

Comprehensive Planning Approach to Managing Growth in Virginia



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OVERVIEW:

The state of Virginia does not currently mandate local comprehensive planning. However the continued growth of the state and models set by other states has led the Department of Planning Assistance to study a state directed comprehensive planning approach to growth management. This paper will present the approaches of four progressive states: Florida, Georgia, Maryland, and Tennessee and offer recommendations for a Virginia approach. The assessment will focus on the role of the state, capital improvements programming, and the role of infrastructure in managing growth.

COMPARATIVE ASSESSMENT OF COMPREHENSIVE PLANNING STATES:

Florida

The state of Florida was one of the first states to consider a comprehensive approach to growth management. Initial legislation was passed in 1975 and the current growth management legislation was adopted in 1985. The State of Florida mandates comprehensive planning at three levels: state, regional, and local. The state planning agency, Department of Community Affairs (DCA), and the eleven Regional Planning Councils (RPCs) assist local governments in preparing local plans and applying for state and federal aid. The role of DCA is advisory as well as regulatory. DCA reviews and approves local comprehensive plans. Florida's "top-down" approach requires local plans be consistent with regional plans and regional plans be consistent with the state plan. Following adoption of the comprehensive plan, local government must adopt consistent land development regulations within a year to implement the plan.

An important component of the Florida legislation is the citizen's ability to enforce consistency. The statutes allow citizens to petition DCA for the denial of a comprehensive plan or an amendment to a comprehensive plan as well as to challenge land development regulations and development orders that are inconsistent with the local comprehensive plan.

Florida requires nine elements in the local comprehensive plan, one of which is the Capital Improvements Element (CIE). The CIE covers a five year period and must be reviewed on an annual basis. The CIE outlines how communities will fund infrastructure to maintain level of service standards as required by the concurrency management system. The CIE plans for construction, extension, or increase in capacity of public facilities and corrects for existing public facility deficiencies. The CIE must estimate public facility costs, project when facilities will be needed, designate the general location of facilities, determine funding sources for the facility, and establish standards for the management of debt (§ 163.3177(3)(a), *F.S.*). The other elements of the comprehensive plan must be consistent with the CIE.

The state comprehensive plan is merely directional in establishing goals. Goals are not tied to any resource allocation mechanisms like Maryland's establishment of Priority Funding Areas (discussed later). However, Florida's approach still has teeth. Florida's concurrency requirement mandates adequate public facilities be available before development is allowed. Local government must pay for or require the developer to provide for the infrastructure needs of any development order approved. The purpose of concurrency is to direct growth into areas that "have in place, or the agreements to provide, the land and water resource, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner" (§187.201(16)(a), *F.S.*) Public facilities that are subject to the concurrency requirement include: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit (where applicable).

Georgia

Georgia's approach adopted by the Georgia Planning Act of 1989 is similar to Florida's but with a bottom-up approach (Seibert, 2000, p. 21). Local comprehensive plans are prepared first, then regional plans are made consistent with the local plan, and when a state plan is adopted

it will be made to comply with regional plans. Currently no state plan exists but the state has set goals and minimum standards for development.

Local Governments are granted eligibility to receive money from a variety of state funding programs as an incentive to conform with minimum standards and a prescribed conflict resolution process. Georgia's state planning agency, the Department of Community Affairs, determines eligibility and the Office of Planning and Budget establishes the budget for the achievement of established goals and objectives.

A CIE is not a required element however it is required if the local governments want the ability to charge developers impact fees under the 1990 Georgia Development Impact Fee Act. Like Florida's guidelines the five-year schedule of improvement must be updated annually. Georgia also requires long term infrastructure needs to be analyzed (six (6) to twenty (20) years). "A well-prepared CIE will require local government to do fiscal planning at a level of detail that will promote fair distribution of public services and equitable sharing of costs between existing and new development" (GDCA, 1992, 3). The CIE may overlap somewhat with the Communities Facilities Element (CFE) however greater detail is required in the CIE than is set by the Minimum Standards and Procedures for the CFE in *Georgia Administrative Code*. Five planning components are required in the CIE: 1.) projection of needs; 2.) level of service determination; 3.) establishment of service areas; 4.) five year schedule of improvements; and 5.) proposed funding sources (*Rule 110-12-2, G.A.C.*). The infrastructure elements required in the CIE are the elements for which impact fees are being charged, which can include: transportation networks, water supply and treatment, sewer systems and wastewater treatment, solid waste management, general government facilities, public safety facilities, recreation facilities, hospital and other public health facilities, educational facilities, and libraries and other cultural facilities.

In Georgia, comprehensive plans must be consistent with the statewide goal of ensuring public facilities have the capacity and are timed to support and attract growth as well as enhance the quality of life for Georgia residents. Because Georgia does not have a concurrency requirement, or dictate that state funds will only be spent in planned growth areas, it has the weakest mechanism of enforcing their stated goal, linking infrastructure and growth, of the four states examined.

Maryland

Compared to Florida and Georgia, Maryland is a relative latecomer to growth management legislation. Maryland enacted its Smart Growth Areas Act in 1997. Maryland is strong on incentives, not regulation. Maryland weaker regulatory stance also applies to review of local comprehensive plans. Counties and cities are required to submit plans for comment and review, but Maryland only regulates if critical area laws have been violated.

Maryland directs growth by designating “Priority Funding Areas” and restricting state funding for growth related projects strictly to those areas. To qualify as a “Priority Funding Area” local government must have adequate sewer and water systems and meet state guidelines for land use including minimum density requirements. Rural areas that do not have sewer systems only receive funding to maintain the rural character of the community but do not increase growth capacity. The purpose is to discourage conversion of agricultural lands to denser uses. Within Priority Funding Areas, state agencies are to give funding priority to central business districts, downtowns, empowerment zones and redevelopment areas. Local governments must spend their own funds to develop areas outside of Priority Funding Areas.

A Capital Improvements Program is not a required element of local comprehensive plans. However a Capital Facilities Element (CFE) is required. Article 66b of *Maryland Statutes* states the CFE “shall propose the most appropriate and desirable patterns for the general location,

character, and extent of public and semipublic buildings, land, and facilities on a schedule that extends as far into the future as is reasonable; and may include parks and recreation areas, schools and other educational and cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, institutions, fire stations, police stations, jails, or other public office or administrative facilities.”

State spending on infrastructure is the key to the Maryland approach. Maryland leverages its seventeen billion dollar budget to shape growth patterns through over eighty smart growth programs. Maryland will not fund a public works project unless consistent with its economic growth, resource protection, and planning policy, unless no other feasible alternative exists. Maryland commits to the support of existing local government by targeting state funds to areas where there is infrastructure capacity or planned infrastructure capacity. Fiscally responsibility is encouraged and inefficient spending of taxpayer dollars on sprawl generated infrastructure needs is discouraged.

Tennessee

Tennessee’s approach was recently adopted in 1998 and focuses on regional planning through intergovernmental coordination and economic development. Like Maryland’s, Tennessee’s approach, is incentive based versus regulatory like Florida and Georgia. Counties and municipalities that do not complete a growth management plan do not receive state and federal pass-through grant. Tennessee does not have a state plan to guide local plans and does not regulate minimum planning standards.

Each county has a coordinating committee of representatives from the county, municipalities, utilities, boards of education, and chamber of commerce. The cities and counties must agree on a single twenty-year comprehensive plan for the county as a whole. The plan

must designate urban growth boundaries (UGB) for municipalities, planned growth areas for unincorporated areas, and rural areas. Annexation by a municipality is only allowed in UGB and new municipalities are only allowed within planned growth areas. Rural land is for the intended use of agriculture, forestry, wildlife, preservation, recreation, or other low density uses.

A CIE is not required in the comprehensive plan. The plan is required to address the following goals and objectives: unified physical community design, compact and contiguous high density development in urban areas or planned growth areas, timely provision of consistent levels of service for infrastructure, adequate employment opportunities, conservation of significant state resources, emergency management, and housing.

While Tennessee's approach allows extreme flexibility to local governments, it may prove to be ineffective in directing growth. Plans ratified by all the local governments are automatically accepted by the state. No agency oversees the data and analysis in calculating the needed size of UGBs. There is no mandatory planning requirement within the UGBs. Most importantly there is no funding mechanism to direct growth, by requiring state dollars only be spent within the UGB or a concurrency requirement making development pay for itself.

RECOMMENDATIONS:

Virginia currently conditionally mandates local government to develop a plan only if it chooses to first create a planning commission. A review of how other states manage growth and an acknowledgement of Virginia's own need to manage growth leads to the recommendation of instituting mandatory local planning and smart growth incentives. Enacting such legislation will allow Virginia to achieve important goals: protection of agricultural, historical, and natural resources; direct growth to desired areas; provide adequate levels of services; efficient use of land; promote alternative modes of transportation; improve quality of life; fiscal responsibility;

promote economic vitality; encourage infill, redevelopment, and transit-oriented development; and gain the ability to compete with other states that already effectively manage growth

Local governments might initially be opposed to a state directed comprehensive planning approach. Local government will experience a cost to initially adopt a local comprehensive plan and to update it later. They will also lose flexibility. Enforcement of smart growth initiatives may make housing less affordable and discourage some developers. However, in determining Virginia's approach it is important to recognize that "...what happens at the local level affects not only the livability of communities but also the state as a whole" (Cobb, 1999, 20). When the state as a whole begins to coordinate its planning efforts all citizens will reap the benefits.

The state should first adopt a state comprehensive plan with a broad statement of goals and objectives and a commitment to allocate funds only to projects that implement those goals and objectives. The strength of a state directed growth management effort is tying objectives to funding.

Next the state should require municipalities and counties to adopt a comprehensive plan. The state should mandate a capital improvements program and land use regulations be adopted to implement that plan within one year. Comprehensive planning is important to stating a community's vision and planning how to achieve the vision. Capital improvement programming, the prioritization and funding of capital improvements, is essential to achieving that vision. As Eric Kelly points out in *Planning, Growth, and Public Facilities*, linking a capital improvements program to the comprehensive plan allows greater control over the timing and location of growth (1993).

In order to link the two documents Virginia should make a CIE a required element. A short-term plan will show projects that funding is available for and a long-term plan will show projects

that are a priority but funding is not yet allocated. This element will be consistent with the other elements, land use regulations, the capital improvement program, development order decisions, the regional plan, and the state plan. To allow communities some flexibility, the number of required plan elements would be kept to a minimum so communities can prioritize. Fewer elements and a lower level of analysis would be required for smaller communities to ease the cost burden.

Virginia could then look to Maryland for examples of initiatives to guide where state and federal funds will be spent. Examples might include the Maryland Live Where You Work Program that offers incentives directly to citizens or the Maryland Transit Station Smart Growth program that gives funding for local government construction of transportation-related improvements around rail transit stations. After the regulations and incentives are in place, Virginia's program would be similar to Maryland's but with a stronger regulatory stance.

References:

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