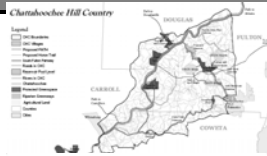
- Regional review of local plans
- Development Guides
- Regional water / wastewater systems
- Directed growth tools
 - Preferred public infrastructure investment
 - Growth boundaries
- DRI review
- Land development mediation
- TDR
- Enhanced water planning and allocation
- Housing allocation plans

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