

Proposed State Law [15]  
“A New State Land Use Law for Greater New Orleans”

A new state law will, I believe, ultimately be necessary to secure the degree of inter-government collaboration necessary for effective regional land use and transportation planning in the New Orleans area.

In order to minimize suspicion and resistance from smaller urban and rural areas of Louisiana, the law ought to explicitly apply only to “the parishes and municipalities constituting any Metropolitan Statistical Area (MSA), as defined by the U.S. Office of Management and Budget as of December, 1992, of more than 1,200,000 residents in the 1990 census [that is, the eight-parish New Orleans metro area].” The population floor could be dropped to 500,000 if there is local and legislative support to apply its provisions to the Baton Rouge area – or even lower if there is more widespread interest among the state’s smaller metro areas.

*Under the new law, the legislature would not mandate collaborative region-wide planning but would authorize it by local option.* The local option process would be triggered either a) by local governments or b) by citizens directly.

Method a: At least two-thirds of the parish and municipal councils in the New Orleans MSA that represent at least two-thirds of the region’s population would have to enact resolutions supporting the regional planning

process. (This requirement prevents Jefferson and Orleans parishes from triggering and controlling the regional process by themselves.)

Method b: Citizens could trigger the regional planning process by submitting a petition signed by 10% of all registered voters within the eight parish region.

Once either requirement has been met, all jurisdictions in the region must participate.

The law would assign lead responsibility to “the appropriate regional planning commission established pursuant to state law.” The Regional Planning Commission for the New Orleans area would have to provide for representation from non-member jurisdictions (St. Charles, St. James, and St. John the Baptist parishes), possibly by expanding its existing Transportation Policy Committee.

The new state law would appropriate state funds (perhaps 50 cents per capita), matched by local public or private funds, to support the planning process.

The law would explicitly require maximum public participation in the planning process through focus groups, visioning conferences, public hearings, and other appropriate techniques.

The law would authorize a full tool kit of state-of-the-art growth management techniques. These would include explicit authorization for designating urban growth boundaries and rural or natural area protection zones, establishing purchase or transfer of development rights programs, enacting adequate public facilities ordinances, setting impact fees for builders, designating historical districts, adopting mixed-income housing requirements, and establishing area-wide tax-base sharing agreements.

The law would require all state agency plans and projects to conform to the adopted regional and local plans.

Once the regional planning process has been triggered, the law would set a two-year timetable for development and ratification of the plan.

After completion, the regional planning commission would submit the plan for ratification either

Method a: by the local governments (requiring the same super-majorities discussed above), or

Method b: by majority vote of the citizens in direct referendum.

Submission of petitions signed by 15% of the voters of the eight-parish region would require a direct referendum, if the plan fails to gain approval by enough local governing bodies.

Failure to ratify the plan (unless rejected by a majority of voters in a region-wide referendum) would result in loss of eligibility by all jurisdictions for state grants for roads, water and sewer lines and plants, and other infrastructure facilities (like Tennessee's new law).

After the plan's ratification, all local jurisdictions would be required to conform their master plans and zoning maps and ordinances to the regional plan. The regional land use plan would also be binding guidance for transportation allocations by the regional planning commission.

The state law would require updating the regional plan at least every ten years.

[645 words]