

FLORIDA PLANNING



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The Florida Chapter of APA provides statewide leadership in the development of sustainable communities by advocating excellence in planning, providing professional development for its members, and working to protect and enhance the natural and built environments.

GROWTH MANAGEMENT— RE-STAT[E]ING THE CASE

Special to Florida Planning
by Robert M. Rhodes

Earlier this year, I commented that Florida's growth management program has produced better development decisions, patterns and projects and that state oversight of certain local action is critical to the program's effectiveness.

I also suggested the state's role should be periodically assessed against current goals, past performance, local government capability, and, if appropriate, modified and refreshed, and that this review would and should preserve a meaningful state oversight role.

That said, this role can be sharpened and redirected to protecting and promoting important state interests, particularly in rural and urbanizing areas, and state involvement can be limited in urban areas.

2009 legislative action did not change my views. In fact, SB 360 fueled this re-focus by repealing state imposed traffic concurrency and development of regional impact review in dense urban land areas (DULAS), and by establishing and simplify-

ing creation of transportation concurrency exception areas (TCEAS) and urban service areas.

Of course these changes have drawn controversy, but properly implemented, they should enable the department of community affairs to re-direct state attention and resources to rural and urbanizing areas where it's expertise and assistance is needed and can best be applied.

As part of this re-direction, I encourage DCA to develop a practical model and best practices to promote long term, large scale, sustainable rural area planning. Our existing programs, sector plans and rural land stewardship, have pluses and minuses. It's time to survey experience with these programs, clarify goals, and meld the best of these and other useful concepts into a composite model and guidance which can be crafted by a DCA facilitated working group.

As noted, SB 360 exempted develop-
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At the APA Florida 2009 Conference, Project Award winners gather for a group photo. See a complete listing of awards and reports on the keynote speakers and more photos inside.

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ment in dense urban land areas from state required DRI review. Consequently, new projects proposed in these areas that are expected to produce regional impacts will not be subject to review by a regional agency or neighboring localities unless a locality establishes cooperative review relationships through its local plan intergovernmental coordination policies and agreements. If past is prologue, without further encouragement, local intergovernmental coordination policies will remain the weakest link in local plans.

Effective local intergovernmental coordination and regional cooperation are important state interests. To further these interests, DCA, assisted by regional agencies, should develop and communicate best practices and techniques for inter-governmental coordination and champion regional visioning and cooperative problem solving.

The refreshed state role must be administered by state agency focused and equipped to make growth management its program priority. There are periodic calls to terminate the state land planning agency and transfer its functions to another state agency. Such proposals are stimulated by purported aims to shrink state government, promote greater operational efficiency and reduce regulatory overlap, or sometimes simply by opposition to DCA policy or personnel. Since Florida citizens consistently show support for the state's growth management program, indeed demand stronger programs and enforcement and implementation, these efforts have been defeated rather easily. But current legislative review of DCA has rekindled efforts to significantly change its mission or even terminate the agency. What factors should this review consider?

Any proposal to terminate DCA and merge its growth management programs with another state agency must be carefully analyzed against several criteria, including:

Whether agency missions and programs are complementary or at least compatible; Whether the merger will result in more effective agency operations and management; and

Whether DCA's present growth management programs can be expected to receive priority management attention in the new agency. Let's test some merger scenarios against these criteria.

A proposal recently surfaced to merge DCA with the secretary of state's office. The underlying rationale for this concept may have been two fold: first, the proposal emerged from an administration that clearly did not support a strong state role in growth management and second, the then serving secretary of state was a highly respected former local official who many growth management stakeholders believed would be an excellent DCA secretary.

Applying merger analytics to this scenario, the two agencies missions and programs are not complementary. The secretary of state is responsible for supervising the state elections process, regulating corporations, and historic preservation. With the exception of some overlap of the historic preserva-

tion function, these programs have nothing in common with DCA's growth management, emergency management and local government technical assistance, grant and Florida community trust programs.

This merger would not capitalize on personnel who could perform work for both agencies since required expertise is different. Consequently, there would be no personnel cost saving.

Finally, DCA's primary program missions would likely be diluted if it merged with an agency primarily tasked to manage the state's high profile elections process.

Another alternative is to merge DCA into the Florida department of transportation. FDOT and DCA share functional planning missions and state transportation and growth management policy should be complementary or at least compatible. However, unlike DCA, which

develops state planning and growth management policies that are applied by regional and local agencies, FDOT actually develops; it implements its plans by planning, designing and constructing transportation facilities.

FDOT projects often are integrally involved in DRI scale projects and local government plan amendments and development orders, which DCA must review and act on as part of its oversight role.

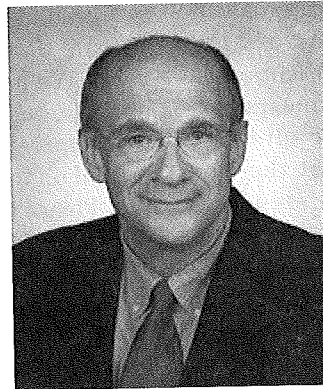
Consequently, DCA and FDOT missions are not compatible and frequently would place a merged Florida department of transportation and community affairs in an uncomfortable conflict position having to choose between promoting transportation projects and applying state growth management policy.

And similar to a merger with the secretary of state's office, transferring the state planning and growth management programs to FDOT would dilute their public and internal government prominence and probably subordinate growth management to FDOT's primary mission to develop transportation facilities.

An additional option is to merge DCA with the Florida department of environmental regulation. FDEP does prepare plans, but its primary mission is to administer state environmental permitting programs and to generally supervise the regional water management districts.

The key issue here is whether to join the state's chief planning agency with the state's chief environmental permitting agency. This raises the ever-present debate about the similarities and differences between planning and permitting practice and culture.

I will not summarize the respective positions, but there is no consensus whether planning and permitting missions are complementary or even consistent. DCA as the state planning agency, should produce larger scale, multi-subject, future oriented goals, objectives and policies. FDEP's environmental permitting function determines whether a site specific project



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satisfies narrower planning policies and specific regulatory and mitigation standards.

DCA planners arguably could assist with FDEP planning and provide some possible personnel savings. But my concern about a FDEP/DCA merger is this: if DCA's primary growth management mission should be to promote sound, large scale planning practice in rural and urbanizing areas, this mission cannot be effectively accomplished as part of an agency whose primary mission and function is project impact assessment and mitigation. In effect, planning would be swallowed by permitting. This would sacrifice important state planning functions and also result in redundant permitting programs.

Bottom line – none of the merger alternatives discussed satisfy the suggested merger analytics of complementary mission, more effective operations and retaining program visibility and priority. And until and unless a merger plan can meet these objectives, DCA should continue to administer the growth management programs.

Finally, I believe one of Henry Adam's adages applies to public policy: "all experience is an arch, to build upon."

Florida's intergovernmental growth management program embodies almost four decades of policy development – with demonstratable benefits. But all programs have components that outlive their usefulness, deliver unintended consequences, or just don't work.

Another review of our growth management program is underway. Yes, many goals have not been attained. But let's not automatically equate less than desirable implementation with poor policy. Program reviewers must first set goals to be accomplished. If a new program or major amendments to present programs can better accomplish the goal. . . Fine, so long as any major new policy and implementation process, such as state mandates for localities to impose mobility fees to replace traffic concurrency, is first pilot tested and performance assessed before it is applied statewide.

But if the desired goal can be accomplished by different or better implementation of existing programs. . . Even better. Starting new programs is expensive; building on existing programs that can accomplish the goal is more efficient.

With these thoughts in mind, I hope the next review of growth management will continue to build our experience arch, fix what is broken, but not break what is working.

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