

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1123*

Short Title: Blue Ribbon Growth Study Commission.

(Public)

Sponsors: Senator Lee.

Referred to: Rules and Operations of the Senate.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE A NORTH CAROLINA BLUE RIBBON COMMISSION TO ADDRESS GROWTH, INFRASTRUCTURE, AND DEVELOPMENT ISSUES.

The General Assembly of North Carolina enacts:

Section 1.(a) Commission Established. – There is established a Blue Ribbon Commission to Address Growth, Infrastructure, and Development Issues.

Section 1.(b) Membership. – The Commission shall consist of 27 members who shall represent, insofar as practicable, the diverse interests and geographic regions of the State. It shall include representatives from government, business, environmental interests, the professions, and citizens. The Lieutenant Governor, or the Lieutenant Governor's designee, shall serve as an ex officio, voting member.

The President Pro Tempore of the Senate shall appoint nine members; the Speaker of the House of Representatives shall appoint nine members; and the Governor shall appoint eight members. One of the members appointed by the President Pro Tempore of the Senate shall be a representative of the North Carolina Association of County Commissioners. One of the members appointed by the Speaker of the House of Representatives shall be a representative of the North Carolina League of Municipalities.

Appointments to the Commission shall be made not later than September 1, 1999. Vacancies shall be filled by the original appointing authority.

1 Section 1.(c) Duties of Commission. – The Commission shall study growth,
2 infrastructure, and development issues and recommend initiatives to promote
3 comprehensive and coordinated local, regional, and State planning, facility financing, and
4 growth management to:

- 5 (1) Promote efficient infrastructure provision;
- 6 (2) Preserve natural and cultural resources;
- 7 (3) Foster economic development;
- 8 (4) Ensure compatible land-use patterns;
- 9 (5) Develop walkable communities; and
- 10 (6) Enhance the quality of life for the citizens of North Carolina.

11 The Commission may address all issues deemed necessary to implement coordinated
12 planning and growth management; but shall study and evaluate in particular:

- 13 (1) The present and projected effects of population growth and urban
14 development on the capacity of the State's infrastructure, environment,
15 and economy, particularly those resulting from uncoordinated land use
16 and transportation facilities in the high growth and urbanized
17 metropolitan regions centered on Asheville, Charlotte, Raleigh -
18 Durham, Greensboro - High Point - Winston-Salem, and Wilmington.
- 19 (2) Planning and growth management goals, methods, processes,
20 institutions, and authorities that will assist local, regional, and State
21 governmental agencies to collaborate in directing future development to
22 those areas best able to accommodate it, with required planning and
23 plan implementation through land-use regulations and other
24 development management activities in the fast-growing metropolitan
25 regions and voluntary planning and implementation in the other areas of
26 the State. These should include but not be limited, to the following:
 - 27 a. Incentives for using State and federal infrastructure grants to
28 encourage development in areas where growth is planned.
 - 29 b. Growth of urban areas within planned locations served by
30 infrastructure and adjacent to existing built-up concentrations,
31 sized to accommodate 20-year projected land-use needs, and
32 defined by priority funding areas.
 - 33 c. Designation of urbanization areas, regionally significant
34 infrastructure, and regionally significant environmentally
35 sensitive lands.
 - 36 d. Consistency between local and regional land use, infrastructure,
37 and natural resource-open space plans ensured by a cross
38 acceptance process in which local, State, and regional
39 representatives reach consensus about areas designated for
40 urbanization, provision of regionally significant infrastructure,
41 and protection of regionally significant environmentally sensitive
42 lands.

- 1 (3) Funding requirements for implementation of comprehensive planning
2 and alternative means for meeting those requirements, including
3 consideration of appropriate State, regional, and local responsibilities, to
4 include:
- 5 a. Procedures for directing State expenditures within the
6 metropolitan regions for infrastructure (roads, mass transit, water
7 and sewage, solid wastes, and other related facilities) to the
8 region's locally designated and regionally conformed urban
9 growth areas and targeting the expenditure of environmental
10 protection funds to designated environmentally sensitive lands
11 (unique wildlife habitat, forests, other unique natural features, or
12 areas subject to natural hazards) and significant rural lands
13 (prime agriculture and forest areas).
- 14 b. Authorization for enactment of funding sources for regional
15 infrastructure and land acquisition needs, including, but not
16 limited to, optional gas tax monies for State and regional roads,
17 optional sales tax monies for water, sewer, and solid wastes
18 capital improvements, and optional real estate transfer taxes for
19 land acquisition for environmentally sensitive or unique rural
20 lands.
- 21 c. Enabling legislation to assist local governments in
22 implementation of plans, including, but not limited, to a broad set
23 of enabling statutes that provide authority to use innovative land
24 use, environmental, urban design, tax incentives, and public
25 facility financing techniques.

26 Section 1.(d) Evaluation of Other States. – The Commission shall evaluate the
27 experience of other states that have created programs to plan and manage growth and
28 development, including the similarity of the problems and needs they face with problems
29 and needs faced by North Carolina, the goals and methods they have adopted, and the
30 success of those goals and methods in coping with their problems and needs. In
31 particular, the Commission shall review selected features from the experience of:

- 32 (1) Maryland's Smart Growth and Neighborhood Conservation Act of 1997
33 (coordinates state infrastructure expenditures and open space
34 preservation with local government plans through designation of priority
35 funding areas).
- 36 (2) Virginia's Regional Competitiveness Act of 1996 (grants regions access
37 to a state infrastructure fund if they demonstrate cooperation on regional
38 issues).
- 39 (3) South Carolina's Comprehensive Infrastructure Development Act of
40 1997 (requires preparation of regional infrastructure plans to receive
41 priority funding from the State, in order to encourage economic
42 development and orderly growth).

- 1 (4) Tennessee's Public Law 1101 of 1998 (requires counties to develop
2 plans that identify urban growth boundaries around each municipality
3 and planned growth areas sufficient to accommodate 20 years of
4 projected growth).
- 5 (5) Georgia's 1989 Planning Act (uses regional planning centers as focal
6 points for coordinating required local plans).
- 7 (6) Washington State's 1990 Growth Management Act (requires fast-
8 growing counties to prepare plans and designate urban growth
9 boundaries, and establishes Regional Review Boards to resolve
10 conflicts).
- 11 (7) New Jersey's 1986 State Planning Act (uses a cross- acceptance process
12 to conform local government plans with the State plan).
- 13 (8) Florida's Local Government Comprehensive Planning and Land
14 Development Act (defines substantive elements of required
15 comprehensive plans, requires concurrency between development and
16 infrastructure, and establishes enabling legislation for land-use
17 management).
- 18 (9) Rhode Island's Comprehensive Planning and Land Use Regulation Act
19 and State Comprehensive Plan Appeals Board Act, drafted directly by
20 its land-use commission in 1988 (couples land use enabling legislation
21 with local government planning requirements).

22 Section 1.(e) Report. – The Commission shall submit a final report of its
23 findings and recommendations by January 15, 2001, to the General Assembly, the
24 Governor, and the citizens of the State. The report shall include legislative proposals to
25 enact and implement a program of comprehensive planning and growth management.
26 The Commission shall terminate upon filing its final report.

27 Section 1.(f) Expenses of Members. – Members of the Commission shall
28 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
29 138-5, or 138-6, as appropriate.

30 Section 1.(g) Chair; Meetings. – The Governor shall designate one of the
31 members of the Commission to serve as the chair of the Commission. The President Pro
32 Tempore of the Senate and the Speaker of the House of Representatives shall each
33 designate one member to serve as vice-chair of the Commission.

34 The Lieutenant Governor shall call the initial meeting of the Commission. The
35 Commission shall subsequently meet upon such notice and in such manner as its
36 members determine. A majority of the members of the Commission shall constitute a
37 quorum.

38 Section 1.(h) Subcommittees. – The Commission may appoint subcommittees
39 of its members and other knowledgeable persons or experts to assist it. It may also
40 appoint a Technical Advisory Board, if deemed desirable by its members to have an
41 ongoing body of technical experts.

42 Section 1.(i) Citizen Participation. – The Commission shall establish a process
43 of citizen participation that assures the citizens of North Carolina of the opportunity to be

1 informed of and contribute to the work of the Commission. It shall hold meetings
2 throughout the State.

3 Section 1.(j) Staff. – Adequate staff shall be provided to the Commission by
4 the Legislative Services Office. In addition, within funds available, the chair shall
5 employ an Executive Director who shall report to the Commission and serve at its
6 pleasure. The Executive Director shall be the Chief Executive Officer and may employ
7 additional employees and contract for services, subject to approval of the Commission.

8 Section 1.(k) Cooperation by Government Agencies. – The Commission may
9 call upon any department, agency, institution, or officer of the State or any political
10 subdivision thereof for facilities, data, or other assistance.

11 Section 1.(l) Funding. – The Commission may apply for, receive, and accept
12 grants of non-State funds, or other contributions as appropriate to assist in the
13 performance of its duties.

14 Section 1.(m) Appropriation. – There is appropriated from the General Fund to
15 the General Assembly the sum of one hundred fifty thousand dollars (\$150,000) for the
16 1999-2000 fiscal year for the operating expenses of the Blue Ribbon Commission to
17 Address Growth, Infrastructure, and Development Issues.

18 Section 2. This act becomes effective July 1, 1999.