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**Symposium on Urban Sprawl:
Local and Comparative Perspectives on
Managing Atlanta's Growth**

**LAND USE PLANNING: HOME RULE VS.
REGIONAL IMPACT***

Joel H. Cowan[†]

**"Can man plan? Man can plan. Can man plan man?"
—Sir Frederick Ogden**

In Georgia, particularly in metropolitan Atlanta, commuting only causes twenty percent of the air quality problem. The rest is caused by the way we choose to live, and poor air quality is a manifestation of those choices. Urban sprawl has no long-term solution without getting into the land use arena.

Historically in the state of Georgia, land use regulation is the purview of local governments. Land use is regulated under something called "home rule," and it is protected at every step of the way. Under home rule, a local official may claim, "This is our county and we don't want anybody outside the local government telling us what to do." However, that logic and rationale break down when we consider land use issues at the county line because on the other side, another county might have a totally opposite problem or plan. For example, suppose

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one county approves a big power plant on its side of the river, and the county on the other side of the river has planned a residential subdivision. If these two events had occurred in the same jurisdiction, one political body would decide between the competing land uses. However, in this situation involving incompatible land uses across county lines, the residents of the subdivision who will be impacted by the power plant have no choice in the matter. Decisions involving transportation are similar because they involve several jurisdictions each of whom employ home rule decision making. Until we can find a way of dealing with that problem, we will not reach a solution to urban sprawl and other related problems.

In my role as Chairman of the Georgia Regional Transportation Authority (GRTA), I encounter presenters at our board meetings and reporters with Atlanta newspapers who take a very prominent pro-road stand. In response, I ask them to name one area of Atlanta, just one corridor where we could build a new road that would help solve the problem. I have not yet heard a satisfying response. Others suggest that it is enough to expand an existing road like Interstate 75 north of the perimeter where most of the congestion occurs; at that point, the corridor is already about fourteen lanes, which appears to be one of the widest in the country, rivaling even Los Angeles' freeways. These people argue that we need more lane capacity: with an average of 2500 cars per lane, if you have more cars for any reason you need more lanes. That has been the logic that has gotten us where we are today. If you add lanes in that corridor, perhaps four more, two in each direction, you get no benefit because the corridor has already reached a point of diminishing return. Just one aggressive lane changer can cause a slow down, and certainly an accident or a minor breakdown can clog up the entire artery. So adding more lanes does not solve the problem.

Another proposal is to make a grid pattern. Again, the same challenge exists: tell me where we should build roads and how we should connect them. A grid pattern conflicts with our cul-de-sac type pattern of development, and citizens are not willing to sacrifice their private little neighborhoods on the cul-de-sac to the new thru traffic. The other planning reality of a total grid system is that instead of having all commercial development concentrated on one road and keeping the problems there, the

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grid system will encourage commercial development throughout neighborhoods in the grid pattern.

But let's be real. As urban planners, we must recognize the reality that we have limits. We have air limits, water quantity concerns, and water quality issues. We have paid far too much for violating existing environmental laws, but we are simply not dealing with that in the policy arena. We must establish a culture of dealing with greenspace preservation, transportation, and land use planning in a technical manner.

Let me explain a little about my vision for future land use planning in Georgia. First, let's preserve home rule for certain choices, but let's define them. When the impact is purely local, the local people should decide. If they want large billboards or nice high-quality signs, then that is their decision because those billboards or signs impact them alone. However, when they make a major zoning decision with a developmental regional impact for something near a county line, some political body needs to be above those local decisions to help resolve any inconsistencies. For example, Johnson Ferry Road in Cobb County is a six-lane road, but when it crosses into Fulton County, those six lanes become two, and this creates a horrendous traffic problem. But the two jurisdictions consider these local decisions and do not coordinate across county lines. A regional political body could resolve this problem.

Second, let's use a free enterprise mechanism; let's build any policy we have on the principle that free enterprise will work. In a system of rights, you can sell your rights, and you can buy rights from another. But what are these rights? Today land use is not a zero sum game, and the political establishment is not faced with a zero sum choice. Free enterprise comes in when you have limits. If you have limits, rights must be equitably distributed or traded. An example of a free enterprise mechanism in the land use arena would be an impervious surface limit. Assume that each person has a twenty-five percent impervious surface limit; thus, he has the right to pave, to build a roof over a house, or to install a swimming pool that does not let water soak in on only twenty-five percent of his property. If someone wants to build a shopping center that requires paving eighty percent of the property, he would have to buy that paving right from somebody else on the free market. That way the overall impact is neutralized.

The same is true for greenspace. The current requirement is twenty percent at a minimum, but frankly I would allow each local jurisdiction to choose its greenspace amounts and put a range from ten to fifteen percent up as high as maybe twenty-five to thirty percent. If we let the local jurisdictions choose their own greenspace, the political process will assure greenspace preservation at a level acceptable to the local residents. If one county were to preserve only ten percent as greenspace, and the neighboring county preserves twenty-five percent, guess who is going to look good, and guess who is going to be in office next time. The public will say, "Hey, we want twenty-five percent," and that has zero cost effect, at least in my example.

Finally, we must address our road system. We already have a twenty-five year regional transportation plan. We know where the roads are going to be built, and statistics tell us that these new roads are not enough. Conditions will get worse, but that is our best plan under the present set of circumstances. But what happens when we are short of water, or short of oil or gas, or short of anything else? We go into a conservation or protection mode. In Georgia, we should protect particular roads, not Interstate 85 or 75, but Moreland Avenue, Memorial Drive, Roswell Road, and roads like that. We should protect those roads from local strip development. For example, the state has built three highways for travel between Atlanta and Athens. The first two, Highways 19 and 78, were each ruined by local strip development. Local governments allowed commercial development on these highways, starting with a McDonald's on the corner and extending it little by little until they became development highways. This development slows traffic and increases travel time between Atlanta and Athens. We should protect the newest highway, Highway 316, from this development and eventual ruin. When we build a commercial artery, like Highway 316, we should not allow everybody to have free commercial access and driveway access to the road.

In summary, there are three land use criteria. First, we should set limits and goals, but we should not tell local governments how to achieve those limits or goals. General Patton said, "Never tell people how to do things; tell them what to do," and I add also what not to do, "and they will surprise you with their ingenuity." If we simply give local governments limits and

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goals, without telling them what to do, we can require them to report their activities and progress. What's wrong with that? For example, we can ask a county to report its percentage of preserved greenspace; then once that percentage goal and the accompanying plan to achieve that goal are published, we, the public, can hold the county accountable.

Second, we should adopt an impervious surfaces limit. A twenty-five percent impervious surfaces limit is too high, according to environmentalists, because it does not protect the quality of our streams. A ten percent limit is regarded as neutral. However, the Peachtree Creek watershed is already at thirty-eight percent. Another example is Georgia Highway 400, the hottest developmental corridor in the state. In that corridor lies a small watershed from which the City of Roswell takes water. Current law requires a maximum twenty-five percent of impervious surfaces in that watershed. But nobody is policing that limit, and we continue to build and pave. I asked representatives at the Georgia Environmental Protection Division (EPD), "What happens when you reach the twenty-five percent limit?" They responded, "Oh, then we will stop the next person." Now suppose you are that next person. You want simply to build a house on a hundred acres that you have owned for several years, but the EPD tells you that you cannot build. Unfortunately, that scenario will occur, and that is simply poor planning and regulating.

The last criterion is that we need to say what our "buildout" population is. The present culture has already established that in a hypothetical county, I would simply add up all the land in the county times one acre lots, and with a few other adjustments, I can calculate the county's "buildout" population. Let's start with that principle. If, for instance, we want to preserve a certain amount of land for greenspace and protect important roads, but without paving more than the impervious surface limits, we should specify those goals in concrete numbers. Then, let the urban planners, engineers, and the local political establishment figure out how they want to grow from that point on. They can easily accomplish this because local planners are usually quite good. I submit that with those three criteria in place, we should defer to home rule and let local governments decide how they will grow within the criteria. I have done this for many years, and I believe these local

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governments will surprise us with their creativity and effectiveness. These three criteria strike a comfortable balance between holding governments accountable for what they do without telling them what to do.