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"Keep it rural": the politics of planning for smart growth in South Fulton County, Georgia

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“Keep it rural”

The politics of planning for smart growth in South Fulton County, Georgia

by

Eric John Christianson

A thesis submitted to the graduate faculty

in partial fulfillment of the requirements for the degrees of

MASTER OF SCIENCE

MASTER OF COMMUNITY AND REGIONAL PLANNING

Co-majors: Sustainable Agriculture; Community and Regional Planning

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Iowa State University

Ames, Iowa

2014

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ACRONYMS

AEC – Allied Environmental Consultants
ARC – Atlanta Regional Commission
AJC – Atlanta Journal-Constitution
BID – Business Improvement District
CHC-MIX – Chattahoochee Hill Country Mixed-Use Zoning
CHC-CUP – Chattahoochee Hill Country Hamlet Zoning
CHC – Chattahoochee Hill Country
CHCA – Chattahoochee Hill Country Alliance
CHCC – Chattahoochee Hill Country Conservancy
CHOC – Chattahoochee Hills Organizing Committee
CID – Community Improvement District
CUV – Conservation Use Valuation
DCA – (Georgia) Department of Community Affairs
DRI – Development of Regional Impact
E&CD – (Fulton County) Department of Environment and Community Development
GRTA – Georgia Regional Transit Authority
MARTA – Metropolitan Atlanta Regional Transit Authority
PRL – Partnerships for Regional Livability
RFP – Request for Proposals
SFPA – South Fulton Parkway Alliance
TDR – Transferable Development Rights
TNC – The Nature Conservancy
LCI – Livable Centers Initiative
WalkUPs – Walkable Urban Places

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ABSTRACT

The politics and practice of planning exurban areas in the United States has been a major focus of debate since the 1950s. Urban growth management and more recently smart growth have arisen in response to the sprawling forms of development that are characteristic of most North American cities. While these movements represent the development of a broad set of tools for directing growth and preserving agriculturally and biologically important land, political and institutional barriers to their implementation remain strong. A more robust understanding of the political environment in which plans with strong growth management are enacted and implemented is necessary if we are to find solutions to the problems that dominant growth patterns have caused.

This paper examines the history of a series of attempts to pass and implement growth management in South Fulton County from the mid 1990s through the incorporation of the City of Chattahoochee Hills in 2007. Despite being in a prime location for new low-density suburbs, over the past two decades, various groups have worked to enact strict land use controls mandating cluster development and preserving up to 80% of its total land area in agricultural and nature preserves. This paper uses a mixed-method approach based on archival research as well as oral history. Understanding how this community succeeded will contribute to the understanding of how alternative development is possible.

CHAPTER 1: INTRODUCTION AND METHODOLOGY

In early 2001, Stephan Nygren, a resident of unincorporated South Fulton County, Georgia approached the county's planning body, the Department of Environment & Community Development (E&CD), with an idea: he wanted to organize a community-led process to protect some of the last undeveloped green space in the county. Only a few miles from Atlanta, South Fulton County's woodlands, rolling pastures, and small communities stood in stark contrast to the rest of the metropolitan area. Although he was just beginning to reach out to other residents, Nygren had already quietly built support from some of the largest landowners in the area. South Fulton County had, up to that point, remained largely undeveloped despite its proximity to the city of Atlanta, the center of the ninth largest metropolitan area in the United States and by far the most sprawling (see Figure 1).¹ Now the same kind of low-density residential development that had earned the metropolitan the nickname "the poster child of sprawl" was moving south quickly in their direction.² Nygren had convinced these landowners that through smart planning and by taking advantage of new state programs, they could amend the current land use plan to save much of this land from development while retaining or even increasing their return on investment.³

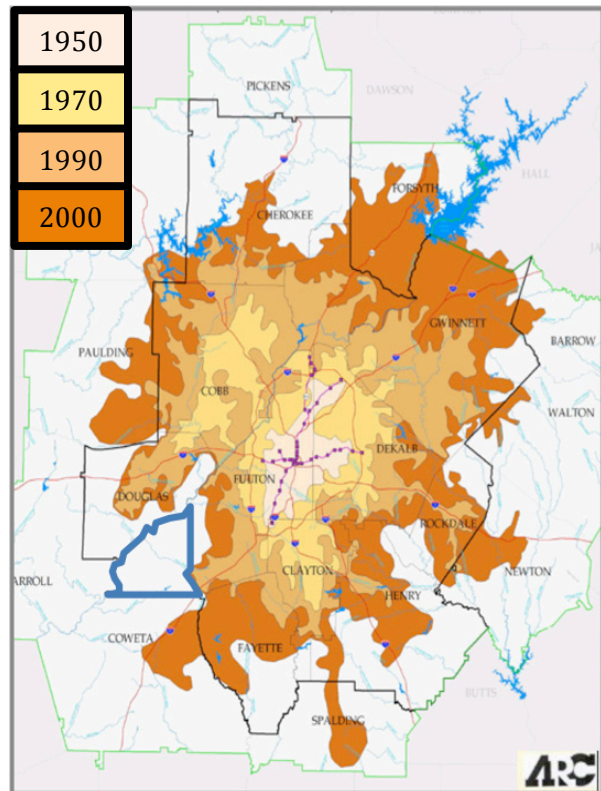


Figure 1 Continuous Urbanized Area in 2000

The rings represent the size of Continuous Urbanized Area beginning with 1950 in the center. The Chattahoochee Hill Country overlay district would affect the area outlined in purple.

(Source: ARC. "Livable Centers Initiative." Collection of Stephan Nygren)

When Steven Cover, the director of the Fulton County E&CD Department, consulted the head of his planning division, she responded, “It’s a great idea, Steve, but we don’t want you to lose your job.”⁴ Cover had only begun work as the Director of E&CD Department in March of that year and could not have fully understood the nearly five year long struggle that the planners of Fulton County had just endured.⁵ County planners had in fact tried and failed several times to update the *South Fulton Comprehensive Land Use Plan* to include many of the same smart growth principles that Nygren was now touting. The county’s plan update process first began to take shape in early 1995 in the aftermath of a dramatic fight between county government and a group of residents who wanted to secede from Fulton County. The planning process was fraught with controversy and compromise throughout.⁶ As a staff planner recalls, “they hated us down there, they literally shouted us out of the room.”⁷ A final plan update was not approved until July 7, 1999.⁸

The staff of Fulton County Environment & Community Development had no desire to revisit the issue and they were not alone. According to Nygren, the county commissioner responsible for much of South Fulton County, William “Bill” Edwards had asked Nygren, “not to make me side with half of my constituents over the other half.”⁹ Although he was new to his position as well, having only been elected in November of 2000, Edwards would have been well aware of what had recently transpired in Cherokee County, a suburban county north of Atlanta. Several of the county commissioners there had recently lost their seats over the implementation of a controversial land plan that had similarly attempted to balance growth and development. Despite a clear need for reform emphasized by Atlanta’s ongoing fight with EPA including temporary loss of highway funds over emissions, controlling growth was a dangerous political position to take in Metropolitan Atlanta.¹⁰

No one could have predicted then what the Chattahoochee Hill Country Alliance (CHCA), Nygren's newly formed group of residents and developers, would accomplish just over a year later. Shepherded by CHCA, a new and surprisingly progressive land use plan would be passed with hardly any vocal opposition. The county commissioners supported it unanimously and a large crowd gathered in support of the passage of plan and its associated legal reforms. In addition to local support, the plan won nation-wide recognition for its vision, "a case study for stopping sprawl," and the inclusivity of the planning process.¹¹ More than 600 of the 2,400 residents of the area took part directly in the meetings that helped shape the plan, and not a single resident showed up to oppose the plan at commission meetings. Even the previously skeptical Commissioner Edwards was ecstatic about what had been done. During the final vote to approve the plan he announced, "I'm so excited about [this plan] I could jump out of this chair!"¹²

Defining the Question

If this truly is a case study for stopping sprawl, then it is important to understand how it managed to succeed in a place where residents and politicians had only recently fought so hard against many of the same changes. Planners today have access to a large and growing toolkit of planning strategies to check sprawl and in most cases the desire to do so.¹³ Still, the challenges to implementing comprehensive growth management are legion. They range from an unwillingness to upset the status quo to market demand for single family homes to outright opposition and even conspiracy theories.¹⁴ Despite a fairly widespread acceptance of best practices, and a lot of lip service praising the principles of growth management, the visible impact on the landscape, apart from a few notable cases, is hard to discern.¹⁵ This is especially true in the generally pro-growth, sprawl-enabling Sunbelt. And, no city has quite the pro-sprawl pedigree of Atlanta, despite state-level growth management legislation that dates back to 1989.¹⁶

Examining the political history of this series of land use plan changes can help us understand how smart growth policies are enacted.¹⁷ Likewise it can highlight strategies that may be effectively adopted by advocates in other regions. The particular interest of this case is the rapid transformation that took place in South Fulton County apparently in only a few months. In essence the research questions are quite simple:

What transformed South Fulton County from an area seemingly opposed to any kind of growth management to one that embraced it so fully? And what might that tell us about efforts to implement smart growth in other contexts?

No comprehensive history of this time period exists. When it has been told, the story is generally portrayed as an example of the power of local activists taking their destiny into their own hands. That is a limited view. It is true that the composition of Chattahoochee Hill Country Alliance was absolutely necessary for its successes. However I will argue CHCA was in fact taking advantage of an important series of state and federal policy changes. Buoyed by a generously supportive bureaucracy, this private organization was acting in a nearly semi-official capacity, promoting governmental goals in ways that the official planning structure in Fulton County could not. Further, I will highlight the conditions specific to this time period in South Fulton County and the Atlanta metropolitan area that allowed the plan amendment to pass. Understanding how this happened is important beyond a particular interest in this case, and contributes to a larger literature on the politics of growth on the urban fringe.¹⁸

This thesis is divided into five chapters. This introductory chapter situates this case study within wider debates surrounding land change on the urban fringe, sprawl, and smart growth. In the second chapter, I detail the past of the area before the founding of CHCA. I pay particular attention to the unsuccessful attempts of Fulton County planners to revise the land use plan and zoning code in South Fulton to include smart growth strategies.¹⁹ The third chapter details the

heart of this story, the period from 2000-2002, in which CHCA initiated a successful planning process to encourage preservation of much of the landscape and concentrating growth to three relatively dense nodes. In the fourth chapter, I examine the outcomes of these important changes in land use law including the construction of Serenbe, the first development, and the eventual incorporation of the area as an independent city. Finally, in the conclusion, I try to tease out the most important driving factors in this case study and relate this case to similar ones in the literature. I also draw lessons from the experience of planning in South Fulton County over the past two decades that may help inform planners and advocates to more effectively support the adoption of smart growth techniques in other regions.

Theoretical Context

Land use and land cover change surrounding urban areas is driven by a myriad of complex factors. The rural urban fringe is by its definition in a state of transition and policy debates concerning it can be particularly fierce. Farmers, environmental advocates, developers and many others each see winning fights over the shape of the rural urban fringe as key to advancing their larger goals.²⁰ The drivers of exurban development are complex and, there is nothing approaching theoretical consensus concerning why land change occurs as it does. Planners, historians, political scientists and geographers among others have all brought the contributions of their various disciplines to attempting to understand land use change. And borrowing among disciplines is nearly a defining character of research on the topic.²¹

Anna Hersperger and her co-authors have recently published one attempt to codify the wide variety of studies and their conceptual frameworks to bring some clarity to theoretical and practical discussions of land use change. They created an organizational heuristic that categorizes studies based on their conceptualization of the relationship between the three core

components of theoretical models. These are actors, driving forces, and ultimately land change. Actors (A) can be individuals, government agencies or private institutions at any scale.²² Driving forces (DF) include the many large structural causes of land change be they political, economic, cultural, technological, or natural.²³ Land change (C) refers to changes in both land use and land cover.²⁴ The major theoretical distinctions arise²⁴ from the way various authors treat the relationships between driving forces and actors in leading to change. The simplest models (DF-C in Figure 2 below) eschew the importance of actors entirely. They instead link driving forces directly with outcomes. This is most common in large-scale analyses and modeling. The second, and most straightforward, theoretical structure (DF-A-C) focuses on the ways that driving forces cause actors to create change. This model acknowledges and examines the roles of actors, but sees them as ultimately constrained by driving forces. The third model (DFA-C) recognizes a more complex relationship between driving forces and actors. Actors are constrained by their context, but also have some power to shape the context in which they operate. In the final model (AC), while driving forces help create context, actors—in this case most often individual landowners—

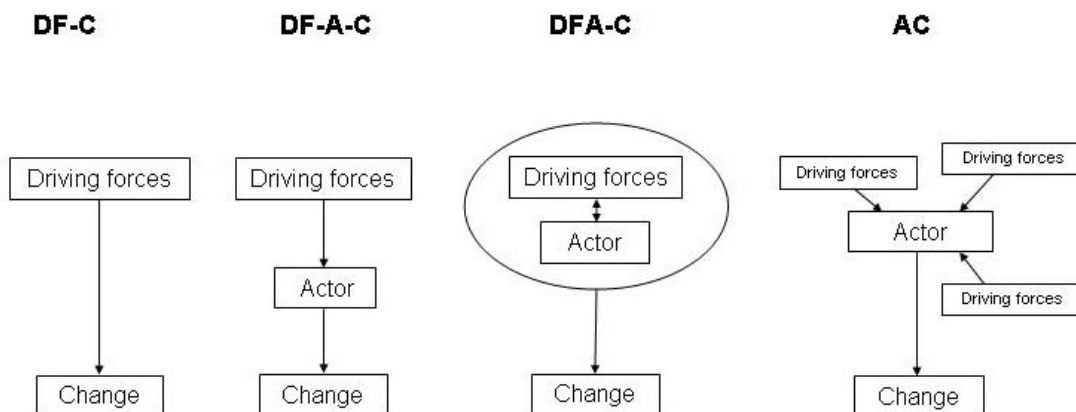


Figure 2 Hersperger et al.'s models of land change.

The DFA-C model best represents this study's perspective. (Source: Hersperger et al. 2010)

have the ultimate power to create change and are the focus of intense study.²⁵

Hersperger et al. argue that theoreticians should embrace pluralism in the field. Studies that take each of these approaches have offered valuable insight into the causes of land change. Certain theoretical constructions are more appropriate depending on the scale and the research questions of a particular study. Large-scale modeling cannot easily factor in the role of the individual whereas, that is the ultimate focus of agent-based modeling. They all have their place in increasing our understanding of land change. For planning purposes, the third model, Driving Force/Actor-Land Change (DFA-C) is often the most appropriate. That is the case with this paper. Planning is an exercise in both reacting to and shaping driving forces to the extent possible. Policy and land use legislation lie between actors and driving forces. Actors create policy, but then those policies become a driving force of development to which actors react.²⁶ Understanding how these relationships function are an important, if underemphasized, area in planning research.²⁷

Methodology

To understand relationships among actors and larger driving forces, planning scholars have traditionally relied on the tools and theories of history and political science. To reach a holistic understanding researchers need a wide variety of data on potential driving forces, the interactions and behaviors of various actors, and the ultimate changes that result.²⁸ Using a variety of detailed data to understand changes that took place within a bounded geographical area during a specific period make this question ideal for a historical case study.²⁹

Initial planning in Chattahoochee Hill Country, as plan proponents call the area, received broad press coverage at the time. Still, there exists no comprehensive history of the adoption of the plan known as the *Chattahoochee Hill Country Community Agenda* and the passage of the

associated Chattahoochee Hill Country overlay district. The brief histories and timelines that do exist tend to focus on the actions of the Chattahoochee Hill Country Alliance to the exclusion of other actors. By expanding the story in time and scale and examining the driving forces that led to the creation of CHCA as well as the impacts that CHCA and other actors had on policy and economic arrangements in the south, a more complete story emerges.

The major data sources I used to construct this narrative included private archives, oral histories from key players, and publically available records. I made three research visits totaling about five weeks in the area beginning in March of 2014, gathering the majority of my data during the month of June. Although the period studied is relatively recent (1994-2008), none of the major private organizations that conducted the bulk of the planning process (2001-2003) exist in any meaningful way today. The main method for gathering information was through key informant interviews. I conducted a total of 23 interviews with 16 key informants. The key informants were first identified through a review of news articles and published reports. After the initial interviews, I used selective snowball sampling to fill in remaining gaps. I met most of my participants face-to-face in a location of their choosing but also conducted a few interviews over the phone. The interviews focused on collecting oral histories of the roles that each individual played in the planning process as well as their feelings about what was going on. The interviews were, except in two cases where participants objected, recorded and transcribed. Often the interviews served dual purposes. Many of the same players who I interviewed for this work were also gatekeepers to the scattered documentation that does exist.

Because a single body did not undertake the planning process, there were no formal archives. Instead a number of individuals have files from the time period. I was fortunate to be granted access to a number of personal files and the archives of Fulton County. These

documents, including meeting minutes, reports, correspondence, and many other documents, formed the backbone of this research and allowed me to link the oral histories to the dates of specific events and contemporary documentation. I scanned all archival materials and used Adobe Acrobat optical character recognition to make them searchable and codable. Finally, throughout this research I have combed publically available data including: newspapers, minutes (especially the Fulton County Board of Commissioner and the Georgia Assembly), planning documents, and legislation. Various other data sources including historical imagery and maps, US Census data and related historical studies also served as valuable sources.

I input all written and audio data into NVivo 10 for Mac for coding. First, I coded documents into categories based on source and type. Then I organized all documents that could be dated by the date of their production or, occasionally, the period they discuss. This greatly aided in producing a coherent narrative from a series of events that have often become confounded in the minds of many of my participants. Additionally, I used descriptive coding to identify major topics.³⁰ Some of these were apparent from the beginning, while others arose through the course of research, coding, and analysis. These codes helped to organize documents, which related to various technical aspects of the process, but were especially important to identifying references to the relationships between actors. During initial analysis, I also evaluated the reliability of each source taking into account when a document was produced, by whom and for what purpose.³¹ I applied a similar framework for analysis to the oral histories collected. It was not uncommon for different oral histories to give conflicting accounts or contradict the records I had available in some way. Often these inconsistencies were incidental, but when they were important to the story, I had to weigh the relative reliability of the competing sources.

Generally the most reliable and consistent were contemporary documents not created for public distribution. When important inconsistencies remain, they are identified in the text or endnotes.

As the analysis and writing progressed, I identified several gaps in my understanding of particular events due to a lack of documentation or an actor not previously unidentified as key emerging as important. Fortunately, my contacts were very generous with their time and resources and I was able to continue to gather new documents and conduct additional interviews. At various points during the research process, I also conducted member checks to evaluate my understanding.³² At the end of interviews, I would present my understanding of what we had discussed for feedback. Later in the analysis phase, I returned to some key informants to present my findings. This was an important test for validity of my assumptions, and all of their responses both positive and negative have greatly informed the narrative as I present it. None of those whom I interviewed has yet seen a full draft.

A brief history of sprawl, growth management, and smart growth

Before beginning to focus on the study region, a history of suburban development and reactions to it in the Twentieth Century is useful for context. While it is debated somewhat in the literature, a strict and quantifiable definition of sprawl is not necessary for this work.³³ Instead a more colloquial understanding of suburban development patterns is more than sufficient. One such definition is, “a form of urbanization distinguished by leapfrog patterns of development commercial strips, low density, separated land uses, automobile dominance, and a minimum of public open space.”³⁴ To that definition, one would be remiss not to add the social, cultural, and aesthetic homogeneity often highlighted by suburban detractors.³⁵

While proper planning is often posited as the solution to sprawl, it is important to note that sprawl was and continues to be designed and extensively planned. As early as 1956, the

Federal Aid Highway Act explicitly set out to “disperse our factories, our stores, our people, in short to create a revolution in living habits.”³⁶ The race riots of the 1960s and changing cultural norms helped to accelerate the trend, but even before then low-density development was actively encouraged by the policies of the federal government. Inspired by a particular mix of extensive resources, technological development, and changing cultural norms, this new combination of the best of the urban and rural worlds quickly became the quintessential and easily recognizable American ideal. To this end local, regional and federal policy aligned to make the construction of the suburbs a reality. Supported by a range of policies from the federal support of mortgages to heavily subsidized highways, the suburbs continued their federally subsidized march into the countryside.³⁷ Beyond the federal incentives, low-density residential growth was actively planned for at the regional level. Nowhere has this been as successful, or as well documented, as in metropolitan Atlanta.³⁸

The negative environmental and human health impacts of typical car dependent suburban development are widely recognized.³⁹ Critiques of sprawl are almost as old as suburbs themselves.⁴⁰ While the low-density residential and big box retail patterns that define sprawl continue to proliferate, some metropolitan areas have taken action to curb their expansion. The rise of political opposition to sprawl grew with the environmental movement in the 1960s and 70s.⁴¹ While concrete efforts to reign in the suburbs were stymied by opposition on many fronts, there are some examples of successful growth management. The most aggressive and arguably the most successful of these on a regional scale is the urban growth policies to preserve Oregon’s Willamette Valley first established in 1974.⁴² Still, regions that were willing or able to restrict growth in a meaningful way in the 1970s or 1980s are rare. Culturally, politically and economically, continuing development of the suburbs was largely seen as desirable.

This turned focus to state governments that were generally in a better position to manage growth statewide. Some states did enact legislation that to varying degrees protected undeveloped or agricultural land. Still, progress remained slow. By 2001 only eleven states had adopted any kind of growth management legislation.⁴³ Growth management can be a hard sell when politicians see the loss of economic growth as a possibility, and defenders of the suburbs have fought hard against growth management. Beyond the possible economic effects, many argue that restricting the development of private property is inherently problematic. Further, sprawl proponents argue that by restricting the land available for development overall housing affordability is decreased.⁴⁴

The most recent phase of the growth management debate is over what has been referred to as smart growth. Smart growth arose in the mid 1990s claiming to transcend the pro-growth versus growth management divide. The basic idea behind smart growth is that growth should not be curtailed, but instead directed in a more productive way.⁴⁵ Defining smart growth is a difficult task that is only now approaching consensus in the literature. Smart growth is not, like sprawl, an effect that can be measured on a landscape but is instead a collection of principles and tools that together claim to offer a way to balance growth. The general characteristics of smart growth include:

- 1) Compact high density development, usually within defined boundaries
- 2) Land preservation especially of ecologically sensitive areas, or land that is highly valuable for agriculture, recreation, or aesthetic qualities
- 3) Mixed-use zoning and a general design flexibility, inspired by New Urbanism promoting walkability and often transit oriented development.
- 4) Regional coordination and inter-governmental cooperation, the proponents of smart growth see regional coordination as key to avoid simply shifting of sprawl to another area and the intelligent use of infrastructure⁴⁶

These characteristics are not definitive, but represent the emerging consensus around the term. Other definitions of smart growth refer to the collaborative nature of the planning process

or the quality of life it claims to provide for residents or tie the definition to specific tools and strategies.⁴⁷ The above characteristics, while not present in all plans claiming to embrace smart growth, certainly represent the ideal that scholars and planners hope to achieve through smarter planning.

Unfortunately the diversity and complexity of the goals outlined above make applying them all in a single plan difficult. Trouble implementing smart growth principles is a hallmark of recent research on the topic. One of the major issues is that, apart from planners, smart growth does not have any reliable public support, and the interest groups that promote it are most often only concerned with one element of the overall smart growth framework.⁴⁸ Developers like the development flexibility. Environmentalists champion the habitat preservation elements. And proponents of social justice are keen in considering the impact that land use decisions make on the population of a region overall. Generally, these groups have seen their goals in conflict. Stephan Nygren, founder of the Chattahoochee Hill Country Alliance, summarized this situation quite well:

This whole thing is about balanced growth... The preservationists love it, but then they are afraid to really support it because they are afraid somebody is going to make money off of it. And then, the development side says, "I don't know, this looks like a bunch of tree huggers to me." So, we're in this no-man's-land.⁴⁹

Nygren is far from alone in expressing this frustration. Yonn Dierwechter, a geographer who has written extensively on the politics of smart growth, asserts that research on the implementation and effectiveness of smart growth inspired planning represents "a formidable urban research agenda."⁵⁰ He emphasizes that much of this research should not be simply spatial in nature but should focus on the politics of planning itself. In essence, theorists and practitioners too often have good ideas about planning, but very little idea how to achieve them politically.⁵¹

Political Analysis in Planning

In the 1960s there was a flurry of scholarship that examined the political process behind city planning.⁵² This strain of planning research began to go out of style in the 1970s with one contemporary author even suggesting, “perhaps this particular intellectual well had run dry.”⁵³ Research in the past two decades by Bent Flyvbjerg and others has pointed out the often underestimated role that community power structure plays in determining how we plan, and the dangers inherent in planning as if these power structures do not exist.⁵⁴ Even if the planning process was well understood in the 1960s, the way plans are written has changed considerably since then. Whereas in the 1960s and 1970s city staff was responsible plan making, private planning firms, supra-local agencies, and even quasi-private organizations like Community Improvement Districts (further discussed below) have taken on an increasingly important role in drafting plans.⁵⁵ The history of the Chattahoochee Hill Country Alliance and the creation and implementation of the overlay plan offers a chance to examine a planning process conducted and directed by non-governmental actors, a major gap in the literature.

This interplay between the public and private actors in the Chattahoochee Hill Country planning process is an important aspect of this study. While there can be no doubt that the majority of the planning for the overlay was initiated and sustained by private action, it could easily be argued that even this planning process was very much an exercise in state power rather than the ceding of traditional state power to private actors. Dierwechter argues that smart growth represents a new phase of state territoriality. In the late 20th century sprawl was the physical manifestation of the state’s norms about how space should be governed. Likewise, while smart growth represents a new form, it does not challenge the idea that the state ultimately decides what form development will take.⁵⁶

This embodies a longstanding American tradition in which the state has shown a remarkable ability to penetrate civil society to use it to further its goals.⁵⁷ The American paradox is that through civil society, “power is simultaneously concentrated and disaggregated.”⁵⁸ The state is able to more effectively achieve its goals by empowering and supporting private actors who promote or enact policies on the state’s behalf. This is increasingly true in planning. For example, Business Improvement Districts [BIDs] and (in Metropolitan Atlanta) Community Improvement Districts [CIDs] take on responsibility for furthering many state objectives ranging from simple planning to large-scale capital investments.⁵⁹ In fact when it comes to smart growth, actors outside of traditional government structure may prove to be the most effective way of bringing innovative plans to life.

One reason that a private organization like the Chattahoochee Hill Country Alliance might be better placed to implement smart growth lies in the tensions inherent within the concept. Unlike the simple dichotomy of pro or anti-growth, smart growth simultaneously attempts to expand growth and economic development (albeit in a directed manner) and maximize environmental functionality. One of the greatest challenges of planning is this balancing act. It is much simpler for a single policy to have a single goal. When policies (or plans) have multiple simultaneous goals, none of the individual goals can be optimized exclusively. Instead multiple competing goals force the planning body to seek what engineers or economists call a Pareto optimal solution, one that maximizes each goal as much as it can without overly interfering with the attainment of other goals. This limits the attainment of any individual objective, and allows for several equally acceptable policy solutions depending on which goals are given primacy. Of course, developers, environmentalists, and planners will each

promote the ends that are most important to them giving rise to the criticism that smart growth means “whatever form of growth I like best.”⁶⁰

The balancing of multiple goals in creating plans is, or should be, precisely the expertise of planners working in the public sector. Still, they alone may not always be in the best position to formulate effective policies and generate political buy-in.⁶¹ Furthermore, the difficulty of effective planning is compounded by the often-tenuous relationship between public planners and politicians, with the former claiming “the public interest” as their domain of expertise and the latter representing the direct will of the voting public.⁶² A final difficulty lies in the fact that while planners generally have the power to restrict or enable patterns of development, they cannot usually compel development to take form.⁶³

One potential solution to these issues is embodied by the experience of the Chattahoochee Hill Country Alliance. CHCA was a private organization of which the public planners are but one actor among many groups with divergent interests. Building consensus through active participation of a variety of these groups helps to address many of the difficulties in implementing a complex policy like smart growth. The presence of various interest groups: property developers, business owners, environmentalists and local residents reduces the need for any individual planner or group of planners to fully understand the goals or expertise of each. Instead interest groups are present and able to offer their preference and expertise directly. Furthermore, if the actors required to carry out a plan are fully present in the goal-setting process, research shows they are much more likely to carry out the actions required of them to bring the objectives to reality.⁶⁴ Still, as the story will show, the public planners retained significant power over the outcome of the process.

Ecological Context

Because land use planning is explicitly tied to the physical landscape, it is important to establish the ecological context in which these events take place. South Fulton County is quite typical of the forested landscape in the contemporary southern piedmont region. Originally, hilly long leaf pine savannas covered much of the area. These forest communities consist of longleaf pine (*Pinus palustris*), with various species of oak and hickory and a wide variety of understory plants.⁶⁵ Much like the oak savannas of Iowa, this landscape was created and maintained through a mixture of natural and anthropogenic fires. With the advent of European settlement, most of this landscape was converted to farmland. Only four percent of the original longleaf pine ecosystem still remains.⁶⁶ Fire suppression, agriculture, timber harvest, and development have been the major drivers of the decline of this landscape.⁶⁷

Within the study area itself, the original forest was mostly cleared for cotton fields and other agricultural uses in the Nineteenth Century. These were largely abandoned and today forest is again the dominant land cover. These new forests are a mix of highly managed loblolly pine (*Pinus taeda*) plantations as well as some less managed areas of mixed mesic forest. Some of the forests, especially along the Chattahoochee River, were less disturbed and include mature and high quality hardwoods described by The Nature Conservancy as, “significant botanical habitat... [possessing] few non-native species.”⁶⁸ Additionally, whether managed for timber or not, the relatively large and contiguously intact wildlife habitat is uncommon within the Atlanta Metropolitan Area and under threat from development across the southeastern United States.⁶⁹

An important service that such a landscape provides is that of a buffer along the Chattahoochee River. Pollution of the Chattahoochee River is a major environmental, social, and political issue. Suburban development in Atlanta and its suburbs has been blamed for much of

the damage.⁷⁰ A study by Frick and Buell in 1999 showed that after passing through the Atlanta Metro the Chattahoochee River shows an 8.5 fold increase in nitrogen and a 14 fold increase in phosphorus.⁷¹ While some of this pollution is point source from sewage treatment plants and industry, the lion's share appears to be due to overland flow from agricultural fields and the regions characteristic low-density residential suburbs.⁷² The creation or maintenance of vegetative buffers along riparian areas, such as those already present along the 18 miles of shoreline in the Chattahoochee Hill Country are highly effective in removing nutrients and other pollutants from surface or subsurface flow.⁷³ While riparian protections have existed in some form in the Atlanta region since the 1960s, these concerns were largely undercut by the region's dedication to growth leaving large swaths of the Chattahoochee and its many tributaries vulnerable to pollution from overland flow.⁷⁴ This is the ecological context in which debates over the form of exurban development will take place in the future.

Understanding the politics of smart growth plans is no trivial matter. According to a study recently published in PloS One, based on past patterns the urbanized area in the Southeast will increase between 101% and 192% over the next fifty years.⁷⁵ More than four decades of regional and state-level growth management has accomplished very little in terms of meaningfully shifting dominant growth patterns surrounding American cities. Understanding in detail what has worked and what has failed in pushing for these plans in the cases where meaningful growth management has managed to make it on the books is key for planners and scholars who want to avoid repeating or even magnifying the mistakes of the past.

CHAPTER 2: EARLY HISTORY

South Fulton County is located on the historic boundary between the Muskogee (Creek) south of the Chattahoochee River and the Cherokee to the north.¹ Although the area had been claimed as part of the territory of the Province of Georgia since its original charter in 1737, the history of modern European-American occupation began with the incorporation of Campbell County and the removal of the native populations during the 1830s (See Figure 4 below). The county was created on December 20, 1828 by annexing portions of surrounding counties and was named after Colonel Campbell who had recently negotiated the controversial Indian Springs Treaty, which ceded all Creek Indian lands to the US Government including the modern Chattahoochee Hill Country (CHC).² Although the majority of the native population was forcibly relocated in 1836, the area does retain some residents of Muskogee origin and several Pre-Colombian archeological sites.

The area, while hilly, was extensively terraced and quickly became an important part of Atlanta's agricultural hinterland, home to farms and many small communities. Historical maps from the late Nineteenth and early Twentieth Century show a number of settlements, which spring up and disappear from map to map. Some of these, including Mecca, Floss, and Teria, have left little or no trace on the landscape apart from scattered remains of homes and the mills, which today appear abandoned in the middle of forests. Others including Campbellton, Goodes, and Friendship still remain in the form of a few scattered houses and signposts. Rico, the notable exception, still retains the form of a small community with a park, government buildings, and one general store.³

The current relatively sparse population in the area, approximately one inhabitant for every sixteen acres of land, can in part be explained by the construction of rail lines to the north and south rather than along the Chattahoochee where most residents had settled.

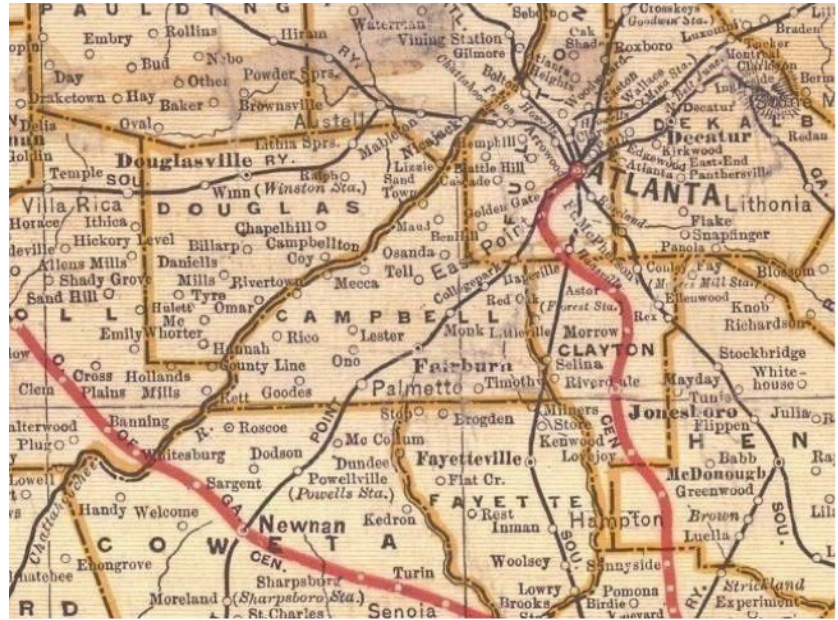


Figure 4 Central of Georgia Railway Map of Alabama and Georgia, 1899 [detail]

(Source: <http://georgiainfo.galileo.usg.edu/histcountymaps/campbell1899map.htm>)

Campbellton, the original

county seat, had attained a population of more than 1,200 at its height in 1854, but after the end of the Civil War, settlement patterns began to shift.⁴ The Atlanta and West Point Railroad, completed in 1851, passed through the southern part of the county through the cities of Palmetto and Fairburn but bypassed the county seat. Union forces shelled Campbellton during the war and according to one source only 30 of more than 200 men who fought returned, preventing its largely agricultural economy from recovering.⁵ During Reconstruction the increasingly industrialized Southern economy relied on rail traffic, which shifted the focus of development to the railroad towns of the south. Campbellton's population declined to only 119 people over the next decade as residents moved, often taking their homes with them, to Palmetto, Fairburn, and other nearby cities. In 1870, the residents of Campbell County decided by popular vote to relocate the county seat to Fairburn. Further emptying the countryside, the boll weevil decimated cotton fields when it swept across Georgia in 1920 hastening the economic decline of the area.⁶

Fast growing pines quickly colonized many of the former fields. The few residents who remained turned towards pasturing cows as primary sources of income creating the landscape for which the area is known today. Although the mostly loblolly pine (*Pinus taeda*) forests are now well established, visible terracing of the landscape as well as overgrown buildings and cemeteries testify to the cotton fields and relatively populous communities that once spread across the area.

Campbell County was never wealthy and the Great Depression exacerbated its declining tax revenues and strained government resources. As part of a state program called Bigger and Better Counties, Campbell County along with similarly situated Milton, twenty miles to the north, merged with Fulton in 1932 creating the unwieldy 534 square mile 57 mile long county that exists today (See Figure 5 below). This was seen as a boon for the rural areas that were



Figure 5 Rand McNally Map of Georgia, 1955 [detail]
(Source: <http://georgiainfo.galileo.usg.edu/histcountymaps/fulton1955map.htm>)

annexed into the new Fulton County. Fulton County nearly tripled in size while gaining only 3% in population. Fulton would now be responsible for service provision for the entirety of the new area. The hope was that the county through its increased size and efficiency could provide services at a much lower cost per resident by reducing redundancies.⁷

For much of the next 50 years, South Fulton County remained relatively untouched by the low-density growth that

covered North Fulton and its neighboring counties. Residents continued to rely on Fulton County for service provision, but they otherwise felt excluded from what occurred elsewhere in the county. Development, along with the bulk government services, had primarily moved north and east of Atlanta. Residents began to complain that they were not gaining access to the same levels of service seen in other parts of the county while their taxes rose in step with wealthier areas to the north.⁸ In the early 1980s, planners and other government officials took note of this uneven development and began eyeing south Fulton County as a prime area for the next wave of growth.⁹ The planning of a new roadway through the center of South Fulton arguably set the stage for all that has followed since.

The South Fulton Parkway

To rectify the relative lack of development, in the early 1980s, the Georgia Department of Transportation conceived a plan for the South Fulton Parkway, a new four lane divided highway through the middle of South Fulton extending southwest from the loop surrounding Atlanta (Interstate 285) to the Chattahoochee River. The road was designed to be a 20-mile long developmental highway to bring residential, commercial, and industrial development to the area. The highway was modeled on Georgia 400, a successful developmental highway begun in 1971, which today serves as one of the most important arteries to the northern suburbs.¹⁰

The first phase of the South Fulton Parkway was scheduled to open in November 1991 although construction interruptions, primarily blamed on weather, delayed the opening until September of the following year.¹¹ The section completed in 1992, which spanned the seven and a half miles between Interstate 285 and State Rout 92 in unincorporated Fulton County, was greeted with mixed reviews. Much of the development and business community of South Fulton was clearly in support of the road and property owners who had acquired land in the area

relatively cheaply looked forward to cashing in. The manager of one business commented on the uneven development between north and South Fulton saying, "I think this area of town deserves everything it can get. It's almost like a stepchild down here." Nevertheless, the contemporary press coverage indicated that some residents were opposed to the construction of the parkway mostly out of fear that the construction costs would add to their taxes with little benefit. Many of the areas near existing highways in South Fulton still had not been built up anything at all like the Northern part of the county.¹²

The lack of development in south Fulton County while the metropolitan grew rapidly around it is quite striking. After the Second World War, while the contiguous urbanized area surrounding Atlanta continued to expand, south Fulton remained forested and agricultural (See Figure 1 above, p 1). The reasons for this divide are many. The wealthy suburbs in the north continued to develop into employment and retail centers in their own right, pushing the growth and focus of the region north and away from downtown Atlanta.¹³ The class and racial dynamics operating in Atlanta also contributed to this lack of growth.¹⁴ One developer spoke of noticing large tracts of undeveloped land available just off a highway for a relatively low price and being shocked that such land exists so close to the center of Atlanta. "It's a diamond interchange, there's no one out here. This is incredible."¹⁵ South Fulton County was for several decades essentially off the radar of the development community. Part of this came from the early era of "white flight" in Atlanta. Neighborhoods on the south side of the city and extending into the inner southern suburbs had been the location of many of the fights over segregation in the 1960s. As blacks began to move into what had been primarily white neighborhoods, a series of violent episodes erupted. Many whites left the area for other suburbs where the majority of economic

growth was taking place.¹⁶ This perception of the Southside as dangerous and impoverished continues although there has been considerable redevelopment over the past decade.¹⁷

Still the role of race can be easily overplayed. Many factors led development away from South Fulton. Residents themselves placed the majority of the blame squarely on the back of Fulton County. Higher development fees sent developers into neighboring counties and high property taxes compared with the surrounding counties made homes harder to sell. The public school district also had a very bad reputation making Fulton less attractive than many of the surrounding counties for families. Several long time residents told me while I was there, “You only get two kinds of people that move down here. Either folks that are older and don’t have kids anymore or those that are rich enough that their kids are going to private school anyway.”¹⁸

Additionally, the new parkway notwithstanding, the pre-existing infrastructure was not quite up to the standards of many other areas in the metro. In the south, sewage and water mains existed only to serve the cities of Palmetto and Fairburn.¹⁹ A large proportion of the county-maintained roads, especially west of Cascade Palmetto Highway (State Highway 154) remained one-lane gravel paths. Considering the stark differences between these rural areas and downtown Atlanta just over 20 miles away it is no wonder that many residents referred to conditions in South Fulton County as “Third World.”²⁰

For all the dissatisfaction that the lack of development caused for some, for others it was the rural nature that made the area so appealing. In the 1990s an influx of new residents came from Atlanta to escape the fast pace of the city or the suburban sprawl to the north. These newcomers were generally quite wealthy. They perceived undeveloped south Fulton as a well-kept secret.²¹ While the school system struggled and government services were largely lacking, that was a small price to pay for the privacy and the extent of undeveloped land within a

reasonable commute to downtown Atlanta and Hartsfield-Jackson International Airport. One resident who moved to area in the mid 1990s shared with me, “I wanted to move somewhere where I could be closer to nature, have some separation and privacy from my neighbors, and enjoy dark skies and quiet.”²² This demographic shift, and especially the arrival of a few key residents who came during that time, would have major implications for the future development of the area.²³

Still most natives of the area failed to see the relative lack of development as charming, and instead fought for an increase in government services. In the run up to the 1996 Atlanta Olympics locals felt they might get an infrastructural boost when Cochran Mill Park was considered as a site for the equestrian events. Cochran Mill Park was an 800-acre county owned park located in the middle of South Fulton. When the organizers chose another site north of the city, funding for the completion of the South Fulton Parkway was threatened.²⁴ This was the last straw for many Southside residents who began planning to remove themselves from Fulton County.

De-Annexation

While Rico refers specifically to a small and, at the time unincorporated, community in South Fulton (See Figure 3 above) the name was often colloquially applied to most of South Fulton County East of Cascade Palmetto Highway. This area is roughly equivalent to the western portion of Campbell County that had been annexed into Fulton in the 1930s. Locals, who were often frustrated by Fulton County governance, had long harbored fantasies of returning to the days when they were part of a smaller independent county. In the early 1990s John Folsom, a local attorney with a flair for the dramatic presented another option in petition entitled “Let my People Go!” He proposed annexation of South Fulton into largely rural Coweta County, located

just to the south. Writing about Fulton County he said, “We would be better off in Somalia. At least then we would be getting foreign aid from the taxes we're paying. Right now, we are getting nothing.”²⁵ While Folsom did not personally live in Rico, he owned a 200-acre farm there that had been in his family since the 1880s and hoped to retire to there. His passion engaged the frustrations of many residents. One local woman wrote of the dearth of services in a letter to the *Atlanta Journal-Constitution*, “Rico has more county-maintained dirt roads than county-maintained paved roads, no water and no sewer. The nearest library is about 20 miles away, the nearest hospital 25 miles and the nearest non-profit, volunteer theater group 20 miles.”²⁶

Racial and cultural differences helped to fan the fire of conflict between the urban-focused mixed race County Commission and the largely white residents of rural South Fulton. The list of grievances was long, and as citizens became more organized their message reached a wide audience. Residents produced videos, pamphlets and yard signs (See Figure 6). They sent letters to area newspapers and confronted officials directly in public meetings. Their complaints included a lack of economic development, delays on the South Fulton Parkway Project, poor police protection, Fulton County staff in downtown Atlanta, and especially high taxes.²⁷ Once resident claimed that his taxes jumped from \$1,500 to \$6,200 from 1992 to 1993.²⁸ Another common complaint was that property values in the area were artificially low because of the negative image that so many had of Fulton County.²⁹ In fact the Chairman of the Fulton County Commission, Mitch Skandalakis, went so far as to declare that he would not personally oppose the annexation into Coweta given that the animus towards the county in the area was so deeply rooted.³⁰ While many of the residents’ complaints were understandable, service provision for a 40,000-acre area with only 1,500 residents is inherently costly. For example, Rico had a fire

station staffed by three firefighters at all times, which only responded to around six calls a month.³¹

**RICO
DESERVES
A FUTURE
COWETA
IS THE
FUTURE**

Figure 6 Anti-Fulton County Yard Sign
(Collection of Willaim Creel)

support, petitions circulated in the area reportedly gathered signatures from about 1,000 of the 1,300 voting age residents of the area. Across the southern part of the county signs appeared declaring, “Rico deserves a future Coweta is the future” (See Figure 6).³⁴

After the grand jury in Coweta County heard arguments on March 9, 1994 and approved the transfer, residents were optimistic. Still the commissioners in Coweta began to wonder if the burden of supporting the Rico area would be costly for the county in the long run. Commissioner Vernon Hunter likened the proposal to a remarriage saying, “Before you remarry you usually have a divorce. If there's a divorce there's a price tag, and I have to know that price tag.”³⁵ However the commissioners in Coweta would not need to calculate the cost of the “divorce” because on April 26th, the Fulton Grand Jury rejected the request. This brought to an end four months of intense activity and crushed the hopes of the vast majority of the residents of the area.³⁶ Still, this movement served as a catalyst, awakening and empowering political consciousness of the residents while drawing the attention of county officials to South Fulton.

In January of 1994 a group South Fulton residents and property owners submitted a petition in Fulton County probate court to begin the “de-annexation” process.³² Although this move was unprecedented in Georgia, the general legal understanding was that the annexation of land from one county to another had to be approved first by grand juries in each county then by each set of county commissioners.³³ The proposal had strong

In the wake of the down vote by the Fulton County Grand Jury, a community meeting was held in the Rico Community Center on May 17th, 1994 with Fulton County Commission Chairman Mitch Skandalakis, County Manager John Stanford, Commissioner Michael Hightower and Fulton School Superintendent James H. Fox Jr. They all came to the area in an attempt to allay the concerns of residents.³⁷ While there was already talk of appealing the grand jury decision, Skandalakis claimed that the county was committed to better serving South Fulton County and that by the time any appeal could take place, “we will have the infrastructure in place that addresses their problems.” Skandalakis later recounted to a reporter for the *Atlanta Journal-Constitution (AJC)* that, “I think that they at least appreciate that I’m trying.” On the whole, residents were not convinced. Jim Folsom repeated his mantra, “Our hearts belong to Coweta - our future is in Coweta.” Following through on their threat, a second petition was filed on July 26, 1994 to bring a smaller area of South Fulton, around half the size of the earlier petition, into Coweta.³⁸ Although this time the process moved more slowly, residents were rebuffed once again by the Fulton County Grand Jury on April 29, 1995 putting a temporary end to attempts at “de-annexation.”³⁹

The South Fulton Parkway Alliance

While the residents of Rico were preparing to renew their de-annexation attack in early 1995, the staff planners at the Fulton County Environment and Economic Development Department began working to help the county deliver on its promise to be more responsive to residents through an update of the county’s comprehensive plan. The first preliminary meetings for the update of the *Fulton County 2015 Comprehensive Plan* (adopted in 1989) took place in late November and early December of 1994. The hope was that a revision to the comprehensive plan would be ready to present to the Commissioners sometime in 1996.⁴⁰

Because of the size of Fulton County, planning was divided into four separate focus areas, two of which were located in the southern part of county, Southwest and South Fulton County. Staff created these divisions to simplify the planning process and acknowledge the



Figure 7 South Fulton Planning Area
(Source: Collection of Fulton County)

important differences between the heavily industrialized Southwest Fulton (See Figure 7) and the largely rural and residential South Fulton planning area, which included the majority of unincorporated land in South Fulton surrounding the small cities of Palmetto, Fairburn, and Union City.

The South Fulton Planning Area extended well beyond Rico and the acres that had been part of the secession bid (indicated in purple on Figure 7). In fact with only approximately 1,500 people west of Cascade Palmetto Highway, the focus of the planning effort remained on the eastern portion of the South Fulton Planning Area. There, the population was growing, and several developments were preparing to break ground. With the presence of the South Fulton Parkway and the expansion of water and sewage mains, directing growth in this area became the first priority. To help guide the planning process, a private organization made up of developers, local business interests joined together to create an organization called the South Fulton Parkway Alliance (SFPA). The SFPA began with a visioning session sponsored by Fulton County on March 23, 1995.⁴¹ The notes from the initial session reveal a variety of opinions on how development in South Fulton ought to occur. Many called for rapid and extensive development in line with the rest of the metro, including full infrastructure and “vibrant upscale residential development.” Other pro-development factions

wanted to promote the kinds of industrial uses that formed the backbone of Southwest Fulton economy to the north. At the same time, there was an acknowledgement of the ways in which this kind of expansive and rapid development had fallen short in other parts of the metro. Several of those present (unfortunately the responses are not linked with the names of participants) argued for “sustainable development.” Beyond pure environmentalism, they contended that the “natural beauty and pristine environment” of South Fulton could be a selling point.⁴² Already the drive to balance development and natural preservation was emerging.⁴³ The final vision statement of the SFPA attempted to strike this balance.

Development of South Fulton Parkway property shall be accomplished in accordance with a comprehensive plan developed for the area that is reflective of the desires and values of the citizens. Care shall be taken to preserve, protect and maintain the parkways natural beauty and primary function as a transportation corridor, while encouraging an array of balanced and viable industrial, business park, commercial and residential developments.⁴⁴

While the business and property owners who made up the bulk of the SFPA membership were certainly pro-growth, there was a desire “to avoid some of the things... experienced on Georgia 400.”⁴⁵ This would have been clearly understood by anyone familiar with metropolitan Atlanta to refer to the extensive development that had subsequently grown up around the developmental highway. As it extended into then unincorporated Fulton County, the Georgia 400 had spurred the development of a dense corridor surrounded by sprawling low-density residential suburbs (See figure 8 below). They wanted to avoid this same fate in South Fulton.



Figure 8 Current Satellite Image of the Georgia 400 Corridor.

The high-density development visible to the west and immediate east of the Georgia 400 has expanded considerably since the mid-1990s while the low-density suburbs had already filled in. (Image source: Google Earth)

To do this the Alliance and the county hoped to “define [a comprehensive] plan for all of South Fulton, not just the parkway.”⁴⁶ Fulton County planners reached for a set of tools that were associated with the incipient smart growth movement. They knew they wanted development, but they hoped that by focusing growth in discrete dense nodes along the South Fulton Parkway they could preserve much of the landscape as it was. The difficulty was introducing the concept of dense mixed-use villages in an area where density was considered by many to be the problem. In

a similar process underway simultaneously in unincorporated Milton, in North Fulton, the solution that the locals supported for avoiding sprawl was maintaining a 1 unit per acre minimum and banning the installation of sewage mains. The residents there hoped that this would ensure that their area would remain rural. Instead the lack of more stringent controls has allowed the area to be developed in an unorganized and sprawling form.⁴⁷ It can be difficult for non-specialists to fully understand the potential results of land use regulation. One tool often employed by planners in explaining the impact of zoning choices is a visual preference survey.

On February 12, 1996 Angela Parker, the Assistant Director of Planning and Economic Development in Fulton County contacted Nelessen Associates, a New Jersey planning firm known for pioneering the use of visual preference surveys.⁴⁸ These surveys typically include a series of images of different streetscapes, natural amenities, and buildings. Residents are then asked to rate the images based on how they feel about them. When the cost estimate came back from Nelessen Associates just over a week later at just under \$30,000, staff decided to create their own version.⁴⁹

That summer the SFPA and Fulton County began their visual assessment surveys by asking, “What do people like about South Fulton County?” While it was posed as a question, the public notices for the events go on to suggest that the answer is “the open spaces, the farms, the small towns.”⁵⁰ This was in response to very clear calls from the residents of this part of the county. They wanted development and increased services to be sure, but perhaps more than anything their mantra was “keep it rural.”⁵¹ Four survey sessions were held, one each at the Flat Shoals Library in Union City, the Rico Community Center, the South Fulton Service center in College Park, and the offices of the Farm Bureau in Palmetto.⁵²

The top three slides preferred by the majority of attendees at the meetings included a large office park, a country church, and two-story single-family home. The most disliked included a busy intersection, a multifamily housing unit, and an urban streetscape.⁵³ The most obvious interpretation of these results might suggest that the attendees preferred low-density residential and high-density office space. However, the message that the SFPA took away from these meetings was that residents would prefer high-density growth and employment in select areas with the remainder of the county remaining largely as it is with little further development. Dense mixed-use growth was quickly gaining in popularity in planning circles, and many of the planners participating on the SFPA board were excited about these results.⁵⁴ In Fulton County this came to be called “the village concept,” which was defined as a mix of commercial and residential uses in a compact area with a gridded street pattern and a central park promoting walking rather than driving. The president of the SFPA at the time aspired to, “return to a time... when we didn’t have all this zoning that segregate[s] everything.”⁵⁵ The village concept also gained traction among the business members of the South Fulton Parkway Alliance, but it remained less so among the general public who saw density, especially multi-family housing as a threat to their idyllic rural life way of life.⁵⁶ One resident who moved to the area in the mid-1990s shared this perspective with me:

Textbooks will show communities like ours that have homes built on large acreage where farmland once existed and call that sprawl... I [live here so I can be] closer to nature, have some separation and privacy from my neighbors, and enjoy dark skies and quiet.⁵⁷

To help protect the area outside of the growth nodes, Fulton County planners devised a new zoning classification, the RR-Rural Residential district, which was intended for “maintenance of a rural setting.”⁵⁸ This would have increased minimum lot sizes for a single family home from the current 1 acre minimum in A-1 Agricultural zoning to 5 acres.⁵⁹ Meetings

were held for public comment on February 20, 1997 at the South Fulton Service Center and February 25 at the Rico Community Center.⁶⁰ The reaction at these meetings was mixed. While residents were eager to maintain the rural quality of their land, many property owners feared that the additional restrictions would hurt property values or restrict their rights.⁶¹ Along with the public meetings, a survey was sent out to all 1,500 South Fulton property owners, who owned enough land to qualify, to see if they would be interested in having their land designated as Rural Residential.⁶² While there was some interest, the majority of responses received, 120 out of 229, did not want their land to be considered for the new category.⁶³

This was a setback for the planners in Fulton County. Combined with a growing resistance to any plan put forth by the county, the planning process began to slow. As Michelle McCauley, a Fulton County planner, recalls, “We had to completely regroup and start over.”⁶⁴

The only solid outcomes of this attempt to revise the land use plan were the passage of a buffer maintaining 50 feet of forest on either side of the South Fulton County Parkway, and the designation of three roads in South Fulton as a scenic byway.⁶⁵ This designation made these roads the only scenic byway in Georgia outside of a state park, and protected buffers of 75 feet around each of the routes from alterations visible from the road (see Figure 9).⁶⁶

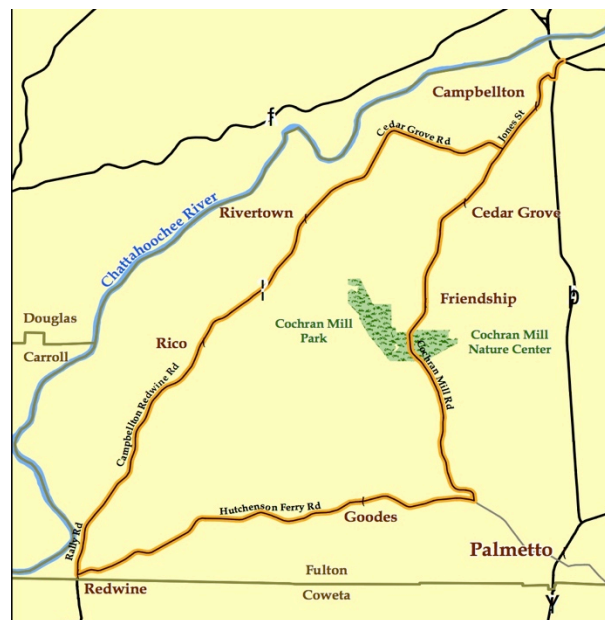


Figure 9 South Fulton Scenic Byway Routes

Later in 1997 Fulton County and the South Parkway Alliance decided to renew their efforts and make another attempt to pass a comprehensive plan amendment for South Fulton County based on the village model. On November 19, the Board of Commissioners adopted a resolution supporting sustainable development, which directed the Environment and Community Development department to update the South Fulton comprehensive plan “utilizing sustainable development goals and criteria.”⁶⁷ The criteria to evaluate a plan were developed by the staff over the next month. When they were completed, the criteria included the conservation of ecosystems, the efficient use of resources, and the development of mixed-use, pedestrian-oriented projects. The criteria as written fully embraced the spirit behind smart growth planning without recommending any specific policies. That said, only a plan promoting dense walkable nodes could have lived up to any reasonable reading of the criteria set forth.⁶⁸

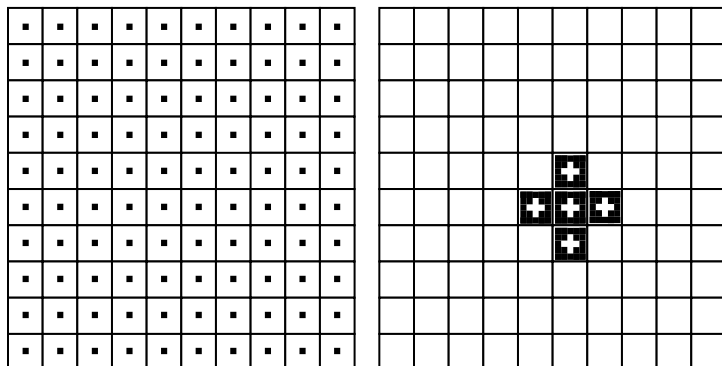


Figure 10 Clustered and traditional development patterns with the same overall density. Each dot represents one dwelling and each box, one acre. While the dwelling units (du) are evenly distributed on the right, when clustered at 20 du/acre the vast majority of the area can be left undeveloped. (Illustration by author)

To make these dense villages a reality the planners decided to bring in a new conservation tool to replace the failed Rural Residential designation. Transfer of Development Rights, or TDRs, allow landowners to sell their right to build dwelling units on their land

to another property owner. Among the rights that a landowner possesses is the right to build as many dwelling units on her property as zoning allows. For instance on a 20 acre parcel located in a zoning district that allows for one unit per acre, the landowner in effect owns the right to build 20 units. If development rights are transferable, that landowner could sell any number of those

rights to another landowner. Once the rights are sold, the landowner can no longer legally build as many units as zoning would allow. In return, the developer purchasing those rights is able to build these units on his land. Generally, in such a system there are designated sending and receiving areas. This means that only those who hold property in receiving areas can purchase TDRs. Other landowners who own property in sending areas may only sell TDRs. This arrangement increases density in targeted areas while protecting large swaths from development (See Figure 10).⁶⁹ It also allows landholders whose property is not being developed directly to benefit financially from construction elsewhere. TDRs are, at least in theory, more egalitarian than an urban growth boundary as each landowner can choose whether or not to participate and they are compensated for the loss in value on their land.⁷⁰ What uses are permitted on the land once the development rights are sold is often set forth in a document created at the time of the transfer.

To help design a plan, Fulton County and the SFPA hired Steve French, the director of the Georgia Institute of Technology's City Planning Program. French already had a long track record of researching growth management and multifunctional landscape management including the use of Geographic Information Systems.⁷¹ French wrote his plan in cooperation with a graduate studio at Georgia Tech starting in January of 1998.⁷² They set out to create a plan that could take advantage of TDRs to direct growth in South Fulton County. Today, Fulton County planner Michelle Macauley credits French especially with bringing the ideas of smart growth to the forefront in Atlanta, and especially in Fulton County.⁷³

TDRs had been used with mixed success in other parts of the country, but they were new in the Southeast. North of Atlanta in Cherokee County, this concept had only recently been incorporated into a new and innovative county comprehensive plan. This was the first time in

Georgia that a county had taken such a step and the Fulton County planners reached out to the staff of Cherokee County for support and advice. In February of 1998, Fulton County planners invited Ken Patton, the director of planning in Cherokee County, to speak with residents in South Fulton about how they had created a land use plan that incorporating TDRs.⁷⁴ Located 40 miles north of Atlanta, Cherokee County was experiencing a wave of new development at the time quite similar to what appeared to be headed towards South Fulton. The TDR program seemed to be an appropriate way to balance the need for economic development with the community's desire to retain some elements of its rural roots. Cherokee's new land use plan had only been approved two months earlier and appeared to have widespread support. As Patton came to speak, cities in Cherokee County were rewriting their land use plans to conform with the new county plan as well as successfully lobbying at the state level for enabling legislation that would allow TDRs to become reality.⁷⁵

In the spring of 1998, Steve French and his students created base statistics for three scenarios in South Fulton: full build-out, rural preservation, and villages. These scenarios were presented to the members of the Alliance in June for feedback and to select one for future analysis. The full build-out scenario projected the kind of development typical of the metro. Rural preservation focused on slowing down development however possible, and the Villages plan emphasized a series of dense nodes.⁷⁶ In June when the scenarios were presented, the SFPA strongly supported planning for village development. French's team developed this plan further, even selecting specific sites for future dense village developments, one of which would have been located directly south of Rico. The team also created more detailed street maps of these potential villages (See Figure 11 below). The report notes that these villages are not "the likely

result of existing policies and ordinances.” To create them would “require significant changes to the existing *Comprehensive Plan* and the subdivision and zoning ordinances.”⁷⁷

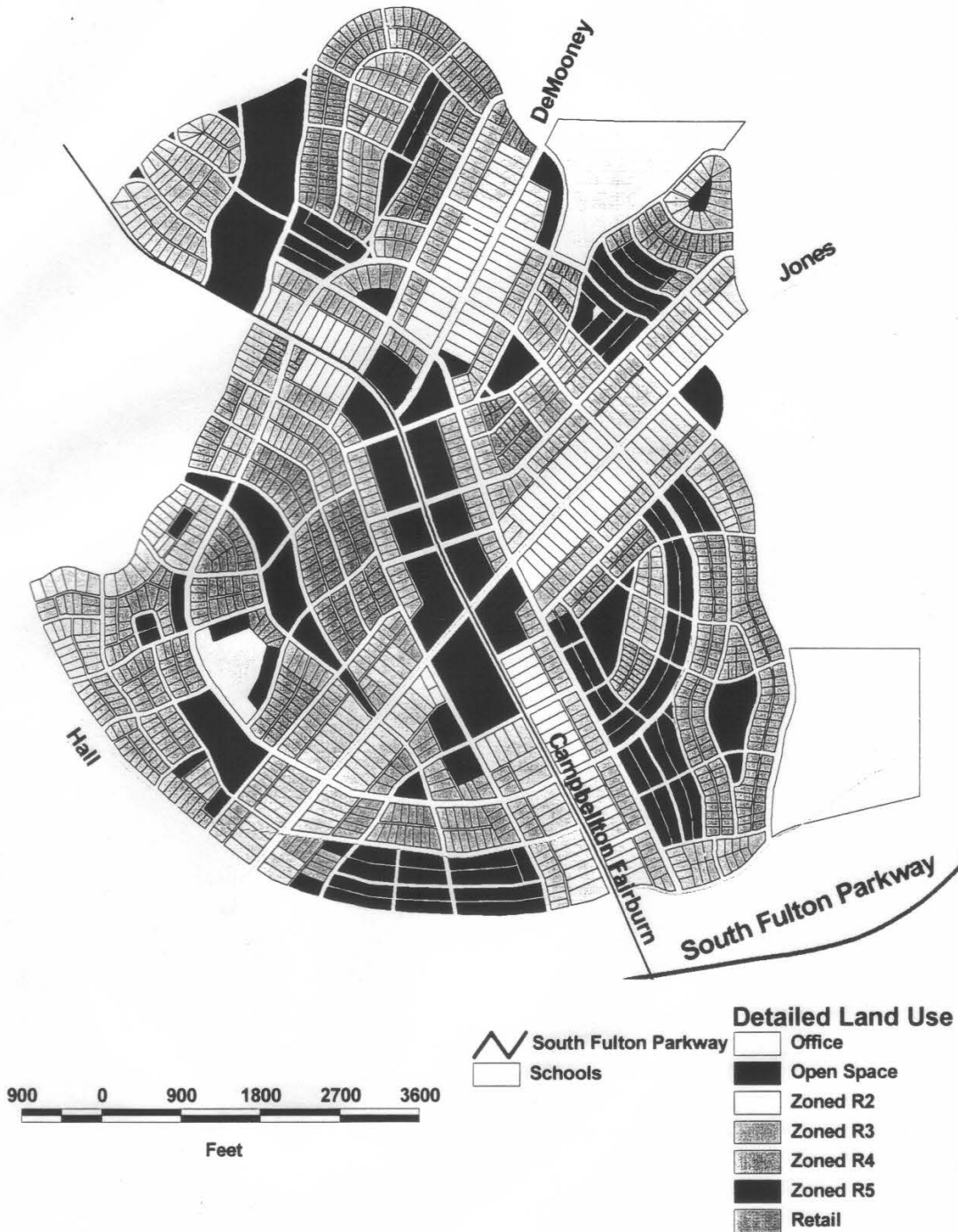


Figure 11 An ideal dense multi-use village development in South Fulton County. Although it is difficult to distinguish in this copy among zones, R2 though R5 refer to increasingly dense residential zones. (Source: Steve French “Future Scenarios,” 31)

Once again, the village plan was well supported by the members of the South Fulton Parkway Alliance, but found, often angry, opposition among residents. Planners working for Fulton County found few friends outside the SFPA. Even a meeting with the Line Creek Community Association, a citizens group dedicated to “keeping it green in South Fulton” was described as “tumultuous” and “at times rancorous.” Residents generally supported the idea of dense nodes with rural preservation, but grew angry when development was concentrated near them.⁷⁸ At another meeting in January of 1999, the proposed plan was attacked by developers and members of the public as being unfriendly to development for not increasing the density of much of the county or providing for infrastructure to allow for growth.⁷⁹

Unfortunately, the Cherokee County Plan that Fulton County staff had hoped to use as a model was not faring much better. As Michelle McCauley remembers it, “We were really just following what happened in Cherokee... but then what happened in Cherokee fell apart.”⁸⁰ Indeed only eight months after its initial adoption, controversy over the Cherokee County land use plan would bring planning and development in the county to a halt. The controversy had little to do with opposition to the restrictions on development, but rather with the development that the plan did allow. The general idea of concentrating development to preserve rural character was an easy sell for everyone except those who saw high-density development coming near their property. Neighborhood opposition to the high-density plans that were submitted to the county commission was so extreme that the county commissioners began voting to deny permits to projects that conformed perfectly to the plan. In November, after several commissioners lost their bids for reelection, activists in the community fought to prevent the outgoing commissioners from voting on project proposals until the new, anti-density, commissioners were installed the following year.⁸¹

Fulton County planners finally submitted a plan to the Planning Commission for approval on February 16, 1999. Here the planners were not received much better than they had been by residents. Despite significant support for the plan among the Southside business community, the commissioners panned it as “an unrealistic vision.” Board member Alan Hamby said, “It’s an ostrich mentality. People are going to have to get with reality.” Embracing Atlanta’s pro-growth attitude, the Chairman of the Planning Commission put the nail in the coffin, saying, “I don’t think this commission should have any part in preserving a rural community.” In reaction, the planners modified the plan, adding another commercial node and increasing density in many of the areas they had hoped to preserve.⁸² Their drafts were rejected twice more by the planning commission before a final version increasing developable area significantly was allowed to proceed to the County Commission for final approval.⁸³

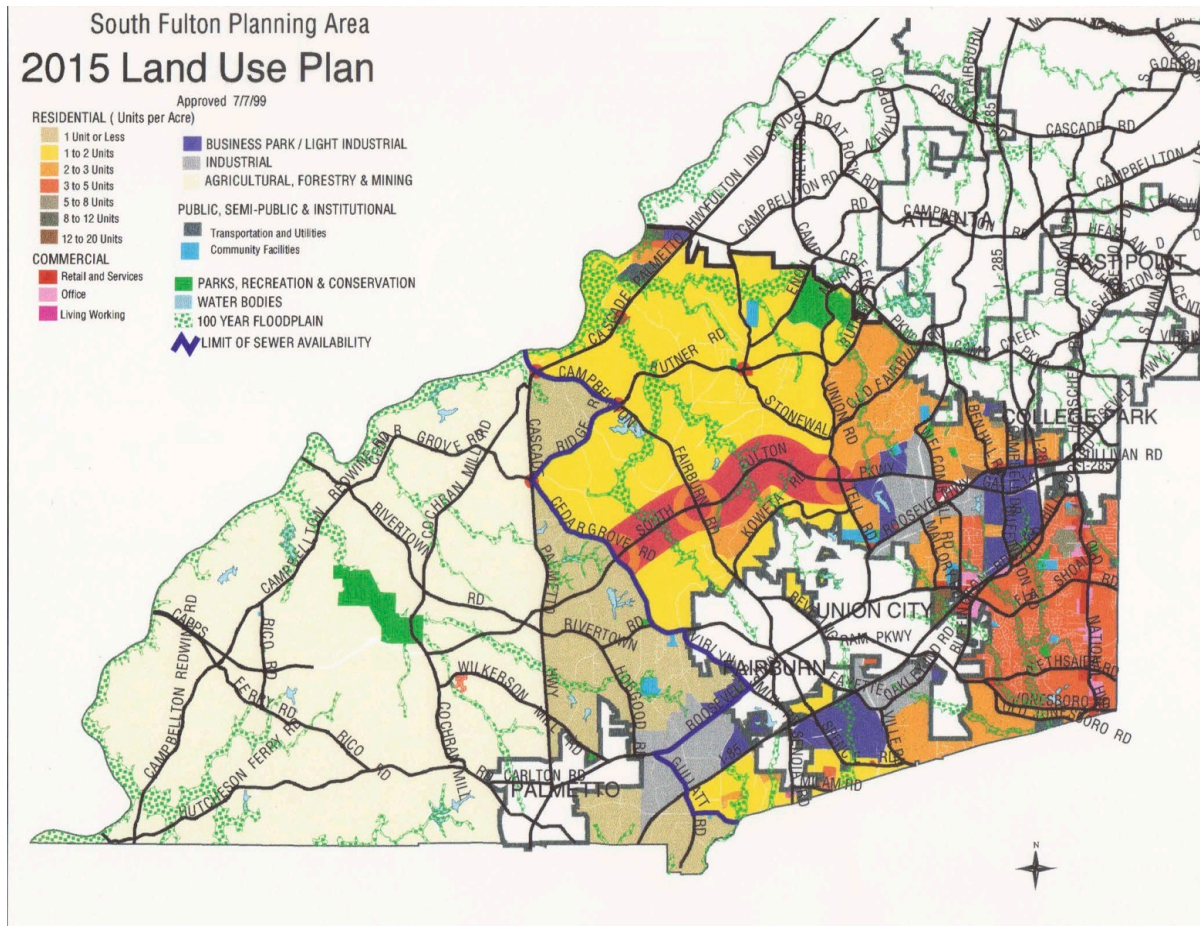


Figure 12 South Fulton Planning Area 2015 Land Use Plan (Source: Collection of Fulton County)

When the final version of the amendment to the *South Fulton Planning Area 2015 Land Use Plan* was approved on July 7, 1999, it was the culmination of nearly 5 years of work, reaching back to 1994 when planners first began collaborating with the South Fulton Parkway Alliance. A semblance of the village structure was preserved in that retail would be focused around major intersections, but the mixed-use walkable communities were purged.⁸⁴ The area to the west of the Cascade Palmetto Highway that would soon be affected by the overlay district remained zoned for agriculture at one dwelling unit per acre (See Figure 12 above). The higher density uses were only applied to the eastern portion of South Fulton, but the idea was that as development moved down the corridor this same pattern would continue.⁸⁵

The controversy surrounding the passage of the plan update apparently awoke the supporters of de-annexation once again. Another attempt, the fifth by one count since 1994, began in 2000, but failed to gather as much local support as the previous efforts. This effort too was ultimately nixed, this time by the Coweta County Commission in a February 1, 2001 vote. Officials in Coweta believed that the tax revenues from the area would be insufficient to make up for the increased cost of providing services.⁸⁶ This was to be the last time that any major effort at de-annexation was undertaken in South Fulton County. As Bill Creel, a local real estate agent and one of the major backers of the annexation effort remembers, “We just couldn’t take it anymore.”⁸⁷ After more than eight years and thousands of signatures on petitions those pushing for annexation resigned themselves to defeat. It seemed on the surface that a stalemate had been reached.

The county planners frustrated attempts to bring smart growth concepts to South Fulton mirrored the failures of the de-annexation movement. Both sides were exhausted by years of work with little or nothing to show for it. But soon a new group of residents with better political

connections, more money, and bigger ideas would find another way to bring the goals of both of these actors back to public consciousness. This group, soon to be known as the Chattahoochee Hill Country Alliance (CHCA), would reintroduce the village concept while maintaining a sense of local control and rural identity. As the implementation meetings for the July 1999 *South Fulton Planning Area 2015 Land Use Plan* update began, a resident familiar with the planning process suggested that Steve Nygren be invited as a representative from the Rico area.⁸⁸ This is the earliest evidence that exists of Nygren being involved in any way with the planning of South Fulton County, but it would certainly not be the last.

CHAPTER 3: THE CHATTAHOOCHEE HILL COUNTRY ALLIANCE

As the 1990s came to an end, it seemed as though all hope for bringing smart-growth reform to South Fulton County was lost. The Atlanta region was living up to its longstanding growth-at-any-cost reputation. Nevertheless, a new combination of forces at the local, regional, and state level were coming together to bring about what had seemed impossible only months before. Newly elected officials, staff changes, and a series of regional crises were reshaping policy at several levels. The election of a new governor and the aftermath of a transportation crisis were creating a new planning climate quite at odds with the region's pro-sprawl past. Into this mix came a group of highly motivated and politically savvy South Fulton residents who would lead a planning effort quite unlike anything that had been done up to that point in the Atlanta region. Their activism and a newly amenable political climate would lead to what the head of the Fulton County Economic and Community Development Department calls, "the largest land use law change in Georgia's recent history."¹ The moment credited with sparking it all took place on a fateful jog in the woods in late 1999.

Stephan Nygren, a native of Colorado, had risen to prominence in Atlanta as a restaurateur and an important force in the redevelopment of the Midtown neighborhood. After leaving a career in marketing, Nygren co-founded the Pleasant Peasant, a casual dining restaurant in 1972. He and several partners grew that business over the following two decades to a group of 34 restaurants before taking the company public in the early 1990s.² Through his business and later philanthropic involvement, Nygren became a well-known figure in the Atlanta social and political scene, serving as chairman of the Atlanta Convention and Visitor's Bureau, the Georgia Hospitality and Travel Association, and the Midtown Alliance among others.³ These experiences, especially his time working with the Midtown Alliance, one of Atlanta's most

important Community Improvement Districts [CIDs], gave him valuable experience building political consensus around planning issues. Nygren would later write in his memoir, “I learned so much from [my work with the Midtown Alliance] — it informed, in a sizable way, how to create a workable plan for developing the rural area we would eventually call Chattahoochee Hills.”⁴ To fully understand the origins of the effort that Nygren would found in South Fulton, it is vital to understand the history of CIDs in Metropolitan Atlanta generally and the Midtown Alliance in particular.

The Midtown Alliance

The Midtown Alliance is a good illustration of the rise of private interest groups increasingly taking on the role of what was once public planning in Atlanta.⁵ The Midtown Alliance began as the Midtown Business Association in 1978. Midtown was at that time was struggling, despite its prime location between downtown Atlanta and the wealthy suburbs to the north. With high levels of crime and a reputation as Atlanta’s red-light district, businesses in Midtown struggled to attract customers. The business owners hoped that through the business association they would be more able to participate in revitalizing their neighborhood. Nygren served as chairman of the board of directors for the association from 1981-1982 and helped to move the organization in an increasingly proactive direction. His most impactful decision during this time was the hiring a new executive director who would remain with the organization for more than twenty years.⁶ While the association helped lead Midtown’s resurgence through marketing and lobbying, changes to the political structure of cities in Georgia were coming that would allow the business leaders of Midtown to play an even greater role in determining how the would develop.

Business Improvement Districts [BIDs] have risen in popularity since the late 1970s alongside general support for the privatization of public services. While BIDs have differing roles depending on the jurisdiction in which they are located, they are generally a group of businesses that voluntarily self tax to support projects of mutual interest including neighborhood cleanup, infrastructure improvement, or private security forces among others. Community Improvement Districts [CIDs] in Georgia are like BIDs with one major difference, they have been, since 1985, constitutionally enabled local governments. They have jurisdiction over an area within a larger municipality or county and are therefore able to independently apply for federal grant money. While funding for projects undertaken by traditional BIDs in other states is mostly provided by members, CIDs in Georgia have successfully leveraged the funds they raise from members to receive six or even ten times that amount in federal and state grants.⁷ This gives these largely private CIDs an enormous amount of power. They are essentially unelected private governments with access to public funds. At the same time, it could be argued that, the power of state and federal agencies is expanded through CIDs as their influence and funding now bypasses city and county governments. They are able to deal directly with the local power structure through business leaders rather than city officials.⁸ CIDs are only officially empowered to provide infrastructure, but soon they took on the role of comprehensive planning as well.⁹

In 1996 the Midtown Business Association changed its name to the Midtown Alliance to reflect a more inclusive stance and its expanding role. Although it would not officially become a CID until 2000, it began behaving much like one as it began the strategic planning process that would so inspire Nygren. In 1996 the Midtown Alliance hired Nelessen Associates, well-known planning consultant, to lead a community-based planning process. That plan, “Blueprint Midtown,” called for drastically redesigning the streetscape and helped Midtown become the

increasingly upscale neighborhood it is today. The City of Atlanta endorsed their work by adopting the plan and the major zoning changes it suggested.¹⁰ The Midtown Alliance also expanded its role in other services previously provided by the city like infrastructure repair and street cleaning. With the official creation of the CID, the Midtown Improvement District, the group created its own public/private partnership for police services.¹¹ This process, “Blueprint Midtown,” was largely funded by a \$300,000 grant from the Robert W. Woodruff Foundation, which would later be an important funder of the Chattahoochee Hill Country Alliance.

A bulldozer in South Fulton

Nygren’s connection to South Fulton County began in 1991, when he and his family purchased a farmhouse and 60 acres on Hutcheson Ferry Road, 36 miles from their home in Midtown. After Nygren sold his stock in the restaurant company, the family moved to the country full time in 1994. In anticipation of the 1996 Atlanta Olympics, the Nygrens opened a small bed and breakfast and restaurant in their farmhouse called the Serenbe Inn.¹² In a break from his political activism in Midtown, Nygren remained uninvolved with the attempts to rewrite the Comprehensive Plan for South Fulton County. In any case, all of the parcels west of Cascade Palmetto Highway were zoned agricultural (AG-1). He had passively supported the "de-annexation" attempts and was only tangentially aware of the scenic byway planning as it affected his property.¹³ Suburban development was still miles away.

The story of his encounter with a bulldozer, while true, serves almost as a creation myth for those who discuss the recent history of South Fulton.¹⁴ As he tells it, Nygren and his eldest daughter Garnie, then 15, were jogging along the edge of their farmstead. They were stopped in their tracks when they noticed a bulldozer clearing trees and grading the land just to the southeast

of their property. Shocked to see this idyllic forest being leveled, Nygren relates what happened next in his memoir:

I ran out in front of the bulldozer, arms flailing, and the driver stopped. You could hear the panic in my voice as I asked him, “What are you doing?!” He shrugged a reply, “We have just been hired to clear the land... Guess they are putting houses in here, that’s usually what happens.”¹⁵

Any resident of the area would have been aware of Carlton Road, a new traditional subdivision, which was being built just up the road outside the city of Palmetto.¹⁶ Although the development was five miles away, it was the first real sign of residential sprawl this far south in Fulton County.¹⁷ Previously growth had either been concentrated within Palmetto or loosely dispersed in the countryside especially around crossroads, the most significant of these being Rico. This pattern seemed likely about to change. The completion of the South Fulton Parkway loomed on the horizon. The real estate market in Atlanta was supercharged by the boom years of the 1990s. In this climate, the relatively weak growth controls that were ultimately included in the July 1999 update to the South Fulton County Comprehensive Plan would do little to guide growth in an organized manner.¹⁸ Even the AG-1 (agricultural) zone allowed the construction of subdivisions with a minimum lot size of one unit per acre.¹⁹ With nothing to prevent it, suburban development was headed to South Fulton.

In a panic, Nygren began building contacts with his neighbors and acquiring the properties surrounding him. He already owned 400 acres by this time and within three weeks of his encounter with the bulldozer he had another 600 acres under contract.²⁰ In January of 2000 Nygren and his business partner Rawson Haverty incorporated Serenbe Properties LLC.²¹ The role of Serenbe Properties was not yet clear. Today Nygren relates that he was not initially inclined to become a developer himself. Still, through his experience in the restaurant business and work in Midtown, he was no stranger to the process. He understood enough about real estate

to know that he, “could not just buy enough of this land to save it.”²² It would be developed eventually; he just wanted to make sure that when it was, it reflected his values and protected this landscape, an increasingly rare commodity within Metropolitan Atlanta.

Nygren began reaching out to business connections, organizations, and prominent individuals. A close family friend introduced Nygren to Ray Anderson, the CEO of Interface Carpets. After reading Paul Hawken’s *The Ecology of Commerce* in 1994, Anderson laid out a plan called “Mission Zero” to eliminate the environmental impact of Interface through the elimination of waste and a reliance on fossil fuels.²³ Anderson quickly rose to prominence in the field of ecological commerce and served as Co-Chair of President Clinton’s Council on Sustainable Development. The council was at this time about to publish a report entitled, *Building Livable Communities*, which described a new ideal in smart growth.²⁴ The introduction to this report is revealing. While acknowledging federal policies’ “possible contribution to sprawl,” the report goes on to explain the new role that the federal government saw for itself in implementing smart growth techniques.²⁵

The Livable Communities Initiative recognizes the importance of investing in places and is founded on community-based solutions. It is based on the notion that communities know best. Every community is different. Decisions about how they grow are best made by the communities themselves. Therefore, it is the responsibility of the federal government to assist and to inform, not direct. As a result, the Livable Communities Initiative defines four primary roles for the federal government in building livable communities:

- > Expanding Community Choices by Providing Incentives;
- > Expanding Community Choices by Providing Information;
- > Being a Good Neighbor; and
- > Building Partnerships.²⁶

While the meeting that took place between Nygren and Anderson was not official, this passage is indicative of the ways that the relationship between local communities and the planning capacity of the federal government was being conceptualized at the time. The Livable

Communities Framework almost certainly influenced the strategy that Anderson helped Nygren develop over their first dinner and subsequent meetings.²⁷ Anderson suggested inviting some thought leaders of the sustainable growth movement to come to South Fulton and share their ideas and experience.²⁸ Following his suggestion, that September, Nygren organized a charrette in cooperation with the Rocky Mountain Institute and Georgia Tech.²⁹ With Ray Anderson's guidance a number important thinkers of environmental issues arrived at the Serenbe Inn in South Fulton to share their experience and help Nygren and his partner Rawson Haverty decide how best to develop the 1,000 acres held by Serenbe Property.³⁰

During this meeting, Bill Browning, founder of the Rocky Mountain Institute's Green Development services presented a number of similar developments that had attempted to integrate residential, agricultural, and other uses while preserving some measure of the land for wildlife.³¹ One of the developments that most intrigued the partners was Prairie Crossing, a 677-acre development outside Chicago that integrates housing, a large organic farm, and restored prairie.³² After visiting Prairie Crossing, Nygren was disappointed to see the typical suburban environment surrounding the otherwise ideal development. As he understood it, "they ended up being a magnet for everything they were trying to change."³³ His visit to Prairie Crossing and other innovative developments like Seaside in Florida broadened his view beyond his property. In these cases "good" development had not inspired more developers to follow in its wake, but had attracted lower quality development looking to cash in on the amenities. "We're under a threat but if we [build a model development] we'll just accelerate the threat."³⁴ Nygren realized he needed to engage more local landowners and convince them of his vision. He looked beyond a single development towards regional efforts in places like Napa Valley in California or the Willamette Valley outside Portland.³⁵

Building consensus

Later while reaching out to The Nature Conservancy of Georgia to inquire about preserving a path along Cedar Creek to the Chattahoochee River, Nygren made a major advancement in building a network of local landowners. Stacy Patton, an employee at The Nature Conservancy suggested that he reach out to Carl Bouckaert, CEO of Beaulieu Carpets, who was and remains the largest property owner in South Fulton. The Bouckaerts, who are Belgian citizens, would be essential allies if the project was to succeed. They alone owned 8,400 acres in South Fulton County including 11 miles of Chattahoochee River shoreline.³⁶ After several meetings, Tom Williams, their property manager, introduced Nygren to Carl and Meika Bouckaert who were intrigued by the project. Nygren describes the couple as representing within their marriage the eternal struggle between preservation and development. Carl sought a return on his investment on the land while Meika truly loved the South Fulton landscape and wanted to preserve it.³⁷

Having won initial support from the Bouckaerts, Nygren extended his outreach to the next largest landowners, the Reemsta family.³⁸ Minerva Real Estate Investments, a local development company, managed the land for the family. While the Reemstas were much less involved with the process of planning itself, they gave Nygren their support and directed Minerva to partner with Nygren in his effort. Nygren did not see it as a coincidence that the early adopters of his vision were both European. As he sees it, “they both understood the concepts because it is more of a European model.”³⁹ Several of those involved in the early planning phases also credited the patience of the large landowners as an important factor allowing for longer term thinking on their part. While a traditional subdivision development had the potential to offer a quick return, these investor landowners held their parcels in South Fulton as part of a

much larger portfolio. They had the ability to wait for the better returns promised by Nygren and Stacy Patton of The Nature Conservancy.

Another factor that would have been helpful in reducing their pressure to develop is Georgia's Conservation Use Valuation (CUV) taxation program. Under the program, instead of being taxed at the fair market value of their land, property owners agree to commit to maintaining an agricultural use on the land for ten years. In exchange landowners are taxed at a rate about 40% what of their land is assessed. The program lasts for ten years, but landowners have the possibility to renew at the end of the ten-year period. The only important requirement is that the land be in an active agricultural use. For the majority of landowners in South Fulton, this use was forestry.⁴⁰ By reducing the tax burden of holding on to this property in an undeveloped state, the CUV program allowed the landowners time to consider other options.

One practical difficulty that the program presented however was the fact that landowners were limited to 2,000 total acres statewide in the program. For the large landowners to comply they had divided up their property among a number of independent corporations. This made it difficult to immediately assess how much land each landowner held. Once all of the various LLCs had been assigned to their respective owners, the importance of the large landowners was striking. The Bouckearts, Reemstas, and Nygrens owned more than one fourth of the 40,000 acres west of Cascade Palmetto Highway in South Fulton County.⁴¹ Still, while it was an important start, the large landowners felt they needed the support of the owners of at least 51% of the property in the area to muster the political clout to succeed.⁴² This was likely based on the law regarding the creation of a CID in Georgia, which requires the adherence of 51% commercial property members.

They began by obtaining tax records and plat maps from the county and after wading through the holding companies to get to the real owners. Only 36 people, a mixture of locals and investors, held more than 51% of the acreage. They would be key to the success of the project. While they were not large in number, these were the people they needed on their side. Collectively these 36 landowners had the financial ability, the economic understanding, and the political clout to make or break any deal that would affect the way that development would occur.⁴³

Nygren sent invitations to all of them for a meeting at Serenbe, and in the early fall of 2000, 32 out of the 36 met at the Serenbe Inn to hear the pitch. While he raised the specter of sprawling development and called for a new way forward, Nygren quickly saw sharp divisions forming among the attendees. Many were in fact glad for the arrival of development. They were ready to cash in on the investment they had made in the land. Others found it doubtful that anything would change in South Fulton, given how long it had been the way it was. Many were indignant at the idea that anyone would tell them how to deal with their land. Still, some did share a passion for the land and were hesitant to see it paved over like so much of the surrounding landscape. Many of those present in the room belonged to families that had been living in the area for generations and were disturbed by the idea that it might be about to change so drastically.⁴⁴ Once again the same conflicts, which had derailed the comprehensive planning process in Fulton County in the 1990s, had returned. There, were no written notes taken at this meeting, but Nygren describes the atmosphere in his memoir:

There was great tension, and as people stood to leave, they migrated to other like-minded attendees and formed discussion groups. You could hear name-calling, with half of the people saying, “those stupid tree huggers,” and the other half saying, “those greedy developers.” Clearly this was going to be an impassioned battle.⁴⁵

After the first meeting ended in “disaster,” the large landowners, Nygren, Bouckaert, and Minerva regrouped.⁴⁶ To address those seeking profitability they gathered research demonstrating the profitability of sustainable development. In addition, they realized that part of the resistance to their ideas on the part of the locals stemmed from the fact they were not natives of the area. The group of large landowners began to expand to include other local landowners who agreed with the vision. The most important member of the coalition was Rodney Peek, the patriarch of a family that had been in the area for seven generations. Peek was sympathetic to the ideas Nygren had presented and wanted to do what he could to help maintain the rural character of the area. Through winning Peek over, the group of perceived outsiders had gained a strong ally with local credentials. Peek was widely respected and gave the project legitimacy in the eyes of his neighbors.⁴⁷

In the meantime, Nygren and the largest landowners began to meet separately with representatives from The Nature Conservancy, the Georgia Conservancy, and the Georgia Natural Resource Conservation Service to discuss their options.⁴⁸ Planners from Fulton County attended all of these monthly meetings to offer advice and guidance through the planning process. However their involvement was kept largely out of sight of the wider outreach effort. Residents of South Fulton may not have trusted outsiders, but they hated the Fulton County government. For these planners, keeping a low profile was the only way they could possibly succeed in promoting land preservation.⁴⁹

Eventually, the large landowners convinced many of those who had voiced opposition to Nygren’s ideas to return for another meeting. Slowly, by talking through issues as diverse as the renewed ‘de-annexation’ attempt, hunting rights on conserved

land, and the return on investment of green development, the beginnings of consensus were reached. By the end of one such follow-up meeting with around a dozen landowners in mid-October of 2000, the participants agreed that working with a land planner would be the best way for them to ensure that the will of the property owners was done, whatever that may be.⁵⁰

State planning context

While an increasingly large group of landowners were coming to consensus on the ground, larger institutional forces were shaping the context in which these events would unfold. While its largest and capital city is considered an extreme example of sprawl, Georgia is considered by most scholars to be among the states with comprehensive growth management legislation.⁵¹ While the Georgia state legislature had failed to pass a very aggressive vital areas legislation that would have granted strong protections to environmentally sensitive areas in the 1970s, the *Georgia Planning Act* passed in 1989 contained many of the elements of strong state level growth management.⁵²

Unfortunately, Zell Miller, who was elected governor in 1990 showed little interest in curbing sprawl and instead pushed for more growth and expansion.⁵³ In 1996 the Georgia Department of Community Affairs published a five-year status report on the state of the program, which detailed some new local planning coordination but showed very little in terms of growth management.⁵⁴ This prompted some authors to state that although it had legislation on the books Georgia is “really not a growth management state—yet.”⁵⁵ However, a transportation crisis and a major shake-up in the leadership of the Atlanta Regional Commission (ARC),

Atlanta's regional planning agency, would bring about serious challenges to the region's pro-growth agenda.

In the mid-1990s while the Fulton county planners were negotiating a plan with residents in the south, the region's politicians and planners were obsessed with a massive proposed highway project. The "outer loop" as it was known would circumnavigate metro Atlanta, including South Fulton County. The idea was that the project would reduce congestion, but a clear side effect would be the projection of more low-density sprawl even farther afield.⁵⁶ While the project was eventually scaled back to include only a northern section of the road, the so-called "northern arc," it unleashed a battle between EPA regulators trying to enforce the Clean Air Act and pro-growth Atlanta politicians.⁵⁷ The ensuing fights between Gov. Miller, his allies, and EPA over air pollution in the metropolitan area eventually led to all federal funding for capacity expanding highway improvements to be temporarily frozen. This spawned a real crisis among the political leadership and planners opening up space for change.⁵⁸

Governor Miller's replacement, Roy Barnes, was elected in 1998 and represented perhaps the ideal candidate to bring about this change. Barnes had an environmentalist streak making him appealing to voters hoping to avoid another confrontation with EPA. Soon after his election Barnes attempted to reform regional planning in Atlanta by creating the Georgia Regional Transportation Authority commonly known by its acronym, GRTA. More importantly for South Fulton in early 2000, as Nygren was reeling from his encounter with the bulldozer, Barnes was preparing to introduce his Georgia Community GreenSpace Program.⁵⁹ While the plan was based in part on Miller's Georgia 2000 plan which had preserved some 100,000 acres of green space in the state, Barnes' plan was more focused on slowing or at least redirecting growth. The plan was to preserve 20% of the land in counties where growth was most pronounced, with a special focus

on the Chattahoochee River corridor.⁶⁰ The South Fulton landowners were aware of the plan and saw its potential in helping them in their mission.⁶¹

At the federal policy level, Vice President Al Gore was trying to make an impact on the ground through the creation of local Partnerships for Regional Livability (PRL).⁶² While not a federal program per se, the partnerships formed the basis of the Livable Communities initiative spearheaded by Al Gore. They were intended to “identify a new role for the federal government in support of regional initiatives.”⁶³ In this case the executive branch worked to help regions, and actors within regions, build relationships, exchange information, and share experience.⁶⁴ Atlanta was chosen as one of the pilot cities. The federal government helped to form a partnership of local organizations to discuss more sustainable forms of development with a focus on preserving water quality. The Nature Conservancy and Ray Anderson, in addition to being strongly engaged in South Fulton, were key players in the Atlanta PRL.⁶⁵ While the program would disappear with the election of George W. Bush, the model did have an impact in inspiring the South Fulton Landowners who began meeting under the name South Fulton Partnership for Regional Livability.

The birth of the Chattahoochee Hill Country Alliance

This first documented meeting of the South Fulton Partnership for Regional Livability took place on September 25th, 2000 at the offices of the Nature Conservancy.⁶⁶ Already the group included most of those who would become the core members of the soon-to-be-created Chattahoochee Hill Country Alliance.⁶⁷ This group of ten represented local property owners, developers, Fulton County planners, an elected official, and Stacy Patton of the Nature Conservancy (TNC). Patton hosted the event at TNC’s offices and a staff person from a local electrical company facilitated the meeting.⁶⁸

From the minutes of the first meeting it is clear that the group was ready to take action. New developments were quickly springing up along the South Fulton Parkway and they would soon extend farther west as construction resumed. To do this the group agreed that it was time to hire a consultant to begin the formal process of amending the South Fulton Land Use Plan. That some of the smaller landowners had previously accepted the idea of revisiting the land use plan seemed to indicate to this small group that they had enough public support to move forward. Those present credited Nygren with bringing this group together, but they still needed a common purpose or vision. A “brief discussion” at that first meeting resulted in the following two principles.⁶⁹

1. Environmental values can coexist with, and even improve, ED [economic development] opportunities for future generations.
2. Financial Sense/Capital Investment/Long-term Quality Investment⁷⁰

The members of this group had very diverse interests, but their common goal was finding a way to balance economic development with maintaining some level of ecosystem functionality. The environmental values that influenced the level of ecosystem functionality sought varied among the participants from the primarily aesthetic goals of developers to The Nature Conservancy’s mission “to conserve the lands and waters on which all life depends.”⁷¹ The difference between the sample goals drafted by The Nature Conservancy before the meeting and the guidelines that were arrived upon in the meeting show the compromise involved. While the sample goals begin with “enhance[ment] of aquatic and terrestrial resources” for increasing species diversity in “balanced ecosystems,” the guidelines established during the meeting clearly focused on the aesthetic:⁷²

1. No billboards
2. Buried power lines

3. Control on signage
4. Formula on density
 - a. Allow high density with green space saved
5. Specs on natural runoff
6. Guidelines to encourage sustainable development, i.e., tax incentives
7. Retail in front with parking in back
8. Control one-acre lot sales - Colorado model⁷³

This process of negotiation and compromise should not be seen as a lack of sincerity on the part of the participants, but instead represents an important part of the planning process.⁷⁴ Consensus-building like this, along with other factors, helped to create an interest group where no natural constituency existed. The “inherent hybridity and built-in tensions” of smart growth means that most everyone can find a reason to oppose it.⁷⁵ That is what happened during Fulton County’s attempts at bringing about smart growth reform to South Fulton in the 1990s. It was too restrictive for the developers and too pro-growth for the environmentalists.

To wrap up the meeting, the Fulton County planners in attendance presented an overview of their planning efforts in South Fulton. They spoke about the zoning and legal issues as well as the possible connection that could be made between this effort and Governor Barnes’ Community GreenSpace Program.⁷⁶ One important note in the meeting minutes was, “other landowner inclusion ASAP.” The three Fulton County planners included in this meeting had been hesitant to embark on this process again. It was clear to them that things had to be done differently this time. While the large institutional players began to build consensus, the rest of the local population had to be included as well. At that meeting it was agreed that the Fulton County planners, would compile a more detailed map that would help identify the property owners who needed to be contacted.⁷⁷

For the time being, though, discussions would remain focused on the 36 largest landowners.⁷⁸

In the next partnership meeting in mid-November, the group continued to make strides towards beginning a planning process.⁷⁹ Now, more immediate and practical questions were added to the mix. The committee still needed to agree upon a coherent vision, establish a boundary for the planning area, and create a name for this effort. Documents from the time reflect the still precarious effort to balance the goals of the partners. As Nygren recalls today, “This was balance. It wasn’t just preservation or just development, it was the two together... how are we going to do that?”⁸⁰ This next attempt at a shared vision is worth reprinting exactly as it appeared in the original document:

Shared Vision "Attempt"

Problem Statement: Optimal property values, development potential, and ecological sustainability in South Fulton County [and North Coweta County?] are at risk because of limitations associated with coordinated and comprehensive land use planning in the area.

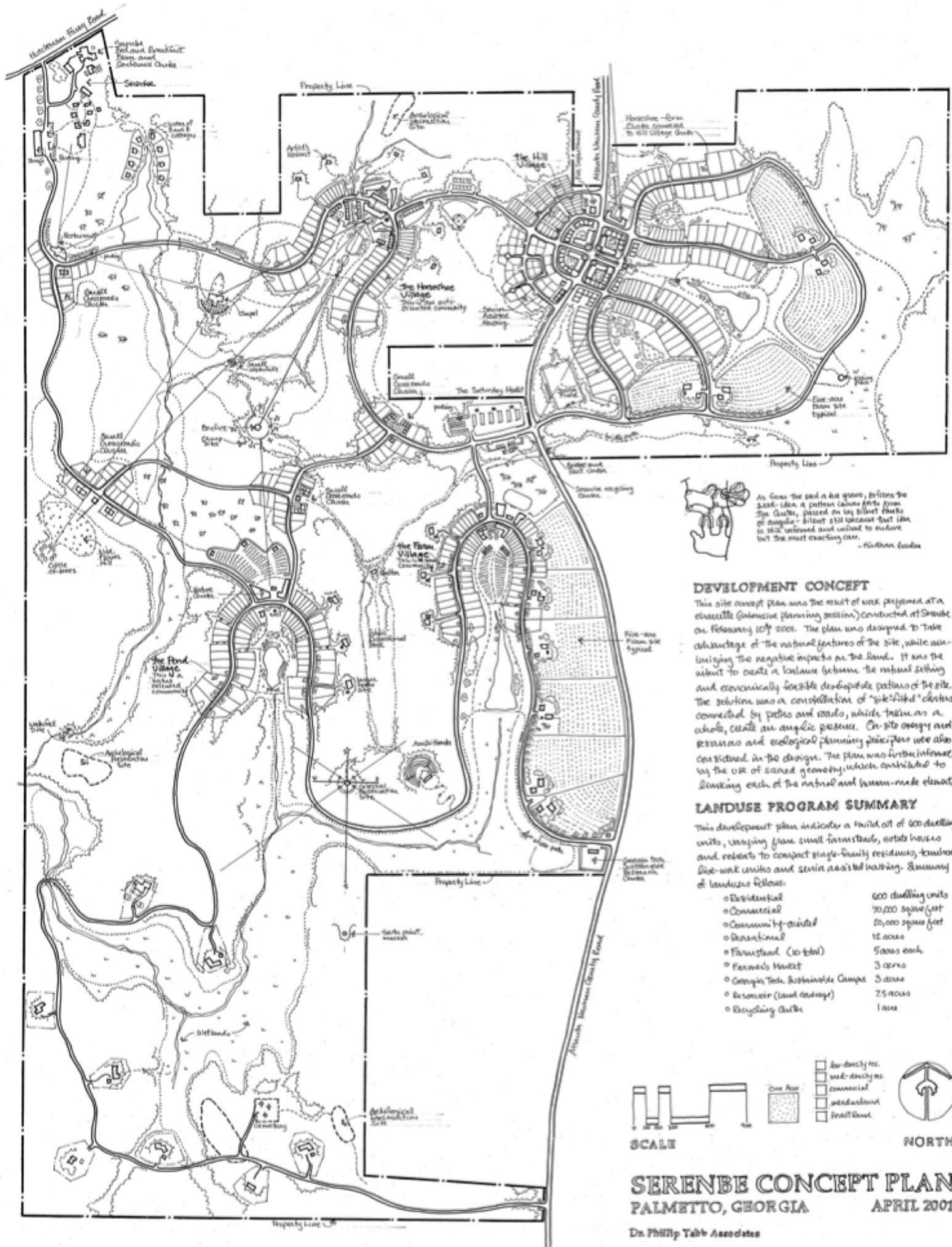
Objective: Coordinate a comprehensive land use plan that optimized property values, development potential, and ecological sustainability in the project area within the next????? [time frame]⁸¹

The area for which this group would be planning remained another open question. The obvious boundary line was the north-south Cascade Palmetto Highway. The vast majority of the land to the west of this highway remained relatively undeveloped and was still zoned for agriculture after the 1999 Comprehensive Plan update (See Figure 12, p 47). It was also where the majority of the Nygrens, Bouckaerts, and Rheetsma’s property lay. This dividing line would also exclude the majority of the new developments that were being entitled around this time in South Fulton. The question of extending the range of the planning area into Coweta County

reflected the similarly undeveloped nature of that area as well. Another important factor was the fact that Serenbe Properties holdings extended south beyond the boundaries of Fulton County. Additionally, finding a more appealing name for the area than “unincorporated South Fulton” remained an open question.⁸² The group made more progress at another meeting in December, but in the meantime the plans for the first development to put smart growth principles into practice was beginning to take shape.⁸³

Serenbe

During the September 2000 charrette organized by the Rocky Mountain Institute, Nygren became acquainted with the ideas of Phil Tabb. Tabb was a landscape architect and the Director of the Washington State University School of Architecture. Tabb had written his PhD dissertation on the British new towns movement.⁸⁴ The British new town movement emphasized fairly dense nodal development surrounded by protected green space.⁸⁵ This ability to support a large population while maintaining rural character and environmental services served as an inspiration to Nygren.⁸⁶ In February 2001 Phil Tabb came to Serenbe for a private charrette to begin planning for the development of Serenbe. After a intensive session, Tabb returned to Washington to complete the first concept plan (See Figure 13 below).⁸⁷



As time has passed and the ground settles, the large idea of a pattern cannot be seen. The design, based on the street blocks of a village, is still visible because that idea is still understood and used to evaluate the most exciting case.

— Richard Goodie

DEVELOPMENT CONCEPT

This site concept plan was the result of work performed at a charrette (intensive planning session) conducted at Serenbe on February 10th 2000. The plan was designed to take advantage of the natural features of the site, while minimizing the negative aspects of the land. It was the intent to create a landscape between the natural setting and economically feasible development patterns of the site. The solution was a combination of "village" clusters connected by paths and roads, which, taken as a whole, create an organic pattern. On-site ecology and preservation and ecological planning principles were also considered in the design. The plan was further informed by the use of sacred geometry which contributed to linking each of the natural and human-made elements.

LANDUSE PROGRAM SUMMARY

This development plan includes a total of 600 dwelling units, varying from small townhomes, estate houses and villas to compact single-family residences, townhomes, five-unit units and senior assisted housing. Summary of landuses follows:

• Residential	600 dwelling units
• Commercial	30,000 square feet
• Community facilities	20,000 square feet
• Recreational	16 acres
• Forestland (to total)	5 acres each
• Farm and Market	3 acres
• Georgia Tech. Sustainable Campus	3 acres
• Reservoir (land cleanup)	25 acres
• Recycling Center	1 acre

SCALE NORTH

SERENBE CONCEPT PLAN
 PALMETTO, GEORGIA APRIL 2001
 Dr. Philip Tabb Associates

Figure 13 Serenbe Concept Plan (Source: Collection of Stephan Nygren)

Tabb's plan for Serenbe was largely based on his knowledge of the form of English villages. Each of the horseshoe-shaped "omega" hamlets would contain around 250 units and the development would support several farms, restaurants, and retail businesses. The plan was largely walkable; it preserved 70% of the land for forests, pastures and farmland, and it was projected to be profitable.⁸⁸ The problem was that it was absolutely illegal under current zoning laws. The agricultural zoning in place at the time required a minimum of one acre per dwelling.⁸⁹ The lots in Nygren's development would be much smaller than that with some lots as small as 0.02 acre or just under 1,000 square feet.⁹⁰ For the time being, the plan for Serenbe remained under wraps as the planning process moved forward.⁹¹

The next meeting of the South Fulton Partnership for Regional Livability took place on February 14, 2001. The partnership was preparing to take their message to the wider public, but they still had essential issues to work out. The organization needed a legal structure. The Nature Conservancy had provided organizational structure, but a more independent organization controlled by the landowners seemed better suited for the task of leading a planning effort for the area.⁹² Another important question that was finally settled at this meeting was that of a name for the planning area.⁹³ Unincorporated South Fulton County was the most commonly used name before the overlay planning process. The problem is that the unincorporated portions of the county extended far beyond the area that would be included in this plan or its associated overlay district. Furthermore, the Fulton County governments's already negative image in this part of the county had been worsened by a series of corruption scandals in 2000.⁹⁴ Residents, often having lived many generations in the area, preferred to use the name Rico or that of another pre-existing community. The partnership considered however that using the name of any one of these communities to refer to the whole area would not be "accurate or appropriate."⁹⁵

Given the importance of real estate interests in making this plan a success, deciding upon a name would be as much a branding effort as a descriptive one. Upon Nygren's suggestion, the

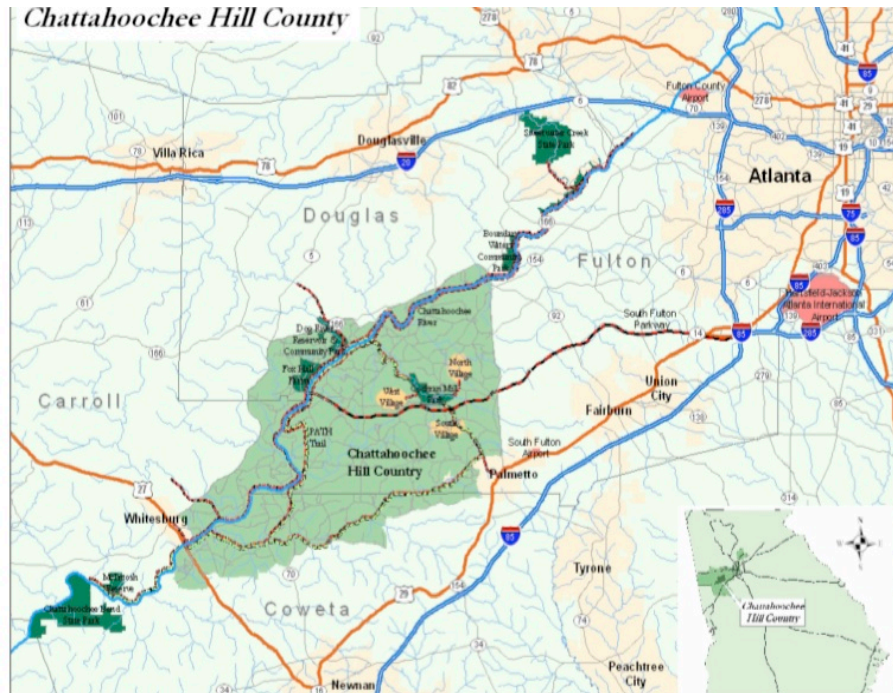


Figure 14 Chattahoochee Hill Country boundaries.
(Source: ECOS proposal. Collection of Stephan Nygren)

large landowners and their partners agreed on the name Chattahoochee Hill Country (CHC). The name was intended to be evocative of Texas Hill Country while highlighting the area's greatest assets. They defined the CHC as the greater 60,000-acre area

including 40,000 acres in Fulton County along with portions of neighboring Douglas, Carroll, and Coweta Counties (See Figure 14).⁹⁶ Henceforth, the group began calling itself the Chattahoochee Hill Country Alliance.

Realizing the need for greater administrative capacity, CHCA hired their first employee, Sandra Storrar. A friend of Nygren's wife and a former professor of political science at Georgia State University, Storrar was hired to help build the Alliance from a group of interested parties to a full fledged non-profit that would be capable of leading a master planning process for the area.⁹⁷ An unused bedroom in the Nygren home became Storrar's office.⁹⁸ Still for the time being all money passed through The Nature Conservancy.⁹⁹ Now that a name had been agreed

upon, CHCA scheduled another charrette to further refine their common vision and establish next steps for the group.

The first real funds supporting the Alliance came from Carl Bouckaert. His initial donation of \$16,000 gave CHCA the ability to hire Storrar and fund the larger all-day charrette, which would be held in April, 2001. The Chattahoochee Hill County Vision Design Charrette was held on April 20, at Palmetto Baptist Church.¹⁰⁰ Phil Tabb, the same landscape architect who had overseen Serenbe's charrette two months prior, led the event along with three graduate students he brought with him from Washington.¹⁰¹ While it still was not a public event, all the key members of CHCA were invited. Attendees included large landowners, developers, planning staff from Fulton County Environment and Community Development, and several institutional partners.¹⁰² The result of this process was a consensus of ideas for the development of a master plan. The overall strategy, much like French's village proposal of the late 1990s was to increase density in certain areas while leaving large swaths of the landscape undeveloped.¹⁰³ Additionally, locations for the high-density villages were established. All of the villages were sited on the large property owners' land. This would emerge as a point of contention later. The justification given by those present at the time was that properties with fewer owners who were open to the idea of dense nodal development were more likely to be developed.¹⁰⁴ Further, the plans for the development of Serenbe were conspicuously absent from this drawing (See Figure 15 below).

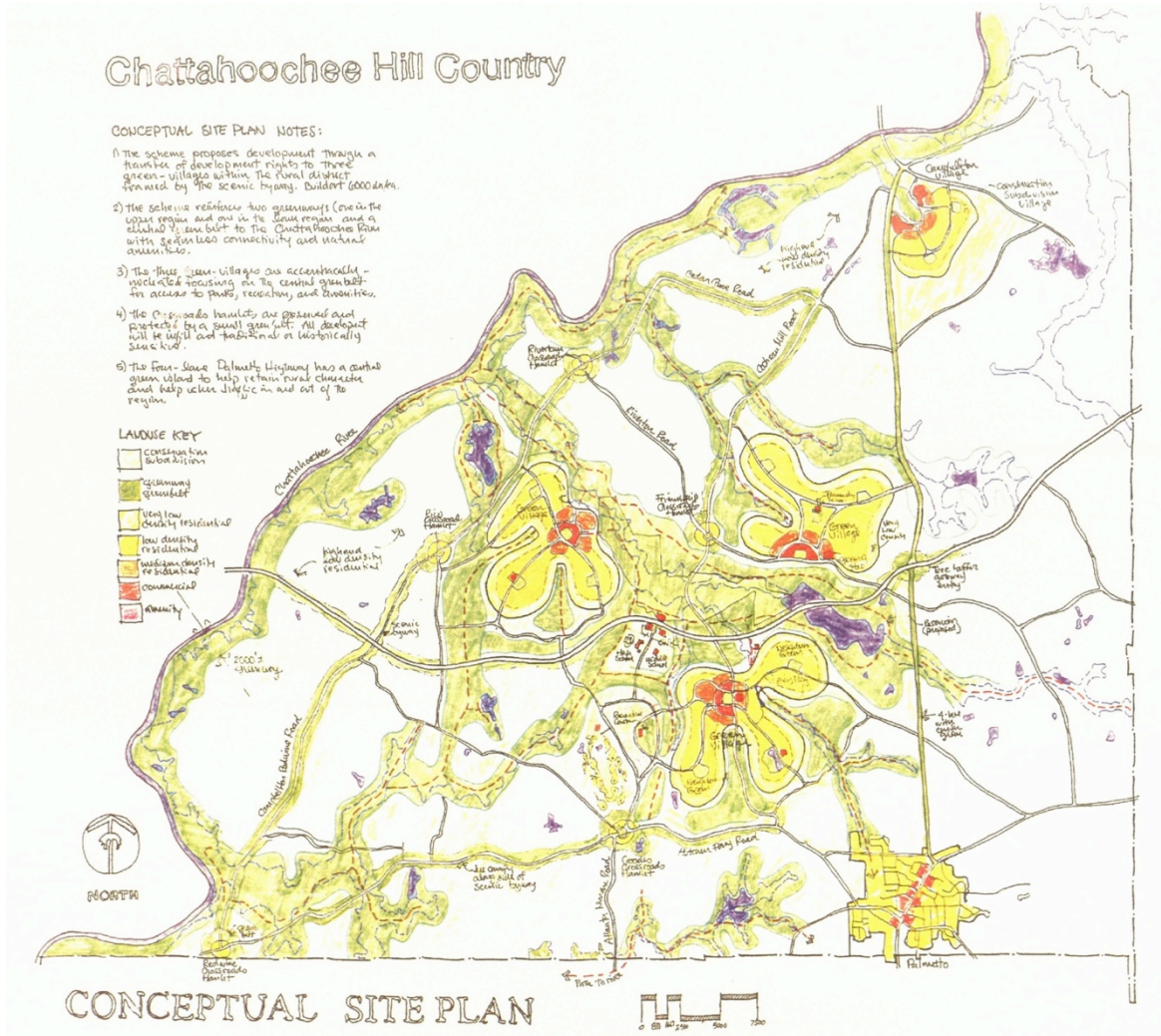


Figure 15 Chattahoochee Hill Country conceptual site plan (Source: Collection of Tom Williams)

The villages in the extreme northeast and northwest were located on property belonging to Carl Bouckaert. The Reetsmas owned most of the property under the northernmost village just west of Cascade Palmetto Highway. The southern village was under less consolidated control than the others, but a significant portion belonged to Jay Bear, a local logger, large landowner, and another early supporter of the project. When the results of the Charrette were presented two days later to local politicians, Steve Cover, the new director of the Fulton County E&CD Department was eager to support the effort. He directed his staff to give CHCA whatever help they required.¹⁰⁵

On June 5, 2001 the Chattahoochee Hill County Alliance legally incorporated as a domestic nonprofit 501c6 corporation.¹⁰⁶ The first group of officers and the board of directors included Steve Nygren as President, Tom Williams (land manager for Carl Bouckheart) as Vice President and Joe Harris (co-founder and managing partner at Minerva) filling the roles of Secretary and Treasurer. The Board of Directors was a mix of locals and developers including: Jay Bear, Steve Nygren, Brian Davidson, Tom Williams, and Norma Buckley.¹⁰⁷ While it was not technically a CID, its governance resembled one quite strongly. Like a CID, dues paid and the number of votes that an individual member received was dependent upon the acreage owned by each member.¹⁰⁸

In June, to help build political awareness of their project, CHCA sponsored a day-long seminar called "Tools for Sustainable Development." Funded largely by the initial dues payments by members, CHCA invited speakers from Boulder County, Colorado, Howard County, Maryland, and the University of Georgia with experience or expertise related to TDRs. Attendees included Fulton County staff, the Georgia Conservancy, South Fulton landowners and developers, the Department of Natural Resources, the Atlanta Regional Commission, Oglethorpe Power, the National Park Service, the Southern Company, the Georgia Regional Transportation Authority and a representative of the Association of County Commissioners.¹⁰⁹

While good will was generated at the institutional level, the remainder of the CHC's residents needed to be included in subsequent discussions. To this end, the Alliance appointed team leaders for six groups. The leaders of the

**Table 1 Neighborhood Coffee Leaders
(Personal Communication Stephan Nygren)**

Acres	Leader
180+	Steve Nygren
50-180	Dave McMurrain
15-50	Maggie Stokes
8-15	Ned, Janice, and Rodney Peek
5-8	Bettina Brown
2.5-5	Elizabeth Dean and Gene Griffith
Up to 2.5	Larry Keith

six groups organized neighborhood coffees in private homes and churches to provide information about CHCA and their vision for South Fulton County to a wider audience (See Table 1).¹¹⁰ The attendees were divided into groups based on the amount of land they held. This helped the leaders tailor their message based on the interests that would be shared by those possessing a similar amount of land. Nygren opened the first of each group’s meetings with a slide show to tell CHCA’s story ending on an ominous slide with two photographs, one of a grazing cow and the other a Palmetto subdivision, with the question, “Who do you want to be your neighbor?”¹¹¹ Nygren also included comparisons of traditional and “balanced” development (See figure 16 below) While a document produced at the time relates, “those in attendance have been unanimous in their support of activities,” attendees do recall some resistance to the idea of new land use



Figure 16 Comparison of traditional and balanced development. These images were effectively used during presentations given by Nygren and other members of CHCA to demonstrate the potential outcomes of different land use planning options. (Source: Randall Arendt *Rural by Design*)

controls, “especially among residents of Rico.”¹¹²

Meetings with landowners continued through November. The goal was to establish contact with all of the over 1,200 landowners in the Chattahoochee Hill Country. While attendance at the first few meetings was sparse, word of mouth spread and curiosity began

swelling the ranks of attendees. According to meeting minutes taken at the time, the reactions were largely positive and landowners often joined the alliance and paid their dues at the end of the first meeting they attended. This was vital to CHCA, as money was beginning to run tight.¹¹³ Apart from member dues, the organization had little money for day-to-day operations while waiting for official recognition of their 501(c)(6) status. To help cover costs, some of the major landowners paid their 2002 dues early.¹¹⁴

It was at this point that Steve Cover's excitement for the project proved key to its advancement. Having previously served as a planning director in Maryland, Cover had seen a successful TDR program in operation, and he was thrilled to see a similar concept applied in Fulton County. Cover was able to wield his influence to build support for the planning activities of CHCA from within the county's planning and political infrastructure. Importantly this included securing funding for the organization. Because CHCA was not yet formally recognized as a 501(c)(4), the E&CD Department drafted a contract with The Nature Conservancy to:

design a Master Land Use Plan of sustainable development practices for approximately 40,000 acres in South Fulton along the Chattahoochee River. Specifically, to create a model project for developing appropriate design standards which will enhance quality of life by protecting our natural resources.¹¹⁵

The Fulton County Board of Commissioners approved the funding unanimously without discussion.¹¹⁶

The Planning Process

Even before the Board of Commissioners had officially approved the grant CHCA began seeking firms that could do their land use planning. This ostensibly private land planning effort would be largely publicly funded. Consequently the public planners retained an important amount of influence over the process. By the time the grant was approved, 16 firms had returned

the request for proposals. Because this was Fulton County money, a planning staff member was included in the interview process as part of the grant agreement. While the eventual contractor would not be hired until December, per the terms of the grant, the work needed to be completed by June, 2002, just over 6 months later.¹¹⁷ This was going to be a whirlwind planning process. The use of consultants gave CHCA more flexibility than the county would have had in organizing a process themselves. The contractors were also better able to avoid the negative reputation that the county had. In the minds of the residents who were mistrustful of the county, this allowed them to be seen more as a neutral party than an actor of the state.¹¹⁸

ECOS Environmental Design and their partners, Preston and Associates and Allied Environmental Consulting (AEC), won the contract. ECOS, the lead contractor, was well known in the Atlanta region as one of the few consultants actively working in the area of environmental planning. ECOS was founded in 1994 by Kerry Blind and had a strong record of collaborating on public and private projects in the Atlanta area.¹¹⁹ Importantly, they had previously worked with the Nature Conservancy, performing a feasibility analysis of developing the 8,000 acres of land along the Chattahoochee River that Bouckaert owned in South Fulton County.¹²⁰ The other consultants on the project were Preston and Associates, comprised primarily of architects, and AEC, which reviewed infrastructure maps.¹²¹

ECOS set forth on creating the new land use plan at a grueling pace. They began by meeting with the board members of the Chattahoochee Hill Country Alliance in early December.¹²² By January 8th, 2002 they had already developed an outline of a planning process, including a detailed schedule and a list of concepts that would help guide the process, including right to farm laws, urban growth boundaries, and TDRs. ECOS presented these concepts to the county for feedback and refinement before engaging residents.¹²³

The first public meeting organized by ECOS took place on February 12, 2002 at the Rico Community Center. The buzz generated by CHCA's neighborhood coffees had succeeded in piquing the interest of residents. The gymnasium at the Rico Community Center, a former grade school, was so full that all of the attendees could not fit in the room. This first meeting was dedicated to convincing South Fulton residents of the value and necessity of proactive planning. "We have a wonderful rural area - we want to keep some of it if it's possible, and we think it's possible," said Elizabeth Dean, one of the large property owners who had led some of the fireside chats during the fall. Nygren worked to build a sense of urgency among a populace that often doubted that any change could occur in the area.

If you look at the rate of growth in the metro area, a lot of places in other counties that were pastures and hay fields only four or five years ago are now parking lots, shopping centers and subdivisions... We're losing lot by lot... If we're not careful, this could happen - and faster than you imagine.¹²⁴

After the team presented their case, the floor was open for the residents to voice their concerns about such issues as notable community sites, current services, potential threats to their neighborhood and the future of the area. While their concerns were many, preserving the rural character of the area remained the common theme.¹²⁵

With the urgency of developing a land use plan established, the next meeting took the theme, "We know what we don't want to be, together we can discover what we can be," and was held at the larger Palmetto High School. This meeting, held just over a month later on March 19, began with a reiteration of the specter of sprawl, but was designed to show residents that they had the power to do something about it. The majority of the meeting was a mapping charrette. The facilitators divided the attendees into six groups to begin creating a map. They were prompted to find a way to fit the projected 30,000 residents who would be moving to the area on the landscape while preserving features they identified as important to the community. The

conceptual map eventually used for the final plan (See Figure 17 below) was based on this exercise.¹²⁶ Note the similarities between this map and the results of the Alliance's private

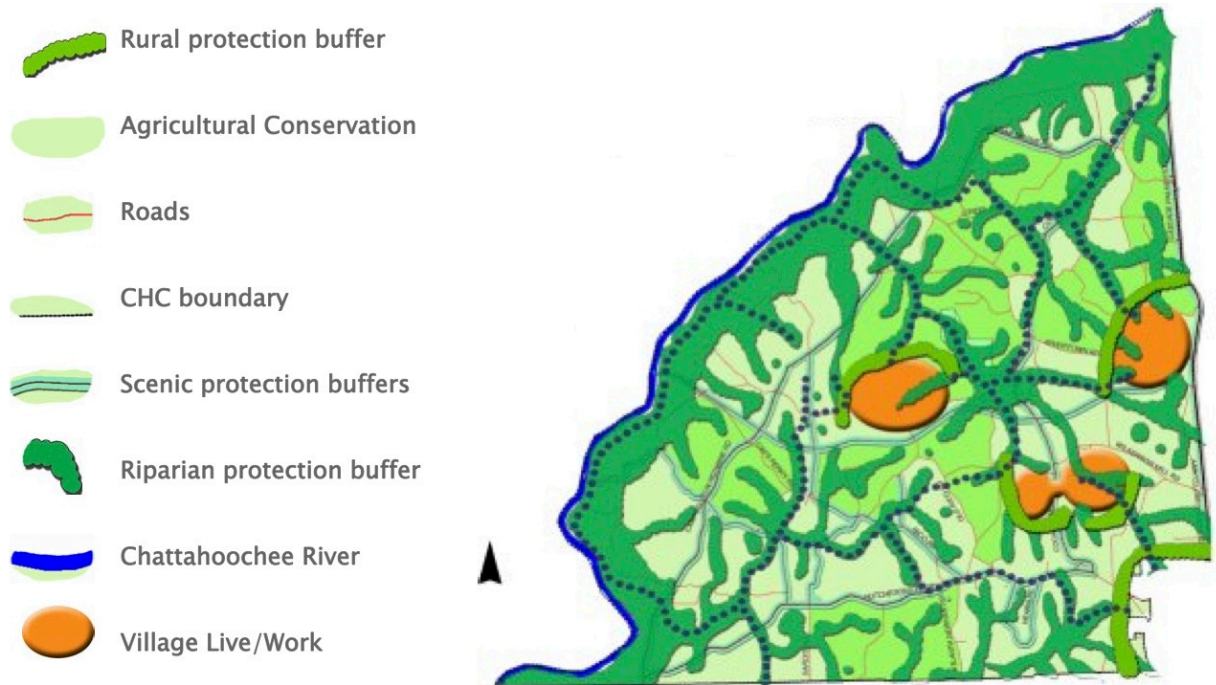


Figure 17 ECOS conceptual plan. This image created by ECOS following the second public meeting in April of 2002 was included in the final plan and would become the basis of the redrawn zoning map. (Source: Community Guidelines Page 7)

charrette held almost a year prior (Figure 15 above). Although the map from the earlier private charrette was never publicly released, the public process yielded nearly identical results. Today, Nygren claims that this is an example of how inevitable these three sites in particular were rather than an attempt to guide the villages towards the property of powerful landowners.¹²⁷

The growing enthusiasm for rural preservation and smart growth techniques even drew the attention of the South Fulton Parkway Alliance, which had previously failed to generate much enthusiasm for a similar set of practices. The SFPA in partnership with CHCA hosted an event April 4th in which Terry DeMeo from the University of Georgia discussed various methods that land owners could use to permanently protect the rural character of their land even in the lack of a wider planning movement such as land trusts and conservation easements. She

also spoke of the potential of TDRs for those outside of the Alliance's Chattahoochee Hill Country if enabling legislation was ever enacted in Georgia¹²⁸

By mid-April, ECOS and CHCA had completed the vast majority of their work and were ready to present their results to the public in another meeting held at the Palmetto High School called, "Review your idea of what the Future holds for the Hill Country." The draft plan was entitled *A Community Plan for the Future: The Chattahoochee Hill Country Conceptual Plan*. It set out two preferred patterns of development for the CHC. The first was the village layout represented by village zoning (CHC-MIX). Each village would be a minimum of 500 and a maximum of 640 acres and would reach a moderately high density. Development rights would have to be purchased to offset the creation of dwelling units beyond one unit per acre. The other development type presented was the hamlet layout and its associated hamlet zoning (CHC-CUP).¹²⁹ A subdivision created in this zone would be quite a bit smaller than a village and was not restricted to any particular location provided that the developer was able to purchase enough development rights to offset the increased density.¹³⁰

The speed that the consultants were able to work, just over two months between the first public meeting and the draft document, helped keep momentum on CHCA's side and the public engaged. Although there were some notable confrontations, public support for the plan during these meetings was nearly unanimous, according to Nygren.¹³¹ While there is little record of dissent at the time, some residents today expressed that they felt the process was too fast and that they never really understood what was happening until it was over.¹³²

After the plan's completion, the responsibility moved to Fulton County, which would oversee the enactment and enforcement of the plan. The plan was officially handed off to county staff on April 29, 2002.¹³³ With this, another set of official public meetings were held to gather

input. On May 20 the first county sponsored community forum was held.¹³⁴ At this meeting, Cover of Fulton County gave the opening remarks, but it was Nygren who presented the conceptual plan itself and ECOS Environmental Design who explained the Fulton County plan amendment process.¹³⁵ After a second planning meeting was held in June, county staff perceived that the community had no further input. A previously scheduled final public meeting for the end of June was cancelled.¹³⁶

Even before having been officially approved by the county board of commissioners, the plan was getting great reviews both locally and nationally. What was more notable than the land preservation legislation itself was the fact that this was seen to be “bubbling up from the landowners, including those who own the largest tracts.” David O’Neill, Director of the Urban Land Institute, was quoted in the *Atlanta Journal-Constitution* saying, “What they're taking on here is pretty tremendous and unique. I can't think of another example anywhere in the country.” Cover, Director of the Fulton County E&CD Department said, “The fact that property owners got together makes their position stronger... Certainly you want to have as much buy-in as possible from the property owners.”¹³⁷

The enthusiasm continued during the board of commissioners meeting to vote on the plan. After a passionate speech in support of the plan by Cover, the commissioners were eager to share their own opinions. Commissioner Darnel, representing the West Side of Atlanta as well as a portion of unincorporated Fulton County saw the plan as a model for future planning in the region.

I'd like to see more of this done because this is the way, I think, Fulton County must go... I don't believe that this Board of Commissioners can continue to operate as with did in the 70s and 80s on the basis of applications that come in. But with this kind of planning, I see the diminishing need for a case-by-case deferral and back and forth, if you have good sound plans, not something with plan written on it.

The commissioners seemed eager to do their part in changing growth patterns within Fulton County. Commissioner Darnell went on to support the extension of this model to other parts of Fulton County. “What’s going to make me more excited, Mr. Cover, is if we can identify more communities who we can sit down with and help in South Fulton and North Fulton as well in this same way.”¹³⁸

All was not finished however, as the overlay zoning district still had to be finalized and approved by the Board of Commissioners. This was accomplished with much less fanfare, but CHCA continued to conduct community input meetings on the CHC overlay district ordinance through September.¹³⁹ During this time the power and influence of CHCA was growing dramatically as it matured as an organization. Additional staff members were hired in June and September.¹⁴⁰ By September, over 80% of the property in the Hill Country was represented by dues-paying Alliance members.¹⁴¹ On Sept. 4 2002, a non-profit partner to the Alliance, the Friends of the Chattahoochee Hill Country Alliance legally incorporated as a 501(c)3 domestic nonprofit corporation.¹⁴² In mid-September, the first edition of *ChattLines*, a glossy newsletter for CHCA was published. It informed locals about events in the community while pushing for support of the zoning overlay district. The first issue began with the header, “growth is inevitable in Fulton County, but together we can determine where and how.”¹⁴³

On October 2, 2002 the Fulton Board of Commissioners voted on the Chattahoochee Hill Country overlay district. Unlike the earlier plan amendment that resulted in a long discussion among the commissioners and extensive community input, the overlay modification was approved unanimously and with little fanfare.¹⁴⁴ Twenty-three residents were present and Steve Cover had driven five hours from a conference to attend the vote. Everyone was prepared to speak in support of the overlay, but there was no need.¹⁴⁵ In fact the overlay was combined with

the final modification to the comprehensive plan into a single vote. The only discussion surrounding it concerned parliamentary procedure. No one came to speak in opposition.¹⁴⁶ After the meeting the members of the Alliance gathered together in the hall for a group hug.¹⁴⁷ They had essentially accomplished what they had set out to do. Development would come to South Fulton but on their terms.

The praise for the plan was widespread. The following week, the *AJC* editorial board published an editorial that began, “The Fulton County Commission did a good thing last week -- approving a "smart growth" plan that may be a model for other communities.”¹⁴⁸ The passage of the overlay was really just the beginning of land use changes in South Fulton County. While the difficult work had apparently been accomplished, much had been left unfinished. A plan is an important policy document, but without action it remains only a document. The next few years would be critical to determining the form of land use change in South Fulton County.

CHAPTER 4: IMPLEMENTING THE PLAN

The passage of the *Chattahoochee Hill Country Community Plan* and its associated overlay district and represented a remarkably ambitious attempt to balance the competing uses of land. Even more noteworthy was the effective pairing of national and state objectives with a motivated group of local and institutional actors. The story does not end however with the passage of the plan and the initial legal changes. Without effective implementation, even the best planning documents have little effect, and the overlay district as originally passed did not itself guarantee a break from previous development patterns.¹ The goals that remained to be accomplished included the implementation of the Transferable Development Rights (TDR) program, extension of the CHC zoning beyond Fulton County, expansion of protected green space, and the development of the planned villages. This would require continued political and institutional support as well as continued cooperation among the various actors who had found common ground in CHCA. Additionally, the Alliance and its partners would have to confront unforeseen political challenges that would pose a serious threat to the conservation vision of the Chattahoochee Hill Country.

With the new focus on plan implementation, the Alliance recognized that an executive director with more direct planning experience was needed. In November 2002, Sandra Storrar stepped down as director, although she remained involved with the organization. Stacy Patton, who had recently left The Nature Conservancy, stepped in to take her place.² CHCA dramatically increased its capacity as an organization when it obtained a \$250,000 grant from the Woodruff Foundation for the “implementation of a master plan for strategic development of South Fulton County.”³ This grant, \$125,000 annually over two years, served mostly to pay for general

operating expenses and allowed CHCA to expand to three full time staff members by the beginning of 2003.⁴

After the passage of the overlay, the Chattahoochee Hill Country Alliance shifted focus and began to work towards plan implementation. While the overlay district changed the law in many important ways, this was not itself enough. More legal changes, this time from Georgia's General Assembly as well as the Fulton County Commission were required. For example, the TDRs upon which the plan depended were not yet legal in Fulton County. At the state level, TDR enabling legislation did exist, but had never been implemented. In 1998 the Georgia Assembly passed legislation allowing the transfer of development rights in support of the, ultimately abandoned, *Cherokee County Comprehensive Plan*. At least three other Georgia counties had considered adopting TDRs under the previous law but none had ever approved local enabling legislation.⁵ Part of the issue was that the process for transferring development rights was arduous, requiring public hearings as well as approval from the local government.⁶ Realizing the shortcoming of the existing law, in October 2002, CHCA contracted the University of Georgia Law School and the Association of County Commissioners of Georgia to draft updated language for the state's TDR Code and enabling legislation for Fulton County.⁷ CHCA also worked locally on building the organizational infrastructure to facilitate TDR exchanges by holding meetings on the creation of a TDR bank.⁸ Such an organization could purchase development rights when they came on the market and hold on to them either indefinitely or at least until a developer was ready to purchase them.

While CHCA was working to bring development to the area consistent with the overlay plan, another group took responsibility for land preservation. The Chattahoochee Hill Country Conservancy (CHCC) was initially called the Friends of the Chattahoochee Hill Country

Alliance. The founders originally conceived of the organization as a 501c3 fundraising partner to CHCA, but soon its focus began to change.⁹ CHCA was at its heart a business alliance and advocacy organization. For the actual work of holding development rights or purchasing land for preservation, it was more logical to pass off this work to another group with non-profit status. As CHCC moved towards land preservation as its primary goal, the name was changed to reflect this.¹⁰

November did bring disappointment to at least some members of CHCA. Governor Roy Barnes, who had been a strong supporter of the project, lost the governor's race to Sonny Perdue. Perdue represented the first Republican to hold the office since Reconstruction and signaled an important shift in Georgia's state politics. Barnes' GreenSpace Plan would have provided funds to help purchase TDRs or acquire new public land. Further, the existence of the program had given confidence to the planners involved that there was broader state level support for this kind of planning.¹¹ Recalling Barnes's loss today Nygren lamented, "Governor Barnes was going to use [TDRs in the Chattahoochee Hill Country] as a statewide model... He was going to fund us a million dollars."¹² Barnes had shown a real interest in smart growth throughout his tenure as governor. While Perdue would not embrace his predecessor's GreenSpace plan, it was not the end of state support for the project by a long shot.¹³ In fact, the revised state TDR legislation was signed by Perdue.

Truly it would be hard to argue that there was any particularly partisan lean to CHCA especially during the early years. While Nygren may have been known as a "Carter Democrat," Carl Bouckaert, the major funder of the early planning efforts and largest property owner in the CHC, was considered a "Republican power broker" and a close friend of George W. Bush.¹⁴ These bipartisan connections served the organization well. Governor Perdue did end Barnes's

\$30 million dollar a year Community GreenSpace program, but he soon began a process to replace it with a land conservation program that fit his political and financial preferences.¹⁵ To consider options and make recommendations for legislation and strategies, the governor formed a board called the Georgia Land Conservation Partnership. Tom Williams, Carl Bouckaert's Land Manager and former Vice-President of CHCA, was among those the governor appointed to this newly formed group.¹⁶

Public financial support for the work of CHCA also continued despite the general cooling towards growth management in the new political climate. Fulton County continued to support the work of the Alliance quite generously. At the beginning of 2003, Fulton County Economic Development signed a \$100,000 contract for CHCA to continue the work of implementing the plan.¹⁷ Additionally the Alliance was awarded a \$10,000 grant to develop a GreenSpace support system as part of the last year of the GreenSpace Plan. A research scientist at Georgia Tech, Tony Giarrusso, would create a GIS database and prioritization scheme for every parcel subject to the Hill Country overlay. By assigning values for watershed, habitat, agricultural, and cultural importance he would create a unified map prioritizing the parcels most worthy of protection through the purchase of TDRs or some other land protection program.¹⁸

The Alliance worked ambitiously to expand its influence beyond Fulton County. The CHC plan had garnered a lot of good publicity, and soon the Alliance secured commitment from Fulton, Carroll, Coweta, and Douglas counties to jointly fund the CHC Regional Greenway Trail Master Plan Feasibility Study. This study, conducted by the Atlanta-based PATH Foundation, proposed a trail that would meander back and forth across the banks of the Chattahoochee raising the profile of the area and increasing the connectivity of local trails to Atlanta. That said, a source for funding construction, estimated to cost around \$26,000,000, was not immediately

apparent. At the time Stacy Patton estimated that construction could take around 10 years to complete, a prediction that in retrospect was far too optimistic despite more than \$2 million in federal appropriations the project has received subsequently.¹⁹ Today the local partners are still in the process of implementing the first sections of the trail. According to a recent report by the ARC, “[e]ach county involved [is]... proceeding at a different pace based on budgetary and other constraints.”²⁰

Another important early coup for the Alliance occurred in March of 2003. A developer had a contract to purchase a 103-acre plot on Hutcheson Ferry Road. Because the plan as it was written did not actively restrict the development of a more traditional subdivision, local leaders feared that this development, one of the first since the passage of the overlay could set the wrong tone for future development.²¹ In a public survey conducted during the planning process, 36% of residents said they preferred no residential development at all to occur in the CHC and a full 67% expressed fear of low-density residential or general development.²² Part of the deal that had been struck between the developers and smaller landowners of the Alliance was that although development would occur, it would remain unobtrusive and allow the majority of the area to retain its “rural character.”²³ Landowners had to be willing to trade their own development rights away in exchange for the preservation of much of the landscape. If a typical subdivision were to be built, that tenuous relationship could have been in serious risk. While the developer was waiting for financing, CHCA had worked with The Conservation Fund to quickly place a back-up contract on the property in case the deal fell through. In the end when the developer asked for an extension, the property owner elected to sell the land to The Conservation Fund instead.²⁴ The sale became final on March 26, 2003 and CHCA began to negotiate the sale of the property from the Conservation Fund to Fulton County for the creation of a park.²⁵ This park would serve

as the major trailhead for the proposed greenway system.²⁶ At CHCA's Fall Festival later than year, Commissioner Bill Edwards announced that Fulton County had secured the funding to purchase Hutcheson Ferry Park from The Conservation Fund making this the first large tract of land actively preserved from development by the efforts of the Alliance.²⁷ The money the county used for the purchase of this property, \$428,377, came entirely from the remainder of Fulton County's GreenSpace funds.²⁸ These coups were important to the project, but for TDRs to be effective in preserving land, development had to occur.

Building Serenbe

On Feb 25 2003 at the Chattahoochee Hill Country Alliance Semi-Annual Members Meeting, the Nygrens brought a drawing of their master plan for Serenbe.²⁹ The idea for a development on Nygren's property preceded and, it can be argued, precipitated the creation of the Alliance. Still, for many members, this was the first time they were aware of the now two year-old plans for Serenbe's development.³⁰ This did not hurt the approval of the project. Both the community zoning board and the Board of Commissioners quickly accepted the parcel's rezoning as well as 4 of the 6 requested variances to the zoning code.³¹ The rezoning was approved in May and in June 2003 Nygren sold 750 acres of land to Serenbe Properties for \$3.38 million.³²

The coverage of the creation of the community plan and the passage of the overlay zone had been greeted by a flood of positive press, but as the dust settled residents and others in the area began to examine the work of the Alliance with a more critical eye. In an article published October 13, Charles Yoo, a staff writer with the *Atlanta Journal-Constitution*, pointed out that the three villages included in the land use plan fell on the property of three of the largest landowners in South Fulton. Yoo, who had previously written several articles about CHCA's

work, spoke with residents from the Rico area, who expressed skepticism about Nygren's motives.³³

Though no one objects to preservation, some of the residents who have lived here for generations feel they've been fooled by the leaders of the alliance. Keeping their properties green simply enhances the value of the villages and Nygren's hamlet, they say. And now, without sewer lines to their property, they are no longer likely to get lucrative offers from subdivision and shopping center developers when they're ready to sell.

"That's the advantage of being wealthy," says a longtime Rico community resident, Tim Bentley, whose assessment on his 90 acres has gone up 365 percent since 2001, when the land-use plan was first introduced. "This guy [Nygren] is a businessman. I understand what he's doing, but the way he goes about doing it is he's preserving what he doesn't own."³⁴

Although this was a minority view in the area, it was not insignificant and reflected a growing mistrust of Nygren and CHCA among some residents.³⁵ Dissent was centered most strongly in the community of Rico where a strong sense of identity and a general mistrust of outsiders led many to be skeptical of the motives of CHCA's leadership. Even today, Rico residents refer to a "shadow government" making decisions outside the public eye.³⁶ The Alliance members felt unfairly maligned by the reporting, believing that Yoo focused on the comments of a few to make a compelling story. Nygren, Patton, and Kerry Blind of ECOS all responded immediately with letters to the editor defending the overall transparency and fairness of the project. Nygren wrote:

The process for creating the land-use plan has been fair and open. Over two years, we have held numerous public meetings, distributed multiple mailings to every taxpayer of record, and posted up to 40 road signs to solicit community attendance and involvement.

The article also failed to adequately address how transferable development rights work to the benefit of small landowners. TDRs eliminate the need to choose between holding or selling land, enabling owners to receive funds without giving up ownership. With TDRs, all landowners can benefit economically and we can preserve a unique quality of life in this community for all residents.³⁷

The negative attention did not seem to affect the enthusiasm for Nygren's hamlet. Less than two weeks later, the first lots in Serenbe went on sale. Aspiring residents could reserve lots with a \$5,000 deposit. All 38 available had been spoken for within the first two days of availability. Serenbe Properties broke ground on the development in the spring of 2004 and just over a year later, the first residents moved into their homes (See figure 18 below).³⁸



Figure 18 The first phase of construction at Serenbe.

© Alan Merrill

This development became a symbol of the CHC area and became more widely known than the CHC planning process itself. Importantly for the politics of the CHC it also brought in a relatively large influx of new residents to the area. These new residents were generally wealthy and well connected and came to the area because they were drawn by the ideal of a home in a walkable community embedded in nature. Some tensions have emerged between what some locals call “the Serenbe-mindset and the regular people mindset.”³⁹ While many of these new residents have become local leaders and strong advocates for landscape preservation generally, the cultural and class conflicts are quite apparent. Despite its notoriety, Serenbe alone is hardly

enough to preserve land on the scale called for in the plan. For the TDR strategy to succeed, larger developments under Village Zoning (CHC-MIX) need to purchase development rights from a significant portion of the area. To jump-start the development process, CHCA applied for a grant from ARC to help plan the first of these villages.⁴⁰

The Livable Centers Initiative

As TDR legislation was approaching completion in place and development of Serenbe was underway, the Alliance turned its attention towards the first village under the CHC-MIX (Mixed-Use Village) zoning. To finance the early design phase, in January 2003 the Atlanta Regional Commission approved an \$87,000 Livable Centers Initiative grant to develop a master plan for a mixed use village on the central village site indicated on the plan.⁴¹ The ARC's Livable Centers Initiative dates back to the 1998 transportation crisis. The primary responsibility of regional planning agencies like ARC is to oversee and distribute federal highway money. After federal funds had been cut off due to Metro Atlanta's failure to meet EPA clean air requirements, ARC had to show meaningful steps towards improving air quality in the region. Instead of imposing any strict limits on development, planners hoped that by allowing sites to self-select, the program would have more success in the liberal development environment of Metropolitan Atlanta.⁴² While the program was launched in 1999 and the first projects received funding in 2000, the village plan in the CHC was the first greenfield development to be supported by the LCI. All others had been for infill or redevelopment of already urbanized areas. The "Greenfield Awards" was a new category that had been created by ARC in 2002. This was to ensure consistency with ARC's projection that half of all development in the Atlanta Metropolitan area over the subsequent 15 years would take place in previously undeveloped areas.⁴³

CHCA applied for funds to develop a plan for a central village that fell almost entirely on the property of Carl Bouckaert, the earliest funder of CHCA. There is not clear record of why this site in particular was chosen over the other two village sites. One of the planners who worked for ECOS speculates that the site was chosen because it belonged to a single landowner who had enough property to develop personally even without purchasing TDRs from others. “The other village pieces have several different landowners... [T]he most likely village [to be developed] would be the one that they asked us to focus on due to the fact that it was already [owned by a single individual].”⁴⁴

The contract to carry out this land planning process was awarded by ARC to a team made of many of the same consultants that had led the comprehensive planning process the year prior. Work began in July and given the fact that the final plan needed to be completed by the end of the year, it was another intensive process. The core team of consultants, responsible for



Figure 19 Traditional neighborhood village. One of the three concepts created By ECOS and their partners. The darker reds refer to higher density and blues to various public spaces. (Source LCI Final Report)

developing the plan, hosted three public meetings in August, October, and November.⁴⁵ After the first public meeting the team produced three concept drawings for public feedback (See Figure 19). During this process, the team realized that the terrain as well as the required buffers around the streams and pre-existing roads made the initial concept of a very dense and unified node very difficult.⁴⁶ At 1000 acres, the model village designed during the LCI process was much larger than the 640 acre

maximum set forth in the CHC overlay district.⁴⁷ To correct this and other challenges the team suggested that the overlay be modified. For instance, the team recommended that the maximum size restriction on villages be eliminated and instead replaced with a minimum density of 4.5 units per acre.⁴⁸

After presenting the final plan to the public, the plan was further developed with estimates of housing prices and implementation strategies. The LCI grant encouraged that any developments supported mimic the income distribution of the metropolitan area as a whole. Further, the overlay district required that 10% of village housing be “workforce housing.”⁴⁹ After suggesting strategies to profitably meet these requirements the team presented the final plan to ARC and CHCA at the end of 2003. The final village plan called for 6,863 total units and a downtown civic and retail center. ARC was pleased with the design and in May 2004 they awarded an LCI Supplemental Grant to help draft new language for the overlay code to help bring about the swift completion of the village plan.⁵⁰ The Board of Commissioners would later approve an amendment to the overlay plan including many of the recommended changes in October 2005.⁵¹

Chattahoochee Hill Country Conservancy

Some locals spoke out about their skepticism about the Transfers of Development Rights and their doubts about tying their land up in a program where they would lose their development rights.⁵² In the end, the editorial board of the *Atlanta Journal-Constitution* was very supportive of the land use plan, writing on the day of the vote, “If the Fulton County Commission does the right thing today, south Fulton will keep many of its grazing cows, blooming lady-slippers and cascading streams.”⁵³ On April 3, 2003, the Fulton County Board of Commissioners did adopt the TDR enabling ordinance in anticipation of state action.⁵⁴ On April 22, 2003 the Georgia state

legislature passed Senate Bill 86 that enabled local jurisdictions to create transferable development rights programs with new and simplified rules.⁵⁵

In 2004, to ease the exchange of TDRs the Conservancy initiated a TDR bank study with the UGA Land Use Clinic. The goal was to research best practices in establishing a TDR bank for CHC. By that time CHCC had gathered \$100,000 from various grants and support from CHCA to begin this work.⁵⁶ A TDR bank would help smooth the transfer process by assembling a large number of rights on behalf of a potential future developer. The first TDR transactions took place in September and December 2005 when two property owners sold a total of 29 development rights to the Chattahoochee Hill Country Conservancy. The zoning on these properties, AG-1 allowed one dwelling unit per acre, so these transactions preserved 29 acres of land. As there was not yet a buyer in line for the development rights, they would remain in the possession of CHCC for the time being. These sales were rather small, but both of the landowners had been convinced of the value of the TDR program.⁵⁷ They also received fairly generous payments for their TDRs.⁵⁸ At the time CHCC also produced an extensive list of landowners who were willing to sell their development rights, but preferred to wait until an interested developer arrived on the scene.⁵⁹

Perdue's Georgia Land Conservation Partnership

While progress was being made locally on a number of fronts in the Chattahoochee Hill Country, the governor's Advisory Council for the Georgia Land Conservation Partnership was finalizing its recommendations for the future of state support for land conservation. In January of 2005, Governor Perdue prepared to announce his Land Conservation legislation. He chose Hutchison Ferry Park just down the road from Serenbe as the venue for his speech. Although this legislation was far less proactive than Barnes's GreenSpace Program and less aggressive than

had been recommended by his panel, it did represent some continued support for land preservation. Perdue reduced state funding for green space preservation projects from \$30 million annually to \$20 million and hoped that public-private partnerships could make up for this difference. Perdue announced at the park that the CHC TDR program was a model for potential state-wide adoption of TDRs as a growth management tool. Perdue also announced the appointment of Stacy Patton, the President of CHCA, to his Advisory Council for the Georgia Land Conservation Partnership.⁶⁰

Incorporation

While CHCA and its regional partners were developing local infrastructure and promoting development, a new backlash against the Fulton County government, this time centered in the north, would change the balance of power quite dramatically. The animus felt towards county government in the south was matched in the unincorporated areas north of Atlanta. Citizens in the area that was once Milton County had attempted to secede from Fulton to reform their own county, and since the 1980s Sandy Springs, a large suburban community of 80,000 had consistently fought for the right to incorporate, largely in an effort to gain more control over the distribution of local tax revenues. The generally wealthy residents of these communities felt that they were being taken advantage of by the county government. Although there were stark differences between North and South Fulton in terms of development, the main areas of conflict with county government were similar. The main issue was the high taxes in the area and the perception that the money raised from these wealthy neighborhoods was being used to pay for services in the poorer areas of the county.⁶¹ The political differences were also important. These northern suburbs tend to be wealthier and more heavily Republican while the county as a whole is reliably Democratic. When the city of Atlanta first attempted to annex the area known as

Sandy Springs to its immediate north a political firestorm ensued culminating with a court case in which the city was barred from annexing any more land to its north.⁶² With this in 1975, an organization called The Committee for Sandy Springs was formed and immediately began fighting to be allowed to incorporate as an independent city. Sandy Springs had little hope of success however as Democrats reliably dominated the county commission as well as the governorship and the state legislature. As the law was written, a new city could not be incorporated within three miles of a new city without action by the state legislature. This stalemate continued for decades until 2002 when, along with the election of Sonny Perdue, Georgians sent Republican majorities to both the House and Senate of the Georgia Assembly.

One of the first acts of this new Republican majority was to acquiesce to the demands of the residents of the northern suburbs and pass legislation allowing the creation of new cities by popular referendum.⁶³ Sandy Springs submitted a city charter for public referendum almost immediately followed by other hopeful northern cities of Milton and Johns Creek. All of these referendums passed with massive majorities, each more than 95%. Soon all the previously unincorporated area of North Fulton was taken up by new cities. Residents of South Fulton began to consider their options for incorporation as well. The discussion in the south soon split into two geographical areas with residents to the east of Cascade Palmetto Highway considering incorporation as the City of South Fulton and the area to the west as the City of Chattahoochee Hill Country.⁶⁴ The period for the creation of new town charters was to be closed at the end of 2006, so residents had to act quickly. Further intensifying their sense of urgency was a provision in the new law which dramatically eased the annexation process of previously unincorporated land into cities. Cities in South Fulton scrambled to annex any land they could that seemed valuable leading to jagged municipal boundaries in the south.

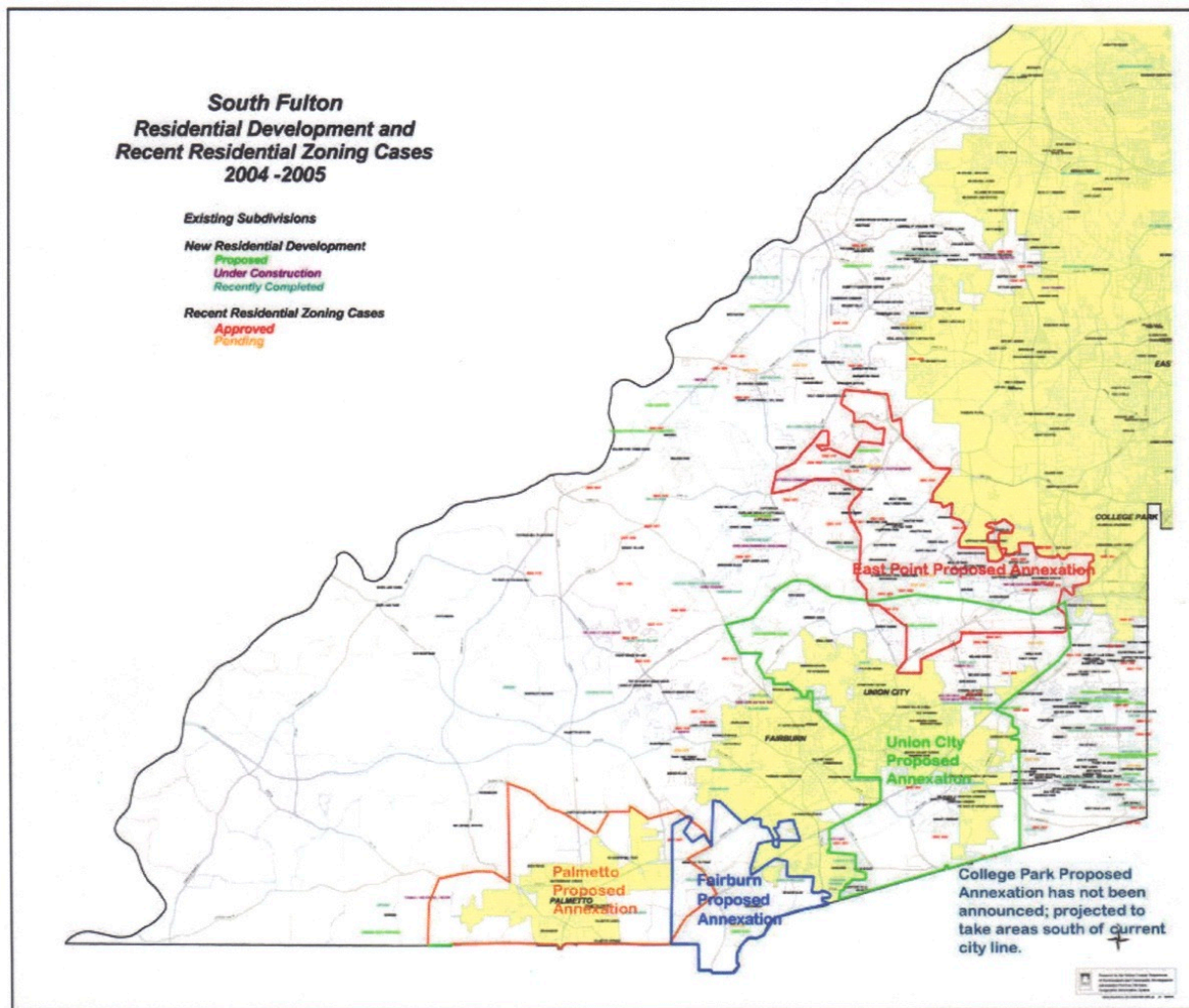


Figure 20 South Fulton annexation cases 2004-2005

(Collection of Tom Reed)

In January of 2006, the Alliance hired a consultant to draft legislation creating a charter for the City of CHC. The stated goal of the effort by the Alliance was to enhance local control and “preserve the zoning ordinance as it was.”⁶⁵ The overlay zoning code as well as the comprehensive plan would have to be replaced should incorporation occur.⁶⁶ By guiding the incorporation process CHCA could ensure that the new municipal plan and code matched up with their goals. The Alliance hired lobbyists to draft legislation and Kasim Reed, the State Senator for South Fulton County, introduced two bills for the creation of the cities of South Fulton and Chattahoochee Hill Country General (SB 552 and 552 respectively). The assembly

passed the bills and Governor Perdue signed them. The popular votes to decide if the cities would incorporate were set for June 19, 2007.⁶⁷ If they passed, the entirety of Fulton County would be incorporated. Unfortunately for CHCA, the path to cityhood would not be as smooth as the Alliance members hoped.

At the last minute before passage of the charters for the two cities, their boundary was redrawn by legislators showing 7,000 acres of the Chattahoochee Hill Country in the proposed City of South Fulton (See Figure 21 below). This was nearly 20% of the area that was included in the overlay and critically removed one of the three villages planned for in the Community Plan. The move was confusing and upsetting to many in community. The official reasoning given by legislators at the time was that the new boundary, which followed a tributary of Little Pea Creek, was a more “natural boundary” for the area than Cascade Palmetto Highway.⁶⁸ However this was a serious blow for the planning efforts in the city, as one of the three planned villages was located in this area that would soon not be part of the City of Chattahoochee Hill Country. Although no one I spoke with could give me a clear answer as to why that happened there are several theories. The first was that the owners of the property where the third village was to be built had secretly campaigned to remove the restrictions that were placed on them by the overlay. The most common explanation given today revolves around Le Jardin, a luxury housing development. The developers of Le Jardin owned 20 acres of land to the east of Cascade Palmetto Highway, the developers did not want those acres to be subject to the overlay rules. This is supported by the fact that the state senator of the area, Kasim Reed, was a personal friend of the developers, Brian Jordan and Steven Macauley. A simpler theory is found in some unsigned notes in an archive that dismisses that the boundary line had anything to do with development restrictions. "Steve [Nygren] pissed [State Senator] Kasim [Reed] off" - simple

retribution.”⁶⁹ Whatever the real reason was, no one had any clear notion what happened immediately after the fact. Some of the Alliance leadership eyed Minerva suspiciously. The new municipal boundary would give them a good amount of property both within and outside of the overlay. Other members of CHCA wondered if they were trying to “play both sides.”⁷⁰ Whether or not any of this was true, it did create an environment of mistrust, which made cooperation among the large landowners within CHCA more difficult.

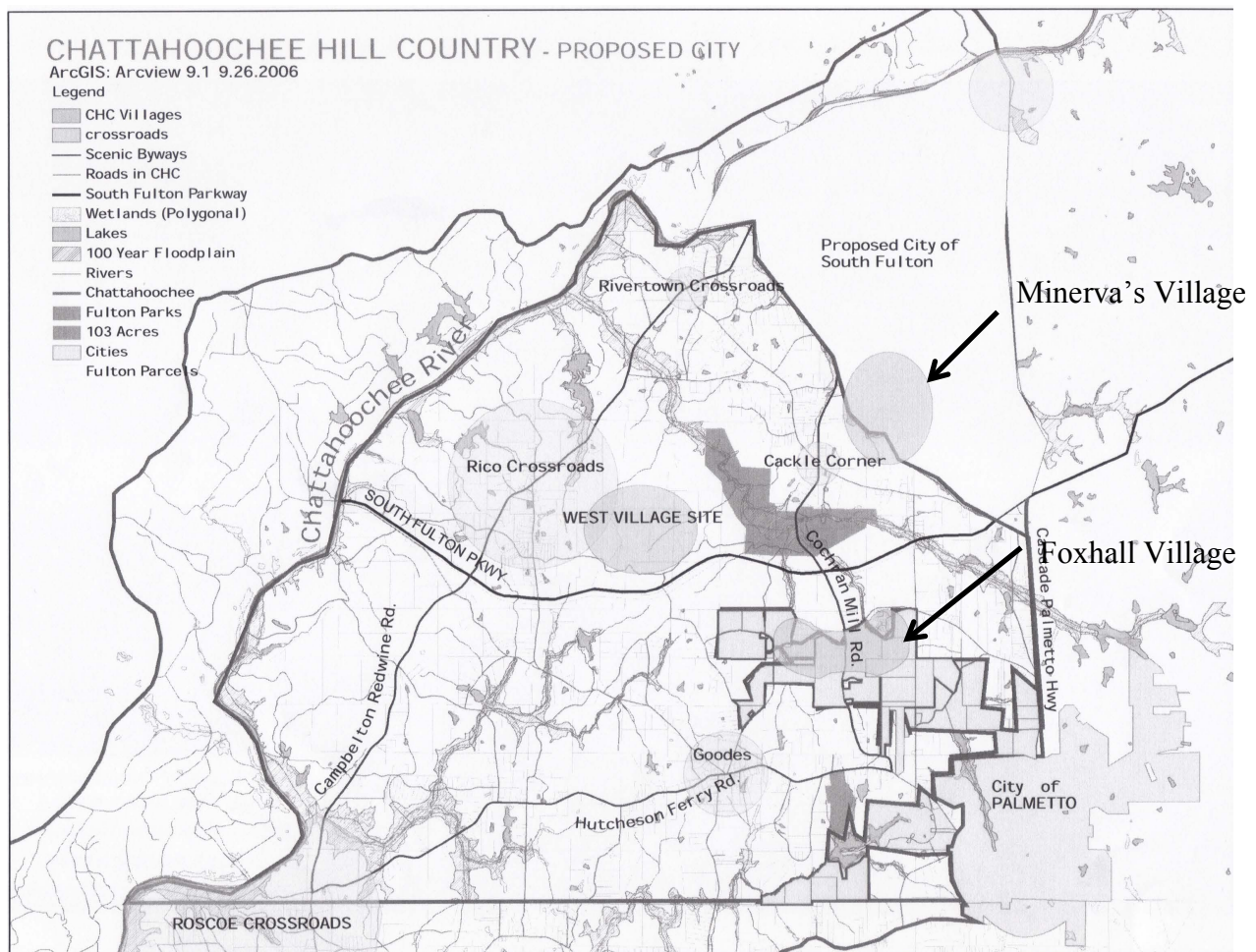


Figure 21 Proposed City of Chattahoochee Hill Country.

With these new boundaries the proposed city of Chattahoochee Hill Country would have difficulty preserving land through a TDR program. (Source: Collection of Tom Reed)

Further complicating their position in May CHCA learned that the land supporting a second village was to be annexed into the city of Palmetto. This land was owned by Merrill Properties. Harrison Merrill had been brought in by CHCA as a developer. CHCA had in fact

helped to negotiate the sale of several large parcels of land to him between 2004 and 2006.⁷¹ The annexed property, which would no longer be subject to Fulton County zoning, ran right through the heart of the proposed city.⁷² In the run up to incorporation the future city had already lost two of its three villages and with the overall uncertain political climate the integrity of the overlay was seriously in doubt.

In a panic at a meeting in June, CHCA laid out the options to continue. The first was that residents could request annexation of the entire Chattahoochee Hill Country into the city of Palmetto. This option was seen as the best chance at keeping the overlay intact. They could even potentially annex the 3,000 acres that would have otherwise become part of the City of South Fulton into Palmetto as well. The hope was that once the Hill Country was united with Palmetto, the local leaders and CHCA would be able to exert significant political influence over Palmetto.⁷³ The other options were to continue to seek the creation of the City of Chattahoochee Hill Country or do nothing and remain unincorporated with an uncertain future. CHCA took a vote of those in attendance and annexation into Palmetto won.

Under the so called “60-60 rule” set forth by SB 553 the residents could achieve annexation into Palmetto with signatures from at least 60% of residents of the area who own at least 60% of the property in the proposed city.⁷⁴ The Alliance and volunteers set out on a massive door-to-door signature collection effort and quickly gathered all of the signatures required. As they approached Palmetto however, they were confronted with more requirements for annexation of which they had been previously unaware, including advertisements in local papers and installing signs on every individual parcel to be annexed. An army of volunteers quickly accomplished this, but still their annexation effort failed. Palmetto claimed to be unable to process the annexation paperwork in time for the late August deadline and the effort ended up

in a dead end.⁷⁵ The decision of the Palmetto City Council to resist the annexation of the CHC into their city is not easily explicable with available documentation; however, the consensus among those I interviewed was that they were hesitant to contend with the powerful forces of the Hill Country like CHCA. “They knew that we would take them over.”⁷⁶ The population of Palmetto was around 4,000 and would quickly become dominated by the Hill Country as the villages were built. They likely wanted to maintain their own identity rather than becoming a part of the larger CHC.

After this disappointment, the Alliance held another community meeting to discuss new options. Annexation was still possible through legislative action, but that would require the legislature to rescind the Chattahoochee Hill Country Charter allowing a vote on cityhood the following June. With the legislative window now closed for new charters that would mean that there would be no hope of incorporation for the area within the foreseeable future. The two other options previously considered still remained, vigorously pursue cityhood or remain unincorporated.⁷⁷ Because the rate of annexations of land in south Fulton County was accelerating and extending even far beyond those depicted in Figure 20 above, those present determined that the only real hope that remained to save what was left of their community plan was incorporation.⁷⁸

Chattahoochee Hill Country Organizing Committee

CHCA however was not the right organization to do this work. Resistance to Nygren and his influence in local politics was growing, so he, like the Fulton County planners before, realized that he needed to take a back seat publicly to accomplish his goals. A new group, the Chattahoochee Hills Organizing Committee (CHOC) held its first meeting at the Rico Cultural Center on October 3, 2006.⁷⁹ The energy generated during the annexation effort carried over and

enthusiasm for the creation of a new city was high. More than sixty residents attended this meeting. To channel all of this energy, the organizing committee divided attendees and responsibilities among six subcommittees. They also invited activists from the new cities of Milton and Sandy Springs to share his experience and lessons learned from the Milton incorporation process.⁸⁰

Finances were a serious concern for the new city. Debates had raged for years about whether South Fulton was being unfairly taxed to pay for services in other parts of Fulton County or if the area was itself so inherently expensive to service. To help settle these questions, CHOC hired Robert Eger of Georgia State University to evaluate the financial feasibility of creating a new city. Eger and his students had previously written feasibility reports for Sandy Springs and other new northern cities. When the Eger report, as it has become known was released, residents were delighted with the results. The report was optimistic for the future of a city in the CHC. It stated that even estimating zero growth, “We find that the conservative estimates can provide the City of Chattahoochee Hill Country with a [budget] surplus.”⁸¹ While this would prove to be optimistic, the residents of the CHC eagerly embraced its message. The report confirmed their longstanding suspicion that they were being taken advantage of by the county government and that they were more than able to finance their own services.

In December The Chattahoochee Hills Organizing Committee hosted a visioning session facilitated by a planning consultant. Those present developed the following vision and mission statements, which were adopted by the Steering Committee on Dec 5:

Vision: A locally controlled, locally protected Chattahoochee Hill Country.

Mission: The mission of the Organizing Committee is to develop a plan which outlines revenue sources, services provided, and other aspects of establishing the city of Chattahoochee Hill Country; and to communicate this plan to the community such that an informed electorate goes to the polls in June 2007.⁸²

On December 5, CHOC formally elected its officers: Tom Reed as President, Larry Keith as Vice President, Sandra Storrar as Secretary, and Julie Wall as Treasurer. The board represented a compromise between longtime residents and those who had come to the area to live in Serenbe. Two members, Reed and Storrar, the first president of CHCA, lived in Serenbe. Keith, a local farmer, and Wall had lived in the area for a longer time and had stronger connections to residents. Various committees were formed comprising over 100 members who set out on the task of building a new city from scratch. While CHCA began to take a backseat to CHOC, the two organizations began a collaborative effort to review and revise the land use protections on the books. The creation of a new city would require the creation of a new plan and code of ordinances to replace those enacted by Fulton County.

CHOC began its wider outreach campaign with a community meeting at Georgia Baptist Children's Home in Palmetto attended by nearly 400 area residents. The Eger Report formed an important part of the argument for citizens. An independent city could reduce taxes, increase local control, and provide residents with the level of services to which they believed they were entitled. The public outreach strategy adopted by CHOC was very similar to that of CHCA during the initial overlay planning. In addition to large public meetings, residents held community coffees in their homes and churches. Additionally, CHOC set out on a canvassing campaign to reach out to every household within the boundaries of the future city to present the arguments for incorporation.⁸³

Their arguments were simple, but powerful. A new city would grant local control in the changing political environment of Fulton County. Local elected officials would have to be more responsive than the Fulton County Commissioners for whom the residents of the CHC represent

far less than one percent of their constituents. Combined with the purported tax benefits there were few who ultimately opposed incorporation. Still, those few made their voices heard.⁸⁴

On June 19 the City of Chattahoochee Hill Country cityhood referendum passed. Nearly 50 percent of the 1,381 eligible voters cast their ballots in the referendum vote to incorporate the city of Chattahoochee Hill Country. Of the 681 who voted, 569 voted for the new city, and 112 voted against for a total of 83% in favor of the new city.⁸⁵ There was a clear divide in the votes for incorporation between the two voting sites used. There is an untrue but popular story told by residents that at the Palmetto voting site located just southwest of the future city limits (near Serenbe) 100% of the residents except one voted for incorporation.⁸⁶ Whereas in Rico, the center of opposition to cityhood every vote was cast against incorporation apart from one, which came ironically from Kenyon Langley, a vocal citizen of Rico who had along with others earned the nickname “The Rico Rabble” for his vehement opposition to the overlay as well as the cityhood vote. “I didn’t think we really had a choice.” Local control was still preferable to county rule and there was a fear that Atlanta might annex any remaining unincorporated land to its south.⁸⁷

After the vote, the CHOC began to use the lessons they had learned from the northern suburbs about how to set up a new city government. The rhetoric of the pro-incorporation movement in North Fulton was strongly associated with a general disdain for publicly provided services and the belief that private contractors could do better work for less money. Sandy Springs and the northern cities that followed its example had contracted out all public services apart from police and fire protection to the planning and management consultant CH2M Hill and their subcontractors.⁸⁸ While the system in Chattahoochee Hills would be less fully privatized, CH2M Hill would have a large amount of control at least initially.⁸⁹

Politically, as campaigning for public offices began the divisions between the longtime residents and those who lived in Serenbe deepened. The campaign turned negative quickly. The candidates for Mayor included Tom Reed, Don Hayes, and Rocky Reeves. Tom Reed had been the president of CHOC and received a plurality of the votes cast, but did not reach the 50% threshold needed to avoid a runoff. Both Reeves and Hayes were longtime residents of the area and after Reeves was eliminated, Reeves sent a letter out to his supporters to give their votes to Don Hayes in the runoff. The letter clearly sets out many of the issues that divided the community:

Tom Reed has lived in Serenbe for about two years. Tom's business is in Mississippi. Tom's campaign is overwhelmingly supported by the Chattahoochee Hill Alliance and its board of directors. The Chattahoochee Hill Alliance is controlled and financed by the non-resident large landowner developers. I think Tom is a smart young man. I wish he wasn't so closely aligned with all the outside influences of the Alliance and the developers. I personally don't want to see our Mayor on the bulldozer when development comes.⁹⁰

Reeves' public endorsement was successful. Don Hayes was elected, and in December he and new City Council of the City of Chattahoochee Hill Country were inaugurated.⁹¹

A weakened CHCA

It was not immediately certain what all of this meant for the future of the plan. The city had been founded in part to protect the overlay, but the new government would have to write a new plan and the old alliances were weakening. For example, just before the final cityhood vote, Carl Bouckaert wrote several letters to CHCA critiquing the plan for making it too hard to develop his land. While affirming that he agreed wholeheartedly with the overall spirit of the plan he had some specific zoning changes he wanted to see before he would begin development. "I am concerned that the existing regulations provide too great an obstacle for achieving the type

of development desired by both me and the community,” he wrote, citing high-density requirements, large buffers, and the cost of acquiring TDRs.⁹²

Tensions also grew between CHCA and the Atlanta-based board of CHCC. While CHCA remained based in South Fulton, CHCC met in Atlanta and as of 2008 had no residents of South Fulton on the board.⁹³ CHCC was moving in the direction of becoming a land trust with less interest in facilitating development. This combined with personality conflicts seriously strained the ties between CHCC and CHCA making both organizations weaker.⁹⁴ CHCA also lost local clout as CHOC emerged as the voice for local people. One telling email sent partway through the mayoral campaign speaks to Nygren’s lingering presence, but diminishing influence. “Whoever is elected mayor is in charge – Not Steve Nygren.”⁹⁵ Another blow occurred in October 2006, when Stacy Patton, the executive director of CHCA left to work for Minerva Development, owner of the property under the third village designation. Terry DeMeo King replaced her. King had served as Policy Advisor for Natural Resources, Transportation and Economic Development for Governor Perdue.⁹⁶ Still, it was a major loss for CHCA. Patton had been involved in conservation work in South Fulton longer than anyone and she was now taking that expertise to a private developer.

Friendship Village

The village that Minerva began to plan was called Friendship village after a historic crossroads community in the area. Disputes over the design of the village once again sharply divided those who had once worked so closely together. Much like during the LCI process, while laying out the village, the slopes and required buffers made it difficult to achieve the dense 640-acre node envisioned by the overlay.⁹⁷ Minerva argued that instead of a flat 200’ buffer that all of the buffers average 200’ to allow for construction closer to pre-existing roads and their property

line. The plan also included big box retail space to the horror of many in the community. It was difficult for many that Stacy Patton, once the president of CHCA, was now working to undo the rules she had helped create.



Figure 22 Friendship Village site plan. This is the site plan for Minerva’s village as it went through the DRI review process. The blue line passing through the lower right represents the new boundary between the City of Chattahoochee Hill Country and unincorporated South Fulton to the north.

Apart from a few dense areas, the site plan for Friendship Village does not resemble any of the early concepts for village development in South Fulton (See Figure 22 above). Instead the long rows of single-family housing and cul-de-sacs resemble most other residential developments that had been built outside of the overlay in South Fulton. Most of the undeveloped land was simply undevelopable due to slope and stream setbacks and nearly all of the rules for scenic setbacks were violated. Further adding insult to injury, Minerva did not want to have to purchase development rights. They argued that the additional burden of purchasing TDRs would make it unprofitable for them to develop while respecting stream and scenic buffers.⁹⁸

Michelle Macauley, a Fulton County Planner recalled the DRI meetings in 2007 which ultimately approved the plan. “We got rid of everything in one fell swoop. Really at that time I almost quit. I was like, what are we doing this for? Why are we doing planning if it can all just be undone in just a flick of a switch? We had won all of these awards and we had all of this praise, then the developer comes in and says, ‘We don’t want to buy TDRs. We don’t want to do it.’” Michelle Macauley felt her job was at risk at a review board meeting after raising questions about the plan. “I almost quit right then... What are we even planning for?... That’s why I won’t talk to Stacy Patton anymore, and that’s why Steve Nygren won’t talk about her.”⁹⁹ In 2008 the Fulton County Board of Commissioners voted to repeal the overlay district on the 7,000 acres that remained in Fulton County after the incorporation of the City of Chattahoochee Hills.

Foxhall Village

Merrill Trust Communities also began the process of development of what they called Foxhall Village (See Figure 23 below). After annexation into Palmetto, the property was no longer subject to the CHC overlay zone. Instead the City of Palmetto’s much less restrictive

zoning code applied to the parcel. This was obviously frustrating to the City of Chattahoochee Hills. The parcel was completely surrounded by Chattahoochee Hills and any entrances to the village would have to pass through the city. This village was similar in some ways to Friendship Village with 4,680 homes, but would have much less stringent requirements for open space preservation. For instance it could develop without purchasing TDRs and there were no additional scenic or environmental setbacks to respect.¹⁰⁰ City leaders fought this development hard throughout the approval process. They reported any potential code violations they could find and examined old plat maps hoping to find a way to retroactively invalidate the annexation of the property into Palmetto. In the end, local action managed to delay development through the real estate bust although the property remains approved for development whenever market conditions improve.



Figure 23 Foxhall Village site plan. This map of Foxhall Village produced for a traffic study shows a marked return to typical subdivision development patterns. (Source: Collection of Alan Merrill)

The City of Chattahoochee Hills

The first two years following incorporation were quite difficult for the newly formed city. The failure of the referendum to create the City of South Fulton hurt the business model developed by CH2M Hill. They had hoped to manage both cities and reduce overall costs in South Fulton County by combining some services between the two towns. In any case, CH2M Hill turned out to be less adept at municipal management than they had claimed. CH2M Hill service delivery costs were much higher per capita than expected. To make up for higher costs and a rapidly increasing municipal deficit without raising taxes, the police began aggressively ticketing speeders on the (largely empty) South Fulton Parkway and other roads.¹⁰¹ This soured many residents on the idea of an independent city. This experience was not unique among clients of CH2M Hill and in only a few years none of the cities that had originally hired the consultant continued to rely on their services.¹⁰² After two years of CH2M Hill Management the City of Chattahoochee Hills was nearly \$2,000,000 in debt.¹⁰³

This constant bargaining and redefinition of what it means for Chattahoochee Hills to grow intelligently and sustainably continues to this day. Further complicating these debates, the old alliances among the landowners, developers, and political leaders are gone or greatly weakened. Both CHCA and CHCC are barely extant as organizations. This is not to say that some of the same activists are not still involved in conservation. Nygren recently founded an organization called Chattahoochee NOW, which intends to bring together interested parties to plan for preservation of the Chattahoochee River throughout the Atlanta metropolitan area. As executive director of this new organization, he hired Shannon Kettering, who was the project manager with ECOS Environmental Design responsible for the design of the *Chattahoochee Hill Country Community Agenda*.¹⁰⁴

Locally, the arrival of hundreds of new residents in Serenbe has impacted the local political structure. Many of these residents have very strong ideas about how the area should develop and want to change the code to reflect that. Nygren's personal political clout is still important but appears to be diminishing in the City of Chattahoochee Hills outside of Serenbe. However, while developers and many of the large property owners are no longer wholeheartedly on board with recent reforms the plans and code changes passed since incorporation have increasingly restricted development and added protections to natural and scenic land.

In fact the city is currently in the midst of a nearly three year long process to revise the local the zoning code. The current draft of the revision removes the association of the villages with particular areas and allows the development of a village where ever as long as the developer can obtain enough TDRs to offset the development price.¹⁰⁵ It remains to be seen how changing preferences will affect the long-term outcomes of development in South Fulton County. Minerva has recently begun breaking ground on some developments and as the real estate market recovers, it is likely that another developer will try to take advantage of Serenbe's good publicity. As the mayor Tom Reed described it to me, "We've got this once chance do it right. And the decisions we make now are going to effect people decades even hundreds of years from now."¹⁰⁶

CHAPTER 5: DISCUSSION AND CONCLUSION

The story of land change in South Fulton from the early 1990s through the incorporation of Chattahoochee Hills in 2007 is complex, but the overall arc can be summarized rather succinctly. South Fulton was largely undeveloped. In the 1990s public planners attempted to balance the needs of development with environmental preservation with little success. In the early 2000s a new coalition of local landowners, developers, planners, and other institutions formed which took advantage of supportive state and regional policy. Together through CHCA they brought about an impressive amendment to the plan and local zoning code to allow innovative forms of development in South Fulton County. While CHCA accomplished a significant amount and continued after 2002, its strength as an organization waned as the tension between preservation and development pulled the organization apart. Insights gained from this story can offer valuable information about how smart growth can be implemented which may be transferable to other contexts.

It is true that seeing the bulldozer in the woods and Nygrens personal awakening was key to what happened. That story as it has been told time and time again sets off a compelling narrative of local landowners taking matters into their own hands to preserve a landscape they love. It is a captivating story, but focusing only on the period (2000-2002) when things went smoothly for smart growth in South Fulton, leads to a narrow view of what happened and can obscure what it really took to bring about change. For practitioners of planning, it is important to interrogate success stories like this more fully to draw useful lessons. If positive reforms to planning can only be accomplished by visionaries outside the profession, that points to a significant problem in the planning profession. Fortunately, that does not seem the case here.

Only by backing up and extending the time period and geographic scale studied can we reap lessons that will be beneficial to future practice.

I see three broad lessons that we can take from the story of attempts to implement smart growth in South Fulton County. The first is the importance of strong institutional, political, and financial support from the regional, state, and national level. The second is the value of public-private coalitions in generating support for complex planning goals such as smart growth. The planning process in the Chattahoochee Hill Country was not without its faults. Still, the CHC overlay plan was an important accomplishment especially considering the dominant forms of development in the Atlanta Metro region. Finally, it is important to note the particular role of charismatic and motivated individuals who have the drive and ability to push difficult changes through bureaucratic and political hoops. Lessons taken from this case other case studies in the existing literature should be helpful in future attempts at implementing smart growth strategies in land use planning as well as contributing to a more robust theory of land change outside growing metropolitan areas.

Institutional Support

The support of Fulton County Department of Environment and Community Development, the state of Georgia, and the Atlanta Regional Commission throughout the process has been underemphasized in the way this story is often remembered. In fact, in the case of Fulton County, planners deliberately minimized their public involvement to increase the palatability of the process to locals. Certainly, the developments that have taken place since 2000 would not have happened without the engagement of the large landowners, but they also could not have happened without a planning infrastructure that supported them politically and financially. The significance of the overall support structure for smart growth style planning in

the region becomes more evident when we examine the impacts that it had outside of South Fulton. The Georgia GreenSpace Program and especially the ARC's Livable Centers Initiative have changed patterns of development across the metropolitan area. These state and regional planning programs along with wider changes in cultural preferences for housing, have led to rapidly increasing development of high density urban infill and transit oriented neighborhoods.¹ A recent report by Chris Leinburger of the Brookings Institution documents the recent rise of walkable urban places or WalkUPs in Atlanta. The report lists 46 established, emerging, or potential WalkUPs, including Serenbe, that are embracing smart growth principles (See Figure 24 below). These places are dense, mixed-use, and well-served by public transportation, and while the majority of these neighborhoods are located in downtown Atlanta, many extend into the northern and western suburbs along MARTA rail lines.² During the early 2000s the real estate boom was exploding and the danger felt very real. Looking back today however we can see that the Chattahoochee Hill Country was perhaps not as much an outlier as it might have seemed. Low density residential developments were indeed expanding rapidly in South Fulton, but that was not all that was going on. Walkable, transit-oriented, and dense mixed-use developments were springing up all around the metropolitan. Where the CHC stood out was in its relatively undeveloped location and the sheer scale of its impact on the initial 40,000 acres.

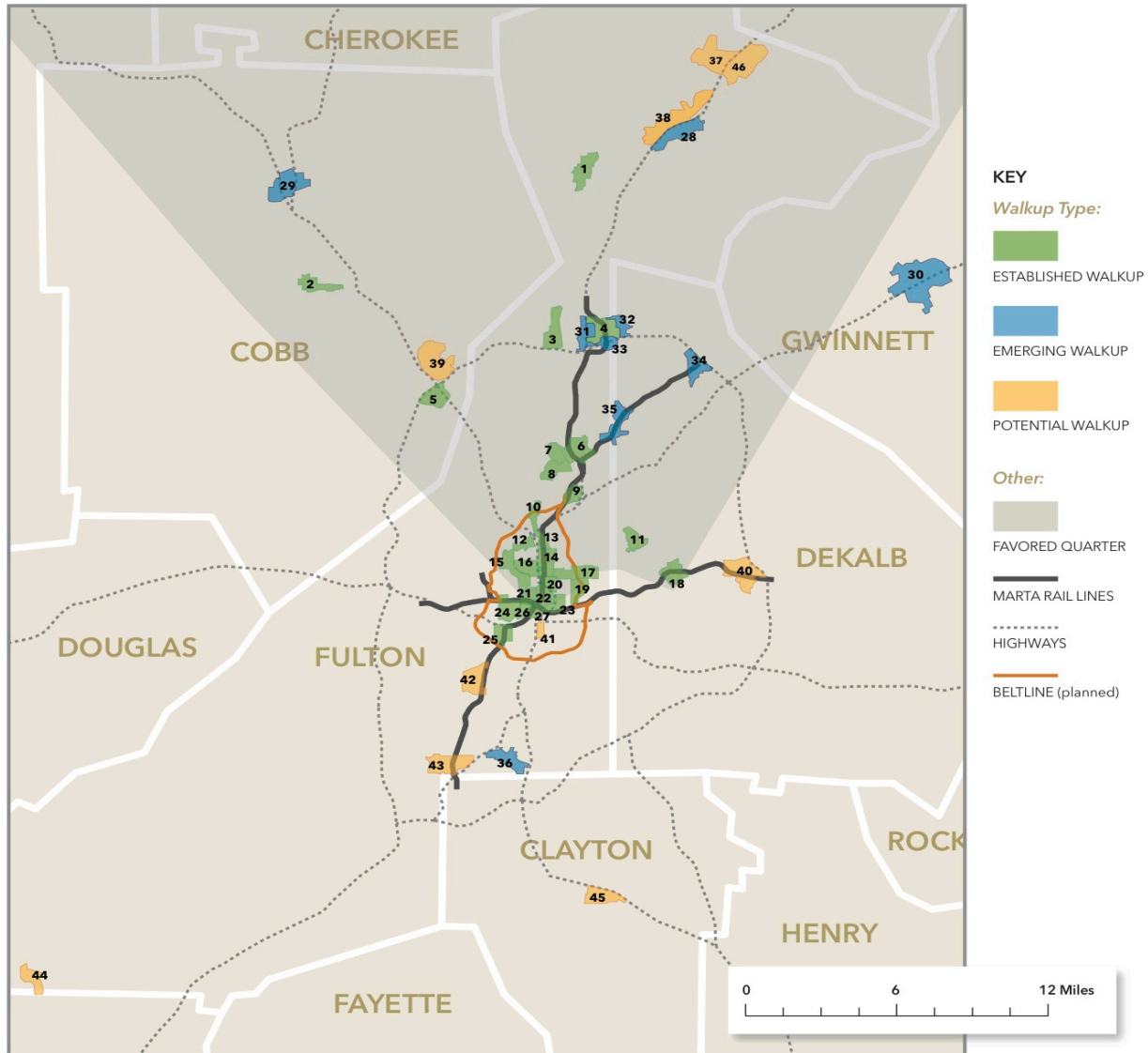


Figure 24 WalkUPs in Atlanta.

Serenbe is indicated by the number 44 in the bottom left of the map as a potential WalkUP.
(Source Leinberger pg 23)

This underemphasis of the impact of regional planning agencies is common in the planning literature. Ellen Dunham-Jones, an architecture professor at the Georgia Institute of Technology, in an otherwise insightful essay on smart growth in Atlanta refers to what I would call a false dichotomy between “U.S. government-pressured regional planning on the one hand and market-driven individual development projects on the other.”³ They are not so separate as conventional wisdom leads many to believe. Just as the classic American suburbs were privately

built but heavily subsidized by federal funds and policy, government remains heavily involved in the slow adoption of smart growth planning. CHCA was indeed a private organization founded by local residents, but Fulton County and ARC planners were present and very influential from the very beginning. Importantly, the majority of the early money and more than half of the operating budget of CHCA and CHCC came from various public grants. CHCA benefited significantly from public political and monetary support.⁴ Further, given the entanglement between federal policy and the giving habits of private foundations, even the distinction between public and private money is not so neat. Federal policy has a significant influence on the giving habits of charitable foundations.⁵ As Table 2 shows, nearly 53% of the CHCC and CHCA's total grant monies came from public sources totaling more than half a million dollars. Without these funds they CHCA would never have succeeded in the way that it did.

Table 2 Major grants received by CHCA and CHCC 2001-2006

Donor	Recipient	Date	Public/Private	Amount	Use
Fulton County	CHCA	Nov-01	Public	\$78,000	Planning
Woodruff Foundation	CHCA	Nov-02	Private	\$250,000	General
Waterfall Foundation	CHCC	Nov-02	Private	\$40,000	General
Georgia Dept. Comm. Affairs	CHCA	Jan-03	Public	\$10,000	GIS
ARC Livable Communities Initiative	CHCA	Jan-03	Public	\$87,000	Planning
Fulton County	CHCA	Feb-03	Public	\$100,000	Economic Development
Community Foundation	CHCC	Jun-03	Public	\$29,000	General
Turner Foundation	CHCA	Jun-03	Private	\$8,222	General
SunTrust Bank Foundation	CHCC	Aug-03	Private	\$10,000	General
Turner Foundation	CHCC	Jul-04	Private	\$40,000	TDR Bank Establishment
Sapelo Foundation	CHCC	Aug-04	Private	\$33,000	Watershed Management
Land Trust Alliance	CHCC	Sep-04	Private	\$4,500	TDR Bank Establishment
Smart Growth Leadership Grant	CHCA	Feb-05	Public	\$200,000	Technical Assistance
Banrock Station Wines	CHCC	May-05	Private	\$3,500	Wetlands
Ga. Forestry Commission	CHCC	Jul-05	Public	\$20,000	Sustainable Forestry
Federal Appropriation	CHCA	Aug-05	Public (Indirect)	\$2,000,000	Regional Greenway Trail
Anonymous Donation	CHCC	Dec-05	Private	\$100,000	TDR Bank
Community Foundation	CHCC	Mar-06	Public	\$25,000	General
Buck Foundation	CHCC	Mar-06	Private	\$3,500	General
Banrock Station Wines	CHCC	May-06	Private	\$2,500	Wetlands
Federal transportation grant	CHCA	Aug-06	Public (Indirect)	\$200,000	Regional Greenway Trail
		Total Direct Grants		\$1,044,222	
		Total Direct Public Grants		\$549,000	
					52.58%

Source: AJC, Chattlines CHCA Timeline (Collection of Stephan Nygren)

This is a good example of what Sheldon Wolin describes as “the American paradox” in which “power is simultaneously concentrated and disaggregated.”⁶ The history of American power, especially federal power, abounds with examples of the ability of the state to penetrate civil society and use it to further its goals.⁷ Instead of relying on a large public bureaucracy, in the American system, government finds ways to effectively achieve its goals by empowering and supporting ostensibly private actors who promote or enact policies on the state’s behalf. This is increasingly true in planning. The rise of quasi-private planning groups like Community Improvement Districts is one dramatic example of this trend. Instead of directly planning or investing in infrastructure in areas with a CID, the government encourages private actors to self-tax and create locally generated plans, within certain limits.⁸ Dan Reuter from the Atlanta Regional Commission made it clear that, “[ARC] wouldn’t be able to do our job if it weren’t for [CIDs]”.⁹ While CHCA was not technically a CID, it functioned a lot like one and was clearly inspired by the precedent of the Midtown Alliance.¹⁰ In an era where government functions are increasingly privatized it is important to recognize the power that the state retains over private actors.

While state influence is not always readily apparent, it carries an enormous weight and those advocating for multifunctional landscapes should be aware of policy changes and their wider implications. The difficulty of effectively monitoring the actions of state or quasi-state bureaucracies is not necessarily one of secrecy. Government meetings are largely open to the public, and records are generally accessible. Instead the problem appears to be boredom, as described by Richard White. In *The Organic Machine*, White documented the planning process that led to the damming of the Columbia River.

Planning is an exercise of power, and in a modern state much real power is suffused with boredom. The agents of planning are usually boring; the planning

process is boring; the implementation of plans is always boring. In a democracy boredom works for bureaucracies and corporations as smell works for a skunk. It keeps danger away. Power does not have to be exercised behind the scenes. It can be open. The audience is asleep. The modern world is forged amidst our inattention.¹¹

The general public rarely engages with the planning process, especially at the regional, state, or federal level. Nevertheless changes in policy can have wide reaching impacts on the shape of our built and legal environment. The focus of public attention on the planning process—when there is any—is on local issues and often concern the outcomes of a completed plan instead of the process of plan creation itself.¹² This lack of broad public attention to planning issues gives undue influence to those few actors who do understand its importance and participate, but also to the bureaucrats who work behind the scenes shaping policy over the long term. A supportive political climate is not always itself sufficient. This was precisely the case in Cherokee County in 1998 when the county plan embracing TDRs was passed. Few took note until the first developments were planned. Then, it was too late to stop the swift and fiercely negative reaction of residents to the changes they saw coming to their neighborhoods. In addition to supportive policy, for smart growth planning to succeed in South Fulton County, a private and rather diverse coalition and a charismatic champion were indispensable.

Local planning partnerships

The particular case of the founding and growth of CHCA and the passage of the community plan in 2002 was by no means boring or ignored by the general public. Instead to be successful, the architects of the plan had to build unlikely coalitions and create overwhelming public support through outreach and positive press. The formation of this coalition is the second major lesson to be taken from this story. When it comes to smart growth, in some cases local actors outside of traditional government structure may prove to be the most effective way of

bringing innovative plans to fruition. Especially when it comes to implementation, planners cannot accomplish very much. During the 1990s even with strong institutional partners in the South Fulton Parkway Alliance, South Fulton planners set out to write an innovative plan only to see their plan swept away by public and political resistance. Planners need to partner with politicians and other allies. In some cases they may even need to publicly take a back seat for their plans to succeed. Their role is to “initiate and shepherd” the planning process in which interested stakeholders are sufficiently engaged.¹³

In fact by endowing a private organization like CHCA with funds and political support to publicly lead the planning effort, the county planners were much more effective than they had been previously. There are other examples of this kind of strategy in the literature, both successful and unsuccessful.¹⁴ For example, in a paper which examined the case studies of nine exurban communities Jackson-Smith and his coauthors found that without the formation of a formal organization communities are be unable to effectively influence change. According to Jackson-Smith communities need formalized organization in which to channel and expand their local political and social capital.¹⁵

Conversely, other authors contend that it is the political and social connections of individual members that gives strength to a community. Inclusivity and openness encourages community members to take action. Those who have the opportunity to share their input are more invested in the success of the community’s goals and more willing to invest their personal social capital in the community cause. In this case, a formalized organization could potentially prevent the maximization of community social capital by limiting access to the central members of the organization.¹⁶ This feeling of exclusion is evident in the case of CHCA. While the organization was successful at engaging residents in the beginning, as time went on residents

began to view CHCA as serving the interests of the large landowners rather than the whole population of the CHC. It appears in this case, CHCA was highly effective in influencing policy at a key moment but was less adept at filling the role of local advocacy over the long term.

Still, an organized group of local and institutional players is not enough to guarantee success in implementing smart growth principles. Examples abound of highly organized and even more cohesive groups who fail to effectively influence policy. Masauda and Garvin lay out the case of a plan called Alberta's Industrial Heartland near the City of Edmonton, Alberta. When faced with a similar situation where development, in this case mostly industrial, was moving in the direction of a rural, agricultural area residents formed strategic alliances to try to implement their will; however, the industrial plan had the support of local and regional governments and was ultimately passed in spite of well organized local activists.¹⁷ Cohesive local action is not a panacea.¹⁸ This is why it is important to acknowledge the importance of institutional support in this case. A private planning organization, no matter how cohesive, cannot be effective in a political vacuum.

Another advantage of a private organization undertaking planning like this is that private non-profits may be more eligible to qualify for a number of private and even government grants that a government agency would not be able to access. This can complicate management, but the diverse mix of funding sources, public, private, and member dues allowed CHCA to adapt to its changing role through targeting grants for specific projects as they were needed. This helped CHCA to engage effectively in building the will to reform the local plan, manage the planning process, and then move forward with certain aspects of implementation.

An increasingly significant benefit of moving the public face of smart growth planning and promotion to a more private sphere in the current political climate is the rise of the Tea Party

and the related growth of anti-government protesters who see elements of an international conspiracy in most any land use planning.¹⁹ Where government action is seen as inherently suspicious, a more localized process appeals to the American ideal of self-governance although the outcomes may in effect be quite similar. In the case of the Chattahoochee Hill Country especially between 2001 and 2002, the movement felt locally based and was experienced by many locals as an expression of local control against the domination of the widely mistrusted government of Fulton County.

Of course the shift to increasingly privatized planning is not without its dangers. Private players are less obligated to consider the public good when planning and instead tend to focus on what aspects of planning will most directly impact them individually. It can be argued that this kind of behavior was evident in the way CHCA planned. The villages were located on the property of the largest landowners and donors and the public money that was obtained for planning went to supporting developments on the largest landowners' property. Further, both the County and CHCA were very responsive to the will of the large landowners, even modifying the overlay that they helped to write when it conflicted with development plans. CHCA is not alone among private planning organizations to have an increased focus on its primary funders. Research on the Midtown Alliance showed that the planning focus and infrastructure development was centered on the district where many of the members of the Alliance's business were located to the detriment of the, non-due paying, residential areas in Midtown.²⁰

Another issue inherent in planning through ad hoc organizations and alliances is the lack of institutional memory. When various agencies or groups are created temporarily for a specific purpose or when much research and development is conducted by outside groups, the lack of continuity can make progress difficult over the long-term. For instance, many of the initial key

researchers and planners are no longer involved and have taken their expertise and experience in the area with them. In an interview with the current city planner of Chattahoochee Hills, he spoke of the need to develop a GIS database to prioritize parcels for preservation. Later, looking through archival materials that he would not have necessarily had access to, I found a copy of the Georgia GreenSpace Support System GIS database that had previously been produced for CHCA. This report, along with many others produced in the early 2000s remained only in the possession of a few private players and had essentially dropped out of public consciousness.

The fact that the GreenSpace Support System was never used may be the best example of the ways that private interests affected planning outcomes in the Chattahoochee Hill Country. The analysis of the most appropriate parcels for development show that the village sites indicated on the original plan are far from the most appropriate sites for development under the overlay. Their topography and ecological value would make them difficult to develop without disturbing more of the natural landscape than some other potential sites could offer. That said, it was access to this kind of power and influence that helped to bring the developers and large landowners on board with the planning process.

While the creation of private planning groups, be they temporary advocacy organizations like CHCA or longer term arrangements like CIDs can be very effective, they cannot bring about change by themselves. They should be seen as a planning tool which can be highly effective, but which needs the proper context to survive. Planners must also carefully consider the distribution of power in such alliances, as partners that can offer political influence will likely expect to wield it within the planning process as well.

Charismatic individuals

The two previous explanations of why CHCA and Fulton County were successful in implementing smart growth in South Fulton are tempting to accept. They offer rather straightforward objectives that can be applied in any area. Advocates of smart growth can advocate for policy changes on a regional or state level. Planners can focus their efforts on building diverse coalitions. What cannot be planned for is the arrival of certain individuals who through a combination of personal charisma, motivation, and political savvy are able to push through impressive changes in a short period of time.

This is not only the case in the Chattahoochee Hill Country. In the Willamette Valley, in Oregon Portland Mayor Neil Goldschmidt played the key role in instituting the urban growth boundary. There were temporarily favorable political winds and a supportive coalition, but it is hard to argue that the boundary would have happened without the Mayor's insistent leadership.²¹ Likewise, it is hard to see how smart growth planning could have been implemented in South Fulton without the influence of Stephan Nygren. This reality is sobering for those who wish to implement smart growth plans in the current political context. While regional policies must be supportive of smart growth, and the formation of a strong coalition seems to be highly effective, they may be insufficient without the right individual who is willing and able to make innovative policies happen.

This is not to say that there is nothing that less connected advocates of smart planning can do. Instead it shows the importance of engaging powerful actors in a meaningful way. Further on the institutional level, an increasing number of planning advocacy organizations are focusing their efforts on identifying key individuals and encouraging and empowering them to take action. Dan Reuter with the Atlanta Regional Commission drew parallels between Nygren's role in

Planning in South Fulton and the Low Income Investment Fund's "community quarterback" model.²²

The future

The future of smart growth legislation and development in the City of Chattahoochee Hills is still very much up for debate. The state political landscape has changed. Republicans in Georgia have become much less friendly to landscape preservation than they were even ten years ago. In the current senate race David Perdue, the cousin of former Governor Perdue, has attacked his opponent Michelle Nunn for her participation in the very conservation program that his cousin championed.²³ Further, the Tea Party fueled anti-planning "Agenda 21" movement has made it difficult for politicians to publically embrace smart growth. In fact in February of 2012, the Georgia Senate passed Senate Resolution 730 stating in part:

WHEREAS, the United Nations Agenda 21 is being covertly pushed into local communities throughout the United States of America through the International Council of Local Environmental Initiatives (ICLEI) through local "sustainable development" policies, such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects; and

WHEREAS, this plan of radical so-called "sustainable development" views the American way of life of private property ownership, single-family homes, private car ownership and individual travel choices, and privately owned farms all as destructive to the environment; and

WHEREAS, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded by society and the environment which would be accomplished by socialists and communist redistribution of wealth; and

WHEREAS, according to the United Nations Agenda 21 policy, national sovereignty is deemed a social injustice.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body recognize the destructive and insidious nature of the United Nations Agenda 21, endorse rejection of its radical policies and of any grant monies attached to it, and recommend exposing to the public and public policymakers the dangerous intent of the plan.

The impact of this resolution and the 23 others introduced across the country on growth patterns is not yet clear, but given the importance of politicians in agenda-setting, there is a potential for long term impacts.²⁴ While it may be too soon to judge fully the impact that this movement has had, it is already clear that jurisdictions with Republican majorities are much less likely to pass smart growth legislation and when they do, that legislation is often much less impactful.²⁵ Future development in Chattahoochee Hills especially considering its right-leaning population base may be at risk if a strong local coalition cannot be reactivated.²⁶

Another hurdle to future development in Chattahoochee Hills is the slowdown in the economy. Despite a general collapse in South Fulton housing prices, construction at Serenbe has continued with ground breaking on the third phase coming later this fall. Both Foxhall and Friendship Villages have been approved for construction, but the real estate collapse led both Minerva and Merrill to table plans for several years. Recently, as new construction has begun in the Atlanta region again, Merrill is currently heavily leveraged in the development of the Foxhall Resort and Sporting Club a 1100 acre community located just across the Chattahoochee river from the CHC in Douglas County.²⁷

Conclusion

It would not be difficult to write a version of this narrative condemning CHCA as an exclusionary and anti-democratic institution which wealthy landowners used their political and social capital to impose their taste on residents. Likewise it would be simple to hold up the organization as group of visionaries and focus on the ecological and economic achievements that their work has already accomplished. The truth however is somewhere in between. It is true that CHCA was able to effectively adopt smart growth code with the support of the vast majority of residents. It is also true that this plan represented the clear will of a few large landowners before

it was presented to the public. This is not to condemn CHCA in particular. There is ample evidence of similar undue influence by private businesses in public planning a well. However endowing a non-elected body with planning power does have the potential carry more risk. In applying the consensus building strategies of an organization like the Alliance, planners need to be aware of the risks and the benefits of those strategies.

It is possible to attempt to weigh the costs and benefits of various forms of development. The growing field evaluating ecosystem services continues to offer planners great tools that can be used to design great multifunctional landscapes. By translating land cover and land use into dollar values these trade-offs are increasingly easy to evaluate. The truly difficult issue here though is that of the politics surrounding the laws and policies that govern land change. There is almost a philosophical trade-off between the goals of protecting land and maintaining an open and democratic planning process. Planning at every level is a game of balancing competing interests among diverse parties along with biophysical realities. Negotiating any important planning decision involves on some level a conflict between the desires of private developers, government officials, and various interest groups. This case study and others like it offer experiences that, however anecdotal, offer transferable knowledge that can be useful to those who wish to advocate for similar smart growth policies. Further, this study contributes to the larger discussion of the drivers and processes of land change.

ENDNOTES

Chapter 1: Introduction and Methodology

¹ Although describing any particular city as the most sprawling is necessarily in some way subjective, this is a common assertion among those who attempt to measure sprawl. For one such paper which lists Atlanta as North America's most sprawling city see: Reid Ewing et al. "Measuring Sprawl: 2014." (Washington, DC, Smart Growth America, 2014).

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⁴ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.

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⁷ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.

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¹⁰ D. L. Bennett, "New Zoning Rules are Nature Friendly." *Atlanta Journal Constitution*.

October 10, 2001. and "Editorial: Growth Land-Use Plans Must Be Enforced," *Atlanta Journal Constitution*. Nov. 12, 1998.

¹¹ Christian Madera. "Georgia Hill County A Case Study For Stopping Sprawl." *Planetizen*. July 31, 2007. <http://www.planetizen.com/node/26039> (accessed August 26, 2014). The plan also won many awards for its design and process including: Georgia Chapter, American Society of Landscape Architects - Honor Award, Atlanta Regional Commission Development of Excellence – Exceptional Merit Award for Visionary Cooperative Planning Process, 2003 Georgia Planning Association Award for Outstanding Plan Implementation, Bill Edwards received the Georgia Planning Association Public Official of the Year award for his support of the Plan.

¹² Fulton County Commission Full Meeting Minutes July 7, 1999.

¹³ While a recent opinion poll of practicing planners on this topic does not exist, the American Planning Association, the professional organization of planners, has officially supported smart growth since 2002. See, American Planning Association. *Policy guide on smart growth*. The Association, 2002, revised 2012. Available at:

<https://www.planning.org/policy/guides/adopted/smartgrowth.htm> (accessed September 10, 2014).

¹⁴ While the majority of this story takes place before the rise of the Tea Party and the related anti-Agenda 21 movement, this has become a serious roadblock for land use planners since 2008. For more on this issue see: Leslie Kaufman and Kate Zernike. "Activists fight green projects,

seeing UN plot." *The New York Times*. February 3, 2012. and Karen Trapenberg Frick. "The Actions of Discontent: Tea Party and Property Rights Activists Pushing Back Against Regional Planning." *Journal of the American Planning Association* 79.3 (2013): 190-200.

¹⁵ Anthony Downs. "Smart growth: why we discuss it more than we do it." *Journal of the American Planning Association* 71.4 (2005): 367-378; Kurt Paulsen. "The effects of growth management on the spatial extent of urban development, revisited." *Land Economics* 89.2 (2013): 193-210.

¹⁶ Carlton Wade Basmajian. *Atlanta Unbound: Enabling Sprawl Through Policy and Planning*. Temple University Press, 2013.

¹⁷ Yonn Dierwechter. *Urban Growth Management and Its Discontents*. Palgrave Macmillan, 2008.

¹⁸ Jeffrey R. Masuda and Theresa Garvin. "Whose Heartland?: The politics of place in a rural-urban interface." *Journal of Rural Studies* 24.1 (2008): 112-123.

¹⁹ For those not familiar with the field of planning it may be important to define the terms comprehensive plan and zoning ordinance. While they are ideally closely related, the plan and zoning code are separate documents and their legal relationship varies slightly from state to state. A plan is a policy document setting forth priorities for land use, but which also may include forecasts, goals and strategies. The plan generally includes a map of desired future land use which guides the rezoning process. A zoning ordinance is a body of law that regulates, at the very least, the permitted uses for a particular parcel based on its inclusion in a zoning district. An accompanying zoning map shows the current legal zoning status of each parcel. As will be important in this case, sometimes a single parcel can be in more than one zoning district if it is effected by an overaly zone. An overlay zone is generally a zoning district, which has been created for a specific purpose or a specific area that adds special provisions to the underlying zone. This is only a very brief overview of what can be a complicated subject, for more see Julian Conrad Juergensmeyer and Thomas E. Roberts. *Land use planning and development regulation law*. St. Paul, MN: Thomson/West, 2003: 1-116. and Daniel R. Mandelker. "The role of the local comprehensive plan in land use regulation." *Michigan Law Review* (1976): 899-973.

²⁰ Owen J. Furuseh and Mark B. Lapping. *Contested countryside: the rural urban fringe in North America*. (Ashgate Publishing Ltd., 1999).

²¹ Anna M. Hersperger, Maria-Pia Gennaio, Peter H. Verburg, and Matthias Bürgi. "Linking land change with driving forces and actors: four conceptual models." *Ecology and Society* 15.4 (2010), 1.

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²⁶ *Ibid.*, 6-7.

²⁷ Michael P Brooks. *Planning theory for practitioners*. American Planning Association, 2002. 186-7.

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³⁵ While cultural critiques of sprawling development are common, Kunster and Duaney make for a good representation. James Howard Kunstler. *Geography Of Nowhere: The Rise And Decline of America's Man-Made Landscape*. Simon and Schuster, 1994. Andres Duany, Elizabeth Plater-Zyberk, and Jeff Speck. *Suburban nation: The rise of sprawl and the decline of the American dream*. Macmillan, 2001.

³⁶ Federal Aid Highway Act of 1956, 16 U.S.C. ch. 2, subch. I § 503.

³⁷ Kenneth T. Jackson. *Crabgrass frontier: The suburbanization of the United States*. Oxford University Press, 1985. ; Fishman, Robert. *Bourgeois utopias: The rise and fall of suburbia*. Basic Books, 1987.

³⁸ Basmajian *Atlanta Unbound*.

³⁹ Reid Ewing. "Characteristics, causes, and effects of sprawl: A literature review." In *Urban Ecology*, pp. 519-535. Springer US, 2008. The inspiration for one of the most important works on the influence of the build environment on health came while the epidemiologist, Dr. Richard Jackson, was stuck in traffic on Atlanta's Buford Highway. Howard Frumkin, Lawrence Frank, and Richard J. Jackson. *Urban sprawl and public health: Designing, planning, and building for healthy communities*. Island Press, 2004.; See also Reid Ewing, Tom Schmid, Richard Killingsworth, Amy Zlot, and Stephen Raudenbush. "Relationship between urban sprawl and physical activity, obesity, and morbidity." *American journal of health promotion* 18.1 (2003): 47-57. For those who see robust regional food systems as important for the future, the loss of prime farmland near major population centers is particularly alarming. For a discussion on the importance of peri-urban agriculture see: Hinrichs, C. Clare, and Thomas A. Lyson, eds. *Remaking the North American food system: Strategies for sustainability*. U of Nebraska Press, 2007. The vast majority of fruit and vegetable sales take place within urban areas, and a substantial amount of the land where these crops are produced are located where urban growth is most pronounced. Further, between 2002 and 2007 more than 4,080,300 acres (an area larger than Connecticut) of farmland were developed in the United States alone. John K. Thomas and Frank M. Howell. "Metropolitan Proximity and US Agricultural Productivity, 1978-1997." *Rural Sociology* 68.3 (2003): 366-386.

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302.; Carl Abbott. *Portland: Planning, politics, and growth in a twentieth-century city*. University of Nebraska Press, 1983.

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⁴⁹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

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⁵¹ Brooks. *Planning theory*, 186-7.

⁵² See especially Alan A. Altshuler. *The city planning process: A political analysis*. Ithaca, NY: Cornell University Press, 1965. also Robert Alan Dahl. *Who governs?: Democracy and power in an American city*. Yale University Press, [1961] 2005. And Francine F. Rabinovitz. *City politics and planning*. Transaction Publishers, 1969.

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⁶¹ Altshuler *The city planning process*, 311-4

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Chapter 2: Early History

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- ⁸² Sandra Eckstein, "Modifying 'unrealistic' land plan." *The Atlanta Journal and Constitution*. April 1, 1999, 1JK.
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- ⁸⁴ Sandra Eckstein. "Developers drop 'village' plan opposed by neighbors." *The Atlanta Journal and Constitution*. June 10, 1999. JK-3
- ⁸⁵ Michelle Macauley. Interview by author. Digital recording. Interview conducted by telephone, September 15, 2014.
- ⁸⁶ Sandra Eckstein. "Commissioners deny request for annexation" *The Atlanta Journal and Constitution*. February 1, 2001. JK-1
- ⁸⁷ William Creel. Interview by author. Digital recording. Chattahoochee Hills, June 14, 2014.
- ⁸⁸ Abby Jordan Fax to Beth McMillan and Michelle Hartman. (August 06, 1999). Collection of Fulton County.

Chapter 3: The Chattahoochee Hill Country Alliance

- ¹ Steve Cover. Interview by author. Digital recording. Interview by telephone, October 28, 2014.
- ² Stephan Nygren, *Untitled Memoir Manuscript* (unpublished draft dated February 25, 2014), 3.
- ³ Anya Martin. "Pleasant Peasant Launched Career for Nygren" *Atlanta Business Chronicle*. Nov. 12, 2007. <http://www.bizjournals.com/atlanta/stories/2007/11/12/focus4.html>. Accessed August 14, 2014.
- ⁴ Nygren, *Untitled memoir*, 19.
- ⁵ David Phillip Fowler. "Midtown Atlanta: Privatized Planning in an Urban Neighborhood." MCRP Thesis., University Libraries, Virginia Polytechnic Institute and State University, 2001. See also: Rutheiser *Imagineering Atlanta* 184-188.
- ⁶ Melissa Turner. "Midtown rose from the gutter to become a cultural mecca." *The Atlanta Journal-Constitution*. August 11, 1997. E-5
- ⁷ For these figures see: Erica Stephens. "CID Businesses Self-Tax to Fund Improvements." *Atlanta Business Chronicle*. September 7, 2001. C-3 and Krista Reese. "Dollars-and-Sense Solutions." *Georgia Trend*. 17.3 November 2001, 55–59.

⁸ City or county representatives do sit on the boards of CIDs, but they generally have very little knowledge of the day-to-day operations of CIDs Göktug Morçöl and Ulf Zimmermann.

"Community improvement districts in Metropolitan Atlanta." *International Journal of Public Administration* 29.1-3 (2006): 77-105, 92.

⁹ Although CIDs are not technically legally empowered to undertake comprehensive planning, they do in practice and they are encouraged in this by city and county governments. Dan Reuter. Interview by author. Digital recording. Atlanta, March 17, 2014.

¹⁰ Ellen Dunham-Jones. "Smart growth in Atlanta: A response to Krieger and Kiefer." *Harvard Design Magazine*. no 19. (Fall 2003/Winter 2004): 61-66, 62

¹¹ Midtown Alliance. "Midtown Blue ® Fact Sheet: Midtown's 24-hour Public Safety Force," 2000, archived April 16, 2002 by the *Internet Archive*, https://web.archive.org/web/20020416151724/http://www.midtownalliance.org/safe+clean/fact_sheet.htm

¹² Susan K. Curtis. "Restaurant chain founder to open B&B in Palmetto." *Atlanta Business Chronicle* 14 Oct. 1994: A-8

¹³ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

¹⁴ Nearly everyone I met there, in interviews or otherwise, told me a version, and the story has appeared in dozens of local and national publications including: *Atlanta Journal Constitution*, Chris Schroder, "Steve Nygren's Moment ignited an old love and a place called Serenbe." *SaportaReport*, February 13, 2012, accessed <http://saportareport.com/blog/2012/02/steve-nygrens-moment-ignited-an-old-love-and-a-place-called-serenbe/#sthash.OHe9N6cZ.dpuf> *SaportaReport*, *The New York Times*.

¹⁵ Nygren *Untitled memoir*. 40

¹⁶ *Ibid.*, 69

¹⁷ The only development resembling a traditional subdivision west of the Cascade Palmetto Highway, Crossroads, was rather small and had been built in the 1980s by Jay Bear, a local landowner and logger who would later be an important part of CHCA. Fulton County Board of Assessors.

¹⁸ Janita Poe, "Southwest side untapped as an upscale market." *The Atlanta Journal and Constitution*. August 12, 1999. JD-1

¹⁹ Fulton County Zoning Resolution Chapter 5 Section 1.1 and 1.3

²⁰ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

²¹ Filing with the State of Georgia Secretary of State office. File number 0002222 as a Domestic LLC for profit. Collection of Stephan Nygren.

²² Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

²³ Ray C. Anderson, *Confessions of a radical industrialist*. McClelland & Stewart, 2009. 10.

²⁴ Livable Communities Initiative. "Building livable communities: sustaining prosperity, improving quality of life, building a sense of community." 2000.

²⁵ *Ibid.*, 7

²⁶ *Ibid.*, 8

²⁷ Nygren *Untitled memoir*. 47

²⁸ *Ibid.*, 52

²⁹ Annie R. Pearce "Serenbe Sustainable Development Project Charrette" September 11, 2000. Collection of Stephan Nygren.

³⁰ While there was some limited discussion of how to link this development with others or the influence that Serenbe might have on the wider pattern of development in South Fulton County (see for example Pearce “Project Charrette,” 36 and 37), the vast majority of the discussion focused on how to develop the 1,000 acres held by Serenbe Properties.

³¹ *Ibid.*, 10

³² Nygren *Untitled memoir*. 63

³³ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

³⁴ *Ibid.*

³⁵ Harold Bubil. “New Urbanism takes root in the red Georgia clay.” *Herald-Tribune* Tuesday September 10, 2013. <http://realestate.heraldtribune.com/2013/09/10/new-urbanism-takes-root-in-the-red-georgia-clay/> Accessed September 16, 2010

³⁶ Nygren. *Untitled Memoir*, 67.

³⁷ *Ibid.*, 68. I was unable to speak with either Meika or Carl Bouckaert for this paper, but Tom Williams, their property manager at the time, confirms this dynamic.

³⁸ Nygren. *Untitled Memoir*, 68

³⁹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

This is not a bad observation. The treatment of ecological protections in planning is very different in Europe than it is in the United States. For example in Europe, landscape ecology as a field arose from planning and remains tightly bound to the field whereas in the United States it arose out of general ecology and remains quite distinct from land use planning as a discipline.

⁴⁰ David H. Newman, Tommy A. Brooks, and Coleman W. Dangerfield Jr. “Conservation use valuation and land protection in Georgia.” *Forest Policy and Economics* 1 no. 3 (2000): 257-266.; Jie Pan. “Evaluation of ten-year implementation of the conservation use valuation assessment program in Georgia.” PhD diss., University of Georgia, 2005.

⁴¹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

⁴² Nygren *Untitled memoir*. 68

⁴³ *Ibid.*, 68, 69.

⁴⁴ *Ibid.*, 69

⁴⁵ *Ibid.*, 69,70

⁴⁶ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

⁴⁷ Nygren *Untitled memoir*. 71, 72; Sandra Storrar. Interview by author. Digital recording.

Interview conducted by telephone, September 17, 2014.

⁴⁸ South Fulton Partnership Meeting Agenda November 15, 2000. Collection of Steve Nygren.

⁴⁹ This may seem like strong language, but it represents the perceptions of the Fulton County planners as well as interviews with residents. Fulton County wanted to make sure that it did not seem as if the plan was coming from them in any way. “We were hated down there.” Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.; Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014.

⁵⁰ “Meeting Minutes October 18, 2000.” Collection of Steve Nygren.

⁵¹ Jerry Weitz. “From quiet revolution to smart growth: State growth management programs, 1960 to 1999.” *Journal of Planning Literature* 14, no. 2 (1999): 266-337.

⁵² James E. Kundell, Richard W. Campbell, Joseph M. Heikoff, Lawrence R. Hepburn, and Robert Klant. “Land-use policy and the protection of Georgia's environment.” *Carl Vinson Institute of Government, University of Georgia, Athens*. 1989. 160; Weitz “From quiet revolution...,” 269.

⁵³ Basmajian *Atlanta Unbound*, 148.

⁵⁴ Georgia Department of Community Affairs. "Georgia's communities: Planning, growing, achieving." Atlanta: Office of Coordinated Planning, Georgia Department of Community Affairs, 1996.

⁵⁵ Arthur C Nelson. "Growth management and the savings and loan bailout." *The Urban Lawyer* 27, no. 1 (1995): 71-85. 77

⁵⁶ Basmajian *Atlanta Unbound*, 150.

⁵⁷ *Ibid.*, 153

⁵⁸ For an in-depth description of these events see Carlton Basmajian, "Atlanta's Transportation Crisis and the Battle of the Northern Arc." in *Atlanta Unbound*, auth. Carlton Wade Basmajian, 137-172. Temple University Press, 2013.

⁵⁹ While the spelling and capitalization of GreenSpace varies even in official documents: GreenSpace, GreenSpace, or Green Space, I will use the GreenSpace consistently to refer to Barnes's program.

⁶⁰ Associated Press. "Barnes to push green space" *OnlineAthens Athens Banner-Herald*. January 08, 2000. http://onlineathens.com/stories/010800/new_0108000016.shtml

⁶¹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014. South Fulton Partnership for Regional Livability discussed possible coordination with the GreenSpace program at all of their early meetings. Also of note, in the 1980s Barnes had been the state senate sponsor for the constitutional amendment that enabled the creation of CIDs in Georgia. Morçöl and Zimmerman "Community Improvement Districts," 86.

⁶² The partnerships were originally formed in 1998 as the outcome of discussions between philanthropic organizations and members of the executive branch. Livable Communities Initiative. "Building livable communities," 58 and 59.

⁶³ *Ibid.*, 59

⁶⁴ *Ibid.*, 59

⁶⁵ *Ibid.*, 60; Additionally Ray Anderson would have been aware of Partnerships for Regional Livability as they were included as one of the recommendations from the Livable Communities Initiative report.

⁶⁶ This name was likely decided upon during the meeting itself. The agenda for the meeting calls it the "South Fulton Model Livability Project," but the minutes prepared after the meeting list the group as the "South Fulton Partnership for Regional Livability" adopting the same language as the Livable Community Initiative.

⁶⁷ The ten participants included, Nygren, Tom Williams (Carl Bouckaert's property manager), three planners from Fulton County, Commissioner Bill Edwards, a representative of Minerva, and Jay Bear, a local property owner.

⁶⁸ South Fulton Model Livability Project Meeting Agenda September 25th 2000. Collection of Steve Nygren. "The Nature Conservancy and Fulton Landowners: September 25th, 2000." (Alysia Cook likely author, likely written in early October 2000) Collection of Steve Nygren

⁶⁹ *Ibid.*, 3

⁷⁰ *Ibid.*, 3

⁷¹ The Nature Conservancy "About Us," accessed September 18, 2014. <http://www.nature.org/about-us/vision-mission/index.htm>

⁷² "Nature Conservancy and Fulton Landowners," (September 25, 2000), Collection of Stephan Nygren., 2 and 3.

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- ⁷³ “South Fulton Guidelines” a document created as part of a summary of the September 25th meeting. (Alysia Cook likely author, likely written in early October 2000) Collection of Steve Nygren
- ⁷⁴ Innes, Judith E. "Planning through consensus building: A new view of the comprehensive planning ideal." *Journal of the American Planning Association* 62, no. 4 (1996): 460-472.
- ⁷⁵ Dierwechter. *Smart growth*, 212
- ⁷⁶ “Draft Agenda South Fulton Model Livability Project Meeting, September 25, 2000” Likely written by Stacy Patton, Likely written in September 2000.
- ⁷⁷ “The Nature Conservancy and Fulton Landowners: September 25th, 2000.” Collection of Stephan Nygren
- ⁷⁸ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.; October 8, 2000 Landowner Discussion Minutes Collection of Steve Nygren
- ⁷⁹ “Agenda South Fulton Partnership For Regional Livability Meeting, Wednesday November 15, 2000.” Collection of Steve Nygren
- ⁸⁰ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ⁸¹ Partnership for Regional Livability Feedback: November 15, 2000 Meeting.
- ⁸² Ibid.
- ⁸³ “Agenda - Partnership for Regional Livability December 12, 2000.” Collection of Stephan Nygren.
- ⁸⁴ Phillip J. Tabb. “The solar village archetype: a study of English village form applicable to energy-integrated planning principles for satellite settlement in temperate climates.” PhD diss., The Architectural Association Graduate School of Architecture, 1990.
- ⁸⁵ Mark Clapson. *Invincible green suburbs, brave new towns: social change and urban dispersal in postwar England*. Manchester University Press, 1998.
- ⁸⁶ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ⁸⁷ Phil Tabb. “Unity At The Edge: Constellating Sustainable Urbanism” *Archi-Forum*. <http://americas.iweb.bsu.edu/tabb.html> Accessed September 18, 2014
- ⁸⁸ Serenbe Business Plan. Collection of Stephan Nygren.
- ⁸⁹ *Fulton County Code of Ordinances Article 5 J.5.3*
- ⁹⁰ Fulton County GIS data retrieved September 19, 2014.
- ⁹¹ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.
- ⁹² Letter from Stacy Patton to Steve Nygren. Collection of Stephan Nygren.
- ⁹³ Agenda South Fulton Partnership For Regional Livability Meeting Wednesday, February 14, 2001. Collection of Stephan Nygren; Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ⁹⁴ Hatcher Hurd. “Grand jury probes Skandalakis dealings Former commission chairman faces federal scrutiny.” *North Fulton*. June 22, 2000.
- ⁹⁵ The use of the name Chattahoochee Hill Country or the City of Chattahoochee Hills for the area is a sensitive topic for some residents. Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014. “We wanted to be called Green Eyes.”
- ⁹⁶ Kerry Blind. Letter to Stephan Nygren, February 27, 2002. Collection of Stephan Nygren.
- ⁹⁷ Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.; Contract Chattahoochee Hill Country and Sandra Storrar April 9, 2001. Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ⁹⁸ (2014)

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- ⁹⁹ Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ¹⁰⁰ CHCA "Chattahoochee Hill Country History" Collection of Stephan Nygren.
- ¹⁰¹ April 20 Charrette Invitation List Collection of Steve Nygren; Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ¹⁰² April 20 Charrette Invitation List Collection of Steve Nygren
- ¹⁰³ Nygren *Untitled memoir*
- ¹⁰⁴ Steve Cover. Interview by author. Digital recording. Interview by telephone, October 28, 2014.
- ¹⁰⁵ Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.; Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.; Steve Cover. Interview by author. Digital recording. Interview by telephone, October 28, 2014.
- ¹⁰⁶ 501(c)(6) corporations are generally business leagues; Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ¹⁰⁷ CHCA. "Board of Directors Meeting Agenda, January 24, 2002" Collection of Stephan Nygren
- ¹⁰⁸ CHCA By-laws. In a CID there are not technically dues, but instead a locally assessed tax up to 0.5% of assessed commercial property value annually. Morçöl and Zimmerman "Community Improvement Districts," 88
- ¹⁰⁹ CHCA. "Activities of the Chattahoochee Hill Country Alliance: 2001-2002," archived August 22, 2007 by the *Internet Archive*, <http://web.archive.org/web/20070822132743/http://www.chatthillcountry.org/meetings/activities.htm> Accessed September 15, 2014.
- ¹¹⁰ Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ¹¹¹ CHCA. "Board of Directors Meeting Agenda, August 23, 2001" Collection of Stephan Nygren
- ¹¹² CHCA "Chattahoochee Hill Country History" Collection of Stephan Nygren.; Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.; Kenyon Langle. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014.
- ¹¹³ CHCA "Chattahoochee Hill Country History" Collection of Stephan Nygren.
- ¹¹⁴ CHCA. "Board of Directors Meeting Agenda, September 25, 2001" Collection of Stephan Nygren
- ¹¹⁵ Joseph Johnson. "County Manager Action Form to Thomas C. Andrews, County Manager." (September 13, 2001). Collection of Stephan Nygren.
- ¹¹⁶ Fulton County Board of Commissioners Meeting Minutes, October 3, 2001.
- ¹¹⁷ Fulton County Board of Commissioners Meeting Minutes, September 25, 2001.
- ¹¹⁸ Novak, William J. "The myth of the "weak" American state." *The American historical review* 113, no. 3 (2008): 752-772.
- ¹¹⁹ Ecos Environmental Design Inc. "Our Services." archived February 13 2007 by the *Internet Archive*, <http://web.archive.org/web/20020213144737/http://www.ecosedi.com/services.htm>
- ¹²⁰ "Ecos Pamphlet," 5. Collection of Stephan Nygren.

¹²¹ Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.; Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, October 1, 2014.

¹²² Email from Kerry Blind to Steve Nygren, December 28, 2001. Collection of Stephan Nygren; CHCA. "Board of Directors Meeting Agenda, December 6, 2001" Collection of Stephan Nygren

¹²³ ECOS Environmental Services Inc., "Planning Definitions" Draft ECOS Document January 2002. Collection of Stephan Nygren.

¹²⁴ "Chattahoochee Hill Country: We know what we don't want to be, together we can discover what we can be." Collection of Stephan Nygren.

¹²⁵ Ecos Environmental Design, Inc. "Chattahoochee Hill Country: Progress Summary," March 12, 2002, archived August 23 2003 by the *Internet Archive*, http://web.archive.org/web/20030823070750/http://www.chatthillcountry.org/meetings/progress_summary.htm

¹²⁶ CHCA. "Chattahoochee Hill Country: We know what we don't want to be, together we can discover what we can be." archived August 23 2003 by the *Internet Archive*, <http://web.archive.org/web/20030823071605/http://www.chatthillcountry.org/meetings/agenda2.htm>; Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.; Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.

¹²⁷ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

¹²⁸ "Land Preservation Meeting is Next Week." *The Citizen*. March 29, 2002 <http://www.thecitizen.com/archive/main/archive-020329/south%20fulton/sf-07.html>

¹²⁹ Referred to in the zoning code as CUP-CHC

¹³⁰ *Chattahoochee Hill Country Community Agenda*, 7-10 Collection of Alan Merrill.

¹³¹ One story of note that Nygren related during our interview was that he was accused of being a communist during the final plan presentation meeting, by three members of the audience he had never seen before. After the meeting was over he spoke with the three who turned out to be a married couple and their lawyer who had spread themselves out among the crowd. They were upset he claims that the village boundaries were next to, but did not include his property. Nygren tells that they redrew the boundaries of the village to include his property and solved the issue.

¹³² Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014.

¹³³ Meeting Agenda CHCA Fulton County April 29, 2002.

¹³⁴ "Editorial: Fulton's Preservation Vision could be a national model." *Atlanta Journal-Constitution*. April 24, 2002. A-11

¹³⁵ CHCA. "Chattahoochee Hill Country Project: Fulton County Public Meeting #1." archived August 23 2003 by the *Internet Archive*, <http://web.archive.org/web/20030823070513/http://www.chatthillcountry.org/meetings/agenda4.htm>

¹³⁶ CHCA. "Chattahoochee Hill Country Project: Fulton County Public Meeting #1." archived August 23 2003 by the *Internet Archive*, http://web.archive.org/web/20030815201917/http://www.chatthillcountry.org/news/meeting_archives.htm

¹³⁷ Janet Frankenson. "A master plan to preserve land - South Fulton group seeks growth limits" *Atlanta Journal-Constitution*. June 17, 2002. E-1

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- ¹³⁸ Fulton County Board of Commissioners Meeting Minutes August 7, 2002
- ¹³⁹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ¹⁴⁰ “Diane Owen First week schedule” (June 6, 2002); “Offer made to Lindsay Mosby” (September 23, 2002). Collection of Steve Nygren.
- ¹⁴¹ “Chattahoochee Hill Country History” Collection of Stephan Nygren.
- ¹⁴² Ibid.
- ¹⁴³ *ChattLines* 1-1 (September 13, 2002), 1
- ¹⁴⁴ Fulton County Board of Commissioners Meeting Minutes October 2, 2002.
- ¹⁴⁵ Ty Tagami. “Fulton Approves 3 Urban Villages: Plan allows growth, saves green space.” *Atlanta Journal-Constitution*. Oct 3, 2002.
- ¹⁴⁶ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ¹⁴⁷ Tagami. “Fulton Approves 3 Urban Villages.”
- ¹⁴⁸ October 8, 2002 AJC “Fulton land plan may start trend” Chattahoochee Hill Country is the first recipient of the Atlanta Regional Commission Livable Centers Initiative “Greenfields” Award. Chris Steins, “Grassroots Approach to Master Planning.” *Planetizen* June 18, 2002. <http://www.planetizen.com/node/7286> (accessed April 16, 2014). Esseks, D., Oberholtzer, L., Clancy, K., Lapping, M., and Zurbrugg, A. Sustaining agriculture in urbanizing counties: Insights from 15 coordinated case studies. Lincoln, NE: Center for Great Plains Studies, University of Nebraska, Lincoln. and Jennifer Dempsey. “2007 National Resources Inventory Technical Memo”

Chapter 4: Implementing the plan

- ¹ This is important to note. While the Chattahoochee Hill Country overlay district allowed for density bonuses in exchange for land conservation, it did little to actively restrict typical residential development. This compromise allowed CHCA to honestly say that landowners were not losing any rights they held previously apart from respecting increased buffers around streams and scenic roadways.
- ² Janet Frankston. “4 counties may align on open space plan - Common interests: Nonprofit group's goal is to steer development to three small "villages" and set aside more land in nature preserves.” *Atlanta Journal-Constitution*. December 9, 2002. C-7; Sandra Storrar. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ³ Charles McTier letter to Stephan Nygren. Collection of Stephan Nygren.
- ⁴ “Chattahoochee Hill Country Alliance Annual Report 2003.” Collection of Stephan Nygren.
- ⁵ See for example: Editorial “Athens-Clarke takes anti-sprawl stand.” *Atlanta Journal and Constitution*. (December 15, 2000). A local TDR program has existed within Atlanta since 1988 but has rarely been used. Douglas Jacobson and Jamie Baker Roskie, “Transferable Development Rights (TDRs).” *Georgia County Government*. (May/June 2007): 66-74, 69.
- ⁶ Douglas “Transferable Development Rights (TDRs),” 69.; “The Chattahoochee Hill Country 2003 Annual Report.” Collection of Stephan Nygren.
- ⁷ Charles Yoo. “Fulton studies proposed ordinance on land use.” *Atlanta Journal-Constitution*. (March 10, 2003), E3.
- ⁸ Tina Axelrod memo to Stacy Patton & Diane Owen, 3.
- ⁹ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ¹⁰ “CHCC name change request form.” Collection of Alan Merrill.

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- ¹¹ Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, September 17, 2014.
- ¹² Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ¹³ Basmajian *Atlanta Unbound*, 183
- ¹⁴ Charles Yoo, "Trouble Brews in Paradise." For more on Bouckaert's political involvement see: Kevin Sack. "Testing of a President; Campaign Finance Case Costs A Carpet Company \$1 Million" *The New York Times*. December 2, 1998.; Tom Williams. Interview with author. Digital recording. Sandy Springs. March 21, 2014.
- ¹⁵ Stacy Shelton. "Son of the Soil – Rural Roots gave conservation panel leader a love of nature." *Atlanta Journal-Constitution*. March 8, 2004. E-3
- ¹⁶ Stacy Shelton. "Panel set to decide green plan." *Atlanta Journal-Constitution*. January 29, 2004. B-3
- ¹⁷ *ChattLines*. Volume 2, Issue 3. August 22, 2003, 2. Collection of Stephan Nygren.
- ¹⁸ Tony Giarrusso. "GreenSpace Support System." Center for Geographic Information Systems, Georgia Institute of Technology. (Winter 2003-2004). Collection of Stephan Nygren.
- ¹⁹ Janet Frankston. "4 counties may align on open space plan - Common interests: Nonprofit group's goal is to steer development to three small "villages" and set aside more land in nature preserves." *Atlanta Journal-Constitution*. December 9, 2002. C7.; Bill Banks "Third county adopts trail plan." *Atlanta Journal-Constitution*. December 11, 2003. JD-1
- ²⁰ Atlanta Regional Commission. *Wayfinding Plan: City of Chattahoochee Hills*. (February 22, 2013), 11.
- ²¹ *ChattLines* 2-4. November 28, 2003. Collection of Stephan Nygren.
- ²² Shannon Kettering, Personal Communication.
- ²³ For perspective, the plan developed by ECOS mentions rural character as a direct goal of the planning effort at least 25 times.
- ²⁴ *ChattLines* 2-3. August 22, 2003. Collection of Stephan Nygren.
- ²⁵ "Chattahoochee Hill Country Accomplishments" Collection of Stephan Nygren
- ²⁶ *ChattLines* 2-3. August 22, 2003. Collection of Stephan Nygren.
- ²⁷ *ChattLines* 2-4. November 28, 2003. Collection of Stephan Nygren.
- ²⁸ "Georgia Community GreenSpace Program Property Acquisition and Expended Funds for Chattahoochee Hill Country Park." (September 28, 2004) Collection of Stephan Nygren.
- ²⁹ *ChattLines* 2-3. August 22, 2003. Collection of Stephan Nygren.
- ³⁰ Charles Yoo, "Trouble Brews in Paradise – Smart Growth in S. Fulton Leaves Some Feeling Left Out" *Atlanta Journal-Constitution*. (October 13, 2003), F1.
- ³¹ Fulton County Board of Commissioners, Meeting Minutes. (May 7, 2003). 202-214.
- ³² Yoo. "Trouble Brews."
- ³³ See for example: Charles Yoo. "Sprawl prevention - Fulton live-work plan gets commission OK" *Atlanta Journal-Constitution*. August 15, 2002. JD1.
- ³⁴ Yoo. "Trouble Brews."
- ³⁵ It is difficult to establish with any certainty from records at the time how widespread suspicion of the project was, but there is little evidence of opposition at any meetings from the time period. The best evidence that exists was a poll taken 4 years later of residents in which about 15% showed some opposition to the plan. *Community Plan for Chattahoochee Hills*.
- ³⁶ Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014.

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- ³⁷ “Letters to Horizon.” *Atlanta Journal-Constitution*. October 20, 2003. F5.
- ³⁸ Kevin Duffy. “Future residents buy into S. Fulton 'hamlet' project” *Atlanta Journal-Constitution*, Oct. 27, 2003, F-2
- ³⁹ Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills, March 18, 2014.
- ⁴⁰ Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, October 1, 2014.
- ⁴¹ “Chattahoochee Hill Country Grants Update” *ChattLines* Volume 2, Issue 2 Page 3
- ⁴² Micheal Dobbins. “Focusing Growth amid Sprawl: Atlanta's Livable Centers Initiative” *Places*. Volume 17 Issue 2. 2005
- ⁴³ *ChattLines* 2-3. August 22, 2003. Collection of Stephan Nygren.
- ⁴⁴ Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, October 1, 2014.; Examining sale histories of the parcels covered by the village zoning in the Fulton County GIS maps confirm this.
- ⁴⁵ Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, October 1, 2014.; A very detailed account of the planning process including all of the public meetings is available in the final Livable Communities Initiative report.
- ⁴⁶ “Livable Communities Initiative Report.” Collection of Fulton County, 6.
- ⁴⁷ *Fulton County Code of Ordinances Article 12 J.5.4*
- ⁴⁸ “Livable Communities Initiative Report,” 26, 27
- ⁴⁹ *Fulton County Code of Ordinances Article 12 J.4*
- ⁵⁰ “Chattahoochee Hill Country History” Collection of Stephan Nygren.
- ⁵¹ “Fulton County Board of Commission Meeting Minutes,” (September 7, 2005), 74,75.
- ⁵² Charles Yoo. “South Fulton not sold on transferring land rights” *Atlanta Journal-Constitution*. (March 31, 2003), C1.
- ⁵³ Editorial “Fulton’s Village Plan Promising.” *Atlanta Journal-Constitution*. (April 2, 2003), A14.; Charles Yoo “Fulton OKs sale of development rights.” *Atlanta Journal-Constitution*. (April 3, 2003), D1.
- ⁵⁴ “Fulton County Board of Commissioners Meeting Minutes,” (April 3, 2003), 295-301.
- ⁵⁵ *Official Code of Georgia § 36-66A*
- ⁵⁶ “Chattahoochee Hill Country History” Collection of Stephan Nygren.
- ⁵⁷ Records of sale of Development Rights; Collection of Alan Merrill
- ⁵⁸ Mike Morton, the Current Planner of the City of Chattahoochee Hills asked me not to discuss the pricing of TDRs in any detail while the city finalizes a formal pricing scheme. Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.
- ⁵⁹ CHCC holds this database which although it may be currently out of date
- ⁶⁰ *CHCA Annual Report 2005*. Collection of Stephan Nygren
- ⁶¹ There is a racial element to be sure, but that cannot fully explain why a 70% white community voted 95% for incorporation.
- ⁶² “Eva C. Galambos Files on the City of Sandy Springs.” Hargrett Rare Book & Manuscript University of Georgia Athens, GA.
- ⁶³ The history of the legislation eventually passed to allow for the creation of new cities is complex and worthy of further study. Several versions of incorporation legislation were passed before one managed to succeed despite the strong opposition from Atlanta and Fulton County

politicians. For further information see Georgia House Bill 1321, HB 924, Senate Bill 48, SB 53, SB 568, SB 552 and SB 553.

⁶⁴ Oliver W Porter. *Creating the new city of Sandy Springs: The 21st century paradigm: Private industry*. AuthorHouse, 2006.

⁶⁵ CHCA “Chattahoochee Hill Country History” Collection of Stephan Nygren.

⁶⁶ Tom Reed. Interview by author. Digital recording. Chattahoochee Hills, March 21, 2014.

⁶⁷ Michael Pearson, Paul Kaplan, and Jeffry Scott. “Votes scheduled on south Fulton cities.” *AJC* April 6, 2006.

⁶⁸ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.

⁶⁹ Notes from February 6, 2006 No Author Indicated. Collection of Tom Reed

⁷⁰ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.

⁷¹ Fulton County Assessors data show the dates of sale to Merrill’s company WHM Chattahoochee Hills Investments LLC between 2004 and 2006 for various parcels.

⁷² CHCA “Chattahoochee Hill Country History” Collection of Stephan Nygren.

⁷³ Tom Reed. Interview by author. Digital recording. Chattahoochee Hills, March 21, 2014.

⁷⁴ D. L. Bennett. “Hill Country May Join Palmetto.” *Atlanta Journal Constitution*. (August 21, 2006). B1

⁷⁵ “Chattahoochee Hill Country History” Collection of Stephan Nygren.

⁷⁶ Tom Reed. Interview by author. Digital recording. Chattahoochee Hills, (March 21, 2014).

⁷⁷ “Chattahoochee Hill Country History” Collection of Stephan Nygren.

⁷⁸ D.L. Bennett. “Fulton judge dismisses suit over annexations; 13,000-plus acres on Southside taken into cities.” *The Atlanta Journal-Constitution* (November 22, 2006).

⁷⁹ The group actually went by two names first calling itself the Chattahoochee Hill Country Incorporation Committee before later settling on the name Chattahoochee Hills Organizing Committee. I will use only the latter name to simplify the narrative.

⁸⁰ Chattahoochee Hills Incorporation Committee Meeting Minutes October 3, 2006. Collection of Tom Reed.

⁸¹ Robert J. Eger III, John Matthews, and Michael Rushton. “Expenditure and Revenues Estimates for the City of Chattahoochee Hills” Report Prepared For Chattahoochee Hill County Alliance (2006). Collection of Tom Reed.

⁸² *City of Chattahoochee Hills Comprehensive Plan*. (May 4, 2010), 10.

⁸³ “Chattahoochee Hill Country History” Collection of Stephan Nygren.

⁸⁴ Chattahoochee Hills Organizing Committee. “Helping you make an informed decision.” (May 27, 2006). Collection of Tom Reed.

⁸⁵ “Election Summary Report Fulton County, Georgia Chattahoochee Hill Country Special Election” June 19, 2007. Collection of Tom Reed.

⁸⁶ The actual vote tally was, in Rico 393 voted for incorporation and 106 against and in Palmetto 154 voted for and 2 against. Ibid.

⁸⁷ Kenyon Langley. Interview by author. Digital recording. Chattahoochee Hills Georgia, March 17 2014.

⁸⁸ “Chattahoochee Hill Country History.” Collection of Stephan Nygren.

⁸⁹ “CH2M Hill initial contract with the Chattahoochee Hills Organizing Committee.” Collection of Tom Reed

⁹⁰ Rocky Reeves’s public mailer Collection of Tom Reed

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- ⁹¹ “Mayoral Election Summary Report” Collection of Tom Reed; Chattahoochee Hills Incorporation Committee Meeting Minutes October 3, 2006. Collection of Tom Reed.
- ⁹² Letter from Carl Bouckaert to Terry Demeo King Re: Development Concerns - May 24, 2007
- ⁹³ “Chattahoochee Hill Country Conservancy Board Composition 2008” Collection of Tom Reed
- ⁹⁴ Alan Merrill. Interview by author. Digital recording. Chattahoochee Hills, March 20, 2014.
- ⁹⁵ Unsigned Email. Collection of Tom Reed
- ⁹⁶ Ben Nelms. “Chattahoochee Hills Country Alliance names new executive director.” TheCitizen.com <http://archive.thecitizen.com/node/12325.html> Published November 11, 2006 Accessed September 29, 2014.
- ⁹⁷ Letter from Minerva to CHCA, Collection of Tom Reed.
- ⁹⁸ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.
- ⁹⁹ Michelle Macauley. Interview by author. Digital recording. Fulton County, March 19, 2014.
- ¹⁰⁰ Sarah Fay Campbell. “4,680 Homes Planned in New Village at Palmetto.” *The Times-Herald*. November 27, 2008.
- ¹⁰¹ Kenyon Langley. Interview by author. Digital recording. Fulton County, March 18, 2014.
- ¹⁰² Brendan Fischer and Seep Paliwal. “Outsourced cities, brought to you by CH2M Hill.” The Center for Media and Democracy’s *PRWatch*. (October 6, 2013). <http://prwatch.org/news/2013/10/12272/outsourced-cities-brought-you-ch2m-hill>
- ¹⁰³ Jack Feldman. “Extreme privatization: A performance analysis of the” Sandy Springs model.” Masters Thesis, Iowa State University (2014).
- ¹⁰⁴ Stephan Nygren. Interview by author. Digital recording. Chattahoochee Hills, June 19, 2014.; Shannon Kettering. Interview by author. Digital recording. Interview conducted by telephone, October 1, 2014.
- ¹⁰⁵ Mike Morton, Personal Communication.
- ¹⁰⁶ Tom Reed. Interview by author. Chattahoochee Hills, June 31, 2014.

Chapter 5: Discussion and Conclusion

- ¹ For information from the time period about changing housing preferences see: Dowell Myers and Elizabeth Gearin. “Current preferences and future demand for denser residential environments.” *Housing Policy Debate* 12 no. 4 (2001): 633-659. A more recent study can be found in: Paul G. Lewis and Mark Baldassare. “The complexity of public attitudes toward compact development: survey evidence from five states.” *Journal of the American Planning Association* 76, no. 2 (2010): 219-237.
- ² Christopher B. Leinberger “The WalkUP Wake-Up Call: Atlanta” (The Center of Real Estate and Urban Analysis School of Business The George Washington University, 2013), 22.
- ³ Dunham-Jones. “Smart Growth in Atlanta.”
- ⁴ Case study research on the effectiveness of local groups’ ability to oppose development abounds with well-organized and diverse groups failing through a lack of public support. See for example: Masuda and Garvin. “Whose Heartland?”
- ⁵ Charles T. Clotfelter. *Federal tax policy and charitable giving*. (University of Chicago Press, 2007).
- ⁶ Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, expanded ed. (Princeton, N.J., 2004), xxi.

⁷ William J. Novak "The myth of the "weak" American state." *The American historical review* 113, no. 3 (2008): 752-772, 736.

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⁹ Dan Reuter. Interview by author. Digital recording. Atlanta, March 17, 2014.

¹⁰ Nygren *Untitled Memoir*

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¹² Elisabeth Conrad, Louis F. Cassar, Mike Christie, and Ioan Fazey. "Hearing but not listening? A participatory assessment of public participation in planning." *Environment and Planning Part C* 29, no. 5 (2011): 761.

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¹⁴ George Hess, Chris Moorman, Jan Thompson, and Courtney Larson. "Integrating wildlife conservation into urban planning." Ch. 12 in Robert McCleery et al. (eds.), *Urban Wildlife Conservation: Theory and Practice*. (Springer Science+Business Media, LLC., 2014, in press).

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¹⁸ Clara Irazabal & Anil Punja, "Cultivating just planning and legal institutions: a critical assessment of the South Central Farm struggle in Los Angeles." *Journal of Urban Affairs* 31, no. 1, (2009): 1-23.

¹⁹ Trapenberg Frick, Karen. "The Actions of Discontent: Tea Party and Property Rights Activists Pushing Back Against Regional Planning." *Journal of the American Planning Association* 79, no. 3 (2013): 190-200, 190.

²⁰ Fowler, "Midtown Atlanta."

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