

Technical Report of the Office of State Planning Task Force

Establishment of an Office of State Planning
for the State of Louisiana

February 15, 2008

PREAMBLE TO THE OFFICE OF STATE PLANNING TASKFORCE REPORT

“In order to provide orderly transition from recovery planning and implementation of a full state wide planning office, the Office of State Planning Task Force recommends that the Governor and Legislature consider that the Louisiana Recovery Authority (LRA) adjust its activities to encompass the recommended activities of a state Office of Planning as established in the Task Force’s report to the Governor and the Legislature. The Task Force recommends that the LRA serve as an interim location for the housing and development of state-level planning functions, possibly leading to functionally operating directly within the Division of Administration.

In order to address adequate staffing and funding needs to effectively perform these additional activities, the LRA’s budget should be adjusted accordingly. Furthermore, the LRA is currently led by a group of board members focused on recovery efforts in Louisiana; additional changes to the board should be considered to adequately reflect these additional needs.”

Executive Summary

During the 2007 Legislative Session, House Concurrent Resolution 229 created the Office of State Planning Task Force “to study and make recommendations for implementation of the recommendations of the *Louisiana Speaks Regional Plan* relative to a comprehensive Office of State Planning.” The Task Force is a diverse group of appointed individuals representing the public and private sectors. The creation of an office of state planning was a priority of Louisiana Recovery Authority, and the Legislature supports this Task Force’s work.

The Task Force offers its recommendations in the context of several key assumptions. First, an office of state planning must address existing gaps in planning initiatives and efforts while coordinating existing activities. Second, such an office must function through positive incentives rather than mandated regulation. Finally, such an office must be designed with the understanding that its work—planning—is a means to an end, not an end in itself.

These things duly considered, this report of the Office of State Planning Task Force offers recommendations concerning:

- I. Structural characteristics of such an office, including:
 - o Establishment, name, and authority;
 - o Institutional home within the Executive Branch;
 - o Budget and staffing, and
 - o Appropriate and effective oversight,
- II. Inter- and intra-governmental relationships of such an office, including:
 - o Relationships with regional and local jurisdictions;
 - o Coordination with Executive and Legislative branches of state government.
- III. The core mission of such an office, including:
 - o Data management and plan recordation (including a central repository for information and plans) and updates and amendments as available;
 - o Technical support (including monitoring of certain plan implementation, best practices, and education);
 - o Disaster recovery planning incentives and certain documents;
 - o Administration of incentive and program funds, and
 - o Coordination of state planning and planning efforts.

Following these recommendations, next steps are proposed towards their implementation.

The Task Force and numerous outside advisors have observed that the single most important area of support for the implementation of such a body will be the incoming Governor’s Administration, and in particular both the Office of the Governor itself and the Division of Administration.

This Task Force recognizes that its work and this report has occurred during transition of Executive leadership, but the Task Force believes the principles are not inconsistent with the overall goals and objectives of the incoming Governor and Commissioner of Administration. To date the new Administration has expressed a strong interest in reviewing and participating in these outcomes and recommendations, particularly in terms of the housing, funding, staffing, and mission of the proposed Office of State Planning.

Introduction

In the wake of hurricanes Katrina and Rita, many citizens and leaders of Louisiana recognize that the State has a rare opportunity to reduce its exposure to hazards, increase government efficiency, advance economic development, and improve community character. Exposure to hazards is a preeminent concern in Louisiana, and its effects ripple throughout the State and its economy in profound ways—impacting public safety, demographic stability, business retention and recruitment, and insurance premiums.

The establishment of the Louisiana Recovery Authority (LRA), the Coastal Protection and Restoration Authority (CPRA), and the consolidated Southeast Louisiana levee boards all signal an awareness that addressing these issues requires bold thinking and enhanced coordination and accountability between programs and jurisdictions that were previously “silo-ed.” The proposal to establish an Office of State Planning in Louisiana arises from the same serious reforms, and it responds to local needs, incorporates certain national trends, and is informed by best practices.

As one Task Force member noted, “We are at this table because of extraordinary circumstances that require extraordinary actions and opportunity. The storms woke up the state. We need to look at things through a different lens and plan for a better future accordingly.”

Background: From LRA Sponsored Planning Efforts and Louisiana Speaks to HCR 229

The initial proposal for an Office of State Planning¹ came from the *Louisiana Speaks Regional Plan*.² This plan was the outcome of nearly 18 months of planning that involved the direct input of nearly 27,000 Louisianans. The plan was adopted as a long-term recovery framework by the LRA in spring of 2007. Its core concern is to comprehensively integrate land use, transportation, protection and restoration, and economic development, and it proposes to do this under three overarching goals—1) recover sustainably; 2) grow smarter; and 3) think regionally. It provides a number of specific action items as well as generalized physical planning priorities through 2050. The complete plan is available for download at www.louisianaspeaks.org.

¹ The State currently has an Office of Planning and Budget (OPB) within DOA, but it does not perform any spatial planning activities or have the capability to do so. OPB has responsibility for performance-based budgeting for Louisiana’s Executive Branch, as well as policy development, planning, accountability, and other management services. The State Economist and State Demographer are housed in this office. OPB’s focus is mainly on operational efficiency, not land-use planning or capital budgeting. This was not always the case: an Office of State Planning was established in the 1970s to implement planning and other programs around HUD comprehensive planning funds (Section 701), a program that ended in 1980. For more on the old Office of State Planning, OPB, and relevant statutes, see “Existing Legislation,” p. 5.

² “Louisiana Speaks” is a multifaceted recovery planning effort led by LRA and non-profit partners including CPEX. It included model recovery plans for neighborhoods, parish recovery plans in coordination with FEMA’s ESF-14 function, and best practices guidance on construction and planning techniques (the Pattern Book and Planning Toolkit). The *Louisiana Speaks Regional Plan* was an over-arching effort to tie these and other recovery planning efforts together.

Following the plan's completion, the LRA and Center for Planning Excellence (CPEX) staff members worked with the Louisiana Speaks "Champions" group—which is comprised of more than 200 citizens representing a cross-section of community and business leaders across the state—to identify top priorities for 2008. The following efforts were already underway at that time:

- Coordination of ongoing work with CPRA;
- Support of recovery planning and implementation; and
- Extension of visioning and planning work similar to the *Louisiana Speaks Regional Plan* to North and Central Louisiana.

The Champions group then developed a prioritized, integrated list of next steps. Establishment of an office of state planning was identified as the number-one priority. These priorities were subsequently endorsed by LRA:

1. Establish an Office of State Planning;
2. Promote the construction/expansion of transportation infrastructure critical to recovery and/or evacuation;
3. Develop a "Louisiana Location Index" GIS interface that would consolidate relevant state data to present objective information on land-development suitability;
4. Develop of a Model Development and Zoning Code;³
5. Coordinate redevelopment or mitigation of Louisiana Land Trust properties with the *Louisiana Speaks Regional Plan*;⁴
6. Focus investment and reinvestment in already-developed areas, and clear legal or other obstacles to "infill" development;
7. Establish and administer a Community Reinvestment Trust Fund;
8. Establish and administer a Conservation and Mitigation Trust Fund;⁵
9. Support walkable communities by siting schools, clinics, and other community facilities in central locations; and
10. Build Greener.

During the 2007 Legislative Session, House Concurrent Resolution (HCR) 229 created the Office of State Planning Task Force and charged it to "study and make recommendations for implementation of the recommendations of the Louisiana Speaks Regional Plan relative to a comprehensive Office of State Planning." The Task Force, appointed by the Governor, is a diverse group of individuals representing the public and private sectors. The creation of an Office of State Planning was a priority of the LRA, and the Legislature supports this Task Force's work.

The Task Force is comprised of the following appointed members:

- Kevin Belanger, Louisiana Association of Planning and Development Districts;
- Johnny Bradberry, Department of Transportation and Development;

³ This project is now underway in partnership between CPEX, LRA, and Louisiana Economic Development.

⁴ This is part of LRA's agreement with New Orleans regarding disposition of LLT properties in New Orleans deeded to NORA.

⁵ This is currently being studied by DNR in accordance with SCR 95 of the 2007 Regular Session.

- Sidney Coffee, Coastal Protection and Restoration Authority;
- Donna D. Fraiche, Louisiana Recovery Authority;
- Dan Garrett, Police Jury Association;
- Senator Cheryl Gray, Louisiana State Senate;
- Ternisa Hutchinson, Division of Administration;
- Kristy Jones, Louisiana Municipal Association;
- R. King Milling, Coastal Protection and Restoration Authority;
- Sean Reilly, Louisiana Speaks Champion;
- Steven D. Villavaso, American Planning Association, Louisiana Chapter;
- Elizabeth “Boo” Thomas, Center for Planning Excellence

In addition, the Task Force was assisted by the guidance and outside expertise of John Frece, an adjunct professor in the National Center for Smart Growth Education and Research at the University of Maryland, College Park. The Task Force was staffed by the LRA, with additional support from CPEX.

For more than a year, the LRA, CPEX, and a team of top national consultants researched models of state-facilitated and -coordinated planning from around the country. In December 2007 and January 2008, the Task Force reviewed these models, explored funding mechanisms, investigated placement of the office within Louisiana’s governmental structure, considered institutional relationships, and worked through the proposed office’s core mission and functions. The Governor’s transition team was formally briefed on these issues on December 6, 2007, and additional meetings have taken place. The final document was submitted to the Legislature by February 15, 2008 (consistent with HCR 229).

Enabling Legislation Relevant to State Planning Functions

Louisiana has several enabling statutes regarding planning powers at the local, regional, and state level. Most of these remain in force (see the Appendix for text of relevant statutes). The exception is RS 39:21, which is the enabling legislation for an Office of State Planning function. The *statute itself* still exists, but the Office of State Planning that was empowered to implement it has since been abolished. This office had previously been housed within the Governor’s Office. Some of the budgetary and strategic planning functions described in RS 39:21 now continue under the Division of Administration’s (DOA) Office of Planning and Budget (OPB).

The Task Force found that the powers and responsibilities laid out in RS 39:21 would be relevant and appropriate to a new Office of State Planning, and as a result, the Task Force’s recommendations are either consistent with specific elements of the statute, or provide incentives and support for implementing it and other existing planning statutes.

RS 39:21 places the following powers and responsibilities at DOA (the complete text of the statute is contained in the Appendix of this technical report; the summary below preserves the statute’s numbering for reference):

1. Conducting surveys and studies concerning the development of coordinated state resources and facilities plans;
2. Review of programming and planning of state departments, agencies, and commissions. These entities must regularly file these items with DOA;
3. Review of programming and planning of all local and regional planning commissions. These entities must regularly file certified copied of these items with DOA;
4. Publishing planning standards for the state and regional levels, and encourage the development of compliant planning programs at both levels;
5. Establishing basic statistics relevant to state goals and programs, to provide a common source for all planning;
6. Assisting and advising citizen's groups, governmental units, and private organizations to develop state goals and policies;
7. Assisting state fiscal agencies in the joint development and implementation of a program evaluation and comprehensive budgeting system;
8. Collecting, analyzing, and reporting physical, social, and economic information relevant to state government operations, including information furnished by other state agencies; DOA shall submit to the governor an annual "State of the State" report outlining the current economic condition and progress of the state during the past year;
9. Aiding the governor in making sound decisions regarding allocation of resources by:
 - o Recommending fund allocation to programs that advance state goals, and
 - o Coordinating with other state agencies so their budgets advance state goals;
10. Providing technical assistance to state entities in developing their planning programs;
11. Advising the governor, as well as other public officials and state boards and commissions, with respect to long-range planning proposals;
12. Representing the State of Louisiana on matter related to long-range planning;
13. Maintaining liaison with other administrative agencies of the state to facilitate planning coordination;
14. Providing reports to municipal or parish governments, or other local boards or officials (if this service implies a cost, DOA and the requesting unit will agree to a fee); DOA may also furnish, upon request or its own initiative, advice or reports to any state officer or department with respect to any issue within the field of state planning; and
15. Cooperating and assisting planning an implementation at the metropolitan/regional level.

National Context

In preparation for the work of the Task Force, the LRA and CPEX staff researched practices in other states, and outside expertise was available to the Task Force regarding best practices.

In recent decades, planning at the local, regional, and state levels has become an increasingly sophisticated and accepted activity nationwide. In some cases, this is in response to the need to coordinate infrastructure provision with growth pressures and land-use patterns. In others, it is in response to the threat of natural hazards, and the growing recognition that many of these—including riverine and backflow flooding, storm surge, wild fire, and extreme wind—can be mitigated by altering land-use patterns and construction techniques. Both of these issues resonate in Louisiana.

In all but one state, local governments are granted the power to create local plans. States provide significant funding to localities, as well as directly providing major infrastructure and other investments. This means that states have significant power to influence and coordinate planning at all levels. At least 28 states have some sort of planning function at state level.⁶ Typical activities of state planning offices include:

- Technical and planning support for local jurisdictions;
- Coastal protection;
- Data management;
- Coordination of state incentives, infrastructure investment, and/or federal funds;
- Historic preservation;
- Reporting on land-use trends; and
- State goal-setting and benchmarking.

The Task Force performed an informal gap analysis for Louisiana to determine which of these roles is (a) not currently being filled, and therefore could be filled by a new entity, or (b) currently being filled, and therefore should be supported by and coordinated with a new entity. The Task Force was particularly sensitive to the important and well-defined roles already filled by CPRA.

In addition to the powers and responsibilities set forth by RS 39:21, the Task Force's recommendations have been informed by structural and programmatic elements of four state-planning systems in particular:⁷

- Georgia sets criteria and financial incentives for local planning, but does not require it. The state also established the Governor's Development Council, which coordinates state policy regarding land use and facility siting.

⁶ John Frece

⁷ For more on state-level planning functions in other states, refer to: *Louisiana Speaks Regional Plan*, pp. 82-83 and Appendix C; *Louisiana Speaks Regional Plan Strategic Implementation Plan Policy Guide no. 1: Establishing a Louisiana Office of State Planning* (all in the appendix to this document), as well as APA, *Growing Smart Legislative Guidebook*.

All subsequent information regarding best practices and case studies from other states is derived from these sources.

- New Jersey maintains a state map and strategic plan. Participation in either is a local option. The map is a Geographical Information Systems (GIS)-linked tool that coordinates state incentives with identified priority areas for development or conservation. Local planning can also orient itself to the state map in order to leverage state incentives.
- Washington provides extensive technical and material support for local planning, and offers review-and-comment services for local plans. There is no requirement for planning, nor is there any approval process. Significant elements of coordination and mediation take place at the regional level.
- Maryland features a Smart Growth Subcabinet that works to coordinate state planning and policy across departments. Maryland's system also features GIS-based coordination of incentives that helps orient local planning, and a "Priority Places" strategy focuses state investment in areas where growth is planned to occur.

Experience nationwide also shows that successful state planning offices always have the support of the Governor. The Governor plays a key role in advocating and supporting funding for the work of the planning office, as well as encouraging the participation and cooperation of his/her own office as well as cabinet departments. Conversely, planning offices that lack gubernatorial support are rarely effective.

I. Structural and Administrative Characteristics

The Task Force considered fundamental structural and administrative characteristics including whether an office of state planning should be established, and if so what it should be called and whether the basis for its authority should be derived from new regulatory powers. The Task Force also considered the office's functional location and authority within the executive branch, as well as its initial budget and staffing plans, and oversight and public accountability of the office.

A. Establishment and Authority

The Task Force supported the creation of an office of state planning, to be officially titled the Louisiana Office of State Planning (OSP) and to be empowered to enact any item in RS 39:21 that is not currently the purview of OPB. There was broad consensus from the Task Force regarding the value of an OSP in providing support to locals and providing coordination at the state-agency level.

An OSP was seen as having particular value regarding planning and coordination around large capital projects, which require long-term coordination of both state resources and policy *and* local land-use planning and implementation. Large-scale projects typically have very long lead times and therefore cross gubernatorial administrations. These projects also have significant potential to influence land use and therefore public exposure to hazards.

There was consensus on the Task Force that a strong focus from the OSP on coordination, incentives, and support (a "carrot") would be more effective than a top-down regulatory approach (a "stick"). Therefore, the Task Force felt it was appropriate not to grant the OSP new regulatory powers or environmental reviews—powers which have formed the foundation for state-level planning in some other states.

RECOMMENDATIONS:

An office of state planning should

- 1. Be established in Louisiana;*
- 2. Be called the Office of State Planning (OSP);*
- 3. Be empowered to implement RS 39:21, except insofar as such authority is already being carried out by OPB; and*
- 4. Not be given new regulatory powers related to environmental or other reviews.*

B. Location within the Executive Branch

The Task Force considered several options for locating the OSP in state government, and ultimately determined that DOA would be the preferred outcome in the immediate timeframe, although it should be evaluated in the future whether the OSP should be made a cabinet-level department.

Of the at least 28 states that have a planning function at the state level,⁸ they tend to be located within one of five places:

- In the Governor's office,
- As an independent cabinet-level department,
- Within an executive department or division with special budgetary authority (e.g., treasury or administration),
- Within a "line agency" department (e.g., natural resources or community affairs), or
- As a free-standing commission.

Each of these locations has advantages and disadvantages, but the most influential offices of state planning tend to reside in one of the top three locations. However, the most common location is within a line agency. Maryland's approach—which favors centralized coordination, but eschews direct control or top-down authority—was looked to as a model.

Much of the Task Force's reasoning for locating the OSP within DOA came from its interest in finding the right balance of the OSP's "oversight" role within the Executive Branch: the OSP must be strong enough to be effective and have a meaningful influence over resource allocation and capital outlay, but without having so much concentrated power that it either creates the potential for abuse of other departments or generates a backlash.

Several following factors were considered to argue in favor of locating the OSP within DOA, rather than establishing a new a cabinet department. First, immediate department-level status could create friction and competition with other departments. Second, placement within DOA would place the OSP in a strategic position to be able to coordinate resources and participate in the capital outlay process. A concern was raised that a stand-alone agency would have greater political freedom and authority, particularly vis-à-vis the Legislature. But given the fact that it would likely take at least one to two years to establish an OSP as a cabinet-level entity, establishing it immediately within DOA was deemed by the Task Force to be the most expeditious manner of beginning implementation of the OSP's mission. The possibility would always exist in the future for elevating the OSP to department status, as happened in Maryland.

Additionally, the following factors were considered to argue in favor of locating the OSP within DOA, rather than within the Office of the Governor. First, placement in DOA would give the OSP continuity across future administrations via civil service staffing, and therefore institutional memory. In contrast, locating the OSP in the Office of the Governor could put it "at the whim" of future administrations. Also, increases to the size of the Governor's staff are generally unpopular. However, the Task Force cautioned that if the OSP is not in the Office of the Governor, a direct line of communication between the OSP and the Governor's Office will be essential to its success.

Furthermore, the Task Force noted that locating the OSP *at the Deputy Commissioner level* of DOA would place it in an unique position to effectively coordinate external

⁸ John Frece

elements of the executive branch directly with DOA's key office-level functions, many of which directly impact land use and capital planning (these include the Office of Community Development, the State Land Office, the Office of Facilities Planning and Control, and the Office of Risk Management). In short, placement within DOA would confer on the OSP a high level of influence, without the issues raised by direct "oversight." Moreover, RS 39:21 places responsibility for state planning functions in DOA.

The Task Force was clear that regardless of where the OSP is ultimately located, the Governor will have to support it and give it the credibility necessary for it to execute its mission. This will be particularly true if it is located within DOA, where its authority would derive from its ability to *influence* decision-makers, rather than issue mandates. Structural reform alone would not have the ability to improve government coordination and efficiency.

RECOMMENDATION:

The Office of State Planning should be located at the Deputy Commissioner level within DOA, with future evaluation of the desirability of independent department status.

C. Budget and Staffing

The Task Force stressed the need for a *dedicated* OSP funding stream. Most states with state planning functions fund those activities out of the general fund. Other funding options might include user fees on data or other technical resources, taxes on certain real estate transfers or development activities, taxes on certain industries (e.g., oil and gas), or partial revenues from streams such as gaming or the lottery.

The eventual budget of the OSP will depend upon requisite staffing and compensation levels, and what tasks/costs beyond salary and overhead the office is charged with. Determinations of funding and staffing levels depend on information that is not available at this time. Before such determinations are made, the overall mission of the OSP must be finalized, the level of relevant resources already existing among state agencies and regional entities must be assessed, and cooperative arrangements between state agencies and between the OSP and non-profits or universities must be scoped and explored.

For some context, following are a few relevant comparisons of offices with planning functions:

- The New Orleans Regional Planning Commission handles transportation and environmental planning, as well as GIS and data management. It has 20 full-time staff and a budget of about \$8 million, of which about 13% goes to salaries.⁹
- Louisiana's Office of State Planning in the 1970s had a staff of 20-25 people and a budget of over \$4 million (adjusted for inflation).¹⁰

⁹ Survey of NORPC by Kevin Belanger.

¹⁰ Interview with Donna Mayeux, former head of the La. State Planning Office.

- Maryland’s Department of Planning had a staff of approximately 110 and a budget of approximately \$8 million in 2005.¹¹

In the short-term, interim/initial core staffing of six to ten people should be considered to establish and organize the OSP. The Task Force considered the roles that the OSP’s initial leadership must fill. Its executive director will need to have the full confidence of the Governor, as well as a solid understanding of both planning issues and Louisiana politics. This position should be filled by a national search and be funded commensurate with Louisiana department secretaries/ authority executive directors.

Early on, the OSP will also need a communications staff, because education and outreach will be central functions of the Office. It will also need liaison(s) to the Executive Branch and to local/regional entities. Finally, the OSP will initially need staff representing expertise in policy, planning, and GIS.

RECOMMENDATION:

The Office of State Planning should be sufficiently funded for: adequate staffing, administration of program activities, and provision of grant assistance.

D. Oversight and Public Accountability

The Task Force noted a need for the OSP to be overseen by a public-private advisory board or commission. The advisory-commission structure described below was seen by the Task Force as being particularly well suited to political functioning in Louisiana.

A number of states—including California, Hawaii, Massachusetts, New Jersey, Maryland, and others—have some form of planning-oversight commissions. These range in size from less than ten to more than twenty members. Membership is typically allocated to ensure geographic and area-interest representation, and often there are seats reserved for at-large members. Members are typically appointed and approved by the Governor and/or Legislature. In some cases, cabinet secretaries sit on these commissions, often in a non-voting capacity.¹²

The Task Force proposed an advisory commission for Louisiana’s OSP that would be comprised of citizens who would have the clout to give the OSP political weight and will, while acting as the “torch-bearers” of the OSP’s mission. There is even the potential that such a group would see the need to hold the line on certain issues against one or another cabinet department, or even the Governor or Commissioner of Administration; this increases the need for the OSP to answer to a body that is independent, credible, and apolitical. Furthermore, if this commission had staggered terms, it would be able to maintain long-term continuity and be less susceptible to change in political leadership.

The commission would be representative of relevant geographical and issue-area stakeholders, and have positions reserved for members with professional expertise (this

¹¹ Interview with Matt Power, Dep. Sec. Maryland Dept. of Planning.

¹² CPEX research.

membership model was used in comprising the membership of Louisiana's two new consolidated levee districts, the Southeast Louisiana Flood Protection Authorities). It could also be a venue for exploring and resolving particularly contentious issues.

The Task Force's outside expert cautioned against giving too much authority to an outside commission, however, lest the mission of the OSP be watered down or hijacked. Yet it would need enough authority to keep members active and engaged. The Task Force therefore determined that an *advisory* role for this oversight commission would be an appropriate level of outside authority.

The Task Force's outside expert also recommended establishing a meaningful working relationship with independent, non-profit "watchdog" groups and other citizen activists. These groups can often be relied upon to take strident stances from which the OSP and its oversight commission may be politically restrained. In many states, this role is filled by a "1000 Friends" group. In Louisiana, the recently-formed Louisiana Speaks, Inc. may be in a position to fill this role.

RECOMMENDATIONS:

The Office of State Planning should be overseen by a public-private commission that would

- 1. Be titled the Louisiana State Coordinated Planning Commission;*
- 2. Have an advisory role to the OSP and represent public and private stakeholders' concerns to it;*
- 3. Have both gubernatorial appointees and at-large members;*
- 4. Have members serve staggered terms;*
- 5. Have 30 or fewer members, including individuals representing government agencies and private sectors whom are responsible for or are stakeholders in the following areas: economic development, education, land use planning, agriculture, transportation, risk management, and health care, but not limited to:*
 - o One representative of the Louisiana Association of Planning and Development Districts,*
 - o One representative of the Louisiana Municipal Association,*
 - o One representative of the Police Jury Association,*
 - o One representative of the Louisiana chapter of the American Planning Association,*
 - o One representative of the Louisiana chapter of the American Society of Landscape Architects,*
 - o One representative of the Louisiana chapter of the American Institute of Architects,*
 - o One representative of the Louisiana chapter of the American Society of Civil Engineers,*
 - o One representative from the Louisiana GIS Council,*
 - o One representative from the Louisiana Housing Finance Authority,*
 - o One representative from the Coastal Protection and Restoration Authority,*

- *One representative from the Urban League, NAACP or other representative(s) of equity issues,*
 - *One representative of the Louisiana Landowners Association, Farm Bureau, or other of rural/agricultural interests,*
 - *One representative of the Louisiana Home Builders, Louisiana REALTORS, Associated General Contractors, or other development-industry interests,*
 - *One representative of the Chamber of Commerce?*
 - *One representative of the Louisiana Chemical Association, Louisiana Association of Business and Industry, or other business interests,*
 - *One representative of the Ports Association of Louisiana,*
 - *One representative of the Nature Conservancy, Trust for Public Land or other conservation interests,*
 - *One representative, on a rotating basis, from an institution or system of higher education, and*
 - *One representative from Louisiana Speaks, Inc. and/or the Center for Planning Excellence (CPEX); and*
6. *To have as its suggested mission: "The Louisiana Office of State Planning Commission will ensure that the Louisiana Office of State Planning works effectively to*
- *'Coordinate and add capacity to existing state agencies, regional planning, and local planning by favoring incentives over regulation' (HCR 229),*
 - *Record, coordinate, and distribute plans and data at a statewide level,*
 - *Provide technical and direct support to assist local and regional jurisdictions in developing and implementing plans that both respond to local priorities and support state goals,*
 - *Provide a means to coordinate state plans and policies with broadly accepted statewide goals,*
 - *Develop benchmarks and criteria for evaluating progress towards state goals,*
 - *Support the three Louisiana Speaks goals: recover sustainably, grow smarter, and think regionally, and*
 - *Otherwise implement RS 39:21."*

II. Institutional Relationships of OSP

The Task Force considered the nature of the OSP's relationships with local jurisdictions (parishes and municipalities), regional planning entities, and the executive and legislative branches of Louisiana state government.

A. Relationships with Local Jurisdictions and Regional Planning Entities

In order to achieve the most positive influence on local planning, Task Force members identified a need to encourage local comprehensive planning by fostering collaborative relationships with local and regional jurisdictions, and using an incentive-based approach.

(Members also identified needs for the OSP to support local and regional planning functions by serving as a clearinghouse for data, existing plans, and best practices; coordinating and supporting disaster-recovery planning; providing technical support for local planning; training/educating local planning commissioners and other public officials. For more on these functions, see under "Core Functions of OSP," pp. 23-8.)

Local Planning Requirements and Criteria

In every state except Hawaii, land-use planning is delegated to the local level, but states retain a compelling interest in its outcomes. About half of states require local planning (often contingent on population size or growth rates), and among states with such a requirement, most have some type of review function relative to local plans.¹³

Currently, local planning and land-use regulation capacity in Louisiana is limited. About 80% of Louisiana parishes have a subdivision ordinance, but only about one-third have a comprehensive plan (a "Master Plan" under RS 33:109), a zoning ordinance, or planning staff.¹⁴

The Task Force opposes the need for a new requirement for local comprehensive planning. However the Task Force believes there should be greater encouragement of such planning including best-practice methodologies for plan design, data use, and public outreach,¹⁵ and/or require integration of specific elements into local plans, such as coastal protection and restoration (consistent with the *CPRA Master Plan*) or local hazard mitigation plans.¹⁶

A recent study by the Louisiana Sea Grant Program strongly recommended mandatory comprehensive plans in coastal areas, including mandatory hazard mitigation

¹³ John Frece.

¹⁴ Lynn Maloney-Mujica. "Factors Associated with the Adoption of Land-Use Planning in Louisiana Parishes." MA Thesis, LSU (2007).

¹⁵ RS 39:21.4 empowers DOA to do this for state and regional planning, but the existing enabling legislation regarding local planning is vague on these issues.

¹⁶ Every parish in Louisiana is required to have a FEMA-approved hazard mitigation plan that meets the requirement of the Disaster Mitigation Act of 2000 (DMA 2000); however, FEMA merely encourages—not *requires*—that these plans are to be integrated into other local planning or regulation systems.

elements. It also made recommendations related to mandatory set-backs and elevations.¹⁷

Some members supported requiring planning in jurisdictions with specified population or growth-rate characteristics,¹⁸ while other members believed that existing legislation—if actually enforced—would constitute a sufficient requirement in itself.

Task Force members generally supported a role for OSP in reviewing regional and local plans, and providing *new* incentives to plans that meet established baseline criteria, including consistency with state goals. Many states identify issues of key concern (e.g., environmental protection or economic development) and provide incentives for local plans that conform to state priorities. New Jersey and Maryland fit this description. There is already precedent for this type of criteria-setting in Louisiana: after Katrina and Rita, LRA established criteria requiring recovery plans to be consistent with “smart growth” principles as a pre-condition to receiving certain grant funding. One Task Force member noted, “An [OSP] can be the good guys who reward local governments who do have a plan.”

Many states—including Georgia, Wisconsin, and Washington—include among these incentives direct support to local planning efforts that agree to meet certain baseline quality-control standards. Often, this is a standing line-item in state budgets. Task Force members supported similar steps for Louisiana, and were wary of any new requirements that appeared to be unfunded mandates. State support through grant-writing and -administration assistance, or support for regional or local salaries for such positions, was also discussed by the Task Force.

Members were split, however, regarding the appropriateness of the state predicating local access to *existing* funding streams based upon the existence of a local comprehensive plan (or an approved comprehensive plan). Some members felt it was essential to “set up accountability and authority, and then impose this on a revenue fund that is traditional” for funding provision of infrastructure and other capital investments; others felt this would be “requiring new hoops that must be jumped through,” and therefore would be inappropriate.

Although the Task Force did not specifically address the issue, OSP could also support local capacity by organizing standing, retainer, and/or contracted planning resources to provide direct support to local and regional jurisdictions during moments of staffing shortfall, including during disaster recovery, preparation for large-scale economic development projects, and other applicable situations. The proposed OSP could also maintain rosters of qualified planners and grant-administrators as a resource for locals.

One Task Force member proposed that the OSP be responsible for “facilitation, timing, and funding” of plan implementation statewide. Against this, concern was raised about the OSP constituting a “new stakeholder” for internal parish capital-planning decisions.

¹⁷ Rod Emmer, et al, “Hazard Mitigation and Land Use Planning in Coastal Louisiana: The Future.” Louisiana Sea Grant Program (2008).

¹⁸ As an alternative to basing requirements on characteristics of individual jurisdictions, inclusion within a US Census-defined Metropolitan Statistical Area (MSA) would also be a valid criterion.

The Task Force generally did not support a direct role for OSP in parish or municipal planning or capital-budgeting decisions.

The Task Force also rejected the model provided by Oregon and Florida, in which centralized planning offices have full power to review and regulate the content of local plans. This has led to backlash in these states, and it was deemed by the Task Force to be ill-suited to Louisiana.

Cross-acceptance and Plan Coordination

The Task Force recognized the value in the OSP facilitating coordination and cross-acceptance between

- State departments and local planning and land-use regulation; and
- Neighboring local jurisdictions.

The need for this coordination is especially keen in the areas of transportation infrastructure, levee protection, and wetland conservation and/or restoration. This is because each of these *state*-led capital investments depends on *local* land-use planning and regulation for its success.

Some states, including New Jersey and Washington, have systems in which state and/or regional offices work to promote “cross-acceptance” between local plans. They mediate conflicts and build consensus and local commitment by inter-jurisdictional plan comparison, negotiation, and review.

Task Force members recognized the need for further study and assessment of existing state and local legal frameworks insofar as they relate to regulation of land use from the state, regional, or local level. Without this sort of “granular” understanding of legal structures, it is recognized that the OSP will not be able to effectively coordinate these various levels of government.

Some Task Force members suggested that state and federal agencies, such as the Louisiana Department of Transportation and Development (DOTD) and the U.S. Army Corps of Engineers, should respect, defer to and/or coordinate with infrastructure decisions contained in local plans. The Task Force was unresolved on this issue. Further study and issue-by-issue analysis is warranted.

The Task Force felt that the OSP could play a valuable role between the state and localities if it acted as a “mediator” and “convener.” The example of the 2005 Uniform Construction Code (UCC) was raised. The UCC was generally considered to be a good idea—especially in hurricane-prone parts of the state—but its enforcement met resistance because there was no state conduit for coordinating with or assistance to regional and local jurisdictions. In this context, one member who is familiar with regional/local issues stated, “An [OSP] is needed, and it will work.”

Direct regional authority or coordination regarding local plans had little support from the Task Force. However, regional planning entities¹⁹ were viewed as a potentially useful

¹⁹ Louisiana has eight regional planning and development districts. These were created in the 1970s to perform economic development functions and serve as conduits for federal funds. In the late 1980s, some Louisiana

conduit for OSP and other state resources and technical assistance to local jurisdictions, especially in places where localities have minimal in-house capacity. These regional entities (represented by LAPDD) touch every parish in the state. Regional entities were also seen as having a high potential for coordinating and mediating consistency between local plans, if supported by OSP.

OSP was also seen by some Task Force members as a potential convener on super-regional issues, including protection-and-restoration and transportation issues that encompass metro New Orleans, Baton Rouge, and Houma-Thibodaux.

Finally, the Task Force recognized that OSP would be well situated to examine existing state and local regulations, policies, and statutes, as well as private-sector lending, insurance, and other practices, to ensure that these are supporting the achievement of state goals.

RECOMMENDATIONS:

The Office of State Planning should

1. *Facilitate the funding and implementation of local, regional and state plans;*
2. *Provide incentives, through direct grant funding, to local communities in support of planning activities;*
3. *Evaluate local and regional plans for consistency with Louisiana Speaks Regional Plan and/or statewide goals;²⁰*
4. *Provide resources for regional planning entities to act as coordinators between municipal, parish, and regional plans;²¹ and*
5. *Assess and analyze laws and other issues pertaining to land use (especially those applicable to coastal issues, redevelopment issues, transportation-oriented-development, and comprehensive planning) and recommending legislative or administrative reforms, as necessary.²²*

B. Relationship with Executive and Legislative Branches

The Task Force identified three interrelated areas in which the OSP's role relative to other state entities will need to be defined and clarified:

- Coordination of *internal* OSP functions with related functions in other agencies;

planning and development districts merged their functions with Metropolitan Planning Organizations (MPOs), federally-mandated regional transportation planning groups. Across Louisiana regional planning entities, there is wide variability in both mission and capacity. Staffing ranges from a handful to several dozen; budgets range from \$500,000 to \$8 million. Some coordinate their work with regional offices of state or federal agencies—including NOAA, La. Department of Justice, Louisiana Economic Development, Department of Environmental Quality, and GOHSEP—but often, agency subdivision and MPO boundaries line up imperfectly with planning and development district boundaries. Some planning and development districts also coordinate planning, data, and some regulatory functions for local jurisdictions. (Information from Kevin Belanger.)

²⁰ This item is consistent with RS 39:21.3-4.

²¹ Cf. RS 39:21.3 and .15.

²² Cf. RS 39:21.14.

- Coordination of state planning, policies, incentives, and investments that are *external to OSP* so that they support state goals; and
- Coordination of state budget priorities so that they support state goals.

(The Task Force identified specific functions in which OSP could add value to state-program coordination, including serving as a clearinghouse for data, existing plans, and best practices; coordinating and supporting disaster-recovery planning; and coordinating state goal-setting and benchmarking. For more on these functions, see under “Core Functions of OSP,” pp. 23-8.)

Internal OSP Functions and Cross-over with Other Agencies

The first area of coordination at the state level relates to the need to make OSP programs operate efficiently in a context in which some relevant programs are already housed in other agencies, making cooperation and coordination constant necessities.

Other states’ newly established offices of state planning have typically relied heavily on leveraging activities and resources from external entities. In some cases, consolidation of related functions has been the preferred course; in others, coordination and inter-agency reporting has been sufficient. Data exchange and outreach functions are also typically most effective when leveraged with other agencies’ ongoing activities. The appropriate course of action for any given Louisiana state planning function relative to the OSP will depend on further review and assessment of those functions’ current status, staffing, and budgets.

Task Force members noted that there already exists, between some state departments, elements of overlap of mission and authority. The OSP would be able to add value in this instance by carefully assessing existing department missions, authority, and capacity so as to be able to effectively engage these entities in order to fill gaps and facilitate coordination.

Task Force members are aware that the OSP’s policy and activities regarding land use and hazard mitigation in coastal areas must be closely coordinated with implementation of the *CPRA Master Plan*. Part of this coordination may require consideration of whether existing regulatory and/or incentive-based tools in the coastal zone are sufficient, or whether policies should be strengthened at the state and/or parish/municipal level. In other states, including North Carolina and California, agencies take a more aggressive stance on regulating development, subdivisions, and permitting within the coastal zone than does Louisiana’s Department of Natural Resources (DNR).

The Task Force specifically cautioned against moves that might redirect funding streams (e.g., dedicated funding to CPRA), and instead stressed that OSP should work with existing departments to advance coordinated state goals.

Alignment of State Policies and Priorities with State Goals

The second area of coordination at the state level relates to the OSP’s role in aligning state planning, policies, incentives, and investments to ensure state agencies that perform functions or set policies that have land-use and infrastructure impacts’ programs support each other and overall state goals. This is particularly crucial around issues related to coastal protection and wetland conservation and/or restoration, but it

is also relevant for DOA, DOTD, Louisiana Housing Finance Authority, Louisiana Economic Development, the Bond Commission, relevant legislative committees, and others. If state policies are poorly aligned, the actions of one department have the potential to undermine ongoing planning, policy, and even capital expenditures of others.

This would be a pure coordinating function, and the Task Force recommended that it be accomplished through the creation of a Cabinet Coordinating Committee that would meet regularly and to exchange information about policies and goals and mediate/resolve inconsistencies. This would be similar to Maryland's Smart Growth Subcabinet, which has 14 members representing key state agencies.

The CPRA designee to the Task Force also suggested that the OSP be granted a seat on the CPRA Board, and there may be additional state boards and/or commissions to which an OSP designee should be appointed.

There was also considerable discussion of how an OSP might play a role in positioning Louisiana to receive additional federal funding. The Task Force agreed to the desirability of such a priority. Proposals surrounding inter-agency coordination and plan cross-acceptance were judged adequate to address this issue.

The Task Force also discussed the best means of facilitating coordination between the OSP and the relevant committees and subcommittees in both houses of the Legislature. The need for facilitation was seen as needing to be balanced against the risk of politicizing elements of the OSP's activities. Regular reporting to the Legislature and the creation of a legislative liaison position on the Cabinet Coordinating Committee were actions deemed appropriate by the Task Force.

Alignment of State Budget Priorities with State Goals

Finally, the third area of coordination at the state level relates to aligning budget priorities with state goals. In many states, offices of state planning play a strong coordinating role in budgeting and program integration across state entities. Task Force members expressed the need for the OSP to have the power to coordinate state spending priorities, without exerting direct control over them. Placement of OSP at the Deputy Commissioner tier of DOA would be an appropriate means to accomplish this.

The Task Force discussed the nature of OSP "oversight," meaning the degree of its influence over other state departments. Members did not favor direct control over departments' budgets or capital programs.

The Task Force also discussed the opportunity for an OSP to add objectivity and rationality to the state capital outlay budgeting process, both for state capital projects and for the local projects funded by the state. Currently, this process is complex (one member termed it "arcane"), and has few objective decision-points. The new Administration has signaled its interest in rationalizing this process; the Task Force saw the OSP as having potential to add significant value to the state capital budgeting, particularly in the scoring process of the capital outlay. Again, placement of the OSP within DOA would streamline these interactions.

In relation to recovery planning after Katrina and Rita, Task Force members also expressed frustration at the lack of a system for rationally prioritizing project and program spending. An OSP was seen as having the potential to help identify or rank high-value recovery projects in the future. Similarly, in the event of a future budget surplus, Task Force members noted that an OSP could be useful in identifying and supporting fiscally responsible programs and projects that are consistent with existing state plans and priorities.

RECOMMENDATIONS:

The Office of State Planning should

1. *Prepare and distribute an annual report on its activities to the Louisiana State Legislature and otherwise establish communication mechanisms to educate the public on planning issues;*
2. *Coordinate and centralize information exchange between state agencies and legislative committees, so as to ensure that all recommendations, appropriations, policies, and incentives having infrastructure or land-use implications are consistent with state goals;²³*
3. *Provide information to state officials so that they will be able to make informed decisions;²⁴*
4. *Participate in the scoring process conducted by DOA during the capital outlay process;²⁵*
5. *Coordinate state budget priorities so that they support state goals; and*
6. *Establish a state Coordinating Cabinet Committee for purposes of program/policy coordination and information/data sharing, including high level representation potentially including, but not limited to the following (members deemed absolutely essential are marked with an asterisk):*
 - o *Deputy Commissioner for Coordinated Planning (chair)—Division of Administration**
 - o *Coastal Protection and Restoration Authority **
 - o *Department of Natural Resources**
 - o *Department of Transportation and Development **
 - o *Louisiana Economic Development**
 - o *Legislative Liaison to the State Senate and State House of Representatives**
 - o *Policy Advisor to the Office of the Governor**
 - o *Department of Agriculture and Forestry*
 - o *Department of Education and/or the Board of Elementary and Secondary Education*
 - o *Department of Environmental Quality*
 - o *Department of Health and Hospitals*
 - o *Department of Wildlife and Fisheries*

²³ Cf. RS 39:21.1-2, .9, and .11.

²⁴ Cf. RS 39:21.7, .9, and .10.

²⁵ Cf. RS 39:21.7, .9, and .11.

- *Louisiana Bond Commission*
- *Louisiana Recovery Authority or its successor (including the State Hazard Mitigation Officer—Governor's Office of Homeland Security and Emergency Preparedness*)*
- *Department of Culture, Recreation, and Tourism (e.g. Office of Historic Preservation)*

III. Core Functions of OSP

The Task Force strongly felt that the OSP should *coordinate* and *support* planning and implementation--not to *mandate* or *direct* them. This was a common theme in much of the Task Force's commentary. In this context, the Task Force proposed five basic types of activities for the OSP:

- Data management and plan recording;
- Technical support, best practices, education and outreach;
- Disaster recovery planning;
- Administration of certain new funds; and
- State goal-setting and benchmarking.

These functions are consistent with the activities of many of the most effective state planning entities in other states, including Georgia, Washington, Maryland, and New Jersey.

A. Data Management and Plan Recording

Valid, current, mutually understood data is a baseline requirement for all spatial planning and many kinds of grant writing. The Task Force was clear and insistent that the OSP should make data coordination, management, and provision a core element of its mission.

Data management is a common function for state planning offices . State planning offices in Maryland and New Jersey both consolidate GIS data in order to delineate areas that are desirable either for development or for conservation. This creates an objective framework for coordination of state policy and local planning. In many states, these data-management functions are executed in conjunction with regional planning entities and/or university partners.

In Louisiana there is a wide variety of data-management capacity across state agencies, regional planning entities, and local jurisdictions. Some are very sophisticated, while others have no capacity at all. Even among those with high capabilities, database architecture often renders different systems mutually inoperable. All state GIS is built upon outdated geospatial data, and few state departments in Louisiana even maintain statewide mapping. As a result, planners at all levels must sift through multiple sources to acquire data.

Task Force members therefore identified a clear and compelling need for the consolidation of GIS and demographic data and its provision to local, regional, and state decision-makers in a clear and uniform format. Those Task Force members familiar with data and GIS management in Louisiana were particularly forceful on the topic.

Several parallel state efforts have already begun efforts to coordinate data, including hazard mitigation data at GOHSEP, efforts involving DNR and DOTD data, and the inter-agency Louisiana GIS Council's LaGIC project. Aligning these separate efforts and presenting the results via a portal that is easily accessed and understood, even to an unsophisticated end-user, was a high priority for the Task Force. As one member put it,

coordinating different kinds of data—including economic development, hazard, transportation, and land-use information—provides “a new lens for the data.” A similar proposal (the “Louisiana Location Index”) was described in the *Louisiana Speaks Regional Plan*.

The Task Force was clear that although the OSP should work with university partners to produce and distribute reliable and sound demographic modeling and projections, it should *not* be charged with reapportionment, which is a more manifestly political arena.

Similar to the issue of data maintenance, no Louisiana agency or entity is charged as the official repository of all state, regional, and local *plans*. This makes it all-but impossible for ongoing efforts to be current and consistent with each other, with pre-existing work, or with pre-established priorities and policies. The Task Force believed this is also an appropriate role for the OSP.

RECOMMENDATIONS:

The Office of State Planning should

- 1. Maintain and provide data (including up-to-date demographic data, GIS mapping, and forecasting) and existing planning (including state and local hazard mitigation plans, transportation plans, and others) to local, regional, and state entities for use during normal planning and policy-making cycles and during post-disaster recovery;²⁶ and*
- 2. Continue to develop (in cooperation with LaGIC and other efforts) a GIS and data portal for use as a resource by local, regional, and state-agency planning.*

B. Technical Support, Best Practices, Education, and Outreach

Task Force members were unified in their support of the OSP providing technical support to local jurisdictions. Technical assistance has been a key element of post-hurricane grant-making and planning efforts in Louisiana.

Depending on staffing and budget levels, this support could take many forms, including best practices and technical assistance for:

- Coastal zone management,
- Floodplain management,
- UCC enforcement,
- National Flood Insurance Program/ Community Rating System participation,
- Disaster recovery planning,
- Hazard mitigation planning,
- Environmental and brownfield remediation,
- Solid waste disposal,
- Historic preservation,

²⁶ Cf. RS 39:21.5 and .8.

- Transportation planning, etc.

It could also include education and outreach around innovative land-use mechanisms including:

- Transit-oriented development (TOD),
- Traditional neighborhood development (TND),
- Rural clustering,
- Infill development,
- “Nexus” planning,
- Green planning and building techniques, etc.

Additionally, the OSP could conduct training for planning commissioners and other officials.

Task Force members familiar with local issues cited a specific need for state-level technical assistance and material support for local efforts towards comprehensive planning and zoning, and supported promotion of the Model Development Code, a project being conducted in partnership between CPEX, LRA, and Louisiana Economic Development.

Many of these activities could be best accomplished by the OSP leveraging relationships to non-profits (including CPEX) and to universities and extension programs. This is a model that works in many states, including Georgia, New Jersey, and Wisconsin.

RECOMMENDATIONS:

The Office of State Planning should

- 1. Provide technical assistance, education, outreach, and informational resources to local entities;²⁷*
- 2. Support the Model Development Code as a tool to implement local planning goals; and*
- 3. Collaborate with universities and others to provide education and resources to local governments.*

C. Disaster Recovery

Task Force members cited a need to have the capacity and mechanisms in place for disaster-recovery planning in advance of when they are needed.

Nationwide, disaster-management experts are now in agreement that in the U.S., existing disaster-*response* frameworks are typically not adequately designed to transition into a robust long-term disaster-*recovery* mode. Katrina and Rita provided objective lessons in the very different challenges posed by *response* and *recovery*.

²⁷ Cf. RS 39:21.4 and .14.

The Task Force recognized that the OSP could fill essential roles in the planning function of the Incident Command Structure (ICS) ²⁸ throughout the disaster response and recovery phases of Louisiana's next major incident. It could also provide logistical support in the form of data, mapping, and information that is essential to response and recovery efforts.

Additionally, the OSP could act as the central point-of-contact for disaster-recovery planning. This would alleviate the need to create a new planning system and/or entity, as happened after Katrina and Rita under FEMA's ESF-14 long-term recovery planning function, and—to a much greater degree—with the formation of the LRA. Pre-established protocols and relationships would also ease the transition from disaster-response (headed by the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and supported by the Department of Wildlife and Fisheries, Department of Public Safety, Louisiana National Guard and others) to disaster recovery, in which the OSP would take on key planning and coordination functions.

Furthermore, OSP participation in disaster response and recovery would provide a conduit for coordinating disaster-recovery planning directly with the OSP's departmental partners (including DOTD, CPRA, and others), with existing state plans and priorities (potentially including the *Louisiana Speaks Regional Plan*, the *CPRA Master Plan*, and others), and with regional and local jurisdictions and plans.

Also raised was the possibility of the OSP playing a role in the updating and maintenance of state and parish hazard mitigation plans. The OSP could take on a partnership role with the State Hazard Mitigation Team, which allocates FEMA Hazard Mitigation Grant Program funds,²⁹ as well as partnering with GOHSEP to oversee triennial updates to the State Hazard Mitigation Plan.

RECOMMENDATION:

The Office of State Planning should coordinate disaster recovery by functioning as repository for local mapping and demographic information and updated local hazard mitigation plans.³⁰

D. Trust Funds

The Task Force generally agreed that a legislatively created mitigation fund (referred to in the *Louisiana Speaks Regional Plan* as a "Conservation and Mitigation Trust Fund") would be a useful tool in removing from commerce those lands (or development rights, or surface rights) that are identified for conservation or hazard mitigation. However, additional assessment and analysis is needed to determine whether such a fund's mission could be best accomplished by augmenting existing funds at DNR and CPRA,

²⁸ Incident Command Structure (ICS) is a flexible, scalable framework that allows for multi-agency and multi-jurisdictional response to crises. It is supported by FEMA and GOHSEP.

²⁹ For the federal disaster declarations related to hurricanes Katrina and Rita, allocation of HMGP funds was tasked to the LRA, so that hazard-related funding could be coordinated with the larger recovery effort.

³⁰ Cf. RS 39:21.5 and .8.

or by creating a new fund to be housed at the OSP. Additionally, a separate study committee is currently assessing the viability of a “State Coastal Land Trust” at DNR, pursuant to Senate Concurrent Resolution 95 of 2007. Regardless of these outcomes, the Task Force agreed that the application of this type of funding should be coordinated with the OSP.

The Task Force also discussed the potential for another legislatively created fund (referred to in the *Louisiana Speaks Regional Plan* as a “Community Reinvestment Trust Fund”) having land-banking and planning-support functions. The Task Force recognized that land banking would have to be carefully coordinated with existing local authorities with similar functions, and it would have to operate consistent with state and local law. A state land bank could, for example, acquire land (whether for reasons of blight, abandonment, or hazard) and then deed it to local redevelopment authorities with certain performance measures or plan-consistency requirements attached.

This strategy has been used for redevelopment of Louisiana Land Trust properties in New Orleans, via the New Orleans Redevelopment Authority. These properties are required to be redeveloped in general consistency with LRA recovery planning (Louisiana Speaks) and the Unified New Orleans Plan. One Task Force member noted that when the LRA sunsets, it will fall to the OSP to maintain oversight on such issues.

RECOMMENDATIONS:

The Office of State Planning should

- 1. Administer a new Community Reinvestment Trust Fund to support redevelopment and reinvestment in existing communities; and*
- 2. Coordinate with DNR and CPRA in their roles as overseers and administrators of the Coastal Protection and Restoration Fund, and/or administer of a new and broader Conservation and Mitigation Trust Fund in coordination with other mitigation and restoration tools.*

E. State Planning

The Task Force supported charging the OSP with updating and expanding existing state planning efforts, as well as ensuring that these coordinate other state plans and policies, particularly with respect to supporting implementation of the *CPRA Master Plan*.³¹

Many states with effective state planning functions use those offices to consolidate and describe state long-range goals, and provide benchmarks. Both Oregon and New Jersey, for example, maintain state plans with goals and criteria. These benchmarks provide guidelines for state, regional, and local planning.

The *Louisiana Speaks Regional Plan*, with its comprehensive approach and broad public outreach component, was seen as a useful “initial guiding resource” which should be validated, refined, updated, grounded in truth, and developed as a

³¹ Cf. RS 39:21.6, and .11-13.

framework for future state planning. Task Force members were supportive of expanding similar visioning and strategic planning efforts to include Central and North Louisiana.

As one Task Force member noted, "There is no entity in charge of implementation for Louisiana Speaks." Many of the activities that the Task Force proposed for the OSP are consistent with the priorities that emerged from the *Louisiana Speaks Regional Plan*, and would also support the "smart growth" priorities endorsed by that plan and by the LRA.

In particular, the Task Force supported charging the OSP with maintaining consistency between state planning and the legislatively approved *CPRA Master Plan*.

RECOMMENDATIONS:

The Office of State Planning should

- 1. Use the Louisiana Speaks Regional Plan as an initial guiding resource for activities of the OSP; and*
- 2. Expand visioning and strategic planning efforts comparable to the Louisiana Speaks Regional Plan to include the entire state.*

Next Steps

The following next steps are recommended towards implementation of the recommendations of this Task Force:

1. LRA or DOA should conduct a statewide planning-capacity assessment, comprehensively inventorying the following:
 - o All existing planning policies, programs, personnel, and funding;
 - o Any programmatic overlaps and/or gaps; and
 - o The existence of appropriate incentives and support for new requirements and/or desired outcomes.The study should recommend solutions, including improved coordination or program consolidation, as appropriate.
2. An Executive Order should be issued to create the Office of State Planning, including:
 - o Creation of the Office of State Planning
 - o Charging the OSP with the power and responsibilities to implement RS 39:21 and other relevant recommendations contained in this technical report;
 - o Establishment of a budget line for year one of the OSP's operations, including a budget sufficient for an Executive Director and a core staff (a total of six to ten people)
 - o Establishment of, and appointments to, the State Coordinated Planning Commission
3. The Office of the Governor should conduct a national search for an OSP Executive Director, with a salary commensurate to cabinet secretaries and authority directors in Louisiana.
4. The Executive Director should hire the OSP's core staff (all non-classified hires).
5. Pending the recommendations of the statewide planning-capacity study (see item 1, above), the Executive Director and his/her staff should develop a strategic plan, staffing plan and operating budget for consideration by the Governor and Legislature in 2009.

The Task Force also notes that further study on the following issues will be required prior to action being taken relative to them:

- Following on the research and recommendations offered by the Louisiana Sea Grant Program's "Hazard Mitigation and Land Use Planning in Coastal Louisiana" (2008), there will be a need for continued assessment and detailed action regarding reform of local and state regulations that impact development in hazard-prone areas. This must be coordinated with CPRA and DNR (especially the Coastal Management Division).
- Further study and consideration must be given to the optimal balance of state/federal and local interests in the area of large infrastructure investments. Rewarding local jurisdictions that plan with access to state/federal funding streams and investments provides a strong incentive to plan, as does state/federal consideration of local plan priorities in project implementation. However, there is an overriding interest in coordination of certain state/federal

investments and programs across jurisdictional boundaries. This issue must be resolved.

- Further study is required on the most effective program structure for funds that are intended to conserve or mitigate properties. DNR administers a fund to this effect; SCR 95 is exploring another; and several existing and proposed non-profit entities serve similar purposes. These efforts should be coordinated in a deliberate and strategic manner, and if gaps exist in the mission of these funds, they should be filled by existing or new sources.

Additionally, it is recommended that the Governor, his key staff, selected cabinet secretaries, and other state leaders participate in a Governors Institute on Community Design workshop. This is a program that advises sitting governors on planning-related topics of his/her choosing. Workshops typically last one-and-a-half days, and the Governor's personal participation is required for portions of the agenda. They are led by national experts, typically including other former governors. The program comes at no cost to participating states.

Interim Implementation Steps Towards LRA Transition

As stated in the Preamble of this report, the Task Force recommends that the Governor and Legislature consider the Louisiana Recovery Authority (LRA) adjust its mission and activities to encompass the recommended activities of a state Office of Planning as established in this report. The following steps are recommended towards the LRA transition:

- The LRA shall conduct a statewide planning-capacity assessment.
- The LRA Planning Director shall act as the interim Office of State Planning Executive Director with broader functions.
- The LRA shall adjust its board membership, staffing and budget to perform additional planning implementation activities.
- The LRA shall amend its strategic plan to address the recommended activities of an Office of State Planning, and will strategize and formulate a 2-year transition plan to lead to the permanent creation of the Office of State Planning.

Appendices

Following is the contents of the Appendices, which contains documents, source material and presentation material that comprise the background and context for this Technical Report. The Appendix documents themselves are available for download at www.louisianaspeaks.org and www.lra.louisiana.gov, and by contacting LRA at (225) 342-1700.

Existing planning enabling legislation in Louisiana

- RS 39:21 (state planning)
- RS 39:31 (state strategic planning)
- RS 33:106 and RS 33:109 (planning commissions and local planning)
- RS 33:130, RS 33:132, and RS 33:137 (regional planning commissions)
- RS 33:140 (planning and development districts and master plans)

Documents created pursuant to December 18, 2007 meeting:

- Minutes
- Consensus items summary

December 18, 2007 pre-meeting mail-outs:

- Office of State Planning Task Force December 18 meeting agenda
- HCR 229 (Office of State Planning study resolution)
- *Louisiana Speaks Regional Plan* document
- *Louisiana Speaks Regional Plan*, Appendix C (state planning best practices)
- John Costonis, "Two Years and Counting."
- Office of State Planning Task Force roster
- Office of State Planning summary PowerPoint
- Office of State Planning summary idea summary
- Office of State Planning summary fact sheet

December 18, 2007 meeting hand-outs:

- John Frece presentation PowerPoint
- "State Summaries" summary document
- Kevin Belanger notes regarding La. state planning practices and recommendations

January 30, 2008 pre-meeting mail-outs:

- December 18, 2007 Meeting Minutes

January 30, 2008 meeting hand-outs:

- Office of State Planning Task Force January 30, 2008 Meeting Agenda
- December 18, 2007 Meeting Summary and Draft Report Recommendations PowerPoint
- Attachment A – Recommendations from Draft Report with tracked changes

Documents created pursuant to January 30, 2008 Meeting:

- Minutes

Additional background material:

- Rod Emmer, James Wilkins, Lisa Schiavinato, Mark Davis and Mike Wascom, "Hazard Mitigation and Land Use Planning in Coastal Louisiana: Recommendations For The Future." Louisiana Sea Grant Program, 2008.
- *Louisiana Speaks Regional Plan*, Strategic Implementation Plan Policy Paper no. 1 (Establishing an Office of State Planning)
- *Louisiana Speaks Regional Plan*, Strategic Implementation Plan Policy Paper no. 2 (A Statewide Framework for Local Comprehensive Planning)