



CASE STUDIES IN SMART GROWTH IMPLEMENTATION

Chattahoochee Hill Country Fulton County, Georgia

About the Community

The Chattahoochee Hill Country, in the southern part of Fulton County, Georgia, is just 25 miles from downtown Atlanta and the epicenter of one of the fastest growing metropolitan areas in the country. In just 20 years, the Atlanta MSA has expanded from the original 7 counties to its current expanse of 28 counties and the population is expected to reach 6 million by the year 2030. The Hill Country represents the largest tracts of undeveloped land within the MSA and it is inevitable that it will absorb a share of that growth.

Often billed as one of the poster child of auto-oriented, sprawling development, Atlanta's metropolitan population is thinly dispersed across the MSA. At 2.3 persons per acre, Atlanta has one of the lowest population densities among large US cities. (Comparatively, Los Angeles is at 11/acre while Miami is at 6.9/acre.)

This low-density development has been driven in large part by local zoning codes that allow only large lot subdivision. The average size of a single-family lot in Atlanta is more than double the national average (3/4 of an acre vs. 1/3 of an acre). In many areas, the base zoning (the lowest density allowed) is at 1 d.u./acre. The lowest density for land zoned for agriculture (AG-1) in South Fulton, for example, is at 1 d.u./acre, allowing the quick conversion of farm land to large lot development without need for re-zoning.

From 2002 to 2004, building permits in South Fulton County grew nearly three-fold from 1,130 (of which 72% were for single family homes) to 2,941 (with 90% for single family homes).



State Of Smart Growth Implementation

The Chattahoochee Hill Country Alliance (CHCA) was formed in 2000 against the frame of this rapidly expanding, low-density development. The CHCA is a coalition of concerned citizens committed to protecting the unique land heritage and open spaces of the Chattahoochee Hill Country. The CHCA was formed “to implement a comprehensive land use model that emphasizes ecological health, and optimizes property value and quality growth.”

The CHCA moved rapidly on several projects, accomplishing in its first five years:

- *A CHC Land Use Plan and Community Guidelines*

CHCA created the Chattahoochee Hill Country Community Plan through a community-led, participative process. The Plan clusters development into community identified target growth areas ("villages" and "hamlets"). If implemented, the plan will preserve up to 80% of the Hill Country's 65,000 acres.

The Plan received tremendous community support and was incorporated into the South Fulton 2015 Amended Comprehensive Land Use Plan and the Fulton County Chattahoochee Hill Country Overlay District Ordinance.

- *A CHC Overlay District Ordinance (for South Fulton County)*

The Overlay District Ordinance (passed unanimously by the Fulton County Board of Commissioners in 2002) creates two overlay districts to shape the areas where the Land Use Plan intends to cluster growth (the sending areas). The Ordinance specifies a two zoning designations for villages and for hamlets differentiated by density and intensity. The Plan details three (3) specific locations for the more intense villages while hamlets are envisioned to develop at strategic intersections throughout the area.

- *A Transfer of Development Rights (TDR) Program*

The CHCA created a Transfer of Development Rights (TDR) program as the mechanism to encourage development in the target areas and direct it away from the sending areas. If successful, the TDR program will permanently protect open spaces and farmland while allowing landowners in the specified sending areas to also benefit from the development occurring in the specified receiving areas.

CHCA's TDR programmed one (1) development right per acre of land in the sending areas, equivalent to the 1 d.u./acre density prescribed as of right in South Fulton's AG-1 zoned areas.

SGLI's Technical Assistance team audited the CHC Land Use Plan and the CHC Overlay District Ordinances. The team also analyzed the TDR Program, prepared a Smart Growth Project Scorecard, and conducted a strategic assessment (including a Market Analysis) of the state of smart growth implementation in the Hill Country.



Lessons Learned

Pay Attention To The Path Of Least Resistance

Communities should look beyond overlay district ordinances to make sure that the development process tilts the balance to allow smart growth and makes changes so that the new path of least resistance encourages developers to build the kind of development that the community envisions.

The standard development model in the MSA of one (1) dwelling unit per acre fits squarely within the base zoning in South Fulton county (AG-1) making sprawl the as-of-right pattern. The (development) path of least resistance in the MSA is to build 1 acre lot subdivisions.

The CHC Overlay District Ordinance, created through a long process involving charrettes, land surveys and community input, is a well-written document that will make it possible for investors to build smart growth developments. However, adhering to the village or hamlet models is optional for the developer.

The ordinance, as reviewed by SGLI, presented no particular incentives that would make it a more attractive option for developers or that would keep other developers from creating the kind of sprawl that CHCA wants to prevent. Unless they check the path of least resistance, the CHCA will have to rely on finding enlightened developers willing to take on the task of building CHCA's vision.

There Is No Substitute For Good Zoning

The CHCA has done a great job of mobilizing community involvement and has excellent products to show for it and has been quite sophisticated in their implementation program. CHCA has aggressively and successfully engaged the community and the local government but the community process and community involvement cannot make up for the chronically weak base zoning in South Fulton County.

While CHCA's efforts created opportunities for smart growth development, it did not significantly level the playing field versus business-as-usual development patterns.

The CHC may still play the land ownership distribution in the 65,000 acres to their advantage. Some 50% of the available land is owned by only a handful of property owners with at least one property owner having enough land (5,000+ acres) to build the village envisioned by the overlay ordinance. Steve Nygren has about 1,000+ acres that he is developing into hamlets

The peril lies in the small-to-medium landowners who own lots in the range of 25 to 100 acres. Nothing in the existing regulatory framework prevents or discourages these property holders from selling their land to developers ready to build as-of-right sprawl.



The Myth Of The Painless Transfer Of Development Rights (TDR) Programs

TDRs are a potentially effective way of managing the kind of growth expected to come to south Fulton County, but to be successful, the as-of-right density in the receiving area must be lowered to create a demand in the receiving areas.

To date TDRs have been primarily effective within urban settings. There are a very few successful TDR programs in rural areas. Montgomery County, Maryland, and the Pinelands in New Jersey stand out as programs that have preserved thousands of acres –but in both these cases, the base zoning was very low – sometimes at 1 du/20 acres. The communities down-zoned the sending areas to give teeth to the TDR program.

Fulton County's TDR program is explicitly voluntary. The county Board of Commissioners will only consider making the TDR program mandatory if "there is clear indication from the community as a whole that they wish to have more restrictive zoning put in place."

The TDR program contemplated in the CHC is one where the base zoning is relatively high, so any significant conservation of land generates a large number of development rights. At the same time, the largest landowners have enough land holdings that they can easily cluster development on their own land and do not need to buy development rights to create villages and hamlets at the densities that CHC envisions. Where would demand for development rights come from?

In a mandatory program, they would be required for most development occurring on top of a base zoning that is very low (1 unit per 10 acres or more); in a voluntary program, it is entirely unclear. In turn, if there is no clear market demand for development rights the small landowners (5-20 acres) can easily be persuaded that those rights have no value and the only way to profit from their own land is to sell to the developers aggregating land to develop at as-of-right density and build sprawl.

A Showcase Development Can Do Wonders To Inspire Support

One of CHC's strengths is the *Serenbe* Hamlet. Steve Nygren, a successful local entrepreneur and one of key movers behind the CHCA developed *Serenbe* as the first hamlet under the overlay ordinances.

Serenbe allows CHC to showcase what their vision for their community actually looks like on the ground. The hamlet has been a very useful tool for swaying county officials, interested developers, and community stakeholders.

Smart growth advocates might do well to find and cultivate relationships with developers who are willing to invest in and champion projects that will showcase the community's smart growth vision.



Postscript:

The CHCA has continued to move aggressively in its smart growth implementation program.

In 2005, Fulton County adopted the CHC Conservation Subdivision Ordinance, making conservation subdivisions mandatory in the CHC.

In 2006, the Georgia General Assembly passed Senate Bill 553, "*an Act to incorporate the City of Chattahoochee Hill Country in Fulton County.*" The Act provided for a charter for the new City of Chattahoochee Hill Country, defined its boundaries, and gave it the powers of the city (including full control of zoning and land use).

The Act prescribed local referendum to validate the incorporation and in June 2007, residents in the Hill Country approved the measure by an overwhelming 83% to 17% margin.

Chattahoochee Hill Country became Fulton County's 14th city on the first of December 2007.

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Tools used: *Smart Growth Project Scorecard
Smart Growth Strategy Builder
Smart Growth Policy Audit
Smart Growth Code and Zoning Audit*

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About the Case Studies

Communities across the country are facing tremendous opportunities to shape their future and provide solutions to the most pressing local, national and global challenges of our time. Community leaders, serving as stewards of the future, have the power to change previous patterns of unsustainable growth and realize the benefits of smarter growth.

The Case Studies present the key findings and lessons learned about smart growth implementation from the Smart Growth Leadership Institute's four-year technical assistance program that was funded by the U.S. Environmental Protection Agency.

The Case Studies are meant to help communities that are committed to (or are exploring) smart growth but struggle with its implementation. The cases highlight successful strategies in building support, in identifying the most problematic policies and in other issues that typically accompany a major change in development practice. The case studies also showcase the use of the tools included in the Smart Growth Implementation Toolkit.

Visit www.sgli.org for more information about the Smart Growth Leadership Institute.

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