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Creating Communities of Place



**STATEWIDE PLANNING  
AND GROWTH MANAGEMENT  
PROGRAMS IN THE  
UNITED STATES**

**Document #113**

NEW JERSEY OFFICE OF STATE PLANNING

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*STATEWIDE PLANNING  
FOR DEVELOPMENT AND REDEVELOPMENT  
IN THE UNITED STATES*



## EXECUTIVE SUMMARY

### **More States are Involved in Statewide Planning**

When its State Planning Act was signed into law in 1986, New Jersey became the fifth state in the United States to establish a contemporary state government program to guide development and redevelopment statewide. Six years later, as it prepared its first State Development and Redevelopment Plan, the New Jersey State Planning Commission conducted a study to consider the experiences of the four existing statewide planning programs. Now, ten years after the adoption of the State Planning Act, and at the beginning of a new cycle of reviewing and updating the adopted State Development and Redevelopment Plan, several more states have established statewide planning programs. This study updates the Commission's initial analysis and identifies resources the Commission may consult in evaluating New Jersey's efforts.

Since 1960, thirteen states have enacted (and amended) statewide planning legislation:

- ◆ Hawaii (1961/1978)
- ◆ Vermont (1970/1988)
- ◆ Florida (1972/1985)
- ◆ Oregon (1973)
- ◆ Connecticut (1974)
- ◆ New Hampshire (1985)
- ◆ New Jersey (1986)
- ◆ Rhode Island (1988)
- ◆ Maine (1988)
- ◆ Georgia (1989)
- ◆ Washington (1990/1991)
- ◆ Maryland (1992)
- ◆ Delaware (1995)

Recognizing the interjurisdictional impacts of planning and zoning, these states have adopted a systems approach to land use governance involving a comprehensive planning program initiated at the state level. In addition, two states, California (1972) and North Carolina (1974), enacted legislation that coordinates state and local planning and permitting activities within coastal areas.

### **There are Different Models for Statewide Planning**

Ten of the thirteen states — *Delaware, Florida, Hawaii, Maine, Maryland, New Jersey, Oregon, Rhode Island, Vermont, and Washington* — created state-level planning practices and programs that rely on an integrated network of local comprehensive plans and related ordinances to implement the statewide goals and guidelines for growth:

The three remaining states — *Connecticut, New Hampshire and Georgia* — do not rely solely on local plans and ordinances to carry out the goals and objectives of the program. Rather, they call for regional plans, as well as state agency plans to implement the state program. Several of these programs also include a planning and technical assistance role for county, regional or state agencies, as well as financial assistance for growth management implementation.

Since the evolution of statewide planning, four general types of state level plans have emerged, as categorized by the American Planning Association, (with most of the states falling into more than one typology):

- ◆ **Strategic futures plans** create a “vision” for the state (Delaware, Georgia, Maryland and New Jersey).
- ◆ **State agency strategic plans of operation** direct the focus and activities of state agencies (Connecticut, Hawaii and Maryland).
- ◆ **State comprehensive plans** integrate goals and policies to guide local, regional, and state agency planning activities (Florida, Hawaii, New Hampshire and New Jersey).
- ◆ **State land development plans** establish goals, policies, and guidelines for land & development in the state (Florida, Maine, Oregon, New Jersey, Rhode Island and Washington).

There remains one significant category of state plans to which only New Jersey and Connecticut subscribe. The New Jersey State Development and Redevelopment Plan, and the Connecticut Conservation and Development Policies Plan are the only plans to incorporate statewide maps and mapping systems that geographically reflect their plans' policies.

### **Statewide Planning – Common Themes**

Despite these differences, there are strong overriding themes among statewide planning programs throughout the United States, as observed in the American Planning Association's 1996 *Growing Smart* study on the modernization of state planning statutes:

- ◆ Environmental degradation and destruction led to their creation.
- ◆ All start with a statewide effort to establish goals and priorities for the future growth and development of the state.
- ◆ **Compact development** – controlling “sprawl” patterns of land development is a major issue in all of the states with statewide planning programs.
- ◆ **Consistency** (vertical/horizontal/internal) of state agency, regional, and local plans and development regulations is essential to the success of the program.
- ◆ **Concurrency** – providing adequate infrastructure and public services as development comes on line, is crucial to redirecting, rather than prohibiting, development.

Although the strategies, procedures and distributions of power vary among statewide planning systems, they have important factors in common that have led to similar outcomes. These factors and their relationship to the three fundamentals of growth management – coordination, compact development and concurrency – are explored below.

### ***Coordination***

- ◆ **Leadership:** A factor fundamental to the development and success of all 13 of the state planning programs is gubernatorial and legislative support. Although growth management may not have necessarily been initiated by the governor, it eventually received his or her full support, and the support of the various state legislatures. In all of the programs, the state policy makers or representatives of various interest groups introduced land use and development legislation to find solutions to the states' development problems.
- ◆ **Organization:** Another important factor in statewide planning is the appointment of special commissions to study, and then formulate, policies concerning growth, development and resource issues. Six states examined for this report have them. These special boards or commissions solicit the input of a broad range of interested parties including local governments planners and officials, and private sector representatives (environmentalists, realtors, developers, business people, etc.). Most of the states also encourage citizen participation in the planning process to ensure that citizen concerns are being considered during the planning process.
- ◆ **Local Planning:** While “state-level” direction is prevalent in all of the programs, local planning is the foundation for most of the state programs. Although most of the programs mandate consistency of local plans with state plans, they do not all have this authority.

Florida, Oregon, Rhode Island and Washington require local governments to create a comprehensive plan and submit it for state approval. Rhode Island, with the strongest law in this regard, will prepare a

comprehensive plan on any local government that does not comply with the law by a specified deadline. In Oregon and Washington, tax revenues and other state grants and funding can be withheld from uncooperative local governments for noncompliance. The other states £ Connecticut, Delaware, Georgia, Hawaii, Maine, Maryland, New Hampshire, New Jersey, and Vermont £ have maintained “home rule” approaches to growth management, with several having created other incentives, rather than legal requirements, for local governments to comply with state guidelines (e.g. state funds or priority status for local housing, infrastructure and/or economic development projects).

- ◆ **State Guidelines:** To achieve their particular growth management goals, all of the states have either set guidelines for action in the legislation or mandated a state plan to provide these guidelines. The guidelines may be specific standards, suggested policies or requirements for state agencies and local governments to follow in their planning. Oregon, for example, identifies nineteen specific goals that have the force of law. If a local governments’ land use decisions do not meet those goals, the decisions can be challenged and struck down in state court.
- ◆ **Consistency and coordination:** These two components of the “three c’s” are common themes in state planning programs. Most of the programs provide some sort of mechanism for coordinating planning at every level – state, county, regional, and local. They also call for the preparation and/or amendment of local comprehensive plans, land use ordinances, and state agency plans to produce both horizontal and vertical consistency: that is, policy, planning and regulatory consistency across department lines at any one level of government, paired with the same type of consistency spanning all levels of government.
- ◆ **State Agency Role:** The role of state agencies in the planning process is important in every state program. In several of the state programs, state agencies are required to prepare plans that are consistent with other state agency plans, local comprehensive plans, and that address the goals and objectives of the overall state plan.
- ◆ **Intergovernmental coordination:** The need to coordinate statewide planning with a variety of activities carried out at all levels of government has led to ongoing discussion and cooperation among local governments and state agencies. As state agencies and local governments work together and communicate with each other, they have discovered £ and eliminated £ many bureaucratic inconsistencies and inefficiencies. For example, state permit issuance and other regulated land use processes can be streamlined if the entities coordinate their planning efforts.

### ***Compact Development***

- ◆ **Urban growth areas/boundaries:** Ten of the 13 states whose planning programs were examined by OSP have established some type of urban growth boundary (UGB) designation process. They are: Connecticut, Florida, Georgia, Hawaii, Maine, Maryland, New Jersey, Oregon, Vermont and Washington. These growth boundaries are drawn around areas where projected population growth will be directed, although these programs are not as extensive. In general, urban growth areas are areas in which growth should be encouraged, and beyond which only limited growth is likely to occur.

Most of the states that have initiated such programs have used Oregon as their model. Oregon’s 15 years experience in implementing the UGB concept has proven to be an effective tool in controlling the costs of public facilities and services, preserving farmland from sprawl, improving coordination among local governments, and creating “predictability” in the land development process.

### ***Urban Growth Boundaries Are a Significant Tool***

*Six of the 13 states that practice statewide planning employ processes for defining the boundaries of urban growth areas. They are: Connecticut, Hawaii, Maryland, Oregon, Vermont and Washington. Four others: Florida, Georgia, Maine and New Jersey, have created processes for designating areas within the state where growth should be directed, although these programs are not as extensive.*

*In general, urban growth areas are areas in which urban growth is encouraged, and outside of which growth can occur only if it is not urban in nature. Urban growth areas, based on population forecasts, encompass areas and densities sufficient to permit the urban growth projected to occur for a specified period. Urban growth boundaries are lines on a map that are used to mark the separation of urbanizable land from rural land and within which urban growth should be contained for a period of time specified by a growth management program.*

*Examination of the various programs has found that the most effective growth boundaries in urban areas are typically established on a regional basis — similar in concept to Planning Area 1 or Planning Area 2 in New Jersey's State Plan. In rural areas, these boundaries correspond to Planning Areas 3, 4, and 5.*

*The boundaries are designed to protect the agricultural character of certain lands and to encourage efficient provision of public services, including sewer and water. They are enforced in a variety of ways, the most effective being:*

- ◆ *municipalities refusing to plan or budget for, or extend municipal services outside the urban growth boundary;*  
*or*
- ◆ *state authorities refusing to provide financial assistance for infrastructure improvements beyond the urban growth boundary other than to maintain pre-existing facilities.*

### ***Concurrency***

Concurrency is a concept that has become a key component of several of the state programs reviewed, especially Florida. It is a mechanism for guiding development whereby public facilities and services needed to support development are to be available concurrent with the impacts of the development.

- ◆ ***Capital Improvements/Budgeting:*** All of the states with enacted statewide planning programs address the issue of concurrency, the provision and/or expansion of adequate infrastructure and public services in pace with development. Several states — Georgia, Maine, Oregon, Rhode Island, Vermont and Washington — list “concurrency” as one of their statewide goals.

Florida's concurrency provision is unique. While Florida also lists concurrency as one of its statewide goals, at its center is the requirement that, before a development permit is issued, the local government must ensure that the proposed development will not erode minimum standards for levels of service provided by infrastructure facilities.

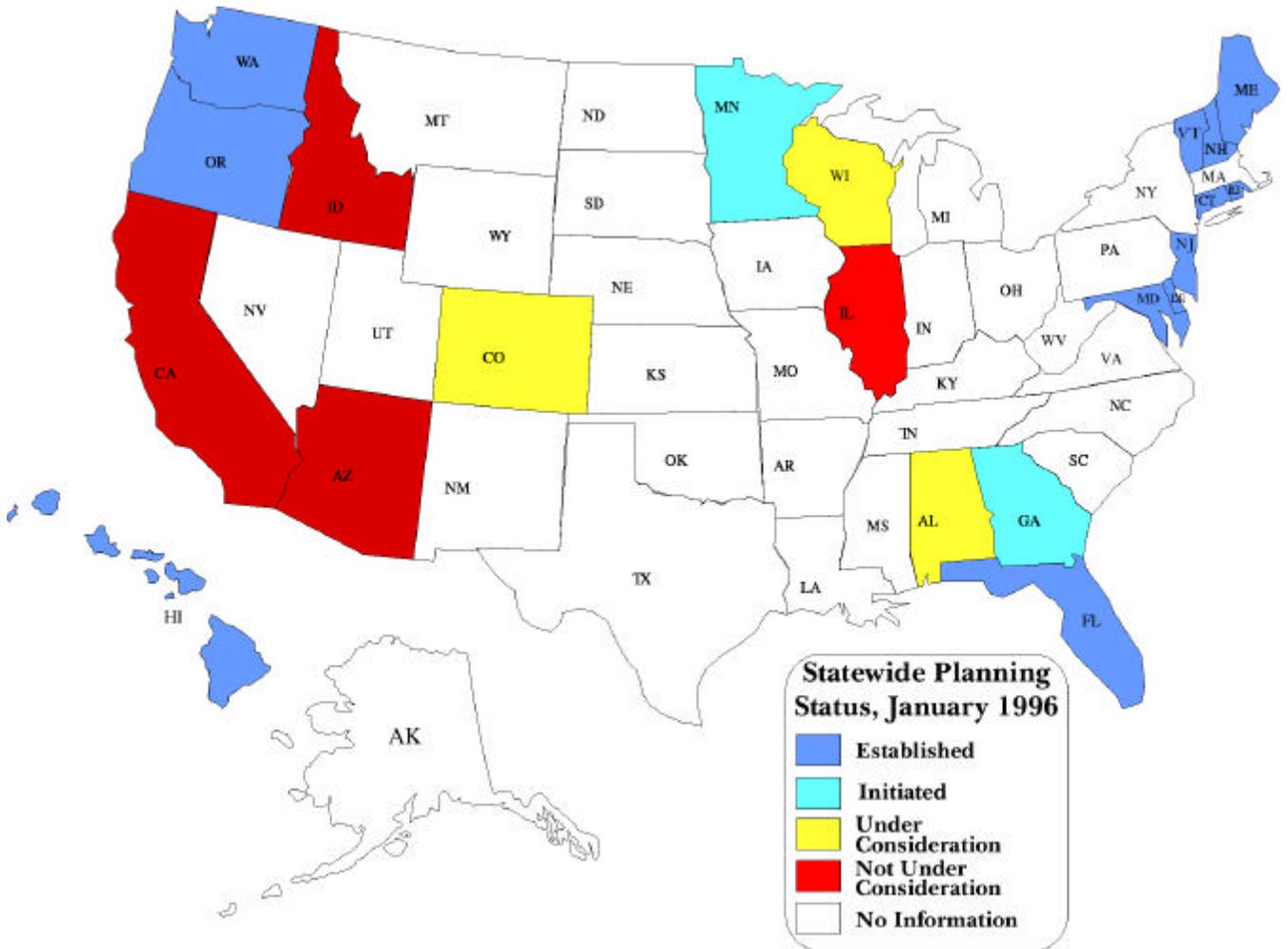
Under this program, the local comprehensive plan must contain a Concurrency Management System (with Level of Service Standards) to establish a mechanism that ensures that public facilities and services needed to support development are available concurrent with the impacts of the proposed development. Local governments must also adopt level-of-service standards for public facilities and services located within the jurisdiction.

In New Jersey, the issue of concurrency is addressed much differently. The State Planning Act calls for the State Plan to “promote development and redevelopment in a manner consistent with sound planning

and where infrastructure can be provided at private expense or with reasonable expenditures of public funds.

The remaining states — Connecticut, Delaware, Hawaii, Maryland, and New Hampshire — incorporate the concurrency provision in other areas of their planning programs, with most requiring local governments to address it in their local comprehensive plans.

## Statewide Planning in the United States



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# INTRODUCTION

## THE EVOLUTION OF MODERN STATEWIDE PLANNING

Statewide planning for development and redevelopment is not a new phenomenon in the United States. For example, New Jersey's first State planning board was created and its first State Planning Act was passed into law in 1934. Most early nationwide state government planning efforts primarily performed statewide studies related to infrastructure projects and the support of local planning efforts, and often directly responded to Federal mandates. As Federal mandates became less comprehensive and more departmental, and also as these mandates receded overall, comprehensive planning efforts by state governments either diminished or were transformed to address local and regional, rather than nationwide, needs.

Although all states have the legal authority to plan, relatively few have developed a comprehensive, statewide planning process in which all levels of government are required or strongly encouraged to do planning that achieves specific statewide goals and objectives. All states have established land use planning and zoning enabling legislation, mechanisms by which a state delegates to local governments its inherent 'police power' to plan and zone. ("Police power" is the power granted to states to protect public health, safety and welfare).

Only within the past three decades has this traditional, local "home rule" approach to planning been shown to be insufficient in responding to rapid changes in development patterns within a region. Local governments have found it necessary to engage the cooperation of neighboring and higher level governments to ensure that their attempts to manage growth and its impacts on urban, suburban and rural/exurban areas are not contradicted by the policies, projects and permits of regional, state and federal agencies as well as of other local governments.

The first of these contemporary statewide planning initiatives grew out of increasing environmental concerns associated with rapid population growth and development. The concept of "managing growth" is centered on the decision of governments to restrain, accommodate, encourage or otherwise influence development and patterns of development in any geographical location (central city, suburb, or rural) and at any level of government (state, regional, or local). Growth management programs provide a means for governments to establish comprehensive goals and priorities that are designed to address the demands of development and redevelopment, and which can be implemented through an *integrated* system of administrative (planning), financial and regulatory programs.

Thus, the "first wave" of growth management systems occurred in the mid-1960s and 1970s. These states addressed growth management in one of four ways, as described in a report prepared in 1988 for the National Governor's Association:<sup>1</sup>

- ◆ ***Coastal*** programs were established in states, including New Jersey, where rapid population growth and development threatened coastal regions. California and North Carolina established formal governing bodies, Coastal Commissions, which coordinated state and local planning activities in coastal areas.
- ◆ ***Selective*** programs asserted state control over a specific region of the state. In the New Jersey pine barrens, the State established a planning and regulating entity, the Pinelands Commission, to manage land uses in the region. Other such regional or issue-specific planning entities include the Cape Cod Commission in Massachusetts, the Adirondack Park Agency in New York, and the Maine Land Use

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<sup>1</sup> *Expectations and Opportunities: Growth Management in the Late '80's*. Susan M. Sinclair. (Unpublished draft) August 12, 1988, Public Policy & Management Program - University of Southern Maine, 49 pp.

Regulation Commission, which regulates planning and permitting for thousands of acres of unincorporated land in that state.

- ◆ ***Comprehensive/selective*** programs established state control over certain types of development on a statewide basis. For example, Vermont’s Act 250 and Florida’s programs for Developments of Regional Impact and Areas of Critical State Concern establish criteria for development proposals that trigger a centralized regulatory process.
- ◆ ***Comprehensive/general*** programs assigned all planning, zoning and permitting authority to state government, as in Connecticut, Hawaii and Oregon. In this model, the state government’s planning and permit issuance authority applies to the state as a whole.

During the 1980’s, a “second wave” of growth management programs occurred in several states following Florida’s passage of more comprehensive growth management legislation:

- 1985 — New Hampshire passed NH Planning and Land Use Regulation;
- 1986 — New Jersey passed the State Planning Act;
- 1987 — Georgia established the Growth Strategies Commission, and in 1989, passed the Georgia Planning Act;
- 1988 — the legislatures in Maine, Vermont, and Rhode Island passed growth management statutes almost simultaneously.

Moreover, the 1990’s brought yet a “third wave” of growth management and statewide planning programs:

- 1990 — the State of Washington’s legislature passed the 1990 Growth Management Act (GMA);
- 1992 — Maryland amended Article 66B, Zoning and Planning, of the Annotate Code of Maryland with the passage of the Economic Growth, Resource Protection and Planning Act of 1992;
- 1995 — Delaware established the Cabinet Committee on State Planning Issues, and passed Senate Bill 116, the “Shaping Delaware’s Future Act.”

With the development of these statewide programs, government officials and planners recognized the interrelationships among environmental, traffic, housing, economic development and other land use issues and the need to address these issues simultaneously rather than individually.

The Office of State Planning examined statewide comprehensive planning programs in the 13 states where they are not in effect. All of these programs rely on the integration of local comprehensive plans and related land use regulations, as well as state agency plans to implement the goals and objectives for growth. They combine environmental planning, transportation planning, economic development and a variety of land use goals in an attempt to address such quality of life concerns as traffic congestion, air pollution, and affordable housing.

Planners and officials in these states realized that because these concerns transcend local boundaries, mechanisms to integrate state, regional, and local planning efforts needed to be found. Although the strategies, procedures, and distribution of power may vary among these programs, the desired end result of each system is remarkably alike. Each growth management system addresses these key issues:

- |   |   |
|---|---|
| ◆ Consistency                                 | ◆ Compact urban development/control of urban sprawl |
| ◆ Concurrency                                 | ◆ Coastal controls                                  |
| ◆ Economic development                        | ◆ Affordable housing                                |
| ◆ Protection of natural resources/environment | ◆ Funding of local planning initiatives             |

Additionally, all of the state programs address similar issues:

- ◆ an outline of state goals and guidelines
- ◆ measures to improve and increase local and regional planning
- ◆ consistency among local plans, zoning and subdivision regulations, and statewide goals
- ◆ the role of state agencies
- ◆ the role of regional bodies
- ◆ methods of mediation and negotiation
- ◆ strategies for coordinating planning among all levels of government

## RESEARCH METHODS

This report updates and expands research conducted for the 1987 report, *Statewide Growth Management Programs in Other States*.<sup>2</sup> That report examined the currently existing statewide planning programs in four states — Oregon, Hawaii, Florida and Vermont — as New Jersey was initiating its own statewide planning program. The report provided an overview of each program which included information on the planning legislation enacted by the state legislature, the agencies involved in implementing the program, the role of local governments in the planning process (i.e. local comprehensive plans), incentive programs offered to local governments, and a brief summary of the successes and failures of each program to date.

The research for the updated report follows a similar format. The research methods included an extensive literature review of each state's growth management program and/or statewide comprehensive plan, as well as telephone interviews with individuals involved in the state planning process in each state, when available. This report expands the examination of statewide comprehensive planning/regulatory programs to include the seven states now most often used as the models for implementing such programs by other states — Florida, Hawaii, Maine, New Jersey, Rhode Island, Oregon and Washington — as well as six other states for which statewide planning programs have been developed since the original report was released. A particular emphasis was placed in the current research on techniques of using "urban growth areas" and "urban growth boundaries" by states to control sprawl.

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<sup>2</sup> *Statewide Growth Management Programs in Other States*. Siemon, Larsen, Mattlin & Purdy. January 27, 1987. Trenton: New Jersey Office of State Planning. Technical Reference Document #8.

## STATE PROFILES

This section profiles thirteen states that have adopted statewide planning programs for development and redevelopment including growth management programs, land use regulations and/or statewide comprehensive plans. For some states, only a limited amount of information was available.

Each profile describes:

- legislative authority for the program;
- an overview of state goals;
- the use of urban growth boundaries;
- roles of cities and counties in the planning process;
- techniques used for coordinating planning efforts;
- contributions to regulatory reform;
- requirements of local comprehensive plans;
- the use of impact assessments and infrastructure needs assessments;
- the type of monitoring and evaluation process used by agencies;
- the role of public participation in the planning process;
- physical objectives of the program;
- use of maps and GIS in the planning process;
- administration of the program, and the role of the legislature in the program;
- types and amounts of planning grants to local governments, (where applicable); and
- resources available for further information concerning the program.

## CONNECTICUT

### Legislative Authority

The State Policies Plan for the Conservation and Development of Connecticut is a statement of the growth, resource management, and public investment policies for the state. The Plan provides a policy and planning framework for the administrative and programmatic actions, and capital and operational investment decisions of State government which influence the future growth and development of the State. The objective of the Plan is guide a balanced response to human, environmental and economic needs in a manner which best suits the future of Connecticut.

In 1971, House Joint Resolution No. 40 called for the development of a State Plan of Conservation and Development. The Plan was drafted as executive policy in September 1974 for State government actions affecting land and water resources, and was implemented through Executive Order. The Plan was established by the Connecticut General Assembly in accordance with Sections 16a-24 through 16a-33 of the Connecticut General Statutes.

Specific requirements set forth in the Connecticut General Statutes include the following:

1. State agencies are directed to consider the Plan when they prepare agency plans. In addition, agency prepared plans, when required by state or federal law, are to be submitted to the Office of Policy and Management (OPM) for review for conformity to the Plan.
2. Responsibility is placed upon State agencies to relate most of their proposed State-funded capital investments to the Plan and OPM is required to review such proposed investments for conformity. The actions included are those of any State agency using State or federal funds in excess of \$100,000 to purchase (including the purchase of development rights), develop, or improve real property or transportation equipment, or provide a grant in excess of \$100,000 for such purposes.

In addition, the Secretary of OPM submits to the State Bond Commission, prior to the allocation of any bond funds for any of the actions, an advisory statement commenting on the extent to which such action conforms with the Conservation and Development Plan.

3. Each year, an annual report by OPM is forwarded to the Continuing Committee on State Planning and Development (CCSPD) indicating progress made toward implementation of the Plan and the extent to which State actions have been in conformity.

Section 16a-28 of the Connecticut General Statutes set forth a recurring five-year cycle for the preparation, legislative committee review, and public hearings that precede full legislative adoption of the Plan. In 1976, the General Assembly established a process for direct legislative participation in the preparation and adoption of a conservation and development plan, specified its application, and directed the broadening of its scope. Plans were subsequently developed by the Office of Policy and Management (OPM) and adopted by the General Assembly in 1979, 1983, and 1987.

### Statewide Planning Goals

The Conservation and Development for Connecticut Plan identifies eight planning and development subject areas. It proposes goals, policies and strategies for addressing these areas in a coordinated way which will set forth an overall and long-term perspective for State government program planning, priorities evaluation, targeting of resources and for the coordination and evaluation of plans, programs and investments.

#### Economic Opportunity

- ◆ Promote an economy with the strength and diversity to assure meaningful employment for all who seek it.

#### Energy Resources

- ◆ To provide for sustainable and efficient use of energy and natural resources through least-cost planning techniques in order to provide a viable economy, a healthy environment, and a high quality of life.

**Transportation**

- ◆ To provide an integrated, efficient and economical transportation system which provides mobility, convenience and safety which meets the needs of all citizens, including transit-dependent and disabled.

**Housing**

- ◆ To establish and maintain an adequate supply of decent and affordable housing in a suitable living environment for all citizens.

**Water Supply**

- ◆ To effectively establish, protect and manage sufficient high quality water supply sources, treatment facilities and delivery systems to meet existing and future needs.

**Food Production**

- ◆ To maintain and increase a long-term, in-state food producing capacity:
  1. through conservation and preservation of prime agricultural lands and through removal of disincentives to the continuation and expansion of food-producing agriculture, and;
  2. through conservation and preservation of marine habitat and by promotion and support of seafood-producing industries.

**Environmental Quality**

- \* *Water and Wastewater Management* - To maintain existing high quality waters. To restore and manage the waters of the state to a quality and quantity consistent with their use for water supply, water-based recreation and for the protection and propagation of fish, shellfish and wildlife. To promote agriculture and economic development, and protect the public health and welfare.
- \* *Solid Waste Management* - To reduce adverse impacts on the environment and public health while achieving maximum recovery and recycling of the resources in solid waste.
- \* *Hazardous Substance Management* - To assure appropriate and prudent hazardous substance handling and the provision of critical recovery, treatment, storage and disposal facilities needed to manage the state's hazardous wastes in a manner that protects the public health and safety, the environment and the state's economy. To assure the discovery and clean up of sites where past waste disposal activities pose a risk to public health and the environment.
- \* *Air Quality* - To establish and maintain a quality of air that is protective of public health and welfare and that allows attainment of economic and urban development goals.

**Natural and Cultural Resources**

- ◆ To enhance the quality of the physical, cultural and biological environment by the conservation and preservation of natural and cultural resources and ecological systems.

**Urban Growth Boundaries/Areas**

The Plan Locational Guide provides a general statewide strategy for the promotion of the proper management of land, physical, and human resources. A major application of the guide is to ensure that the state's major capital investments are formulated and reviewed to achieve a consistent policy impact. The guide divides the State into eight land categories according to each area's characteristics and suitability for different forms of development and conservation action. The categorization of lands, together with each area's specific strategy, priority and guidelines, demonstrates how the goals and policies of the plan have different application and impacts according to an area's character of development social structure, economic base, natural conditions, and public service facilities.

Public Act 79-607, the "Urban Act," added three urban goals to the statutes that are to be used to assess consistency of a proposed action with state policy. The goals are:

- a) Revitalize the economic base of our urban areas by rebuilding older commercial and industrial areas and encouraging new enterprises to locate in the central cities in order to protect existing jobs and create new job opportunities needed to provide meaningful economic opportunity for our inner-city residents.
- b) Revitalize urban neighborhoods to reduce the isolation of various income, age, and minority groups through the promotion of fair and balanced housing opportunities for low and moderate income residents.

- c) Revitalize the quality of life for the residents of our urban areas by insuring quality education, comprehensive health care, access to balanced transportation, adequate recreational facilities, responsive public safety, coordinated and effective human services programs, decent housing, and employment opportunities; by preserving the scarce resources of pure air and clean water; and by ensuring full and equal rights and opportunities for all people to reap the economic and social benefits of our society.
- d) Coordinate the conservation and growth of all areas of our state to ensure that each area preserves its unique character and sense of community and further ensure a balanced growth and prudent use of our state's scarce resources.

Urban areas are defined in the Plan as Urban Centers, Urban Conservation Areas, and Urban Growth Areas.

**Urban Growth Areas are identified as:**

- ◆ land areas contiguous to Urban Centers or Urban Conservation Areas with opportunity for staged urban expansion, generally in conformance with municipal or regional development plans;
- ◆ moderately developed areas with vacant, developable lands, existing or programmed water or sewer services, and potential for future mixed use and intensive development of areawide significance;
- ◆ available transportation services or opportunity to promote public transportation services and patterns of development supportive of energy conservation and air quality programs.
- ◆ existing, scattered, low-density development with vacant lands physically suited for intensive development providing urban facilities and infrastructure are developed.

**State Strategy for Urban Growth Areas**

- ◆ High priority and affirmative support toward concentration of new urban growth occurs outside of Urban Centers into specified areas capable of supporting large-scale, mixed uses and densities in close relationship to the Urban Centers.

**Urban Growth Guidelines**

- ◆ State actions should address the growth needs of the State and serve to concentrate a significant percentage of future intensive development forms in these areas in a manner which complements Urban Center and Urban Conservation Area strategies.
- ◆ Support the creation of a highly livable, economically stable, efficient and modern urban community environment.
- ◆ Provide a full range of public utilities, facilities and services which serve to concentrate private investment in development forms consistent with Urban Growth Areas strategy.

**Local and Regional Planning**

Development at the local level is to be consistent with regional plans. In addition, regional plans must make sense within the context of statewide goals and requirements as reflected in the Conservation and Development Plan.

**Coordination of Planning**

Integrated planning is the principle strategy for assuring that local, regional, and state-level development is consistent with the Plan. The Plan provides a blueprint by which planning can be coordinated both horizontally and vertically.

Horizontal coordination involves communication between state agencies or contiguous municipalities or regions which propose development projects with potential impact across agency or geographic lines. Similarly, local or regional plans of development often have potential impacts on neighboring municipalities or regions. Vertical coordination involves communication and integration of planning processes between and among different levels of government. Development carried out by units of state government should strive for consistency with regional and local planning efforts and priorities.

Integrated or coordinated planning systems, whether along horizontal or vertical lines, will enhance local, regional, and state development efforts. They are not intended as a strategy for eroding the authority of individual municipalities. Neither are integrated planning systems meant to relieve the state of its responsibility for providing leadership in policy development and implementation.

*\*Awaiting updated information on the following areas:*

### **Regulatory Reform**

### **The Local Comprehensive Plan/County Comprehensive Plans**

### **Impact Assessment**

### **Infrastructure Needs Assessment**

### **Monitoring and Evaluation**

The Connecticut Progress Council was created in 1993, under PA 93-387 (An Act Concerning Benchmarks for Decision Making by State Government), to establish goals and benchmarks to measure the state's progress in forming Connecticut's future. The Connecticut Progress Council is a permanently established body, comprised of key legislators, executive branch officials, and representatives of key segments of the private sector, with a current membership of twenty-eight. Yet, while the benchmarks program was created to be an on-going process, the program has been stalled.

The benchmarks and their specific targets were established to allow the state to track its progress toward reaching its goals. Through this process, the state can measure whether or not the strategies, plans and activities it has developed are working. If goals are not being met, the process allows the state to rethink its strategies and involve the public, community leaders, and government officials in developing alternative solutions. The 300 benchmarks were organized into five sections: families and communities, education, health, the economy, and the environment.

### **Public Participation**

The Conservation and Development Policies Plan envisions an open planning and development process which represents the interests of the public and private sectors. It recognizes the importance of both sectors in achieving the Plan's goals and objectives through integrated planning.

Through its public awareness programs, the Office of Policy and Management recognizes that public perception of development can be influenced in a positive way if there is an awareness of the Plan's goals and objectives. The State believes that public participation is critical to the success of the Plan and that Connecticut residents must:

- understand and feel committed to the policies and direction of the Plan;
- be made aware of the Plan as a blueprint for development at local, regional, and state levels;
- understand the fiscal impact of planned versus unplanned growth in their own communities, as well as in the state as a whole; and
- understand the ramifications of uncoordinated planning or planning which does not anticipate the impact of certain development patterns of infrastructure and environment beforehand.

### **Physical Objectives**

*Awaiting updated information.*

## **Mapping & GIS**

Connecticut, specifically the Office of Policy and Management, in cooperation with planners at the local, regional, and state levels, are developing policies for a statewide information management and access system (GIS). This system of mapping and data collection will provide uniform planning information relating to demand and capacity at municipal, regional, and state levels. The system will also enable the identification of alternative courses of action and the consequences of each alternative, thus providing a sound data-driven basis for coordinated and consistent decision-making.

## **Administration**

The Office of Policy and Management (OPM) integrates the State Policies Plan for the Conservation and Development of Connecticut into the office's planning and coordinating functions as closely as possible. The Plan is used as a framework for evaluating plans and proposals submitted to OPM for review through a mandated review process (e.g. Intergovernmental Review System, Industrial and Business Development Grant Program, Environmental Impact Reporting). OPM advises an initiating agency, when appropriate, on how well individual plans or projects relate to the Plan. In addition, regional planning organizations and municipalities are encouraged to use the Plan.

OPM is responsible for the preparation of the Plan for the Continuing Committee on State Planning and Development (CCSPD) of the General Assembly, and in consultation with State, regional and local agencies.

## **Resources**

- ◆ Conservation and Development Policies Plan, Proposed Revisions, 1979
- ◆ Conservation and Development Policies Plan, 1979-1982
- ◆ Conservation and Development Policies Plan, 1982-1985 (extended to 1987)
- ◆ Conservation and Development of Connecticut, Recommended Revision, 1987-1992 (OPM)
- ◆ Conservation and Development Policies for Connecticut, 1992-1997 (OPM)
- ◆ Connecticut's Neighborhood Revitalization Zone Program (OPM)
- ◆ Connecticut Connects: An Assessment of the Economic Challenges for the State's Future
- ◆ Connecticut's Environmental Plan 1992-1997 (DEP)
- ◆ Goals and Benchmarks for the Year 2000 and Beyond
- ◆ A Process for Creating a Connecticut Greenway System
- ◆ Initial Report of the Management Options Subcommittee: Issues to be Addressed in Developing a Rivers Management Program
- ◆ Aquifer Protection Program (DEP)
- ◆ Environmental Equity Program Mission Statement (DEP)
- ◆ "For the Record" - Governor Lowell P. Weicker, Jr.

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## DELAWARE

### **Legislative Authority**

Delaware's statewide planning efforts are being led by the Cabinet Committee on State Planning Issues, established by Governor Thomas R. Carper in June 1994. In December of the same year, the Committee held Delaware's first Statewide Planning Conference to begin its extensive visioning process that was completed in April 1995. The Delaware State Legislature passed Senate Bill 116, the Shaping Delaware's Future Act, in June, and the Governor signed it into law in July, 1995.

The Act calls for:

- ◆ county comprehensive plans to mirror schedules for major state planning activities, such as the long range transportation plan and the wastewater plan;
- ◆ coordination of county capital budgets and plans with state capital budget and investment programs;
- ◆ a provision that the State shall not be obligated to provide state financial assistance or infrastructure improvements to support county land use or development actions that are inconsistent with approved state plans and policies;
- ◆ making some optional elements of county comprehensive plans mandatory, such as the community design, historic preservation and economic development elements;
- ◆ a requirement that the State complete its plans in a timely manner, and share its findings with the counties. This ensures that the location of public facilities (schools, libraries, health care, etc.) are determined through county-state coordination and in accordance with mutually acceptable guidelines.
- ◆ counties to amend their respective comprehensive plans to provide for the creation of transfer of development rights districts;
- ◆ an explanation of the State's review and comment process, including the basis for such review;
- ◆ the State to provide useful assessments and reporting concerning state land use and development goals, estimates of future state financial capabilities, state facility location plans, and other important information.

### **Statewide Planning Goals**

The Cabinet Committee for Statewide Planning Issues adopted a set of development goals related to those major issues facing Delaware, now and in the future. These goals, or "*Guiding Principles*," address such areas as development, the economy, quality of life, and infrastructure and identify an initial set of actions supporting these principles. The goals are:

- ◆ Goal 1. Direct state investment and future development to existing communities, urban concentrations, and designated growth areas.
- ◆ Goal 2. Protect important farmlands from ill-advised development.
- ◆ Goal 3. Protect critical natural resource areas from ill-advised development.
- ◆ Goal 4. Develop methods for assessing the fiscal impact and cost-benefit analysis of development for use by both state and local governments when considering land-use policies and infrastructure investments.
- ◆ Goal 5. Streamline regulatory processes and provide flexible incentives and disincentives to encourage growth in desired areas.
- ◆ Goal 6. Encourage redevelopment and improve livability of existing communities and urban areas, and guide new employment into under-used commercial and industrial sites.
- ◆ Goal 7. Provide high quality employment opportunities for citizens with various skill levels, and attract and retain a diverse economic base.
- ◆ Goal 8. Protect the state's water supplies, open spaces, farmlands and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.
- ◆ Goal 9. Promote mobility for people and goods through a balanced, multi-modal transportation system.
- ◆ Goal 10. Provide access to educational opportunities and health care for all Delawareans.

### **Urban Growth Boundaries**

No growth boundaries at the present time, however, the counties will designate growth areas as part of their comprehensive planning efforts. The areas will be delineated in part, based on information provided by the state.

### **Local and Regional Planning**

Planning in Delaware is done at all levels of government, beginning at the county level. Counties must prepare comprehensive plans that are consistent with state agency plans. During the preparation of county comprehensive plans, the county and the State may jointly establish guidelines for the location and arrangement of public facilities (e.g. schools, hospitals, public safety and correctional facilities, libraries, etc.) and other public buildings.

The Act extended the deadline for preparation of county comprehensive plans to December 31, 1996 to allow counties to bring their completion in line with state planning activities (i.e. transportation improvements, etc.). As of September 1996, all three county comprehensive plans have been submitted to the Office of State Planning Coordination and the Cabinet Committee on State Planning Issues for review and comment.

Also, the Cabinet Committee on State Planning Issues has formed an Infrastructure Planning Fund to encourage municipalities to prepare their own comprehensive plans. To date, six towns have received matching grants of approximately \$5,000 each from the fund.

### **Coordination of Planning**

The Act requires coordination of county capital budgets and plans with the state capital budget and investment programs. (*"Shaping Delaware's Future Act of 1995: Highlights"*)

### **Regulatory Reform**

On July 18, 1996 the Delaware Legislature passed, and Governor Carper signed into law, House Bill 506, which would transfer the responsibilities for the Land Use Planning Act (L.U.P.A.), currently in the Department of Natural Resources and Environmental Control, to the Office of State Planning Coordination in the Office of the Budget. The Bill formalizes the structure and responsibilities of the Office of State Planning Coordination to staff the Cabinet Committee on State Planning Issues. Under the Land Use Planning Act, State agencies are required to comment on certain land use proposals, including rezonings. Governor Carper expects the new law to improve coordination between the State, counties and municipalities on local land use actions of more than local concern.

### **The Local (County) Comprehensive Plan**

The Act requires county governments to prepare comprehensive plans. These plans must include the following elements:

- A mobility element that is consistent with the approved Area-wide Transportation Plan and has been developed in conjunction with the Delaware Department of Transportation. The mobility element shall provide a balanced transportation system addressing the movement of people and goods while showing existing and proposed rights-of-way, sidewalks, bikeways, rail facilities, terminals, and related facilities. The mobility element shall include recommendations for land use regulations that promote a range of sustainable transportation choices for future transportation needs. The mobility element shall be consistent with the State Implementation Plan for air quality attainment.
- The water and sewer element shall be developed in consultation with and reviewed by the Delaware Department of Natural Resources and Environmental Control. The water and sewer element shall include an assessment of fiscal considerations and shall be consistent with approved Area-wide Wastewater Treatment Plans.
- The conservation element shall also consider areas most suited for agricultural uses, silvacultural uses and watershed protection. The conservation element shall be developed in consultation with and reviewed by the Delaware Department of Agriculture and the Delaware Department of Natural Resources and Environmental Control.
- The recreation and open space element shall be consistent with the Comprehensive Land Use Plan. The element shall be developed in consultation with and reviewed by the Delaware Department of Natural Resources and

Environmental Control and shall reflect the State’s open space preservation and outdoor recreation planning activities.

- Demonstrated coordination with the Delaware State Housing Authority including, but not limited to, guidelines to ensure that sites for publicly assisted housing are located where adequate transportation facilities.
- A recommended community design element to assist in the achievement of the objectives of the comprehensive plan that may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar patterns. Such recommendations may be made available as aids and guides to developers in the future planning and development of land in the area.
- A historic preservation element that sets out plans and programs for those structures or lands in the area having historical, archeological, architectural, or similar significance. The historical preservation element shall be developed in consultation with and reviewed by the Division of Historical and Cultural Affairs of the Delaware Department of State.
- An economic development element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and work force utilization within the area. The element may detail the type of commercial and industrial development sought while correlating the present and projected employment needs of the area to other elements of the plan and may set forth methods by which a balanced and stable economic base will be pursued. The economic development element shall include a general area redevelopment component consisting of plans, criteria, and programs for community redevelopment, including reuse of housing sites, business sites, industrial sites and other economically viable sites. The economic development element shall be developed in consultation with and reviewed by the Delaware Economic Development Office.

Counties must submit final comprehensive plans to the Cabinet Committee on State Planning Issues for review and comment, prior to adoption of the plan by the county governing body. Within one year of adoption of a county plan, the county will initiate an implementation program for zoning, subdivision and other land use and development controls. The county comprehensive plan and implementation plan must be updated every five years.

### **Impact Assessment**

Among the provisions of the Shaping Delaware’s Future Act is the requirement that the State provide useful assessments and reports concerning State land use and development goals, estimates of future financial capabilities, State facility location plans, etc.

The Cabinet on State Planning Issues is required to prepare “an annual assessment report of statewide trends, issues, and opportunities to be submitted to County and local governments, the General Assembly, and the public.” This annual report provides a basis for identifying critical issues facing Delaware; determining the state’s priorities; allocating limited state resources, and harmonizing the plans of various state agencies, county, and local governments.

*\*Awaiting updated information on the following areas:*

### **Infrastructure Needs Assessment**

### **Monitoring and Evaluation**

### **Public Participation**

In December 1994, the Governor and the Cabinet Committee on State Planning Issues sponsored a conference entitled, “Shaping Delaware’s Future” which served as the formal kickoff of the state’s visioning process. With this conference, leaders from the public and private sectors, as well as citizens, began the process to develop a vision of Delaware in the next 25 years.

Between late 1994 and early 1995, the Cabinet Committee on State Planning Issues undertook an extensive effort to determine Delawareans' views of what the state should look like in the year 2020. The Committee gathered public opinions on development, economic, infrastructure, and quality of life issues. This initial public outreach effort peaked in April 1995 with the release of the Cabinet Committee's report to the Governor listing ten development goals for Delaware.

Since the first conference, the Cabinet Committee and the Office of State Planning Coordination have led an aggressive public outreach campaign. Their activities have included:

- three county 'visioning' workshops (attracting approximately 230 citizens to the various workshops);
- 40 interest group discussions covering a full range of growth concerns;
- a random-sample telephone survey of 900 residents (with over half of the respondents expressing their concern over the state's quality of life);
- publication and distribution of five "Shaping Delaware's Future" newsletters;
- a Second Statewide Planning Conference (the Cabinet Committee's "Shaping Delaware's Future Report was publicly endorsed by the Governor);
- co-sponsoring a statewide teleconference;
- coordinating bus trips to Kentlands, a neo-traditional housing development in Gaithersburg, Maryland (with 63 planning commissioners, State and county planners, and community leaders attending).

The Quality of Life legislation (of which the Shaping Delaware's Future act is part) established the Advisory Panel on Intergovernmental Planning and Coordination to guarantee that the work of the Cabinet Committee is continuously informed by the views of Delawareans. Governor Thomas R. Carper added a State Planning Citizen's Advisory Council to increase the scope of citizen involvement in the Cabinet Committee's deliberations.

### **Physical Objectives**

*Awaiting updated information.*

### **Mapping & GIS**

Since 1995, the Cabinet Committee on State Planning Issues has integrated State, county and school district data into a dynamic, statewide, multi-layered geographical information system, termed the Delaware Geographical Information System (DEGIS) Project. The initiative allows the Cabinet Committee, State agencies, and county governments to guide future land use development along the "Shaping Delaware's Future" planning objectives.

DEGIS combines geographical data from 12 State agencies, three counties, and 18 school districts and includes information on the following (as applicable): agricultural land preservation priorities, environmental sensitivity, habitat, transportation capacity, education system capacity, land use, and human resource data. This information, once edited, placed in various interrelated layers, and mapped, will allow planners to determine land best suited for further development.

DEGIS will permit planners to analyze existing and proposed land development, using alternative planning decision scenarios. DEGIS will be able to compute and map the impact of community expansion on schools, health care facilities, highways and farmland, and will also be able to consider "what-if" conditions to test the viability of land development assumptions. *(1995 Annual Assessment Report to the Cabinet Committee on State Planning Issues)*

### **Administration**

Oversight of Delaware's growth management program is provided by the Governor's Cabinet Committee on State Planning Issues and the Office of State Planning Coordination. The Cabinet Committee on State Planning Issues, established in 1994, is a multi-agency group of state officials responsible for coordinating planning and capital programming functions among state agencies. The Office of State Planning Coordination provides staff support to the Cabinet.

### **Grants to Local Governments**

Under the “Shaping Delaware’s Future Act”, the State is not obligated to provide financial assistance or infrastructure improvements to support county land use or development decisions that are inconsistent with approved state plans and policies.

### **Resources**

- ◆ Shaping Delaware’s Future Summary Report, April 1995
- ◆ Senate Bill 116 “The Shaping Delaware’s Future Act of 1995”
- ◆ “Shaping Delaware’s Future” Newsletters (Jan.-Nov. 1995)
- ◆ SB116 Highlights
- ◆ 1995 Annual Assessment Report to the Cabinet Committee on State Planning Issues, July 1996

\*Provided updates.

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## FLORIDA

### Legislative Authority

In 1975, the Florida legislature enacted the Local Government Comprehensive Planning Act that called for local governments to develop comprehensive plans. Over the years, the state found that these plans were not being reviewed or implemented by the state or local governments. In an attempt to strengthen the state's oversight of local planning programs, the Governor appointed an Environmental Land Management Study Committee (ELMS) to determine what steps the state should take to make the planning guidelines stronger.

In 1984, the legislature enacted the State & Regional Planning Act that provided a framework for an integrated system of state, regional and local planning initiatives. This legislation established the groundwork for the Florida State Comprehensive Plan, which was adopted in 1985. The State Comprehensive Plan provides long-range policy guidance for the social, economic and physical growth the state.

The State Comprehensive Plan (SCP) is not a "traditional" plan in that it does not contain a land use map, nor does it create regulatory authority, or otherwise authorize the adoption of agency rules, criteria, or standards not authorized by law. Rather, the SCP is a direction-setting document that provides long-range policy guidance for the orderly social, economic, and physical growth of Florida. The SCP outlines where the citizens of Florida want the state to go. The SCP is based on a strategic model that began with an assessment of the major issues that Florida will face through the end of the century.

Florida's State Comprehensive Plan represents an uncommon "top-down" planning structure in which the state takes an active regulatory role in the review and approval of local comprehensive plans. The SCP contains approximately 300+ broad policy statements addressing 26 subjects of statewide significance:

- |  |  |
|--|--|
| 1 - education  | 14 - mining                            |
| 2 - children   | 15 - property rights                   |
| 3 - families   | 16 - land use                          |
| 4 - the elderly                                      | 17 - downtown revitalization           |
| 5 - housing  | 18 - public facilities                 |
| 6 - health   | 19 - cultural and historical resources |
| 7 - public safety                                    | 20 - transportation                    |
| 8 - water resources                                  | 21 - governmental efficiency           |
| 9 - coastal and marine resources                     | 22 - the economy                       |
| 10 - natural systems and recreational lands          | 23 - agriculture                       |
| 11 - air quality                                     | 24 - tourism                           |
| 12 - energy  | 25 - employment                        |
| 13 - hazardous and non-hazardous materials and waste | 26 - plan implementation               |

The State and Regional Planning Act places special emphasis on the areas of land use, water resources, and transportation system development. The Act required the Department of Community Affairs to prepare the State Land Development Plan which provides a policy framework for state agencies in conducting their planning programs, and for regional planning councils in developing and updating their Comprehensive Regional Policy Plans. The State Land Development Plan is unique in that it is a multi-agency plan, yet it also applies to regional agencies, and is used in certain local decisions pertaining to regional and state impacts and local government funding. The Plan delineates land use and development guidelines which should be used to achieve a balance of economic prosperity with the protection and enhancement of Florida's natural and historic resources.

The Plan consists of the goals and the 30 policy clusters in the State Comprehensive Plan related to land development issues, and lists background statements, objectives, effectiveness measures, and operating policies after each policy cluster.

- **Background Statements** summarize, from a statewide perspective, current conditions and future trends as they relate to each policy cluster.
- **Objectives** are specific, measurable, intermediate ends that mark progress toward a goal. The objectives are viewed as milestones that mark progress over time and contain dates that indicate the final date by which objectives should be achieved.
- **Effectiveness Measures** are listed after each objective and serve as means or indicators to evaluate progress toward meeting the objective.
- **Operating Policies** present activities that will assist in achieving the objectives, and also identify the agencies responsible for their implementation.

### **Statewide Planning Goals**

Those goals and policies outlined in the State Comprehensive Plan that deal with statewide planning, land use development, and growth management issues selected by DCA for inclusion in the State Land Development Plan include: *(The wording of the goals and policies of the State Comprehensive Plan can only be changed by the Legislature.)*

#### **Goal 5 - Housing**

Cluster #19: Availability & Affordability of Housing

#### **Goal 7 - Public Safety**

Cluster #35: Safe and Secure Citizenry

#### **Goal 8 - Water Resources**

Cluster #37: Protection of the Water Supply

Cluster #38: Protection of Water Resources  
Facilities

Cluster #39: Protection of Natural Systems

#### **Goal 9 - Coastal & Marine Resources**

Cluster #40: Protection of Coastal Resources

Cluster #41: Protection of Marine Resources

Cluster #42: Public Safety & Access in Coastal Areas

#### **Goal 10 - Natural Systems & Recreational Lands**

Cluster #43: Protection of Natural Systems

Cluster #44: Protection of Endangered Species

Cluster #45: Land Management and Use

#### **Goal 11 - Air Quality**

Cluster #47: Improving Air Quality

#### **Goal 12 - Energy**

Cluster #49: Efficient Use of Energy

#### **Goal 13 - Hazardous/Non-Hazardous Materials Waste**

Cluster #51: Wastewater & Solid Waste Treatment/Disposal

#### **Goal 14 - Mining**

Cluster #54: Environmental Protection

#### **Goal 15 - Property Rights**

Cluster #56: Protecting Property Rights

#### **Goal 16 - Land Use**

Cluster #57: Balanced and Planned Development

Cluster #58: Natural Resources Preservation

#### **Goal 17 - Downtown Revitalization**

Cluster #76: Promotion of Downtown Areas

#### **Goal 18 - Public Facilities**

Cluster #59: Maximizing the Use of Existing Public

Cluster #60: Planning for Public Facilities

#### **Goal 19 - Cultural & Historical Resources**

Cluster #61: Access to Cultural & Historic Resources

#### **Goal 20 - Transportation**

Cluster #63: Integrated Transportation Systems

Cluster #64: Transportation to Aid Growth Management

#### **Goal 21 - Governmental Efficiency**

Cluster #65: Intergovernmental Coordination

Cluster #66: Efficiency in Government

#### **Goal 22 - The Economy**

Cluster #67: Economic Stability

#### **Goal 23 - Agriculture**

Cluster #69: Agriculture Industry

#### **Goal 26 - Plan Implementation**

Cluster #74: Intergovernmental Coordination & Cooperation

Cluster #75: Citizen Participation

### **Urban Growth Boundaries**

While Florida law does not explicitly define urban growth areas, the growth management system adopted in 1985 contains a major policy directive on compact urban development. The policy has three components: discouraging urban sprawl, improving existing infrastructure to support redevelopment and infill, and discouraging urban development on rural lands. In many communities, this has been accomplished by designating urban service areas or urban development areas in local plans.

The Governor's Task Force on Urban Growth Patterns specifically recommended the establishment of urban service areas, defined as "areas designated in a local government comprehensive plan...to receive concentrated, mixed-use development and in which a local government agrees and commits to provide new or expanded infrastructure," to accommodate urban growth, provide adequate infrastructure to support those areas, and preserve fragile natural and environmental resources.

### **Local and Regional Planning**

Florida's growth management system requires local governments and regional councils to develop comprehensive plans that conform to the State Comprehensive Plan and are subject to approval by the state. Local governments must delineate urban service boundaries to indicate the areas intended for urban levels of development. A key provision in the law requires local governments to provide infrastructure expansions concurrent with the impacts of new development. Under this requirement, known as "concurrency," local governments may not issue building permits unless they can demonstrate that the necessary infrastructure improvements can be funded and constructed in time for the new development.

### **Coordination of Planning**

Regional Planning Councils (RPCs) are required to prepare regional plans, review developments of regional impact, work closely with local governments in preparing their comprehensive plans, as well as review and comment to the Department of Community Affairs on the consistency of the local plans with regional plans.

### **Regulatory Reform**

*Awaiting updated information.*

### **The Local Comprehensive Plan**

All local comprehensive plans must consist of :

1. Goals, objectives, and policies;
2. Requirements for capital improvements implementation;
3. Procedures for monitoring and evaluation of the local plan;
4. The countywide marina siting plan for participating local governments in the coastal area;
5. Required maps showing future conditions, including the future land use map(s);
6. A copy of the local comprehensive plan adoption ordinance; and
7. Intergovernmental coordination process

The local comprehensive plan must also contain the following elements:

- ◆ **Public Participation Procedures** to provide for and encourage public participation in the planning process.
- ◆ **Monitoring and Evaluation Procedures** to evaluate and appraise the implementation of the comprehensive plan; each comprehensive plan must contain a section identifying five-year monitoring, updating and evaluation procedures.
- ◆ **Concurrency Management System (with Level of Service Standards)** to establish an ongoing mechanism that ensures that public facilities and services needed to support development are available concurrent with the impacts of the proposed development. Local governments must adopt level of service standards for public facilities and services located within the jurisdiction.
- ◆ **Future Land Use Element** designating proposed future land use patterns.
- ◆ **Traffic Circulation Element** consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes.
- ◆ **Mass Transit Element** to provide direction to local governments in designating future mass transit system features.
- ◆ **Ports, Aviation, and Related Facilities Element** to provide direction to local governments in their designation of future ports, aviation, or related facilities and system features.
- ◆ **Housing Element** to provide guidance to local governments to develop appropriate plans and policies to meet identified and projected needs in housing supply for moderate, low, and very low income households
- ◆ **Sanitary Sewer, Solid Waste, Drainage, Portable Water, and Natural Groundwater Aquifer Recharge Element** to provide for necessary public facilities and services correlated to future land projections.
- ◆ **Coastal Management Element** to set forth policies that will guide local government's decisions and program implementation with respect to the protection and maintenance of coastal zone areas.
- ◆ **Conservation Element** for the conservation, use, and protection of natural resources.

- ◆ **Recreation and Open Space Element** to indicate a comprehensive system of public and private sites for recreation and open space sites available to the public.
- ◆ **Intergovernmental/jurisdictional Coordination Element** to show relationships and state guidelines to be used in coordinating comprehensive plans with those of adjacent municipalities, the county, adjacent counties, or the region, and the State Comprehensive Plan.
- ◆ **Capital Improvements Element** designed to evaluate the need for and the location of public facilities; to estimate the cost of improvements for which the local government has responsibility; to analyze the fiscal capability of the local government to finance and construct improvements; and to ensure that an adequate concurrency management system will be implemented by local governments.
- ◆ **Transportation Element** shall replace the required elements of traffic circulation; mass transit; and ports, aviation, and related facilities for those local governments with all or part of their jurisdiction included within the urbanized area of a Metropolitan Planning Organization (MPO).

### **Impact Assessment**

*Awaiting updated information.*

### **Infrastructure Needs Assessment**

Section 216.0158 of the Florida Statutes requires the Governor to develop a comprehensive plan for facility needs and related expenditures. This plan must be based on the five-year plans submitted to the Executive Office of the Governor by each state agency. The first year of the plan must illustrate the recommended fixed capital outlay projects as established in the Governor's Recommended Budget.

As part of this process, the Departments of Management Services, Transportation and Education must develop and maintain an inventory of all state-owned or state-occupied facilities. The inventory must include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities and other information required for determining maintenance needs and life-cycle cost evaluations.

The Executive Office of the Governor is required to annually analyze trends and conditions in the state and nation that impact on the need for capital facilities. This analysis then becomes part of the state comprehensive planning process.

### **Monitoring and Evaluation**

Under the Florida program, there is no formal monitoring and evaluation process for evaluating the state's progress in meeting its goals. Each local comprehensive plan must have a monitoring and evaluation procedures element to appraise the implementation of the comprehensive plan.

### **Public Participation**

In accordance with *Chapter 9J-5, Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments and Determinations of Compliance, Florida Statutes*, each local comprehensive plan must contain an element outlining the public participation procedures in the planning process. The procedures must include provisions that assure:

- a) notification of property owners of official actions that will affect the use of their property, as well as the general public;
- b) opportunities for the public to provide written comments;
- c) required public hearings are held; and
- d) consideration of and response to public comments.

### **Physical Objectives**

*Awaiting updated information.*

## **Mapping & GIS**

The Florida legislature recently passed legislation approving the development of statewide GIS initiatives. The Florida GIS program will be housed in the Information Resource Commission. Additionally, eleven of the State's Regional Planning Councils, and the Department of Environmental Protection have developed GIS programs.

## **Administration**

The Florida State Department of Community Affairs reviews local plans for consistency with other local plans, regional plans and the State Comprehensive Plan.

## **Grants to Local Governments**

*Awaiting updated information.*

## **Resources**

- ◆ The State Land Development Plan
- ◆ Urban Growth Patterns
- ◆ Perspectives on Florida's Growth Management Act of 1985
- ◆ Keys to Florida's Future: Winning in a Competitive World
- ◆ The Growth Management Act of 1985, Part II, Chapter 163, Florida Statutes, (as adopted in 1985) County and Municipal Planning and Land Development Regulation
- ◆ The Growth Management Act, Part II, Chapter 163, Florida Statutes (as amended in 1993) County and Municipal Planning and Land Development Regulation
- ◆ Local Government Comprehensive Planning Act of 1975, Chapter 163
- ◆ Florida State Comprehensive Plan, Chapter 187, Florida Statutes
- ◆ Chapter 9J-5, Florida Administrative Code, Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments and Determinations of Compliance (as amended in Sept. 1994)
- ◆ Florida Capital Facilities Planning and Budgeting, 1996-2001 Capital Improvements Program
- ◆ 1995 Florida Statutes on Capital Facilities, August 1996

\*Telephone Interview - March 10, 1995

\*\*Telephone Interview - March 20, 1995

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## GEORGIA

### Legislative Authority

In 1987, a 35-member Growth Strategies Commission was appointed by Governor Joe Frank Harris and charged with developing a blueprint for Georgia's future growth and development. The Commission's recommendations resulted in the Georgia Planning Act of 1989. The Act took into consideration the history, culture and traditions of Georgia and affirmed the importance of planning for the state's economic future and quality of life. Importantly, the Act maintained home rule and local autonomy over local matters while recognizing the need for regional cooperation and planning.

While Georgia does not yet have a *state plan*, the Georgia Planning Act established a "bottom-up," three-tiered, comprehensive, integrated and coordinated planning process conducted at the local, regional and state levels. The state is presently in the final year of the five-year local planning period, with local governments that have not yet completed their comprehensive plans required to do so by September 30, 1995. Regional planning is expected to begin shortly after September, with a statewide comprehensive plan to be developed after the regional plans are completed.

### Statewide Planning Goals

The Georgia Planning Act authorizes the Department of Community Affairs to assist the Governor in defining the long-term goals and priorities of the state. DCA has established statewide goals in five functional areas:

- A. **Economic Development:** To achieve a growing and balanced economy, consistent with the prudent management of the state's resources, that equitably benefits all segments of the population.
- B. **Natural and Historic Resources:** To conserve and protect the environmental, natural and historic resources of Georgia's communities, regions and the state.
- C. **Community Facilities and Services:** To ensure that public facilities throughout the state have the capacity, and are in place when needed, to support and attract growth and development and/or maintain and enhance the quality of life of Georgia's residents.
- D. **Housing:** To ensure that residents of the state have access to adequate and affordable housing.
- E. **Land Use:** To ensure that land resources are allocated for uses that will accommodate and enhance the state's economic development, natural and historic resources, community facilities, and housing and to protect and improve the quality of life of Georgia's residents.

### Urban Growth Boundaries

Local governments are not required to designate urban growth boundaries in their comprehensive plans. A few governments, however, have included such areas in their plans. (*Source: Letter Reply from Stuart Dorfman, Office of Coordinated Planning*)

### Local and Regional Planning

The underlying concept of the state's planning effort was the belief that communities could achieve their goals by addressing a comprehensive range of issues in their local plans, including economic development, community facilities, demographics, housing, the environment and land use. Planning also facilitates cooperation between local governments, helping them to find common solutions to a wide range of shared problems.

To date, 573 of Georgia's 696 local governments have completed comprehensive plans meeting the requirements of the Georgia Planning Act. The remaining 123 are required to be completed by September, 1995. To avoid overburdening the Regional Development Centers and DCA, local plan completion dates are staggered over a five year period.

### **Coordination of Planning**

Planning begins at the local level, with all cities and counties required to prepare comprehensive plans. Upon completion, local plans are submitted to each local government's Regional Development Center (RDC) for review, and then to DCA. The RDCs are responsible for reviewing their region's local plans for consistency with other local government plans; encouraging cooperation with local governments and planning agencies within the region; coordinating planning and development activities with state and local governments within the region and neighboring regions; as well as coordinating activities with the programs of federal departments, agencies and regional commissions. The RDCs are also responsible for the preparation and adoption of regional plans based on the local plans within the region.

### **Regulatory Reform**

*Awaiting updated information.*

### **The Local Comprehensive Plan**

DCA developed a set of minimum standards and procedures for local government planning to guide the preparation, adoption, and implementation of local comprehensive plans. While planning is a voluntary process under the Georgia Planning Act, cities and counties choosing not to complete a comprehensive plan lose their Qualified Local Government Status, making them ineligible to receive state grants and aid.

The local planning standards are based on a simple set of questions to be addressed in six planning elements. These questions are:

- 1) What do we have now? (Inventory and Assessment)
- 2) What do we need and want in the future? (Needs and Goals)
- 3) How are we going to get where we want to be in the future? (Implementation Strategy)

The six planning elements to which these questions are addressed are:

- ◆ **Population** - an analysis of the residents who live in the community in terms of total population, age distribution, race and ethnicity, households, income and education; and projections of overall population, age distribution and households for 20 years in the future.
- ◆ **Economic Development** - an analysis of the economic base of the local community and labor force characteristics.
- ◆ **Natural and Historic Resources** - an analysis of natural and historic resources, including water supply watersheds, groundwater recharge areas, wetlands, floodplains, protected river corridors, protected mountains, coastal resources, soils, agricultural/forest lands, steep slopes, regional recreation areas, plant and animal habitats, scenic views and sites, and historic and archeological sites and districts.
- ◆ **Community Facilities** - an analysis of service levels provided for water and sewer, garbage collection and disposal, police, fire and emergency medical service, health care, libraries and cultural facilities and general government facilities.
- ◆ **Housing** - an analysis of housing by number, type, condition, cost and location.
- ◆ **Land Use** - an analysis of current land use, development potential and future land use.

In order to address the third question "*How are we going to get where we want to be in the future?,"*" each local government was asked to develop an implementation strategy that summarizes key issues and findings and establishes goals, recommendations and policies regarding the future growth and development of the community. The most important part of this implementation strategy is the short-term work program, which scheduled specific actions that the local government would undertake during the five year period following plan adoption to address the needs identified in the plan.

### **Impact Assessment**

The initial step in the planning process is intended to provide local governments with a factual and conceptual basis for making informed decisions about the future of the community, and to ensure that an appropriate range of issues and viewpoints are considered.

*Awaiting updated information on the following areas:*

### Infrastructure Needs Assessment

### Monitoring and Evaluation

### Public Participation

### Physical Objectives

### Mapping & GIS

Geographic information systems are part of DCA's legislated responsibility to build a database and network for the State, "to serve as a comprehensive source of information available, in an accessible form, to local governments and state agencies." (House Bill 215 50-8-7 (5) (b) (1) The function is housed in DCA's Planning Information and Management Division, Office of Information Service, GIS/Mapping Center.

The GIS/Mapping Center has undertaken several projects, some of which include:

- **(building GIS information infrastructure):** assembling comprehensive aerial photography, providing a precise statewide geodetic network, and supporting global positioning systems;
- serving as a coordinating point for Digital Ortho Quads (DOQs) statewide;
- **(supporting regional GIS):** providing basic GIS information to local governments statewide and providing on-going training and technical support to Regional Development Centers GIS personnel;
- **(supporting economic development GIS):** constructing an economic development database design for use by local, regional and statewide EDGIS organizations;
- **(building a database, and making it productive):** produced over 500 individual map products;
- **(distributing data products):** maintaining a lending library of CDs for use by various organizations;
- **(supporting statewide use of Global Positioning Systems - GPS):** maintaining a GPS base station and lending rover units to local governments through their RDC.

### Administration

To ensure uniformity and consistency, the Department of Community Affairs (DCA) was charged with the responsibility for the overall management of this process, including the development of planning standards and procedures for local government and regional planning, the development of a nomination process and review standards and procedures for regionally important resources (RIRs), the development of review standards and procedures for developments of regional impact (DRIs) and the development of a process for the mediation of interjurisdictional conflicts.

**Regionally Important Resources (RIRs):** The purpose of RIR designation is to identify the most significant natural or historic resources in the state so that a strategy for improved management (by the local governments that share the resource) can be developed and implemented. Once a resource is given final RIR designation by DCA, activities of local governments (i.e. issuing permits, building public facilities, etc.) that may have an impact on the resource will be subject to review by the RDC for consistency with the RIRs management strategy.

**Developments of Regional Impact (DRIs):** Developments of Regional Impact are defined as large-scale developments that are likely to have effects outside the jurisdiction in which they are located. The identification and review of DRIs has led to increased communication between local governments on planning matters. As of August 1995, 97 development projects have undergone DRI review.

## **Grants to Local Governments**

There are twelve (12) grant and loan programs available to counties and cities that maintain their Qualified Local Government (QLG) standing. (The Department of Community Affairs administers the first seven). A **‘Qualified Local Government’** means a county or municipality that:

- adopts and maintains a comprehensive plan in conformity with the minimum standards and procedures;
- establishes regulations consistent with its comprehensive plan and with the minimum standards and procedures; and
- does not fail to participate in the department’s mediation or other means of resolving conflicts in a manner that, in the judgment of the department, reflects a good faith effort to resolve any conflict.

Local governments that lose their QLG standing will not be eligible for these programs:

1. **Appalachian Regional Commission Infrastructure Funds:** Matching grants to support economic development projects in North Georgia.
2. **Capital Felony Grant Program:** Reimbursement to county government general funds for the expense incurred from a capital felony trial.
3. **Community Development Block Grant:** A grant program, requiring a small local match, that can assist in a wide range of eligible activities, including housing improvement projects, public facilities such as water and sewer lines, buildings such as local health centers and headstart centers, and economic development projects.
4. **Business Development Revolving Loan Fund:** A loan program that allows local downtown development authorities and industrial development authorities to make below market rate loans to qualified businesses for projects that support downtown development, and in limited cases, projects outside downtown areas that do not compete with downtown uses.
5. **Employment Incentive Program:** A grant program to be used locally for loans to businesses or for public facility improvements (water, sewer, etc.) to support local projects intended to facilitate job creation and/or retention, principally for persons of low and moderate income.
6. **Immediate Threat and Danger Grant:** A 50% matching grant program whose primary objective is to fund activities designed to meet urgent community development needs. These funds are provided in cases where other official resources are not available to meet such needs.
7. **Local Development Funds:** Matching grants to fund development-related activities of local governments that cannot be funded from other sources.
8. **Water and Sewer Loan Program:** Loan funds available from the Georgia Environmental Facilities Authority to cities, counties, and water/sewer authorities for financing the construction of water and sewer improvements.
9. **Solid Waste Loans and Grants:** Loan funds available from the Georgia Environmental Facilities Authority for the financing of solid waste projects, and grants for solid waste planning.
10. **State Revolving Loan Fund:** Low interest loans available from the Georgia Environmental Facilities Authority for the construction of wastewater facilities.
11. **Recreation Grants:** Grants available from the Georgia Department of Natural Resources for local government recreation needs.
12. **Historic Preservation Grants:** Grants available from the Georgia Department of Natural Resources for preservation activities.

## **Resources**

- ◆ Quality Growth Partnership: Governor’s Growth Strategies Commission Final Report (November 1988)
- ◆ Georgia Planning Act of 1989, Official Code of Georgia Annotated
- ◆ Minimum Standards and Procedures for Local Comprehensive Planning
- ◆ Growth Strategies Implementation, Planning for Georgia’s Growth; Accomplishments of the Office of Coordinated Planning in Meeting the Requirements of the Georgia Planning Act of 1989” (1994)
- ◆ Status of Comprehensive Planning (August 1995)

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## HAWAII

### Legislative Authority

Hawaii may have the longest history of direct state involvement in growth management. In 1961, two years after Hawaii became a state, the legislature adopted the Hawaii State Land Use Law (HRS Chapter 205) as a way to exercise exclusive control over the use of some lands and joint control with local agencies over the use of other lands. The Hawaii State Land Use Law is primarily a statewide zoning ordinance. The major factor behind the passage of the Land Use Law was the need to preserve agricultural land on the islands in the face of increasingly intense pressures to develop the land for other uses. The Land Use Law established an overall framework of land use management whereby all lands in the state are classified into one of four Districts: urban, rural, agricultural, and conservation.

The Hawaii State Plan (HRS Chapter 226) became law in May 1978. The plan established a system for the planning, coordination and integration of all major state and local activities. *With the adoption of these two statutes, Hawaii became the first state in the nation to formally set forth its goals for the future and develop strategies to achieve those goals.*

The primary intent of the Hawaii State Plan is to:

1. provide statewide direction to guide the long-range development of the State
2. provide a system for determining priorities and allocating limited resources including public funds, land, services, energy, water and other resources
3. assure coordination of State and County plans and actions
4. provide a basis for improved decision-making

The Overall Theme of the State Plan is “*Individual and Family Self-sufficiency, Social and Economic Mobility, and Community or Social Well-Being.*”

The Hawaii State Plan is divided into three components:

- ◆ Part I - **Overall Theme, Goals, Objectives** (explicit statements of goals, objectives, and policies that cover the state’s economy, physical environment, and physical/, social, and economic well being)
- ◆ Part II - **Planning Coordination and Implementation** (a system for implementing the State Plan and coordinating state and local planning efforts)
- ◆ Part III - **Priority Guidelines** (a set of priority guidelines/standards for state and local planning efforts).

### Statewide Planning Goals

Part I of the Hawaii State Plan establishes a set of primary objectives and policies to achieve the overall goals of the State. The goals of the State Plan are *explicit legal requirements* that cover the state’s economy, physical environment, and its social, and economic well-being (*HRS 226-4 (1991)*):

1. A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii’s present and future generations.
2. A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
3. Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life.

The objectives and policies cover the following areas:

<p><b>Population</b></p>	<p><b>Facility Systems</b></p>
<p><b>Economy</b>                  Visitor Industry                      Agriculture                  Information Industry                  Growth Activities                  Federal Expenditures</p>	<p>Water    Energy                  Solid and Liquid Wastes              Transportation                  Telecommunications</p>
<p><b>Physical Environment</b>                  Land-based, Shoreline, and Marine Resources                  Scenic, Natural Beauty, and Historic Resources                  Land, Air, and Water Quality</p>	<p><b>Socio-Cultural Advancement</b>                  Housing                                      Culture                  Health                                        Public Safety                  Education                                  Government                  Social Services                            Leisure                  Individual Rights and Personal Well-Being</p>

**State Land Use Regulatory System (Urban Growth Boundaries)**

A State Land Use Commission was established to administer the State Land Use Law. The Commission is responsible for preserving and protecting Hawaii’s lands and encouraging those uses to which lands are best suited. Its primary role is to ensure that areas of state concern are addressed and considered in the land use decision-making process. The Land Use Commission consists of nine members appointed by the Governor and confirmed by the State Senate; one member is appointed from each of the four counties; five members are appointed at-large.

Responsibility for drawing and amending the state land use district boundaries and classifying and reclassifying lands into these districts rests with the Commission. The Commission acts on petitions for boundary changes submitted by private landowners, developers, and state and county agencies: for all petitions involving land in the Conservation District, and for petitions involving land greater than fifteen acres in the Agricultural and Rural Districts. District boundary amendments involving lands of fifteen acres or less in the Agricultural , Rural or Urban District are handled by the counties.

Special permits for unusual and reasonable uses within the Agricultural and Rural Districts may be granted by the county planning commissions. Special permits for petitions involving land greater than fifteen acres require the approval of the Land Use Commission; the Commission may act to approve, approve with modifications or deny such petitions.

Section 205-18 of the State Land Use Law requires the Office of Planning in the Department of Business, Economic Development and Tourism to review the State Land Use District Boundaries every five years. The purpose of the Five-year Boundary Review is to conduct a statewide, comprehensive, policy-oriented examination of State land use district boundaries. During this review, a wide range of studies are conducted to assess urban land and housing needs, environmental resources, and infrastructure capacity and requirements. Upon completion of the Boundary Review, a report of findings and recommendations is submitted to the Land Use Commission. The review and report provides the Land Use Commission the opportunity to scrutinize urbanization proposals from a broad, comprehensive and long-range viewpoint rather than on a case-by-case basis. It also provides an opportunity to identify conservation or agricultural resources that are not in the appropriate land use district and should be reclassified. Thus far, the State has conducted three Five-year Boundary Reviews - 1969, 1974, and 1990. The boundary review process was repealed in 1975, but was re-enacted in 1985.

**STATE LAND USE DISTRICTS**

**URBAN DISTRICT**

The Urban District includes lands characterized by “city-like” concentrations of people, structures and services. The District also includes vacant areas for future development. Jurisdiction of this district lies primarily with the

respective counties (of which Hawaii only has four). Lot sizes and permitted uses are established by the respective county through ordinances or rule.

### **RURAL DISTRICT**

Rural Districts are composed primarily of small farms intermixed with low-density residential lots with a minimum size of one-half acre. Jurisdiction over Rural Districts is shared by the Commission and county governments. Permitted uses include those relating or compatible to agriculture use and low-density residential lots. Variances for non-permitted uses can be obtained through the special use permitting process.

### **AGRICULTURAL DISTRICT**

Agricultural District includes lands for the cultivation of crops, aquaculture, raising livestock, wind-farming, forestry, agriculture-support activities and land with significant potential for agriculture uses. Golf courses and golf-related activities may also be included in this district, provided the land is not in the highest productivity categories (A or B) of the Land Study Bureau's detailed classification system.

Agricultural uses compatible to uses and activities described in the State Land Use Law are permitted. The counties may further define accessory uses and services to those described in statute in their zoning ordinances. Uses permitted in the highest productivity agricultural categories, A or B, are more strictly defined in statute.

### **CONSERVATION DISTRICT**

Conservation lands are comprised primarily of lands in existing forest and water reserve zones and include areas necessary for protecting watersheds and water sources, scenic and historic areas, parks, wilderness, open space, recreational areas, habitats of native plants, fish and wildlife, and all other sensitive lands held in private and public hands. The Conservation District also includes land subject to flooding and soil corrosion. Conservation Districts are controlled by the State Board of Land and Natural Resources and uses are governed by rules established by the State Department of Land and Natural Resources.

### **DISTRICT BOUNDARY AMENDMENT PROCEDURES**

District boundary amendments for lands greater than 15 acres are obtained by petition to the State Land Use Commission. Amendment petitions can be initiated by State Departments or agencies; county departments or agencies in which the property is situated, and any person with a direct interest in the property. A fee is required from private landowners and developers when filing an application to amend district boundaries; the fee is waived for government agencies.

Upon acceptance of a complete and proper petition, the Land Use Commission must hold a hearing on the island in which the property is located within not less than 60 days and not more than 180 days. The Commission has 120 days from the date of the hearing to approve the petition with/without conditions or deny the petition. As a result of recent legislation to shorten the Land Use Commission amendment process, the Commission has 365 days from the date of filing of a petition to approve the petition with/without conditions or to deny the petition. The 365-day timeframe may be extended if requested and granted by the Commission.

District boundary amendments involving land areas of 15 acres or less, except for those in the Conservation District, are determined by the county land use decision-making body and do not require approval by the Land Use Commission. The county decision, maps, and supporting documents must be transmitted to the Land Use Commission within 60 days of the county decision.

### **DECISION MAKING CRITERIA**

The Land Use Law requires the Land Use Commission to specifically consider the following criteria in review of any petition for a boundary amendment:

- A. Conformity to the goals, objectives and policies of the Hawaii State Plan (Chapter 226, HRS) and the Functional Plans approved by the Governor pursuant to the State Plan.
- B. Extent to which the proposed reclassification conforms to the applicable district standards.

C. Impacts on the following state concerns:

1. preservation or maintenance of important natural systems or habitats;
2. maintenance of valued cultural, historical or natural resources;
3. maintenance of other natural resources relevant to Hawaii’s economy, including but not limited to agricultural resources;
4. commitments of state funds and resources;
5. provision for employment opportunities and economic development; and
6. provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups.

D. The representations and commitments made by the petitioner in securing a boundary change.

The Commission must take into account the General Plan of the respective county, and where applicable, the objectives, policies and guidelines of the State Coastal Zone Management Law (Chapter 205-A, HRS).

### **Local and Regional Planning**

While there is no formal “growth management” system, the State relies on several state and county statutory components to manage and regulate growth and development statewide. The county component includes the county zoning enabling legislation in Chapter 46, Section 4 of the Hawaii Revised Statutes, in addition to the charters, general plans, and development or community plans prepared by the counties and the land use regulations and development controls adopted by the counties. All land within the state is under the jurisdiction of one of the counties. The Office of Planning has the authority to conduct regional studies or prepare regional plans. The State of Hawaii Community Development Authority has the authority to plan, program, and implement redevelopment and renewal activities in designated community development districts.

### **Coordination of Planning**

Part II of the Hawaii State Plan, *Planning Coordination and Implementation*, establishes a statewide planning system to coordinate and guide major state and county activities, and to implement the overall theme, goals, objectives, policies, and priority guidelines of the State Plan. The statewide planning system requires the preparation of state functional plans by state agencies in 11 functional areas: agriculture, conservation lands, education, energy, higher education, health, historic preservation, housing, recreation, tourism, transportation. In addition, two functional plans were developed at the initiative of the State administration in 1987 -- Human Services and Employment. Each plan must contain the objectives, policies and actions that address each of these areas. The functional plans must conform to the goals, objectives, policies, and priority guidelines of the state plan, and must take into consideration county general plans, development plans and applicable federal laws, policies and programs.

### **Regulatory Reform**

Recommendations and legislative proposals for reforming or streamlining aspects of the State land use system were considered in the past three legislative sessions. However, no substantive changes have been adopted. At the present time, another effort, building on these previous proposals, is underway to examine options for reform which would clarify State and County land use planning and management responsibilities.

### **The Local Comprehensive Plan**

The Hawaii State Plan requires county general plans to indicate desired population and physical development patterns for each county, as well as any unique problems or needs of the county. As with the State Functional Plans, the county general plan must further define the overall theme, goals, objectives, policies and priority guidelines of the State Plan. Unlike the State Functional Plans, however, county general plans do not have to conform to the goals, objectives, policies, and priority guidelines of the State Plan. They must only “take into consideration State Functional Plans in their formulation, amendment and implementation.” (HRS 226-52(a)(4)(1991)) The specific content and format of the county general plans are defined by each county based on their charters.

### **Impact Assessment**

There are a number of planning and project review processes which necessitate impact assessments – the primary one being the State Environmental Impact Statements Law, Chapter 343, HRS. Under the EIS statute, an environmental assessment is required for any action which: (1) proposes the use of state or county lands or funds; (2) proposes use of lands within the Conservation District; (3) proposes any use within a defined shoreline or special management area; (4) proposes use of a registered historic site; (5) proposes amendments to county general plans resulting in designations other than preservation, conservation or agriculture, excluding amendments for new county general plans or amendments initiated by the county; and (6) proposes use within the Waikiki-Diamond Head area of Oahu. It is widely accepted practice for all land use or development proposals to include an impact assessment as part of their application.

The State Coastal Zone Management Law, Chapter 205A, HRS, sets forth a broad range of physical, economic and sociocultural objectives and policies against which any proposal within designated shoreline or special management areas must be assessed. Under the State Water Code, all waters of the state are subject to regulation by the State Commission on Water Resource Management. Thus, any proposals or plans requiring the development of water resources or which would seriously impair the sustainable yield of aquifer systems is subject to the review and approval of this body.

With the exception of the Five-Year Boundary Review process, the impacts of land use actions are generally conducted within a regulatory framework, on a project-by-project basis.

### **Infrastructure Needs Assessment**

With the exception of the Five-Year Boundary Review process, the long-term capital needs of the state are determined by the specific agency responsible for providing the particular facilities, programs or services. Thus, for example, the State Department of Transportation has jurisdiction for planning, preparing capital improvement programs, and the construction of State highways, airports, and harbors. The State Department of Education also provides centralized planning, programming, and development of public school facilities statewide.

The counties are generally responsible for long-range capital requirements for wastewater disposal systems, water supply and distribution, local roads and transit services, etc. The planning, programming, and delivery functions are generally assigned to the specific functional agencies. Regulated private utilities are the primary determinants of the infrastructure requirements for electrical power and gas supply.

### **Monitoring and Evaluation**

There is no formal ongoing process or program for evaluating the statewide planning system. In the area of land use planning, the Land Use Commission relies on the submission of annual reports of successful petitioners for boundary amendments to monitor how development is proceeding for a particular project. These annual reports are reviewed by the Commission, the respective counties, and the Office of Planning. The Five-Year Boundary Review also serves as a means to evaluate the cumulative effects of land use changes over time.

### **Public Participation**

There is no formal public participation component with respect to the State Plan, other than through citizen involvement in the State Functional Plan Advisory Committees and public meetings associated with the revision of the State Functional Plans. For specific project proposals and the EIS review process, the public is provided the usual opportunities for public comment. Land Use Commission rules permit contested case hearings for petitions for boundary amendments, thus allowing public members with standing to participate in the deliberations over specific project proposals. Specific planning projects and planning policy studies often have extensive public input mechanisms but these are on a project-by-project basis. The county planning processes provide a number of public participation vehicles in the development and revision of county general and community or development plans, as well as opportunities for public review and comment on specific development proposals.

## **Physical Objectives**

The policy goals and objectives for guiding physical development statewide are shaped by state constitutional mandates to conserve and protect the state's natural resources and its agricultural lands, and to manage population growth to protect and preserve the public health and welfare. The physical development policy objectives are set forth in a number of state statutes and agency regulations, including Sections 226-11 through 13 and 226-104 of the Hawaii State Plan, Section 205A-2 of the Coastal Zone Management Act, Sections 344-3 and 4 of the State Environmental Policy, and the State Law Use Law. In general, the physical objectives include directing growth toward urban areas or where adequate infrastructure or service capacity exists or can be provided in a cost-effective manner; conserving and protecting the state's most important and productive agricultural lands for current and future agricultural use; ensuring that lands and resources of environmental, aesthetic, and historic or cultural value are protected and enhanced; and directing more economic growth and development to the other islands instead of Oahu.

## **Mapping & GIS**

The Land Use Commission is the official repository of the state land use district boundary maps, in which all lands in the state are classified and mapped on USGS topographic quad maps. The Office of Planning is the lead agency for the Hawaii Statewide Planning and Geographic Information System Program. This program is a multi-agency effort to establish and promote the use of geographic information system (GIS) technology in state government. Given the wide range of applications, a number of State agencies are either actively participating in the advancement of the system or have indicated an interest in joining this effort as resources become available. Participating state agencies, including the Departments of Land and Natural Resources and Health, are developing, maintaining, and sharing their respective databases and applications. The centralized database enables agencies to share information while reducing the development of redundant databases.

The State GIS system is used by the Land Use Commission for mapping petition proposals and by the Office of Planning in developing the State's position on land use petitions and for preliminary analysis of specific land use proposals or planning studies. Each of the counties have geographic information systems in varying stages of development.

## **Administration**

The lead organizations involved in Hawaii's statewide planning system are the Office of Planning, The Department of Budget and Finance, and those state agencies responsible for functional plans and state programs. The **Office of Planning (OP)**, administratively attached to the Department of Business, Economic Development & Tourism, provides technical assistance in the administration of the Hawaii State Plan. OP provides recommendations to the Governor and state and county agencies on conflicts among plans and programs; reviews and evaluates Chapter 226 (Hawaii State Plan) and recommends amendments to the Legislature; analyzes existing state policies, programs, laws, rules, and practices relative to the formulation, implementation, and coordination of the State Plan; conducts special studies and prepares reports that address major policy issues relating to statewide growth and development; identifies emerging issues for use in the revisions of Parts I and III of the State Plan; assists the Governor in assuring that state programs are in conformance with the State Plan.

The Department of Budget and Finance is responsible for preparing the State Functional Plan Guidelines and the State budget. The Department is also responsible for the annual budgetary review and the allocation process.

The State Programs consist of administrative and regulatory programs involving coordination and review of agency activities; research and support; design, construction and maintenance; services, and regulatory powers. The programs include land use decision making processes, capital improvement project appropriations process, and the budgetary review process. All state programs must conform to the overall theme, goals, objectives, policies, and priority guidelines of the State Plan.

Part III of the Hawaii State Plan establishes the overall priority guidelines to address areas of statewide concern. This part of the plan provides a short-range, program-specific orientation that sets priorities for allocating resources in five major areas of statewide concern:

- *Economic Development*: (46 priority guidelines): For seven policy areas: general economy stability; tourism industry; stable sugar & pineapple industries; diversified agriculture and aquaculture; water use and development; energy use development; and the information industry
- *Population Growth and Land Resources*: (20 priority guidelines): For two policy areas: desired statewide growth and distribution & regional growth distribution and land resource utilization.
- *Crime and Criminal Justice* (6 priority guidelines)
- *Affordable Housing*: (8 priority guidelines)
- *Quality Education* (9 priority guidelines)

### **Grants to Local Governments**

The State does not have an ongoing program for planning grants to the counties, with the exception of state-matched federal funding for planning staff support for county implementation of the Coastal Zone Management Program. The state develops, funds, and maintains major public infrastructure and facilities statewide in support of local development, including highways, airports, and harbors, public schools, etc. The counties receive proportionate shares of the state transient accommodations tax. The state also funds county or joint state/county planning processes or projects for specific programs and on an as-needed basis.

### **Resources**

- ◆ State Land Use District Boundary Review, Executive Summary - HAWAII
- ◆ State Functional Plans Fact Sheet
- ◆ Hawaii State Plan HRS, Chapter 226, Hawaii Revised Statutes, 1991
- ◆ State Land Use Regulation and Management Study
- ◆ State Land Use District Boundary Review, Executive Summary - OAHU
- ◆ State Land Use District Boundary Review, Executive Summary - MAUI/MOLOKAI/LANAI
- ◆ State Land Use Law HRS, Chapter 205, Hawaii Revised Statutes, 1991
- ◆ Hawaii State Plan Fact Sheet
- ◆ County Development Boundary Review Reports for Hawaii, Oahu, Maui, Molokai, and Lanai

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## MAINE

### **Legislative Authority**

The Comprehensive Planning and Land Use Regulation Act of 1988 provides guidance, financial, and technical assistance to municipalities in the state to develop local growth management program. A local growth management program consists of a comprehensive plan that complies with the provisions of the Act, and an implementation program that is consistent with a complying comprehensive plan.

While state goals are outlined in the Act, there is no “*state plan*” that regulates or guides land use in the state’s 494 municipalities. Each community maintains local control over most local land use decisions, although there are state minimum standards for shoreland activities and large scale commercial, industrial, and residential developments.

### **Statewide Planning Goals**

The State Legislature established a set of ten (10) state goals to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use and development. The Legislature declared that, “in order to promote and protect the health, safety and welfare of the citizens of the state, it is in the best interests of the State to achieve the following goals (*Title 30-A MRSA, Sec. 4301 et seq.*):

- A. To encourage orderly growth and development in appropriate areas of each community, while protecting the State’s rural character, making efficient use of public services and preventing development sprawl;
- B. To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;
- C. To promote an economic climate which increases job opportunities and overall economic well-being;
- D. To encourage and promote affordable, decent housing opportunities for all Maine citizens;
- E. To protect the quality and quantity of the state’s water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas;
- F. To protect the State’s other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas;
- G. To protect the State’s marine resources industry infrastructure, including the State’s ports and harbors, from incompatible development and to promote access to the shore for commercial fishermen and the public;
- H. To safeguard the State’s agricultural and forest resources from development which threatens those resources;
- I. To preserve the State’s historic and archeological resources; and
- J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.”

### **Urban Growth Boundaries**

The State does not delineate specific boundaries for growth. However, the Growth Management Act does require communities taking part in the program to designate “growth” and “rural” areas. Given the rural nature of Maine’s communities, the establishment of “growth” areas is typically associated with the historic New England-style villages that exist in many Maine communities, although these rural areas have yet to witness significant development.

### **Local and Regional Planning**

Municipalities retain the basic authority and responsibility to plan and regulate land use, but they are required to adopt local growth management plans that are consistent with State goals and guidelines. At a minimum, the Act requires that local growth management implementation programs include the adoption of new or amended zoning ordinances that are consistent with the comprehensive plans. It may include activities such as the development of a

capital improvement program, ordinances and regulations to guide site review of development projects, housing and economic development programs or initiatives, community land banks or land trusts, or inter-local agreements designed to promote local and regional policies.

### **Coordination of Planning**

The law created a mechanism for state review and comment on local planning efforts. The role of the state has been to encourage the incorporation of the state goals and to coordinate regional needs and issues in local planning activities. Regional councils assess regional needs and resources, develop and adopt regional policies, assist municipalities in developing and implementing growth management programs, and review local plans for consistency with regional policies.

### **Regulatory Reform**

*Awaiting updated information.*

### **Local Growth Management Program**

A local growth management program must include at least a comprehensive plan and an implementation program. A comprehensive plan must include the following sections:

1. **Inventory and analysis** - addresses state goals and issues of regional or local significance and importance. The inventory must be based on information provided by the State, regional councils and other relevant local sources. The analysis must include 10-year projections of local and regional growth in population and residential, commercial, and industrial activity; the projected need for public facilities; and the vulnerability of, and impacts on, natural resources.
2. **Policy development** - relates the findings contained in the inventory and analysis section to the state goals. The policies must promote the state goals; address any conflicts between state goals; address any conflicts between regional and local issues; and address the State's coastal policies.
3. **Implementation strategy** - contains a timetable for the implementation program, including land use ordinances, ensuring that the state goals are met. These implementation strategies must be consistent with state law and must actively promote policies developed during the planning process. The timetable must identify significant ordinances to be included in the implementation program. The strategies and timetable must guide the adoption of policies, programs, and land use ordinances.
4. **Regional coordination program** - must be developed with other municipalities to manage shared resources and facilities, such as rivers, aquifers, transportation facilities, etc. The program must provide for consistency with the comprehensive plans of other municipalities for these resources and facilities.

An implementation program must be adopted that is consistent with the strategies outlined in section 3 above.

*Awaiting updated information on the following areas:*

### **Impact Assessment**

### **Infrastructure Needs Assessment**

### **Monitoring and Evaluation**

Maine Economic Growth Council - Use one set of indicators to detect general trends (38) and another set (their benchmarks, 33) to assess progress in meeting specific targets (which they call goals). Strategies important.

*Awaiting updated information on the following areas:*

## **Public Participation**

## **Physical Objectives**

## **Mapping & GIS**

## **Administration**

The Act charged the Office of Comprehensive Planning in the Department of Economic and Community Development with the responsibility of administering the law. The Office provides technical and financial assistance to municipalities in developing and implementing their growth management programs. The Office of Comprehensive Planning is also responsible for reviewing all submitted comprehensive plans and land use ordinances to ensure that such plans are consistent with state goals and guidelines.

## **Grants to Local Governments**

The Office of Comprehensive Planning has an annual budget of \$1.1 million. Approximately \$400,000 in grants is allocated to municipalities for plans and ordinance development, and \$200,000 in grants is allocated to regional councils for technical assistance to municipalities on planning-related topics.

## **Resources**

- ◆ How to Prepare a Land Use Ordinance
- ◆ Comprehensive Planning and Land Use Regulation Act, Public Law 1987, Chapter 766
- ◆ Title 30-A, Chapter 187, Planning and Land Use Regulation Subchapter II, Growth Management Program (October 1994)
- ◆ Guidelines for the Implementation Grant Program (July 1994)
- ◆ Planning Grant Guidelines (April 1993)

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## MARYLAND

### Legislative Authority

Maryland's Economic Growth, Resource Protection, and Planning Act of 1992 established a participatory process that balances the responsibility for managing growth among local governments and the State. The Planning Act amends Article 66B, Zoning and Planning of the Annotated Code of Maryland, which gives Maryland's local jurisdictions the power to plan and zone.

### Statewide Planning Goals (Visions)

The Planning Act is based on the widely accepted seven "Visions", which constitute the State's Growth Policy and provide guidance for growth management efforts throughout the State, call for an ethic of environmental stewardship, and promote economic development through regulatory streamlining. Those Visions are:

1. Development shall be concentrated in suitable areas
2. Sensitive areas shall be protected
3. In rural areas, growth shall be directed to existing population centers and resource areas shall be protected
4. Stewardship of the Chesapeake Bay and the land shall be a universal ethic
5. Conservation of resources, including a reduction in resource consumption, shall be practiced
6. To encourage the achievement of these policies, economic growth shall be encouraged and regulatory mechanisms shall be streamlined, and
7. Funding mechanisms shall be addressed to achieve this policy

The Planning Act took effect on October 1, 1992, and local governments began forging ahead, rethinking their comprehensive plans, adopting the Visions as policy, and working on the protection of sensitive areas. The Act also gives new responsibilities to the State by establishing procedures that ensure that State infrastructure improvements are consistent with the State's Growth Policy, and reinforce the pattern of development established in local plans. A premise of the Act is that comprehensive plans prepared by counties and towns are the best place for local governments to establish priorities for growth and resource conservation, and that once those priorities are established, it is the State's responsibility to back them up.

### Urban Growth Boundaries

During the 1950's, Maryland experienced a population explosion that more than doubled its population. Much of this population growth resulted in large-lot residential sprawl and supporting commercial development spreading out from the older built-up population centers into the countryside, consuming large areas of agricultural and environmentally sensitive land. This accelerated growth also increased development pressures on vacant land adjacent to municipalities, leading to ever increasing municipal efforts to annex prime development parcels which, in turn, created conflicts with counties.

These growth-associated problems forced jurisdictions in Maryland to adopt a variety of planning tools and other measures to control development. Urban growth boundaries were one of the measures chosen to encourage growth in selected areas. In the late 1960's, Baltimore County became the first Maryland jurisdiction to adopt such a boundary.

Local governments in Maryland have established urban growth boundaries for a variety of reasons, among these are:

- ◆ To control residential sprawl.
- ◆ To provide a tool to defend against inappropriate rezonings in rural areas.
- ◆ To create rational municipal annexation limits.
- ◆ To control utility extensions into rural areas.
- ◆ To protect agricultural land.
- ◆ To concentrate growth in selected places.

- ◆ To let property owners know whether their land lies in a development or potential development area.
  - ◆ To effect coordination between town and county concerning road paving and right-of-way widths, as well as locations of future transportation facilities.
  - ◆ To augment the comprehensive plan as a tool for controlling development.

Maryland outline's the specific characteristics an urban growth boundary must have, as well as the actions to be undertaken by a jurisdiction to meet the growth management goals of the boundary:

- ◆ The jurisdiction should gain public support for the boundary line.
- ◆ The line should encompass a realistic amount of land needed to accommodate anticipated growth.
- ◆ The line should be an integral part of the Comprehensive Plan.
- ◆ The line should be clear.
- ◆ The zoning ordinance must support the boundary.
- ◆ Public services and infrastructure must support development within the boundary and be minimal elsewhere.
- ◆ Interjurisdictional coordination must be adequate.
- ◆ The line should be periodically updated.

*(“Managing Maryland’s Growth, Models and Guidelines: Urban Growth Boundaries”, Maryland Office of Planning, August 1995)*

### **Local and Regional Planning -Local Government Responsibilities/ The Local Comprehensive (Master) Plan**

County and municipal plans must be amended so that they implement the seven visions outlined above. The visions are intended as the beginning of the planning process, and local governments will start with the visions and interpret them to establish their own priorities and concerns.

The Act requires that local comprehensive plans contain a series of plan elements that include:

- ◆ a statement of goals and objectives, principles, policies, and standards that serve as a guide for the development and economic and social well-being of the jurisdiction;
- ◆ a land-use element which shows proposals for the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private lands at specified times as far into the future as is reasonable...;
- ◆ a transportation plan element which shows proposals for the most appropriate and desirable patterns for the general location, character, and extent of the channels, routes and terminals for transportation facilities, and for the circulation of persons and goods at specified times as far into the future as is reasonable...;
- ◆ a community facilities element that shows proposals for the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land and facilities for specified times as far into the future as is reasonable. Such facilities may include, without being limited to, parks and recreation areas, schools and other educational and cultural facilities,...
- ◆ a mineral resources plan element (if current geological information is available), that:
  1. identifies undeveloped land that should be kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals...;
  2. identifies appropriate post-excitation uses for this land that are consistent with the county’s land planning process; and
  3. incorporates land use policies and recommendations for regulations to prevent the preemption of mineral resource extraction by other land uses;
- ◆ an element that shall contain the planning commission’s recommendation for land development regulations to implement the plan and which encourages the following:
  - a) streamlined review of applications for development, including permit review and subdivision plat review within the areas designated for growth in the plan;
  - b) the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and
  - c) economic development in areas designated for growth in the plan through the use of innovative techniques;

- ◆ recommendations for the determination, identification, and designation of areas within the county that are of critical state concern; ...

(Source: House Bill 1195, Sec. 3.05. Economic Growth, Resource Protection, and Planning Act of 1992, Annotated Code of Maryland)

Under the Act, local comprehensive plans must also include a “Sensitive Areas Element,” which outlines how the municipality or county will protect streams and stream buffers, 100-year floodplains, endangered species habitats, steep slopes, and other areas a municipality or county wants to protect from the adverse impacts of development. The Sensitive Areas Element, and the corresponding implementing regulations, must be adopted by the local municipality or county by July 1, 1997.

The Act requires that local planning commissions review, and if necessary, amend their plans at regular six-year intervals. Prior to adoption of the Act, there was no Statewide requirement that local jurisdictions review their plans on a regular basis. This new provision ensures that local plans are reviewed and revised to accommodate growing needs.

### **Coordination of Planning**

The Planning Act requires that after the local comprehensive plans have been amended, zoning ordinances and subdivision regulations must also be amended to be consistent with the plan, including the seven visions. Local construction projects involving the use of state funds cannot be approved by a local government unless the project is consistent with the local comprehensive plan. Such projects may be approved if there are extraordinary circumstances that warrant proceeding with the project and no reasonably feasible alternative exists. The Act also requires local governments to report on the number and type of projects approved under the “extraordinary circumstances” provision.

As with the local governments, the Planning Act gives new roles and responsibilities to the State. The State does not plan and zone like a local jurisdiction, and the Planning Act does not change that - local governments will remain the principle players for decision making for land-use development. However, the State’s public works projects shape growth as significantly as the local planning process. The same visions adopted in local plans must become the State’s “Economic Growth, Resource Protection, and Planning Policy.” This growth policy provides a concise statement of the way growth should be promoted in Maryland and affirms the State’s commitment to protect the environment and foster economic growth. The State may not fund a State public works, transportation, or major capital improvement project unless the project is consistent with the State’s Economic Growth, Resource Protection, and Planning Policy or the plan of the jurisdiction in which the project is located. The Planning Act gives each state agency the responsibility to evaluate its own projects against the State’s growth policy and to make a determination as to the consistency of the project. The Act allows a project that is not otherwise consistent to be funded if the State determines that extraordinary circumstances exist that warrant proceeding with the project, and that no reasonably feasible alternative exists.

***Awaiting updated information on the following areas:***

**Impact Assessment****Infrastructure Needs Assessment****Monitoring and Evaluation****Public Participation****Physical Objectives****Mapping & GIS****Administration**

A new commission, called the *Economic Growth, Resource Protection, and Planning Commission* provides a forum to examine the progress being made in implementing the Act, explore new solutions, and provides the Governor and the General Assembly with an annual report of that progress.

As the successor to the Maryland State Planning Commission, the new Economic Growth, Resource Protection, and Planning Commission consists of 17 members representing the regions and interest groups of the State, including business, finance, agriculture, forestry, environmental, civic associations, planning, and real estate development interests. One member is chosen from the Maryland Senate and one from the House of Delegates. The remaining members are appointed by the Governor, with one representing the Maryland Municipal League and two the Maryland Association of Counties. The Commission advises the Governor, the General Assembly, and local governments on a variety of topics related to the implementation of the Planning Act. Examples of these topics include:

- ◆ the progress of State and local planning in achieving the visions;
- ◆ the achievement of consistency among plans and development regulations;
- ◆ the progress the State and local governments are making in protecting sensitive areas; and
- ◆ the progress the State and local governments are making in streamlining development review.

**Grants to Local Governments**

Through the Local Transportation Planning Assistance Grant Program, 19 counties and 53 municipalities were awarded grants totaling \$943,193 (FY 1994) to update and improve their comprehensive plans. The intent of this State-funded program is to improve the transportation and land-use elements of local comprehensive plans. A grant agreement between the State and local jurisdiction assures that the Maryland Office of Planning and the Maryland Department of Transportation have an opportunity to review and comment on the plans. Some counties and municipalities have chosen to work together on plan revisions and submit joint applications for grant funds.

**Resources**

- ◆ Managing Maryland's Growth: What You Need to Know About The Maryland Planning Act of 1992
- ◆ Managing Maryland's Growth (#2): Procedures for State Project Review Under the Planning Act of 1992
- ◆ Economic Growth, Resource Protection, and Planning Commission 1994 Report, Volume I
- ◆ Economic Growth, Resource Protection, and Planning Commission 1994 Report, Volume II
- ◆ Maryland Office of Planning 1993 Annual Report: Mapping the Future
- ◆ Maryland Economic Growth, Resource Protection, and Planning Act of 1992
- ◆ Article 66B, Annotated Code of Maryland, Zoning and Planning, June 1992
- ◆ Managing Maryland's Growth (#1): Models and Guidelines
- ◆ Managing Maryland's Growth (#3): Models and Guidelines - Preparing a Sensitive Areas Element for the Comprehensive Plan

- ◆ Managing Maryland's Growth (#5): Models and Guidelines - Achieving "Consistency" Under The Planning Act of 1992
- ◆ Managing Maryland's Growth (#6): Models and Guidelines - Interjurisdictional Coordination for Comprehensive Planning
- ◆ Managing Maryland's Growth (#7): Modeling Future Development on the Design Characteristics of Maryland's Traditional Settlements
- ◆ Managing Maryland's Growth (#8): Models and Guidelines - Flexible and Innovative Zoning Series: Clustering for Resource Protection
- ◆ Managing Maryland's Growth (#9): Models and Guidelines - Flexible and Innovative Zoning Series: Transferable Development Rights
- ◆ Managing Maryland's Growth (#10): Models and Guidelines - Flexible and Innovative Zoning Series: Overlay Zones
- ◆ Managing Maryland's Growth (#11): Models and Guidelines - Flexible and Innovative Zoning Series: Achieving Environmentally Sensitive Design in Growth Areas through Flexible and Innovative Regulations
- ◆ Managing Maryland's Growth (#12): Models and Guidelines - Urban Growth Boundaries
- ◆ Managing Maryland's Growth (#13): Models and Guidelines - Preparing A Comprehensive Plan
- ◆ Zoning Guidelines for Rubble Landfills and Outdoor Solid Waste Processing and Recycling Facilities in Maryland
- ◆ Maryland Agricultural Land Preservation Foundation Annual Report 1995
- ◆ Managing Maryland's Growth: Issue Papers - The Potential for New Residential Development in Maryland (An Analysis of Residential Zoning Patterns)
- ◆ Economic Growth, Resource Protection, and Planning Act of 1992 (House Bill 1195), Annotated Code of Maryland
- ◆ Managing Maryland's Growth: What You Need to Know about Smart Growth and Neighborhood Conservation

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## NEW HAMPSHIRE

### **Legislative Authority**

The New Hampshire State Development Plan establishes state policy on economic development related issues and proposes new or expanded programs to implement those policies. The policies must include:

- a) an analysis of the state's economic condition and needs;
- b) state policies to provide for the orderly economic development of the state; and
- c) a statement of specific goals and objectives for state economic development programs.

The comprehensive development plan serves as the basis for economic policy and program development by the various departments of state government. State agencies must develop programs that are consistent with the policies and priorities set forth in the comprehensive development plan.

### **Statewide Planning Goals**

The goals set forth in New Hampshire's State Development Plan relate to those conditions and trends that New Hampshire is likely to face in the future. The goals are more *general* than "land-use" specific in nature, and cover such areas as environment, economic development, health care, tourism, education, and transportation.

### **Local and Regional Planning**

The New Hampshire state statutes regarding planning and land use state that planning, zoning and related regulations have been and should continue to be the responsibility of municipal government. In cases where the municipalities are unincorporated, the county in which the municipality is located is responsible for the orderly development of the unincorporated town (i.e., planning, zoning, subdivision and related land use regulations).

### **Coordination of Planning**

Municipalities and counties are authorized to join in the formation of regional planning commissions who are responsible for preparing a coordinated plan for the development of a region; the facilitation of transportation and communication; the development of adequate recreational areas; the promotion of good civic design; and the wise and efficient expenditure of public funds. The Office of State Planning must delineate planning regions for the state so that each municipality of the state will fall within a delineated region and will have the opportunity of joining or forming the regional planning commission for that planning region. The regions must be delineated based on the following factors: existing metropolitan and regional planning agencies; patterns of communication and transportation; geographic features and natural boundaries; extent of urban development; relevancy of the region for provision of governmental services and functions and its use for administering state and federal programs; the existence of physical, social and economic problems of a regional character; and other related characteristics. The Office of State Planning may adjust the boundaries of the planning regions to accommodate changing conditions of a region.

### **Regulatory Reform**

*Awaiting updated information.*

### **The Local Comprehensive (Master) Plan**

Local master plans are prepared and adopted by the local planning board and must contain, if it is deemed appropriate or is specifically required for development in the municipality, the following sections:

- a general statement of the objectives, principles, policies and standards upon which development proposals will be based;
- a land use section that shows existing conditions and the future location, extent and intensity of land use;

- a housing section that analyzes existing housing resources and addresses current and future housing needs of all New Hampshire residents;
- a transportation section showing the location and types of facilities for all modes of transportation;
- a utility and public service section analyzing the need for and showing the present and future location of existing and anticipated public and private utilities;
- a community facilities section showing the location, type, and need for educational or cultural facilities, libraries, historic sites, hospitals, fire and police stations, etc.;
- a recreation section showing existing recreation facilities as well as the future recreation needs;
- a conservation and preservation section which provides for the preservation, conservation, and use of natural and man-made resources, and should include a local water resources management and protection plan...;
- a construction materials section which summarizes known sources of construction materials available for future construction material needs...and;
- appendices or separate reports that contain relevant scientific and statistical data for the master plan and its element.

### **Impact Assessment**

Municipalities are enabled to adopt innovative land use controls (RSA 674:21) including an impact fee ordinance. An impact fee or assessment can be imposed upon development, including subdivision, building construction or other land use change in order to help pay for municipal capital facilities whose need is occasioned by that development. In order for a municipality to adopt an impact fee ordinance, it must have enacted a capital improvements program.

### **Infrastructure Needs Assessment**

In a municipality where the planning board has adopted a master plan, the local legislative body is empowered to authorize the planning board to prepare and amend a program (at least six years into the future) of municipal capital improvement projects. The capital improvements program is designed to aid the budget committee and local governing body in their consideration of the annual budget. Local government also has the opportunity to identify highway and transportation needs to the New Hampshire Department of Transportation, in conjunction with the regional planning commissions, through its annual transportation improvement program.

The State has a biennial capital budgeting process which consolidates the capital facilities construction needs of State agencies for submission by the Governor for consideration and action by the Legislature. Agencies are required to justify their capital project requests as part of a six-year capital improvements program. The degree of long-term planning varies from agency to agency. The Department of Transportation has both 10 and 20 year highway improvement plans.

### **Monitoring and Evaluation**

There is no formal monitoring and evaluation process presently in use in the State.

### **Public Participation**

The participation of the public is required and encouraged by state statutes and regulations at all steps in the land use planning process. Required public hearings, posting of public meeting notices and minutes, notices to affected landowners, disclosure of public documents and other legal measures ensure that the public has the opportunity to participate fully in the various land use regulatory activities at the local, regional and state levels of New Hampshire government.

### **Physical Objectives**

The New Hampshire Department of Transportation, in its highway and other transportation system plans, is perhaps the single State function which impacts the physical development of New Hampshire. Major highway corridor plans, upgrading of highways and bridges, preservation of abandoned railroad routes, protection and enhancement of airports are examples of specific objectives which directly affect development.

## **Mapping & GIS**

New Hampshire has a significant mapping and GIS program at the state level. The New Hampshire Geographic System (NH GRANIT) is a cooperative project to create, maintain and make available a statewide digital geographic data base serving needed information to State, regional and local government decision-makers. The NH GRANIT approach to a statewide geographic information system depends on the cooperative efforts of a number of agencies, working on various elements of the database, according to a commonly accepted set of standards. For the most part, the NH GRANIT database is archived at Complex Systems Research Center at the University of New Hampshire. Here, quality control is carried out to assure that any data being entered meets the standards approved by CORD, as recommended by the GIS Advisory Committee. A centralized GIS database provides a means of allowing users to access the most recent and correct version of any of the data layers. While many of the layers in the system tend not to be dynamic (soils units and watershed boundaries, for example), all GRANIT layers undergo continuous refinements, corrections and additions.

Increasingly, municipalities have been embracing GIS as a technology to improve the services provided to their citizenry and to improve the efficiencies and capabilities of municipal planning and infrastructure management.

## **Administration**

The New Hampshire Revised Statutes Annotated (RSA 4:C-through 4:C-23) establishes the Office of State Planning under the Office of the Governor. The director is appointed and serves at the discretion of the Governor. The Office comprises two divisions-Policy & Administration and Program Planning, with a total of 38 employees. RSA 4:C outlines the basic statutory responsibilities of the Office of State Planning for planning, grants management, technical assistance, data management, and coordination. The Office of State Planning is required to:

1. Plan for the orderly development of the state and the wise management of the state's resources.
2. Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.
3. Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns.
4. Encourage the coordination and correlation of state planning by agencies of state government.
5. Participate in interstate, regional, and national planning efforts.
6. Administer federal and state grant-in-aid programs assigned to the Office by statute or executive order.
7. Perform such other duties as the Governor may assign.

The Office of State Planning is also required to:

- ◆ Assist the Governor in preparing, publishing, and revising the comprehensive development plan, the State Development Plan.
- ◆ Develop and maintain a technical data base of information to support statewide policy development and planning.
- ◆ Coordinate and monitor the planning efforts of state agencies and departments to ensure that the program plans of these agencies are consistent with the policies and priorities set forth in the comprehensive development plan.

## **Grants to Local Governments**

The Office of State Planning is responsible for the administration and coordination of the states' planning and/or management grants under several federal programs, in addition to State General Funds.

- ◆ Community Development Block Grant Program. The RSA 4:C-11 through RSA 4:C-18 directs OSP to administer this program under the Housing and Community Development Act of 1974. Grant funds are made available to 229 eligible municipalities and all ten counties on a competitive basis for activities which will: benefit low and moderate income households; aid in the prevention or elimination of slums or blight; or alleviate an emergency that poses a serious or immediate threat. Eligible activities include: housing rehabilitation, economic development designed to retain or create employment opportunities and the provision of public facilities.

- ◆ Coastal Program Management. This program provides funds for administration and management activities aimed at preserving and enhancing coastal resources.
- ◆ Land and Water Conservation Fund Recreation Planning Grants. Provides funds to prepare the Statewide Comprehensive Outdoor Recreation Plan and associated activities.

### **Resources**

- ◆ New Hampshire Planning and Land Use Regulation, Selected Laws, 1995 Edition)
- ◆ New Hampshire Biennial Report
- ◆ New Hampshire State Development Plan
- ◆ New Hampshire: A Brief Look (Fact Sheet), Office of State Planning (1995)
- ◆ New Hampshire State Development Plan Economic Trends Analysis
- ◆ New Hampshire GRANIT Users Guide
- ◆ New Hampshire GRANIT Data Catalog
- ◆ GIS Guide Book, Office of State Planning (December 1994)
- ◆ Statistical Profile of New Hampshire (1970-1990), Office of State Planning (October 1992)
- ◆ Current Estimates & Trends in New Hampshire's Housing Supply
- ◆ Population Projections: Total Population for Cities & Towns 1990-2015
- ◆ Office of State Planning Biennial Program Report, September 1993

\*Provided updates

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## NEW JERSEY

### Legislative Authority

With the adoption of the State Planning Act in January 1986, the New Jersey state legislature established a growth management system wherein the State Planning Commission (SPC) and the Office of State Planning (OSP) were created to prepare and adopt a State Plan - The State Development and Redevelopment Plan. The Act also defined a statewide planning process that gave local and county governments an opportunity to suggest modifications to the State Plan prior to its becoming approved. This process, called “cross-acceptance,” was developed to ensure that governments at all levels and the public participate the planning process.

*“New Jersey, the nation’s most densely populated state, requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal. . .” (N.J.S.A. 52:18A-196, et. seq.).*

### Statewide Planning Goals

The State Planning Act outlines the objectives, and establishes a substantive policy base, for the State Development and Redevelopment Plan. The overall purpose of the State Plan is to provide “a balance of development and conservation objectives best suited to meet the needs of the State.” The objectives of the State Plan are to:

- a) protect the natural resources and qualities of the State,...
- b) promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds;
- c) consider input from State, county and municipal entities concerning their land use, environmental, capital and economic development plans;
- d) identify areas for growth, limited growth, agriculture, open space conservation and other appropriate designations that the commission may deem necessary;
- e) incorporate a reference guide of technical planning standards and guidelines used in the preparation of the plan;
- f) coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services and intergovernmental coordination.

The State Development and Redevelopment Plan is designed to achieve eight (8) fundamental goals, and strategies to achieve the goals, in response to the public’s development and conservation concerns.

- |                  |  |
|------------------|--|
| <b>GOAL:</b>     | <b><u>Revitalize the State’s Urban Centers and Areas</u></b>   |
| <b>STRATEGY:</b> | Invest sufficiently in the human resources and infrastructure systems to attract private investment.   |
| <b>GOAL:</b>     | <b><u>Conserve the State’s Natural Resources</u></b>   |
| <b>STRATEGY:</b> | Carefully plan the location, intensity and design of new development to maintain the integrity and capacity of natural resources systems; and invest in infrastructure and natural resource protection programs to guide growth in accordance with this planning.  |
| <b>GOAL:</b>     | <b><u>Promote Beneficial Economic Growth, Development and Renewal</u></b>  |
| <b>STRATEGY:</b> | Provide realistic growth opportunities through good planning and the provision of infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate levels of service.  |
| <b>GOAL:</b>     | <b><u>Protect the Environment</u></b>  |
| <b>STRATEGY:</b> | Plan for growth in compact forms, at locations and intensities of use that make efficient use of existing and planned infrastructure, increase infrastructure capacities and growth potential in areas where development will not damage water resources, critical habitats or important forests; and will |

- make transportation alternatives to the automobile feasible to achieve and maintain air quality.
- GOAL:** **Provide Adequate Public Services at a Reasonable Cost**
- STRATEGY:** Plan for the locations and patterns of growth that maintain existing and planned capacities of infrastructure, fiscal and natural resource systems and minimize the need for substantial public investment in infrastructure where it does not exist and is not planned.
- GOAL:** **Provide Adequate Housing at a Reasonable Cost**
- STRATEGY:** Plan for the maintenance and location of a density of housing close to both employment opportunities and public transportation to reduce housing and commuting costs for low, moderate, and middle income groups.
- GOAL:** **Preserve and Enhance Historic, Cultural, Open Space and Recreational Land and Structures**
- STRATEGY:** Identify those resources and using public investment strategies; preservation, conservation and regulatory programs; and other techniques to guide growth in locations and patterns that protect them; and
- GOAL:** **Ensure Sound and Integrated Planning Statewide**
- STRATEGY:** Use the State Plan as a guide to planning and growth-related decisions at all levels of government..

### **Urban Growth Boundaries**

*“Identify areas for growth, limited growth, agriculture and open space conservation and other appropriate designations...” (N.J.S.A. 52:18A-200)*

The New Jersey State Planning Program is intended to fully accommodate projected growth while directing that growth to centers, with particular emphasis on urban centers in need of revitalization. The *Resource Planning and Management Structure* (the compact forms of development and planning objectives that should be used to promote desirable forms of development) established in the State Development and Redevelopment Plan integrates two critical elements of the State Plan - **Centers** and **Planning Areas**. *Planning Areas* are large masses of land with certain general characteristics that suggest that growth must be guided to certain locations and in certain patterns within the Planning Area to take advantage of, or to protect, the characteristics of the Planning Area. *Centers* are “central places” within Planning Areas where, depending upon the unique characteristics and growth opportunities of each center, growth should either be attracted or not attracted. Areas outside Centers are the “environs” and should be protected from the growth that occurs in the Center.

The State Plan established five Planning Areas. As nearly all development in the Metropolitan and Suburban Planning Areas is served by “urban” infrastructure such as interconnected street networks, public water supply systems and public sewer systems, the boundaries of those areas constitute a boundary to urban growth on a large scale. In the Fringe, Rural and Environmentally Sensitive Planning Areas these services are usually limited to, and extend outward from, existing settlements such as Town, Regional and Village Center communities, and therefore in these areas, urban growth is limited to Centers.

### **Local and Regional Planning**

New Jersey maintains a “home rule” approach to planning among its 567 municipalities. While there is no state mandate for them to do so, local and county governments are strongly encouraged to develop local comprehensive plans that are consistent with the eight goals of the State Plan. The State Planning Act does require that each state agency, county, municipality or other political entity provide any studies, surveys, plans, data and other information concerning land use, capital facilities, the environment, transportation, economic development or human services to the State Planning Commission for review and consideration.

Each municipality and county government is encouraged to submit their comprehensive plans to the Office of State Planning and the State Planning Commission for “consistency review.” Each comprehensive plan is reviewed by professional planning staff as well as various state agencies to determine a local plan’s consistency with the goals of the State Plan. While there is no penalty for inconsistency, those plans found to be consistent with the State Plan are considered to be “in-line” with the overall goals and planning efforts of the state, the state agencies and the county in which they are located, and therefore may be given greater legal standing.

### **Coordination of Planning**

During the cross-acceptance process, local and county governments review the State Plan and the state plan map, and compare them to their comprehensive plans. Any areas of disagreement are to be brought to the attention of the state, via reports prepared by the county, where the State Planning Commission negotiates agreements between local, county and state governments. Through cross-acceptance, the State Planning Act seeks to give county and municipal government full opportunity to be involved in resolving conflicts between state and local planning policies.

All petitions to amend the State Development and Redevelopment Plan by designating Centers are reviewed initially by a panel of State agencies. Agencies involved in the review include the Departments of Community Affairs, Commerce and Economic Development, Environmental Protection, Transportation, Agriculture, and Treasury as well as New Jersey Transit, Council on Affordable Housing, Housing Mortgage Finance Agency, New Jersey Economic Development Authority, Delaware Valley Regional Planning Commission and the North Jersey Transportation Planning Authority. The main purposes of the reviews are to receive comments on petitions, to consider what State related actions are necessary to implement the petitioner's "planning agenda," and to gain the necessary coordination from that agency to address each planning agenda item.

### **Regulatory Reform**

In November 1995, Governor Whitman took a significant step in supporting statewide planning efforts and regulatory streamlining in New Jersey. At that time, Governor Whitman requested that all state agencies submit annual reports describing each department's initiatives in incorporating the State Development and Redevelopment Plan's policies into their planning, decision making and resource allocation activities. This action reinforced the importance of coordination among state agency programs and activities in implementing the State Plan. In December 1996, the State Planning Commission adopted a series of Recommendations for Land Use Governance Reform. The Office of State Planning is leading a study team for the Land Use, Infrastructure and Environment (LUIE) Project that will recommend specific administrative and legislative changes to provide better coordination and planning, to streamline permit decisions, and to meet both regulatory and general land use goals and objectives.

### **Local Comprehensive Plans**

New Jersey is fully incorporated into municipalities, which by the State's Constitution have the exclusive authority to zone land use as provided by State law. The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the enabling legislation for municipal planning and zoning, requires that any municipality adopting a zoning ordinance must have an adopted master plan in place, and the zoning ordinance must be substantially consistent with the municipal master plan. The municipal master plan must include, at a minimum, a statement of objectives, a land use element, and a specific policy statement identifying the relationship of the proposed development of the municipality under the master plan to the master plans of contiguous municipalities, the county master plan, the district solid waste management plan, and the State Development and Redevelopment Plan. Additional plan elements include a housing plan, a circulation plan, a utility service plan, a community facilities plan, a recreation plan, a conservation plan, an economic development plan, a historic preservation plan, and a recycling plan. County master plans adopted pursuant to the County Planning Act govern the location of county roads and drainage facilities and may define county policies on other issues of regional concern.

### **Impact Assessment**

In an effort to respond to growing concerns that implementing the goals of the State Plan would pose too great a cost on local municipalities, the New Jersey Legislature amended the State Planning Act to provide for an assessment of the Plan's impacts on the State's fiscal, economic, environmental, housing and quality of life features. The study, conducted by the Rutgers University Center for Urban Policy Research, found that, compared to the current (1989) development patterns, by the year 2010, Plan implementation could result in substantial savings (\$1.8 billion) in operating and capital costs to municipalities for school, roads, water supply and sewer services. Additionally, the study found that Plan implementation could result in significant environmental and natural resource improvements.<sup>3</sup>

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<sup>3</sup> "Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan, Executive Summary", February 1992.

### **Infrastructure Needs Assessment**

The State Planning Act called for the State Planning Commission to “...prepare and adopt as part of the [State Development and Redevelopment] plan a long-term Infrastructure Needs Assessment, which shall provide information on present and prospective conditions, needs and costs with regard to state, county and municipal capital facilities...”<sup>4</sup>

The purpose of the Infrastructure Needs Assessment was to contribute to the development and refinement of policies for infrastructure investments and public investment priorities in the State Plan. These policies, in turn, were to be applied in the evaluation of specific projects for infrastructure repair, maintenance, and improvement.<sup>5</sup>

### **Monitoring and Evaluation**

The State Planning Act anticipated the need to continually monitor events and trends and to evaluate their effects on Plan strategies and policies and, in turn, to evaluate the effects of the Plan on events and trends. Accordingly, the Act requires a “monitoring and evaluation” program as a component of the State planning process. The program is described in the report “*Monitoring and Evaluation Program for the New Jersey State Development and Redevelopment Plan*,” which details the variables that will be continually monitored and evaluated following adoption of the State Plan. The variables relate to the following areas of concern”

- ◆ *Economic growth and change (e.g. income and employment growth, housing costs and prices);*
- ◆ *Fiscal conditions (e.g. infrastructure capacities, needs and costs; revenues vs. expenditures);*
- ◆ *Environmental quality (e.g. changes in major environmental qualities, loss of environmentally sensitive lands, acres of open space and agricultural lands);*
- ◆ *Intergovernmental Coordination (e.g. quantity and quality of agency interaction);*
- ◆ *Community life (e.g. housing affordability quality of public services).*<sup>6</sup>

### **Public Participation**

The State Planning Commission (SPC), and its staff arm, the Office of State Planning (OSP), provide opportunities for continuing public participation and professional education, which is vital to the success of the program. The ‘cross-acceptance’ process that precedes final adoption of the State Plan is a significant keystone of the public participation effort. This process of comparison, negotiation and issue resolution – by which municipalities, counties, state agencies and the State Planning Commission attain mutual compatibility of the State Plan, local plans, and state agency plans – brings all levels of government together and encourages communication between them. This process creates opportunities for local governments, and the public to give feedback to the state on proposed policy changes.

### **Physical Objectives**

The physical objectives of the State Development and Redevelopment Plan are outlined in the *Resource Planning and Management Structure (RPMS)*. New Jersey’s growth management program is intended to accommodate full growth while directing that growth to centers, with particular emphasis on urban centers in need of revitalization. The RPMS integrates two critical elements of the State Plan - **Planning Areas** and **Centers**.

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<sup>4</sup> N.J.S.A. 52:18A-199b.

<sup>5</sup> New Jersey State Planning Commission, “Assessment of Infrastructure Needs to 2010, New Jersey State Development and Redevelopment Plan”, June 12, 1992.

<sup>6</sup> New Jersey State Planning Commission, “Communities of Place: The New Jersey State Development and Redevelopment Plan,” June 12, 1992, p.127.

- ◆ **Planning Areas** are large masses of land with tracts that share certain characteristics. These common characteristics suggest that growth must be guided to certain locations, and in certain patterns, within the Planning Area to take advantage of, or to protect, the characteristics of the Planning Area. The State Plan established five planning areas that define the various levels of development intensity and infrastructure service.
  - \* PA1 – Metropolitan
  - \* PA2 – Suburban
  - \* PA3 – Fringe
  - \* PA4 – Rural
  - \* PA5 – Environmentally Sensitive

There is for each planning area, a series of planning objectives designed to guide the application of the Statewide Policies to the diverse characteristics of the State’s geography and to help communities decide the appropriate location and size of centers.

Planning Areas are also intended to guide the application of the Plan’s Statewide Policies, as well as to guide local planning and decisions on the location and size of Centers within the Planning Area. The areas outside of Centers are the “environs” and should be protected from the growth that occurs in the Center.

- ◆ **Centers** are “central places” within Planning Areas where, depending upon the unique characteristics and growth opportunities of each center, growth should either be attracted or not attracted. They are a compact form of development with a core or a node (focus of residential, commercial and service development) and a *Community Development Area* – the land around a Center where capital and community facilities, and utilities and services are located and provided in order to accommodate the anticipated long-term growth for that center – that ranges in a scale from an Urban Center, to a Regional Center, Town, Village, and Hamlet.

While the State Plan identifies more than 600 centers statewide, communities are strongly encouraged to seek official “center designation” from the State Planning Commission. A designation results from a series of planning activities that include the examination of future population and employment projections; the preparation of natural and built resource inventories and management plans; and the development of design guidelines.

### **Mapping & GIS**

Spatial data at the Office of State Planning is developed and maintained using a computerized geographic information system (GIS). More than simply an electronic display of maps, these systems enable geographic data or combinations of data to be analyzed rapidly and accurately, provided that the information on the system is comprehensive, precise and current. As a member of New Jersey’s State Mapping Advisory Committee, the Office of State Planning works closely with other state, federal and local agencies, colleges and universities, and other organizations involved in developing and using electronic spatial data.

The Cartography/GIS section of the Office of State Planning serves a variety of functions including: plan mapping, production of hard copy maps upon request, geospatial data analysis and gathering, and is currently working to integrate its GIS databases with its internal statistical database.

The official map of the State Development and Redevelopment Plan, the “Resource Planning and Management Map (RPMM), is comprised of a series of maps corresponding to the scale established by the United States Geological Survey topographic quadrangle maps comprising the geographic area of the State of New Jersey. The RPMM reflects State Planning Commission approved delineations and information including:

1. Planning Areas;
2. Identified or designated centers;
3. Community Development Boundaries;
4. Population and employment allocations for each Center;
5. Critical Environmental/Historic Sites; and

6. The certification signature, and appropriate initialing of revisions, if any, by the Secretary of the Commission.

### **Administration**

The State Planning Act called for the creation a 17-member State Planning Commission (SPC) composed of cabinet-level officials, representatives of county and municipal governments and public members. The primary function of the SPC is to prepare and adopt a State Development and Redevelopment Plan (SDRP) and revise it every three years. The commission's other functions include:

1. Preparing an adopting a long-term Infrastructure Needs Assessment;
2. Developing and promoting procedures to facilitate cooperation among local governments;
3. Reviewing other state and local plans to promote efficient and effective planning;
4. Providing technical assistance to local governments; and
5. Reviewing legislation that appropriates funds for the capital budget.

The Office of State Planning (OSP) was established to be the professional arm of the State Planning Commission. The Office of State Planning is required by law to publish an annual report on the status of the State Plan; provide planning services to other state agencies; advise and assist local planning units; review plans of interstate agencies affecting New Jersey; compile data to estimate and forecast population, employment, housing and land needs; and design alternative growth and development strategies. The Office currently has a staff of 21 and an annual budget of approximately \$1.2 million.

### **Grants to Local Governments**

Grants of \$20,000 were provided to each county in 1989 to assist in the cross-acceptance process. In 1997, grants of \$40,000 will be available to each county participating in the cross-acceptance process as a "negotiating entity". Since adoption of the State Development and Redevelopment Plan in 1992, many State agencies have changed, modified or have created means of implementing the State Plan. One of the ways they have done so is through the granting of priority in funding and programs to those local jurisdictions that have worked with the State Planning Commission through the center designation process. State agency review of center petitions may identify possibilities for various program or project priority. These are usually encountered in the municipal planning agenda that is part of the center petition. Other agencies are more direct and have constructed priority either through rules, regulations, policies or plans. The following are examples of these programs.

1. NJDOT Project Development
2. NJDOT Transportation Enhancements
3. NJDEP Municipal Wastewater Assistance
4. NJDEP Green Trust Fund
5. NJDEP Historic Preservation Planning Grants
6. NJDCA Community Development Block Grants
7. NJDCA Neighborhood Preservation Program
8. NJT Transit Station Planning and Development

Designated centers are eligible for a variety of State actions.

- ◆ Funding - NJDOT maintains Local Aid for Centers Programs where only designated centers are eligible. This past year NJDOT funded seven projects valued at \$1 million.
- ◆ Classification - NJDOT utilizes planning areas and centers as part of its Highway Access Code. Centers in Planning Areas 3, 4 and 5 are eligible to have urban standards applied for access.
- ◆ Regulatory Action - NJDEP will soon publish rule amendments for the coastal (CAFRA) zone that will allow for a greater intensity (lot area coverage) in centers especially in relationship to intensity in Planning Areas 4 and 5. Council on Affordable Housing rules encourage inclusionary developments in designated centers in Planning Area 4 and 5.

## **Resources**

All New Jersey documents are available through the Office of State Planning Library

- ◆ State Planning Act of 1985, N.J.S.A. 52:18A-196 et. seq., Technical Reference Document (OSP001)
- ◆ The State Planning Process in New Jersey, Technical Reference Document #7 (OSP007)
- ◆ Statewide Growth Management Programs in Other States, Technical Reference Document #8 (OSP008)
- ◆ Communities of Place: The New Jersey State Development and Redevelopment Plan (1992) (OSP051)
- ◆ Assessment of Infrastructure Needs to 2010: New Jersey State Development and Redevelopment Plan (OSP90)
- ◆ Monitoring and Evaluation Program for the New Jersey State Development and Redevelopment Plan (OSP89)
- ◆ Report on Implementation Issues (OSP98)

In addition, the following is available from the Center for Urban Policy Research at Rutgers University, New Brunswick, New Jersey:

- ◆ Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan - 3 Vols. & Executive Summary.

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## OREGON

### Legislative Authority

With the adoption of Senate Bill 100 in 1973, Oregon's legislature established one of the most comprehensive statewide programs for land-use planning and development in the nation. The program created a partnership in planning between the state and its cities and counties. It set statewide standards, created an agency to administer them, and established a system of grants to help local governments meet those standards. Since its adoption, Oregon's program has been used by other states as a model to develop their own growth management programs.

#### WHAT OREGON'S PLANNING PROGRAM DOES FOR OREGON:

- ◆ The planning program enhances economic development.
- ◆ It makes housing more affordable.
- ◆ It limits urban sprawl and reduces costs of urban services.
- ◆ It protects the land needed by Oregon's agricultural industry.
- ◆ It protects the land needed by Oregon's forest industry.
- ◆ It reduces costs from wildfires.
- ◆ It prevents local anti-growth "not -in-my-backyard" measures.
- ◆ It speeds up the permit process.
- ◆ It protects our coastal resources and economy.
- ◆ It reduces litigation.
- ◆ It protects vital natural resources.
- ◆ It coordinates plans and programs of state agencies and local governments.
- ◆ It opens up the planning process to all Oregonians.
- ◆ It protects Oregon's livability.

### Statewide Planning Goals

While there is no "state plan," the goals established in Senate Bill 100 constitute a framework for a statewide program of land-use planning. The Statewide Planning Goals are not just vague statements of a future "vision" for the state. They are a *mandatory* set of nineteen policies on land use, resource management, economic development, and citizen involvement that are quite detailed, and that have the force of law. The goals are divided into four broad categories:

**those that deal with the planning process; the conservation goals that deal with environment and agriculture; those that relate to development; those that deal with Oregon's coastal resources:**

Goal 1 - Citizen Participation

Goal 2 - Land Use Planning

Goal 3 - Agricultural Lands

Goal 4 - Forest Lands

Goal 5 - Open Spaces, Scenic and Historic Areas, and  
Natural Resources

Goal 6 - Air, Water and Land Resources Quality

Goal 7 - Areas Subject to Natural Disasters and  
Hazards

Goal 8 - Recreation Needs

Goal 9 - Economic Development

Goal 10 - Housing

Goal 11 - Public Facilities & Services

Goal 12 - Transportation

Goal 13 - Energy Conservation

Goal 14 - Urbanization

Goal 15 - Willamette River Greenway

Goal 16 - Estuarine Resources

Goal 17 - Coastal Shorelands

Goal 18 - Beaches and Dunes

Goal 19 - Ocean Resources

### Urban Growth Boundaries

Oregon's main policy for controlling urban sprawl is Statewide Planning Goal 14, Urbanization, that calls for urban growth boundaries (UGBs) to identify and separate "urbanizable land" from rural land. All of Oregon's 241 cities have designated such boundaries, most of which occurred during the 1970s and early 1980s based on the assumption that rapid growth would occur throughout the 1980s. A severe recession, however, slowed Oregon's growth for several years. Most of the cities emerged from the 1980s with a great deal of vacant land still inside their UGBs. As a result, the boundaries have not needed to be expanded - although a few cities have chosen to shrink their UGBs.

Eventually, the “urbanizable land” will be developed which will include the installation of sewers and streets. Land outside the UGB will remain rural. Urban services like sewers will not be extended there, and the zoning will prohibit urban development and the creation of small new lots. Most of the land outside the urban growth boundary will continue to be used for farming, forestry, or low-density residential development.

Drawing an urban growth boundary is a joint effort that requires participation by many important players.

After local governments draw a UGB, the state’s Land Conservation and Development Commission reviews it to make sure it is consistent with Goal 14. The key players include:

- the city where the boundary will be drawn
- the adjoining county (who is responsible for planning and zoning in the area outside the city limits.)
- Special districts - provide important services such as fire protection and water in the “urbanizable” area.
- Citizens of the area and other interested people and groups - determine where the UGB will be drawn.

Goal 14, **Urbanization**, is the statewide planning goal that deals with urban growth. It was adopted by LCDC in 1974. Goal 14 requires each city to adopt a UGB, “in a cooperative process between a city and the county or counties that surround it.” The goal also lists seven “factors” that must be considered in drawing a UGB. The first two factors deal with the question of *how much* land should be brought into the urban growth boundary - they are known as the “**need factors**” and depend upon how much the city is expected to grow. The remaining five factors - known as the “**locational factors**” - have to do with *where* the boundary should be placed.

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority; and,
7. Compatibility of the proposed urban uses with nearby agricultural activities.

Urban growth boundaries can be modified. In the four years from 1987-1990, the state approved 52 proposals to expand UGBs in Oregon. To amend its UGB, a city must comply with the “exception” requirements from the Statewide Planning Goal 2 and apply Goal 14s standards for establishing an urban growth boundary. The requirements from Goal 2 call for a review of alternatives - basically, “Is this the best place to expand the UGB?” Urban Growth Boundaries have been highly effective in Oregon in many ways. UGBs have helped to control the costs of public services and facilities; they have saved a great deal of farmland from urban sprawl; they have led to better coordination of city and county land-use planning; and they have brought greater certainty for those who own, use or invest in land at the city’s edge.

### **Local and Regional Planning**

Oregon’s statewide goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan, as well as the zoning and land-division ordinances needed to put the plan into effect. The locally adopted comprehensive plans must be consistent with the statewide planning goals. The plans are reviewed for consistency by the state’s Land Conservation and Development Commission (LCDC). An approved, or “acknowledged” plan is the controlling document for land use in the area covered by that plan.

### **Coordination of Planning**

Strong emphasis is placed on the coordination of planning in the state. A city’s plan, for example, **must** be consistent with the related county plan -- and vice versa. Oregon’s planning laws not only require that cities and counties comply with statewide planning goals; they also specify that special districts and state agencies must conform to those same goals. The laws further require that the special districts and state agencies carry out their programs in accordance with acknowledged local plans.

Extensive citizen involvement has been the hallmark of Oregon's planning program from the outset. Every city and county has a special committee to monitor and encourage active citizen participation in planning. A state body, the Citizen Involvement Advisory Committee (CIAC), is directed by law to encourage such participation in all phases of the planning process.

### **Regulatory Reform**

Development permits and appeals are processed quickly under Oregon's statewide planning program. State law requires land use permits to be processed within 120 days. Oregon's efforts toward "predictability" in the development review and permit processes have involved ten main elements:

1. **Clear policy direction** - Landowners, developers, and permit applicants get predictability from the process because Oregon requires all cities and counties to prepare comprehensive plans and programs that meet statewide standards, which establishes the rules for decision making and puts them down on paper *before* the permit application process begins.
2. **Protection from conflicts** - One of the main reasons for land use planning is to reduce the number and extent of conflicts between land uses. In Oregon, all privately owned land in the state has been zoned to segregate incompatible land uses.
3. **Coordination** - Under the Oregon program, LCDC reviews all local plans to see that they are coordinated with each other, and also reviews the plans and programs of state agencies whose work affects land use. The agencies are required to carry out their programs in ways that are compatible with local land use plans. Such coordination enhances predictability by assuring that one local government's land use decision will not be impeded by the actions of another local government or state agency.
4. **One level of review** - One of the most important features of Oregon's program is its single tier of planning and permit administration, all at the local level. The state-approved local land use plan is the controlling document for land use decisions, and land use permits are administered by city and county officials. There are no state land use permits, no state land use plan, no state planning agency, and no state environmental impact review process.
5. **Clear and Objective Approval Standards** - Oregon's programs has been successful at achieving predictability because the program has required that clear and objective standards be used in reviewing permit applications for land uses. Under Oregon law, the developers and permit applicants are protected from arbitrary or inconsistent decisions.
6. **Centralized Appeals** - Oregon created a special "land use court," the Land Use Board of Appeals (LUBA), in response to the need to decrease the time needed to resolve appeals of land use decisions and to increase consistency of decisions.
7. **The "Raise It or Waive It" Standard** - In response to problems arising from appellants using the LUBA to raise new issues after the local review process, the Oregon legislature adopted the "raise it or waive it standard" which requires petitioners to first participate at the local and level and raise all pertinent issues there. Petitioners may not raise issues at LUBA that were not raised during the local review.
8. **Statutory Deadlines for Permit Processing** - Oregon law specifies that local governments must render decisions on land use permits within 120 days of receiving a complete application. Local appeals are also included in that time limit. There are similar time limits on LUBA's decisions.
9. **The Limited Land-Use Decisions** - The legislature created this new category of land use decisions that lies midway between the quasi-judicial land use decision (notice, public hearings, appeals) and the routine administrative action. No hearing is required and the decisions are less vulnerable to reversal by LUBA.
10. **Training and Technical Assistance** - The DLCD has conducted a variety of activities designed to streamline the permit process and enhance predictability. The department produced a 100-page handbook, *Permit Aerobics* (1986); conducted workshops on regulatory reform; entered into a joint effort with the Portland Metropolitan Homebuilders to resolve permit problems; and maintains one staff position that deals with both regulatory reform and dispute resolution.

### **The Local Comprehensive Plan**

Oregon's statewide "plan" is actually a combination of the 276 state-approved local comprehensive plans. The local comprehensive plans provide overall guidance for a community's land use, economic development, and resource management. Each plan contains two main parts: part one consists of a body of data and information called the

inventory, background report, or factual base that describes a community's resources and features, and which **must address all of the topics specified in the applicable statewide goals**. The second part of the plan sets forth the community's long-range objectives and the policies intended to achieve them. **The policy element of each plan is adopted by ordinance and has the force of law.** Each plan is accompanied by a set of implementing measures. Although there are several types of measures, the most common are zoning and land-division ordinances. Each city and county in Oregon has adopted such land-use controls.

Local plans evolve as a result of two processes: **plan amendment** and **periodic review**. **Plan amendments** are irregular adjustments that usually deal with small parts of a plan or small geographic areas. Proposals to amend an acknowledged plan or land use ordinance are submitted for review and comment to the Department of Land Conservation and Development (DLCD) - which can appeal to the Land Use Board of Appeals (LUBA) when it determines the proposed amendments do not comply with the statewide planning goals. **Periodic reviews** are broad evaluations of an entire plan by each local government every four to ten years. Local governments review their acknowledged plans and land use ordinances and must submit findings that the plan and ordinances remain in compliance with the statewide planning goals, or submit the amendments necessary to restore the plan and land use ordinance to compliance.

### **Impact Assessment**

The Oregon state planning laws do not say much about case-by-case assessment of environmental impacts. The theory in Oregon is to plan and zone up front, rather than reviewing permit applications one-by-one.

### **Infrastructure Needs Assessment**

The Oregon growth management program is strong in the area of determining infrastructure needs. The statewide planning goal 12, and related administrative rules, require all of Oregon's larger cities to prepare "public facility plans" that deal with infrastructure needs. Such plans need not be as detailed as capital improvement programs, nor must they specify pipe diameters and dollar amounts, but they do have to analyze needs for major public improvements and explain how those needs will be met.

### **Monitoring and Evaluation**

Originally, the Oregon program had almost no provisions for monitoring and evaluating statewide planning efforts. According to DLCD, there was very little known as to how the state policies were actually affecting land use. Over the years, however, provisions were added for monitoring. For example, counties now have to report annually to DLCD the number of permit applications they approve for development in farm and forest zones, so that the State can begin to determine how much farm and forest land is being protected or lost.

Oregon has also developed a "benchmarks" program for evaluating the effects of the statewide planning program. However, they have had little effect due to a lack of necessary data to apply them. An example— Oregon has a benchmark regarding the amount of development that occurs outside the urban growth boundaries that surround all of the cities. However, in many areas, data on building permits and population are based on city limits or census districts, making it difficult to determine whether the State is above or below the benchmark.

### **Public Participation**

Goal 1 of Oregon's 19 planning goals – *Citizen Involvement* – is critical to the success of the statewide planning process in Oregon. Extensive citizen involvement has been the hallmark of the state's planning program since its inception. Every city and county is required to have a citizen involvement program, a committee to oversee that program, and a network of neighborhood groups through which citizens can participate in planning. DLCD provides informational materials to citizen groups on how to organize such a program.

Oregon also has a state body, the Citizen Involvement Advisory Committee (CIAC), is directed by law to encourage such participation in all phases of the planning process.

### **Physical Objectives**

There is no state requirement for local governments to have site-review or design-review ordinances. However, some larger cities have strong local requirements and criteria for physical design.

### **Mapping & GIS**

There is no statewide GIS mapping system. However, several local governments have developed strong GIS capabilities. Of the state's 36 counties, DLCD estimates that 6 or 7 counties have implemented some type of GIS system. While most planners and elected officials in Oregon agree that GIS is a useful process that will eventually be used by everyone, many defer action in implementing a program because they deem it prohibitively expensive.

### **Administration**

Oregon's statewide planning program is directed by the **Land Conservation and Development Commission (LCDC)**. The seven member commission is unsalaried, appointed by the governor and confirmed by the state senate. LCDC's administrative arm is the **Department of Land Conservation and Development (DLCD)**. DLCD is the state agency that administers the Oregon's statewide program for land use planning and provides the professional support for LCDC with a staff of 48 and a budget of about \$5.6 million per year.

DLCD's main activities are:

- ◆ Review city and county plans for compliance with Oregon's planning goals.
- ◆ Coordinate certain state and federal programs that affect land use.
- ◆ Administer special programs for coastal zone management, ocean planning, flood plain management, and "TGM" (transportation and growth management)
- ◆ Give technical assistance and administer grants to cities and counties.
- ◆ Develop policy as directed by the legislature, governor, and LCDC.

The state has a special "court" to rule on matters involving planning: the **Land Use Board of Appeals (LUBA)**. LUBA rules on appeals of land use decisions made by local governments and state agencies. LUBA is the only forum that can hear appeals of land use decisions. The circuit courts can no longer hear such appeals. LUBA is composed of a three-member board (called referees), appointed by the governor. The members are attorneys who are experts in land use planning law. Established in 1979, LUBA was originally linked to LCDC; it had power only to recommend on decisions by LCDC, and its budget was part of LCDC's. Since 1981 however, LUBA has been an independent tribunal with operations and budget entirely separate from LCDC.

### **Grants to Local Governments**

During the first 20 years of the statewide planning program (mid 1973-mid 1995), the DLCD has provided almost \$37 million in grants to cities and counties to develop and maintain comprehensive plans that meet state standards. In the 1993-1995 biennium, local governments will receive \$3 million in grants from DLCD. The main categories of grants, fund sources and the amounts budgeted for each are outlined below:

◆ Small cities and counties	Lottery	\$149,600
◆ Dispute Resolution	Lottery/General	224,000
◆ Technical Assistance	Lottery	753,074
◆ Periodic Review	Lottery	850,000
◆ Destination Resort Siting	Lottery	47,326
◆ Watershed Health	Lottery	250,000
◆ Coastal Management	Federal	458,301
◆ "306A" (Coastal Access Projects)	Federal	200,000
◆ Columbia River Gorge	General	<u>60,000</u>
<b>TOTAL GRANTS - ALL CATEGORIES</b>		<b>\$2,992,301</b>

### **Agencies Involved In Land Use Planning In Oregon**

Land Conservation and Development Commission (LCDC) - ORS 197.030-.060

This seven member lay commission oversees Oregon's statewide planning program. LCDC adopts and amends state goals and administrative rules on land use planning. It reviews and approves local plans and state agency programs to see that they comply with the state's goals and rules. LCDC members are appointed by the governor and confirmed by the senate. The term of appointment is four years. By law, at least one commissioner must be appointed from each of the state's five congressional districts. One commissioner must be or have been a city elected official; one must be a county elected official.

**Land Use Board of Appeals (LUBA) - ORS 197.805-.860**

Members are appointed by the governor and confirmed by the senate. LUBA receives about 250 requests for appeals each year. It must decide each case according to a schedule set by law. Decisions are usually made within four months.

**Citizen Involvement Advisory Committee (CIAC) - ORS 197.160**

CIAC advises LCDC and local governments in matters pertaining to citizen participation in planning. The committee's seven lay members are appointed to two-year terms by LCDC. CIAC is a permanent committee, mandated by statute.

**Local Officials Advisory Committee (LOAC) - ORS 197.165**

LOAC advises LCDC on how the state's planning policies and programs affect local governments. The committee has one city elected official and one county elected official from each congressional district. Its ten members are appointed by LCDC. Like CIAC, this committee is mandated by statute.

**Joint Legislative Committee on Land Use (JLCLU) - ORS 197.125-.135**

This permanent committee consists of four representatives appointed by the speaker of the house and three senators appointed by the senate president. Its main role is to advise DLCD and the legislative assembly on matters pertaining to land use and planning.

**Division of State Lands (DSL) - ORS 196.600-.990**

The Division of State Lands administers Oregon's state-owned lands and also regulates removal and fill in waterways and wetlands. The agency's programs are overseen by the State Land Board. Although the agency's title might suggest a link to land use planning, DSL is not directly involved in Oregon's statewide planning program.

**Cities and Counties in Oregon - ORS Chapters 92, 195, 196, 197, 215 and 227**

Although Oregon has strong state laws on land use, planning and zoning are done at the local level.. All of Oregon's 240 cities and 36 counties have comprehensive plans, zoning ordinances, and subdivision ordinances. The local plans and ordinances have been reviewed against state standards and coordinated with each other. All privately owned land in Oregon is subject to a local plan and local zoning and subdivision regulations. Land use decisions on permit applications and rezoning are made locally, by planning commissions, hearing officers, planning staff, or governing bodies. *The State of Oregon does not administer land use permits, zone land, or review environmental impact statements.*

**Portland Metropolitan Service District (METRO) - ORS Chapter 268**

Metro is a unique regional planning organization that serves the three counties and 24 cities of the Portland metropolitan area. Metro coordinates transportation and land use planning in the area and administers the region's urban growth boundary.

**Boundary Commissions - ORS Chapter 199**

Oregon has two boundary commissions, one for Lane County, the other for the Portland metropolitan area. They review and coordinate annexation, which expand cities and special districts. Their purpose is to promote "efficiency and economy" in providing public services such as sewers and water.

### **Councils of Governments (COG's) - ORS Chapter 190**

Oregon has 12 regional councils of government. They do not have authority to plan or to zone land, but they do coordinate planning and conduct research on land use. Some COG'S provide planning services to small cities.

### **Federal Agencies**

Several federal agencies manage large areas of land in Oregon. Federal agencies like the Forest Service, the Bureau of Land Management, Dept. of the Interior, and Army Corps of Engineers often coordinate their work with local and state planning officials. However, federal agencies are not directly involved in Oregon's statewide planning program. That program deals mainly with the use of privately owned land, not land in public ownership.

The Office of Ocean and Coastal Resource Management manages grants that support much of the planning done along the Oregon coast. Other federal agencies, such as the Environmental Protection Agency and the Fish and Wildlife Service, coordinate with state and local officials in Oregon in planning and managing resources in the coastal zone.

### **Resources**

- ◆ Senate Bill 100, 1973
- ◆ Shaping Oregon's Future, Biennial Report for 1993-1995, December 1994
- ◆ Oregon's Statewide Planning Goals - 1994 Edition
- ◆ What is an Urban Growth Boundary?, 1992
- ◆ Urban Growth Management Study Summary Report, July 1991
- ◆ Dept. of Land Conservation and Development Organizational Description, Feb. 1995
- ◆ Managing Growth to Promote Affordable Housing: Revisiting Oregon's Goal 10 (Executive Summary), September 1991.
- ◆ Managing Growth to Promote Affordable Housing: Revisiting Oregon's Goal 10 (Technical Report), September 1991.
- ◆ Oregon Benchmarks: Standards for Measuring Statewide Progress and Institutional Performance, 1995 Legislative Report

\*Telephone Interview - March 3, 1995

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## RHODE ISLAND

### **Legislative Authority**

In 1987, a special legislative commission was created by the Rhode Island General Assembly to address the problems that stemmed from the state's enabling legislation for local planning. The 22-member Land Use Commission represented all of the important interest groups relevant to land use - building and Realtors; environmental groups; local government officials; etc. The commission conducted a thorough study of the state's existing enabling legislation for local planning and found several inherent problems with the law. Among those identified were:

- ◆ Local plans were mandated but few were actually prepared, and even fewer were kept current.
- ◆ The scope and content of those plans that were prepared fell far short of what was permitted.
- ◆ City and town officials, administrators, zoning boards, etc. did not know whether their municipality had a comprehensive plan (most had not even read the plans).
- ◆ Plans were generally not implemented through zoning ordinances and subdivision regulations.
- ◆ Contacts between adjoining municipalities on land use or development issues of mutual concern were non-existent. No joint planning efforts could be identified, although they had been authorized by state statute.

After the study was completed, the Land Use Commission proceeded to draft, review, revise, rewrite, and reorganize the bill that was enacted in 1988 as the Comprehensive Planning and Land Use Regulation Act of 1988 (Chapters 45-22.2 and 45-22.3 of the General Laws). The basic intent of the act directly reflects the Commission's findings: 1) that local comprehensive plans can set forth standards and procedures for effective growth management; and 2) that these plans can be implemented by local ordinances and regulations.

### **Statewide Planning Goals**

The General Assembly established a series of eleven (11) goals to provide overall direction and consistency for state and municipal agencies in the comprehensive planning process. All of the goals have equal priority and were established to:

1. promote orderly growth and development;
2. promote economic development;
3. promote a balance of housing choices;
4. promote the protection of natural, historic, and cultural resources;
5. preserve open space and recreational resources;
6. encourage innovative development regulations and techniques;
7. promote consistency of state actions and programs with municipal comprehensive plans;
8. ensure that adequate and uniform data are available to municipal and state government;
9. ensure that municipal land use regulations and decisions are consistent with comprehensive plans and state guide plans;
10. encourage citizen participation in the planning process; and
11. preserve existing government subsidized housing for low and moderate income households.

### **Urban Growth Boundaries**

The growth management legislation passed in 1988, 1991 and 1992 does not require or explicitly authorize municipalities to establish urban growth boundaries. No municipality has included urban growth boundaries in its comprehensive plans for utility services.

There had been earlier efforts made to enact growth management legislation that provided for designation of urban growth boundaries by municipalities for review by the state. However, this was an extremely controversial proposal and many municipalities objected to its inclusion. For this and other reasons, the earlier legislation was not passed.

### **Local and Regional Planning**

Every city and town is required to prepare and adopt a local comprehensive plan. The planning board or commission must be the lead agency, and two or more boards can act jointly. Broad public participation is required and must go beyond public hearings. Many communities appoint citizens advisory committees to achieve this policy. Plans must be reviewed every five years and no more than four amendments can be made in any one year.

The Zoning Enabling Act of 1991 repeals and replaces all prior zoning legislation. All cities and towns were required to bring their zoning ordinances into conformance with law by December 31, 1994, and all did so. It is designated to facilitate growth management through provisions that:

- ◆ state the purpose of zoning and carefully outline the powers delegated to cities and towns;
- ◆ recognize that land is a resource that must be used in accordance with its natural characteristics;
- ◆ relate the use of land-type and intensity-to the kind and capacity of public facilities and services that are available, or programmed to be available;
- ◆ authorize the use of new techniques;
- ◆ require that each community accommodate a reasonable range of housing types, consistent with its situation and needs;
- ◆ protect farm land, open space, and air and water quality;
- ◆ facilitate review of and decisions on large-scale, complex, multi-use projects.
- ◆ deal with many other real world conditions.

Like the Comprehensive Planning Act, the Zoning Enabling Act mandates consistency with the local comprehensive plan. The zoning ordinance itself is defined as one that “is consistent with the comprehensive plan of the city or town,” as it is defined in the Comprehensive Planning Act. The legislation states that each municipality must bring its zoning ordinance and map into conformance with its plan, and must maintain conformance. When adopting or amending a zoning ordinance, the city or town council must make an express finding that its action is consistent with the approved plan.

### **Coordination of Planning**

A municipality may exercise its planning authority over the total land and inland water area within its jurisdiction. Joint planning and regulation is permitted upon formal adoption of an official comprehensive planning and enforcement agreement by the local legislative bodies. Consistency of local plans with state goals, the State Guide Plan, and with the comprehensive plans of adjacent municipalities is required. Some coordination may occur through the state technical and financial assistance function. State agency consistency with local plan and with state goals and the State Guide Plan is also required.

A state guide plan is mandated as a means for centralizing and integrating long-range goals, policies, and plans with short-range project plans; and implementing programs prepared on a decentralized basis by the agency or agencies responsible for each functional area. The guide plan is not a single document, but a collection of elements that have been adopted since the 1960s.

The Rhode Island State Guide Plan establishes policies and a frame of reference for decision-making. The State Guide Plan comprises twenty-five elements dealing with the physical, economic and social development of the state. All elements are summarized in the State Guide Plan Overview, and as each element is adopted or amended, a corresponding revision is made to the summary of all plans. The Overview is only updated annually to include all new plans or amendments from the previous year.

### **121 State Land Use Policies and Plan ( June 8, 1989)**

This element sets forth a statewide land use policy and plan for Rhode Island for a twenty-year time period - to 2010. The purpose of the element is to guide future land use and development by recommending policies to guide municipalities in implementing their comprehensive planning, zoning, and other land use responsibilities, as well as to guide the state and its agencies in activities directly or indirectly affecting land use. All public entities and private entities receiving public support are expected to carry out any land use activity in a way that is consistent with this element.

The land use element outlines four (4) specific goals to be achieved:

1. **Overall Land Use Goal** - to create and maintain within the State of Rhode Island, conditions under which man and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed.)
2. **Population Growth** - relate state land use policies to anticipated population growth in a manner that will maintain or enhance the distinction between urban and rural, and inland and shore environments.
3. **Economic development** - facilitate land use and development that will sustain and promote economic growth consistent with the state's characteristics and environmental objectives.
4. **Environment** - guide the development of land and water to produce a healthful, efficient, and aesthetically pleasing environment.

There are also policies presented under seven topic areas designed to achieve the stated goals. The seven topic areas include: General Land Development, Water Resources, Energy, Housing, Economic Development, Transportation, and Recreation and Open Space. The overall approach to land use planning is outlined in 22 strategies.

### STATE GUIDE PLAN ELEMENTS

- 110 **Goals and Policies (November 13, 1974)**  
Statement of goals and policies for the physical, economic, and social development of Rhode Island.
- 112 **Resources Management in the Reuse of Surplus Navy Lands (April 12, 1979)**  
Establishes procedures and criteria for reviewing proposals for reuse of former Navy land.
- 121 **State Land Use Policies and Plan (June 8, 1989)**  
State-level policies and recommended programs for land use and development.
- 125 **Scituate Reservoir Watershed Management Plan (December 13, 1990)**  
Makes recommendations to control existing contamination sources; to strengthen the state's water quality protection programs; to continue to local efforts to prevent new sources of contamination, through innovative land use controls; and to put in place the necessary funding and strategies to implement the plan.
- 131 **Cultural Heritage and Land Management Plan for the Blackstone River Valley National Heritage Corridor (September 13, 1990)**  
Contains policies, actions, and strategies by which government agencies, educational institutions, and private individuals and organizations can preserve and interpret the contributions to the national heritage of the Blackstone River Valley.
- 152 **Ocean State Outdoors: Rhode Island's Comprehensive Outdoor Recreation Plan (June 11, 1992)**  
Assesses the current status of issues and needs in recreation resources, land preservation, and resource protection.
- 155 **A Greener Path: Greenspace and Greenways for Rhode Island's Future (November 10, 1994)**  
Identifies areas that have multiple values as open space (e.g. water resources, etc.) using the Geographic Information System. Sets forth policies and program initiatives to create a system of state and local greenspaces and greenways.
- 161 **Forest Resources Management Plan (June 14, 1984)**  
An inventory and assessment of the state's forest resources, which establishes policies and makes recommendations to enhance the management of these resources.
- 171 **Interim Rhode Island Comprehensive Solid Waste Management Plan - Landfill Siting (June 24, 1993)**  
Establishes need for landfill capacity in the state, explains the siting methodology, and analyzes the capacity of the existing Central Landfill in Johnston. Makes recommendations to develop sufficient additional landfill capacity to meet short-term needs while a comprehensive management plan is being developed.
- 211 **Economic Development Strategy (April 10, 1986; amended April 14, 1988)**  
Profiles the state's economy using key indicators. Presents goals, policies, and strategies for continuous enhancement of the economy.
- 212 **Industrial Land Use Plan (May 10, 1990)**  
Discusses goals, policies, and strategies for development of industrial land; updates analysis of all industrial-zoned land in the state.
- 421 **State Housing Plan (March 8, 1979)**  
Statement of housing goals and policies; assessment of housing problems in Rhode Island and recommendations for action.
- 422 **Areawide Housing Plan (November 8, 1984)**  
Partially updates and implements portions of the State Housing Plan. Assesses housing needs of low and moderate income households and allocates needs by city and town.

- 611 **Transportation 2010: Ground Transportation Plan ( June 13, 1991; amended December 10, 1992)**  
Recommends short-range and long-range facilities, services, and policies for the highway system, public transit, transportation system management, transportation for the elderly and handicapped, bicycle travel, and regional transportation needs.
- 620 **Transportation System Management Plan (June 8, 1978; amended June 12, 1980)**  
Short-range transportation plan emphasizing low and non-capital improvements to the existing ground transportation network.
- 621 **Policy Statement: Proposals for New and Restructured Public Transit Facilities or Service (April 10, 1986; amended January 16, 1987)**  
Sets policies and procedures for private enterprise operation of public facilities and services.
- 640 **State Airport System Plan (June 14, 1984; amended December 10, 1992)**  
Develops policies and recommendations for the state airport system for the next twenty years, and provides a framework for detailed master plans for individual airports.
- 661 **Freight Rail Plan (June 17, 1993)**  
Establishes a policy framework, goals, and objectives for rail service. Presents a program of freight rail rehabilitation projects and other recommendations to address freight rail issues.
- 691 **Transportation Element of the State Implementation Plan for Air Quality (June 10, 1982)**  
Analyzes mobile source pollutants, compares conditions in Rhode Island to national goals, sets targets for pollution reductions where necessary, and proposes specific control measures.
- 715 **Comprehensive Conservation and Management Plan for Narragansett Bay (October 8, 1992)**  
A national estuary study, for this 1,657-square mile watershed in Massachusetts and Rhode Island. Identifies major issues as sewage, toxic pollutants, and management of living resources. Sets goals and strategies to restore and maintain the Bay's water quality, natural habitats, and recreational values.
- 721 **Water Supply Policies for Rhode Island (May 12, 1988)**  
Policies to guide public water systems in demand management, supply management, and planning and institutional matters.
- 722 **Water Supply Plan for Rhode Island (December 12, 1991)**  
Compares projected water needs to future water supplies available. Makes recommendations for improved planning, operating, and regulatory policy; supply management; demand management; and supply augmentation.
- 723 **Water Emergency Response Plan (May 13, 1993)**  
Establishes procedures for state and local agency response to public water supply emergencies, including hazardous materials accidents, contamination, mechanical failure, power failure, and water shortages.
- 781 **Energy Facility Siting Plan (October 11, 1984; amended December 14, 1989)**  
Designed for the purposes of improving the energy facility siting process presently used by the state; forecasting the likely types and energy-related activities the state may be asked to accommodate through the year 2000; and devising a means by which to evaluate the impacts of energy facility siting proposals.
- 912 **Howard Center Master Plan, Phase I (October 13, 1994)**  
Identifies major issue at Howard Center, a 275-acre, state institutional complex in Cranston. Establishes goals and objectives, and makes recommendations to guide management and future development.

## **Regulatory Reform**

*Awaiting updated information.*

## **The Local Comprehensive Plan**

Every local comprehensive plan must contain nine required elements, although other elements can be added. These elements must address:

1. The goals and policies of the communities;
2. Land use plan (must also include a land use map);
3. Housing, including affordable housing;
4. Economic development;
5. Natural and cultural resources;
6. Services and facilities;
7. Open space and recreation;
8. Circulation, and;
9. Implementation program, including capital budgeting.

One of the most important requirements is that a municipality must bring both the zoning ordinance and subdivision regulations into conformance with its comprehensive plan. Although state review and approval are not required, these documents must be filed with the Division of Planning. Enforcement of these conformity requirements is left to citizens, property owners, developers, and other interested parties. Additionally, once a community's plan is approved, state agency plans and projects must also be in conformance.

*Awaiting updated information on the following areas:*

### **Impact Assessment**

### **Infrastructure Needs Assessment**

### **Monitoring and Evaluation**

### **Public Participation**

Goal 10 of the Rhode Island Comprehensive Planning and Land Use Regulation Act, Title 45, Chapter 22.2-3 (C), states that in providing overall direction and consistency in the comprehensive planning process, municipal and state agencies must establish programs that “encourage the involvement of all citizens in the formulation, review, and adoption of the comprehensive plan.”

In order to encourage citizen participation in the comprehensive planning process, planning boards, commissions, or committees are directed to adopt comprehensive plans only after soliciting and considering public input. Public hearings by the planning board, commission, or committee, and the municipal legislative body are required to be held prior to the adoption of the comprehensive plan.

### **Physical Objectives**

The Land Development and Subdivision Review Enabling Act of 1992, Title 45, Chapter 23 ,

### **Mapping & GIS**

The Division of Planning is responsible for operation of the Rhode Island Geographic Information System (RIGIS) and for provision of planning data to cities and towns. A copy of the January 1995 RIGIS Data Base Listing is available for review.

### **Administration**

All comprehensive plans and subsequent amendments are submitted to the **Division of Planning** for review and approval by the **Director of Administration**. Before a plan or amendment can be approved, it must be in compliance with the Comprehensive Planning and Land Use Regulation Act, the State Guide Plan, and state agency policies and programs. All conflicts and disagreements are negotiated before a decision is made. If no agreement is reached, the issue is then decided by the State Plan Appeals Board. Non-compliance with the Act may result in a comprehensive plan being prepared for the municipality by the Division of Planning for adoption and approval by the State Plan Appeals Board.

The **State Comprehensive Plan Appeals Board** was created to resolve any disagreements between the state and a municipality over whether a plan complies with the act and other requirements. The Board may also adopt any plan prepared by the Division of Planning for a community that failed to comply. To date, there have no appeals brought before the board.

The board is comprised of eleven members, appointed through a complicated formula set forth in the legislation. All municipalities in the state are classified into three groups by population size. Then the following applies:

- ◆ The Governor, the Speaker of the House, and the Majority Leader of the Senate each appoint one member from each group;
- ◆ The Minority Leader of the Senate appoints one member from the group of larger communities; and
- ◆ The Minority Leader of the House appoints one member from the medium-sized group of communities.

All members must be elected or appointed officials of local government. No state official or employee may serve. No municipality may have more than one representative. Appointments are for three-year terms.

### **Grants to Local Governments**

A total of \$2,576,544 in grants has been distributed to eligible municipalities. State review has been completed for 25 plans. A total of 29 plans are currently under state review. Ten plans have been approved, with an additional eight to ten expected to be approved by the end of 1995.

### **Resources**

- ◆ Division of Planning Work Program-FY1996
- ◆ RIGIS Data Base Listing
- ◆ Data Catalog for the Local Comprehensive Plan
- ◆ State Guide Plan - Land Use Element(1984)
- ◆ State Enabling Acts Relating to Land Use and Planning 1993
  - Title 45- Chapter 22.2 - Rhode Island Comprehensive Planning and Land Use Act of 1988
  - Title 45- Chapter 24 - Zoning Enabling Act of 1991
- ◆ State Enabling Acts Relating to Land Use and Planning 1992
- ◆ Division of Planning Monthly Progress Report, Feb. 1995
- ◆ "Growth Management in Rhode Island - A Lively Experiment" by Daniel W. Varin, 1993
- ◆ State Enabling Acts Relating to Land Use and Planning 1995
  - Title 45- Chapter 22.2 - RI Comprehensive Planning and Land Use Regulation Act
  - Title 45- Chapter 23 - Land Development and Subdivision Review Enabling Act of 1992
  - Title 45- Chapter 24 - RI Zoning Enabling Act of 1991

\*Telephone Interview - April 4, 1995

\*\*Provided updates

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## VERMONT

### Legislative Authority

In May 1988, Governor Madeleine M. Kunin signed the Vermont Municipal And Regional Planning and Development Act of 1988 into law. Also known as Act 200 or the Growth Management Act, this was a set of amendments to the state's existing planning law, Act 250. The Act was intended to strengthen the process of integrating plans at the local, regional and state agency levels. It would also increase the resources available to towns and regions for planning and provide substantial and sustained funding for the Housing and Conservation Trust Fund (to protect open land, valuable resource areas, and affordable housing).

### Statewide Planning Goals

Originally, Vermont's planning process was guided by 32 planning goals. The 1990 amendments to the Act reduced the number of goals to 16, combining many of the original goals into a more concise form. These goals must be followed by state agencies, regional planning commissions and towns choosing to plan in the development of comprehensive plans. The goals are broad and flexible, recognizing the unique character of Vermont communities, yet they require decision-makers to consider all of the values important to Vermont's residents. Municipalities, regional planning commissions, and state agencies must engage in a continuing planning process that will further the following goals:

1. To establish a coordinated, comprehensive planning process and policy framework shall guide decisions by municipalities, regional planning commissions and state agencies.
2. To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.
3. To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.
4. To encourage and assist municipalities to work creatively together to develop and implement plans.
5. To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.
  - Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.
  - Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.
  - Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
6. To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.
7. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.
8. To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment.
9. To identify, protect and preserve important natural and historic features of the Vermont landscape.
10. To maintain and improve the quality of air, water, wildlife and land resources.
11. To encourage the efficient use of energy and the development of renewable energy resources.
12. To maintain and enhance recreational opportunities for Vermont residents and visitors.
  - Public access to non-commercial outdoor recreational opportunities shall be identified, provided where feasible, and protected.
13. To encourage and strengthen agricultural and forest industries.
14. To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.
15. To ensure the availability of safe and affordable housing for all Vermonters.

16. To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

### **Urban Growth Boundaries**

The concept of “growth areas” was built into Vermont’s growth management legislation as the basis of the first planning goal which called for a land use pattern of “compact settlement separated by rural countryside”. The term “growth areas” was defined by Governor Kunin’s Act 200 Study Committee as a method of delineating a growth center in the planning process and suggested the means of implementation through regulations, targeted investments and incentives. The Committee also suggested that the planning process identify natural and agricultural areas to assure that the surrounding rural countryside is protected.

Growth centers were identified in approved local plans, and included:

- ◆ An existing, built up urban or village center serving the surrounding community; or
- ◆ An area within vacant or underutilized land is the target for growth at a higher intensity than surrounding areas; or
- ◆ An area with a combination of these two conditions, such as a village and the vacant land immediately surrounding it.

Act 200 leaves the decision to designate one or more growth centers to each community. In many towns, the zoning ordinances already contained provisions for specific zones or districts. The Act maintains that the process continue to be led by the municipalities.

### **Local and Regional Planning**

The Act maintains that planning at the local level remain optional, however, those towns that choose to adopt municipal plans that are consistent with the Act receive additional funding, technical assistance, and greater influence over state actions that affect their communities. The Act requires those towns adopting plans to make them consistent with the Vermont planning goals and to follow a process that guarantees active citizen participation.

In the late 1960s, the Vermont State Legislature authorized the creation of regional planning commissions to provide coordinated planning throughout the state. Until the passage of Act 200, towns had the option of participating in their regional planning commission. With the adoption of the Act, all towns are now automatically members. The commissions provide technical assistance to communities and review town plans to ensure that they are consistent with the Vermont planning goals and with the plans of neighboring municipalities. The regional planning commissions are also required to develop regional plans that follow the goals of the state and are compatible with approved town plans in the region. As with the towns, the regional planning process must also actively encourage citizen participation.

### **Coordination of Planning**

The purpose of the amendments was to provide a structure for coordinated planning among the various entities of state government that make decisions affecting land use in Vermont municipalities, regional planning commissions, and state agencies. The significant features of this structure include:

- ◆ Statewide goals and policies that provide a standard for the development of plans. The law allows a community, not the State, to decide how to use the goals;
- ◆ The preparation of state agency plans (required), regional plans (required), and local plans (optional);
- ◆ A process to encourage the plans to be consistent with the statewide planning goals and compatible with each other.

While the coordination process established by Act 200 was new the Vermont, the basic intent and provisions of the existing legislation remained unchanged. Vermont municipalities were, and are still, authorized, but not required, to establish planning commissions, prepare plans, and implement them through regulations and a capital budgeting program.

### **Regulatory Reform**

Act 250 established a statewide regulatory land use program. The program prohibits the commencement of certain kinds of development without first obtaining a Land Use Permit. The permitting procedure includes a hearing conducted by a three-member District Environmental Commission. The Commission, appointed by the Governor, is responsible for issuing permit applications in accordance with the 10 criteria (elements for review) of Chapter 151 of the Vermont Statutes. The development must meet the criteria as outlined below:

1. Will not result in undue water or air pollution.
2. Has sufficient water available for the needs of the subdivision or development.
3. Will not unreasonably burden any existing water supply.
4. Will not cause unreasonable soil erosion or affect the capacity of the land to hold water.
5. Will not cause unreasonably dangerous or congested conditions with respect to highways or other means of transportation.
6. Will not create an unreasonable burden on the educational facilities of the municipality.
7. Will not create an unreasonable burden on the municipality in providing governmental services.
8. Will not have an undue effect on aesthetics, scenic beauty, historic sites or natural area; and 8(A) will not imperil necessary wildlife habitat or endangered species in the immediate area.
9. Conforms with the Capability and Development Plan...
10. Is in conformance with any local or regional plan or capital facilities program.

However, because of political and community dissent, the program was not implemented.

### **The Local Comprehensive (Master) Plan**

While municipal planning and zoning is optional, those municipalities choosing to plan under Act 200 are required to prepare a comprehensive plans that ***may*** be consistent with and address the statewide goals, but ***must*** contain the following elements:

- ◆ A statement of objectives, policies, and programs the municipality will undertake to guide the future growth and development of land, public services and facilities, and to protect the environment;
- ◆ A land use plan, consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture...residence, commerce,...or other conservation purposes; and setting forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service;
- ◆ A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement...with indications of priority of need;
- ◆ A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities... and recommendations to meet future needs for community facilities and services...with indications of priority of need, costs and method of financing;
- ◆ A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;
- ◆ An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system;
- ◆ A recommended program for the implementation of the objectives of the development plan;
- ◆ A statement indicating how the plan relates to the development trends and plans for adjacent municipalities, areas and the region;
- ◆ An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy,...a statement of policy on the development of renewable energy resources, a statement of policy on patterns on patterns and densities of land use likely to result in conservation of energy;
- ◆ A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission....

### **Impact Assessment**

Vermont has no traditional “state plan” to assess. Each municipality and state agency uses its own criteria to assess compliance with the state goals.

### **Infrastructure Needs Assessment**

Each state agency that deals with infrastructure, especially the Department of Transportation, establishes its own capital budget outlining long-range projects and programs. The long-term capital needs for local governments are coordinated by the Regional Planning Councils.

### **Monitoring and Evaluation**

Vermont has no monitoring and evaluation program on the state level. Since there is no “state plan,” evaluations are conducted on an as-needed basis, or when crisis arise. There is no long-term evaluation process.

### **Public Participation**

Vermont requires public participation in the comprehensive planning process through implementation of goal 2 of the *Vermont Municipal and Regional Planning and Development Act*: “to encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact” (*VSA, Title 24, Chapter 117*). Recent amendments to the Act increased the number of meetings for regional planning councils and local planning and zoning boards.

### **Physical Objectives**

Act 250, Vermont Land Use and Development Law (amended as Act 200), regulates and controls the development of land. The Act regulates:

1. Any construction of improvements for any purpose above the elevation of 2500 feet.
2. The construction of improvements for any commercial or industrial purpose (including not-for-profit developments, but excepting farming, logging, or forestry) on more than 10 acres of land; or on more than one acre of land if the municipality does not have both permanent zoning and subdivision bylaws.
3. The construction of 10 or more housing units within a radius of 5 miles, or the construction or maintenance of mobile homes or trailer parks with 10 or more housing units.
4. The subdivision of land into 10 or more lots of any size within a 5 mile radius or within the jurisdictional limits of a District Commission within a continuous period of 5 years.
5. The construction or improvements for a road incidental to the sale or lease of land if the road is to provide access to more than 5 lots or is more than 800 feet in length.
6. The construction of improvements for a governmental purpose if the project involves more than 10 acres or is part of a larger project that will involve more than 10 acres of land.
7. Any construction of improvements for a commercial, industrial, or governmental purpose which will be a substantial change or addition to or expansion of an existing pre-1970 development or the type which would require a permit if built today.
8. The exploration for fissionable source materials beyond the reconnaissance phase or the extraction or processing of fissionable source material.
9. The drilling of an oil or gas well.

### **Mapping & GIS**

Mapping and Geographic Information Systems are not tied to the state planning program. All Regional Planning Councils have GIS programs covering the majority of the state.

### **Administration**

The Regional Planning Commissions review and approve local plans. *There is no coordinated usage of information from state agencies or local governments. Vermont is primarily a “home rule” program.*

### **Grants to Local Governments**

A municipal and regional planning fund was established under Act 200 to assist municipal and regional planning commissions in carrying out their planning activities. Funds are appropriated by the Commissioner of the Department of Housing and Community Affairs to each municipality adopting a local development plan.

### **Resources**

- ◆ Vermont Municipal and Regional Planning and Development Act of 1988 (Title 24 Vermont Statutes Annotated, Chapter 117), as amended through 1990.
- ◆ Act 200: An Overview, Dept. of Housing and Community Affairs
- ◆ Vermont's New Act 200 for Growth Management: A Citizen's Guide (1988)

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## WASHINGTON

### Legislative Authority

In 1990, the Washington State legislature enacted a landmark growth management bill to guide Washington State as it grows into the future. The bill was a remarkable first step at setting broad parameters on how growth should be managed in the state. The Growth Management Act of 1990 (GMA), Revised Code of Washington, provides a framework for land use planning and development regulation. The basic objective of the legislation is to guide and encourage local governments in assessing their goals, evaluating their community assets, writing comprehensive plans, and implementing those plans through regulations and innovative techniques to incorporate their vision for the future.

The GMA requires the state's fastest growing counties, and the cities within those counties, to prepare comprehensive plans that designate urban growth areas, to coordinate their plans with adjacent counties and cities, and encourage public participation in developing the comprehensive plans.

### Statewide Planning Goals

The GMA identifies 13 goals to be achieved through the adoption of local comprehensive plans and development regulations. The goals are not listed in order of priority *RWC 36.70A.020*:

- ◆ Goal 1: urban growth
- ◆ Goal 2: reduce sprawl
- ◆ Goal 3: transportation
- ◆ Goal 4: housing
- ◆ Goal 5: economic development
- ◆ Goal 6: property rights
- ◆ Goal 7: permits
- ◆ Goal 8: natural resource industries
- ◆ Goal 9: open space and recreation
- ◆ Goal 10: environment
- ◆ Goal 11: citizen participation and coordination
- ◆ Goal 12: public facilities and services
- ◆ Goal 13: historic preservation.

In 1995, the Washington State Legislature incorporated the goals of the state Shoreline Management Act into the Growth Management Act framework. (Source: Steve Wells, Asst. Director, WA-CTED)

### Urban Growth Boundaries

The Washington Growth Management Act (GMA) provides Washington communities with a number of tools to help them manage their growth. One of the major tools provided is the establishment of an Urban Growth Area (UGA) - this involves drawing a line that separates urban areas and rural or resource areas. The UGA allows communities to direct urban growth to areas within the UGA where that growth can be supported with adequate urban facilities and services. Outside of the UGA, the GMA encourages setting aside other areas for rural uses and resource conservation and environmental protection. Towns, cities, and counties which plan under the GMA must coordinate with each other to designate UGAs as a part of their comprehensive planning process. In some areas, the decision about where that urban/rural line should fall is obvious. Areas which are already developed at urban levels or surrounded by urban development can readily be placed within an UGA. In other areas, conflicting desires of property owners will make the task nearly impossible unless the community can agree upon and apply a consistent set of criteria to guide the decision.

The GMA provides a starting point for communities in developing criteria- by establishing several initial criteria for lands that should be included in the UGA:

- ◆ Cities must be included in UGAs.
- ◆ Territory outside a city may be included only if it is already characterized by urban growth or adjacent to territory already characterized by growth.
- ◆ Urban growth should be located first in areas characterized by urban growth which have existing public facility and service capabilities and second, in areas characterized by urban growth that will be served by existing and additional needed facilities and services.

- ◆ The sum total of UGAs within a county must be of sufficient size to permit the urban growth that is projected to occur in the county for the next 20 years.

In addition, several of the state's goals offer guidance in developing criteria for locating UGAs:

- ◆ Goal 1: Encourage development in urban areas where adequate public facilities exist or can be provided in an efficient manner.
- ◆ Goal 2: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- ◆ Goal 4: Encourage the availability of affordable housing to all economic segments of the population of the state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- ◆ Goal 12: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time it is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The state outlines the process of designating urban growth areas in two guidebooks, *Issues in Designating Urban Growth Areas: PART I - Providing Adequate Urban Area Land Supply* and *The Art and Science of Designating Urban Growth Areas: PART II - Some Suggestions for Criteria and Densities*, developed by the Department of Community Development. Part I offers eight basic steps for providing adequate urban area land supply; Part II provides suggestions for communities in establishing criteria and densities for their UGAs:

1. Identify lands which are potential candidates to accommodate future growth--vacant, partially used, and under utilized land.
2. Subtract all parcels that the community defines as not developable because of physical limitation.
3. Subtract lands which will be needed for other public purposes.
4. Subtract all parcels which the community determines are not suitable for development for social and economic reasons.
5. Subtract all parcels which you assume will not be available for development within your plan's 20-year time frame.
6. Build in a safety factor.
7. Determine total capacity.
8. Draw the urban growth boundaries for your jurisdiction which meet the criteria set.

### **Local and Regional Planning**

The GMA requires all cities and counties in the state to do some planning. The cities and counties must classify, designate and protect resource lands and critical areas, require building permit applications to provide evidence of adequate water supply, prepare written findings of adequate public facilities and services prior to subdivision approval, and make their development regulations consistent with comprehensive plans.

***Cities and counties are required to plan under the Growth Management Act if:***

1. *the county has a population of more than 50,000 and a 17% increase in population in the last 10 years; or,*
2. *the county has a population increase of more than 20% in the last 10 years.*

They must prepare comprehensive plans with consistent elements, prepare local development regulations consistent with comprehensive plans, include a process for siting essential public facilities in comprehensive plans, and designate final urban growth areas. Counties must adopt county-wide planning policies in cooperation with cities to ensure city and county comprehensive plans are consistent and designate interim growth areas in cooperation with cities.

### **Coordination of Planning**

The GMA provides a framework for regional coordination and defines the state's enforcement role. Counties planning under the GMA are required to adopt county-wide planning policies to guide comprehensive plan adoption within the county, and state agencies must conform with local comprehensive plans. The policies must, at a

minimum, address the following areas: 1) UGAs (Urban Growth Areas); 2) provision of urban services; 3) siting of state and regional public facilities; 4) transportation; 5) affordable housing; 6) joint county-city planning within UGAs; 7) economic development; and 8) fiscal impacts. State agencies must comply with adopted county-wide planning policies, comprehensive plans, and development regulations of cities and counties planning under the GMA. State agencies are providing information and assistance to help cities and counties develop their local comprehensive plans and development regulations. They also review and comment on draft plans and regulations, but do not approve or disapprove such plans.

### **Regulatory Reform**

Prior to the comprehensive framework provided by the Growth Management Act, the Washington State legislature adopted a series of narrowly focused land use laws, including laws on environmental protection and forest practices, which authorized municipalities or the state to deny or place conditions on development projects. With the additional GMA provisions, actions that minimize duplication and increase certainty in the consistency of projects with comprehensive plans are encouraged.

Four state efforts - SEPA/GMA Integration, State Wetlands Integration Strategy and The Governor's Task Force on Regulatory Reform, and the currently operating Land Use Study Commission - offer promise for reducing regulatory overlap and confusion.

#### ◆ **SEPA/GMA**

With assistance from businesses and the Washington State Department of Transportation, DCD has published a workbook on how to include the requirements of the State Environmental Policy Act in local government growth management programs. Under SEPA, local comprehensive plans required by the GMA must be evaluated by local government for possible harmful effects on the environment.

#### ◆ **State Wetlands Integration Strategy**

The State Wetlands Integration Strategy, a new program to coordinate wetland protection activities among federal and state agencies and local governments, aims to eliminate confusion, resolve conflicts, and minimize duplication in wetland regulation. Its activities include:

- identification and integration of non-regulatory wetlands protection methods to encourage voluntary stewardship.
- development of action recommendations for regulatory reform.
- development and consolidation of guidance materials for local governments.
- wetlands technical assistance for local governments developing comprehensive plans and development regulations under the GMA.
- funding for local government demonstration projects.

#### ◆ **Governor's Task Force on Regulatory Reform**

The purpose of the Governor's Task Force on Regulatory Reform was to examine the maze of state and local government rules and regulatory processes to determine which could be eliminated or improved. The goals were developed to make it easier for businesses and citizens to obtain licenses and permits and to understand and comply with government requirements. Representatives of business, labor, the environmental community, state and local agencies, the attorney general, citizens, and the legislature serve on the task force. Recommendations were made by the committee for changes in laws, rules, and practices that would lead to efficient, timely, cost-effective, and coordinated regulatory efforts. These recommendations were largely adopted by the 1995 Legislature.

#### ◆ **Land Use Study Commission**

Subsequent work towards simplifying and integrating the state's land use and environmental statutes is being done by the Land Use Study Commission.

### **The Local Comprehensive Plan**

Comprehensive plans under the GMA must contain the following elements: land use, transportation, housing, capital facilities, utilities, and for counties, rural areas. Other optional elements may be included such as: conservation, economic development, energy, recreation, etc. Comprehensive plan elements must be consistent with

each other and a local government's plan must be consistent with the plan of neighboring jurisdictions planning under the GMA.

Comprehensive plans must include a process for siting state defined essential public facilities. No county or city can preclude essential public facilities. The counties, the cities within the county, as well as neighboring jurisdictions are required to jointly identify lands useful for public purposes, i.e., landfills, sewage treatment facilities, schools, etc.

### **Impact Assessment**

The State Environmental Policy Act (SEPA), adopted in 1971 and revised in 1983, provided Washington State's basic environmental charter by recognizing the importance of the natural environment to the well being of its citizens. Under the Act, government officials must consider the environmental consequences of the actions they are about to take, and seek better or less damaging alternatives to accomplish the proposed actions.

SEPA requires agencies to consider the impacts of proposed actions on the natural and the built environment prior to making a decision to approve the action. Policies, plans, and regulations adopted under the GMA are considered to be actions subject to SEPA review. Agencies must consider whether a proposed action will have a significant, adverse impact on the following elements of the environment:

- ◆ Earth
- ◆ Air
- ◆ Water
- ◆ Plants and Animals
- ◆ Energy & Natural Resources
- ◆ Environmental Health
- ◆ Land and shoreline use
- ◆ Transportation
- ◆ Public services & Utilities

### **Infrastructure Needs Assessment**

The GMA requires local governments to systematically inventory key resources such as critical areas, natural-resource lands of long term commercial significance, housing stock, transportation facilities, utility capacities, and other key resources.

### **Monitoring and Evaluation**

The Growth Management Act (GMA), requires that each county that designates urban growth areas shall review, at least every ten years, its designated urban growth area and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. Each city shall review the densities permitted within its boundaries and the extent to which the urban growth has located within the city and the unincorporated portions of the urban growth areas. The jurisdictions can revise the boundaries to accommodate the urban growth projected to occur in the county for the succeeding twenty years.<sup>7</sup>

In addition, the GMA sets forth a process for evaluating planning activities and making capital budget decisions. The Act requires that land use planning and capital budget decisions must conform with an adopted growth management comprehensive plan. This information is updated annually as part of the budget and six-year capital facilities plan.

Local governments monitor and evaluate the impacts of growth in a variety of ways. One method, establishing a benchmarks system (policy objectives expressed as quantitative measures), affords a jurisdiction to evaluate on an annual basis, the progress achieved in reaching county-wide city-wide goals and policies.

### **Public Participation**

One of the goals of the 1990 Growth Management Act (GMA) requires "early and continual citizen participation" in the development of local comprehensive plans. The State believes that effective citizen participation in comprehensive planning benefits a community by providing:

- ◆ early opportunities to discover and to work together on difficult issues;

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<sup>7</sup> Chapter 36.70A.130 (3) RCW

- ◆ community “ownership” of the adopted plan;
- ◆ a willingness to support subsequent implementation; and
- ◆ improved community esteem through awareness, education, and empowerment.

The Department of Community Development, Growth Management Division, created two guide books to assist communities with participating in the planning process. *A “Bottom Up” Primer: A Guide to Citizen Participation*, and *Towards Managing Growth in Washington: A Guide to Community Visioning* each provide a step-by-step outline for citizen planners to fully participate in the comprehensive planning process in Washington State.

### **Physical Objectives**

*Awaiting updated information.*

### **Mapping & GIS**

The Dept. of Community, Trade and Economic Development is currently developing a GIS for statewide mapping.

### **Administration**

The state legislature appointed the **Department of Community, Trade and Economic Development (CTED)** as the lead agency in administering the growth management program. The CTED is responsible for establishing a program of technical and financial assistance and incentives to counties and cities to encourage the adoption and implementation of comprehensive plans and development regulations throughout the state. CTED also administers the states’ grant program.

The GMA establishes three regional growth planning hearings boards (Eastern Washington, Central Puget Sound, and Western Washington) to hear petitions on whether state agencies, counties, and cities comply with the goals and requirements of the GMA. Each board has three members that are appointed by the governor. Failure to comply with GMA requirements makes counties and cities ineligible for state infrastructure grants and loan programs. The Governor can impose sanctions on counties, cities, and state agencies after a growth management hearings board finds that a county, city or state agency has failed to comply with a board order. The Governor may, without prior hearings board review, impose sanctions for failure to meet a GMA deadline. Sanctions for counties and cities can be applied through withholding of state grants, loans, and taxing authority. Sanctions for state agencies can be withholding of state agencies’ allotments.

### **Grants to Local Governments**

From 1990-1997, the state will have spent approximately \$40.3 million on growth management grants to local governments. The Growth Management Program at CTED has a staff of 24 full-time employees.

### **Resources**

The Growth Management Act of 1990 Workbook Series:

- ◆ SEPA/GMA Workbook
- ◆ Towards Managing Growth in Washington: “A Guide to Community Visioning”
- ◆ A Bottom-Up Primer: “A Guide to Citizen Participation”
- ◆ Working Together: A Guide to Intergovernmental Coordination under the GMA
- ◆ Preparing Your Comprehensive Plan Foundation: “A Land Use Inventory Guide”
- ◆ Preparing the Heart of Your Comprehensive Plan: “A Land Use Element Guide”
- ◆ Making Your Comprehensive Plan a Reality: “A Capital Facilities Plan Preparation Guide”
- ◆ State of Washington’s Growth Management Act of 1990 - 36.70A Revised Code of Washington
- ◆ Evaluating Innovative Techniques for Resource Lands- Part I: “Clustering”
- ◆ Evaluating Innovative Techniques for Resource Lands- Part II: “Transfer of Development Rights”
- ◆ Designing Your Community’s Open Space: A Parks, Recreation and Open Space Planning Guide
- ◆ Defining Rural Character and Planning for Rural Lands: “A Rural Element Guide”
- ◆ Preparing for Economic Vitality
- ◆ Paying for Growth’s Impacts: “A Guide to Impact Fees”

- ◆ Historic Preservation: “A Tool for Managing Growth”
- ◆ Issues in Designating Urban Growth Areas- Part I: Providing Adequate Land Supply
- ◆ Art & Science of Designating Urban Growth Areas- Part II: Suggestions for Criteria & Density
- ◆ Your Community’s Transportation System: “A Transportation Element Guidebook”
- ◆ Assessing Your Community’s Housing Needs: A Practical Guide to Preparing Housing Needs Assessments Under the GMA
- ◆ Housing Your Community: “A Housing Element Guide”
- ◆ Affordable Housing Techniques: A Primer for Local Government Officials
- ◆ “A Growth Strategy for Washington State-Final Report”, Growth Strategies Commission
- ◆ Washington State Regulatory Reform Act of 1995, ESHB 1010.SL, July 23,1995
- ◆ State of Washington’s Growth Management Act of 1990 - 36.70A Revised Code of Washington
- ◆ “An Overview of Growth Management in Washington State” by Michael J. McCormick
- ◆ “An Overview of the Growth Management Act - Brochure” - CTED
- ◆ About Growth Newsletter - Winter 1994-1995, Summer 1995 - CTED
- ◆ Clark County 20 Year Comprehensive Management Plan - Urban Growth Areas section

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## ANALYSIS

### ***Statewide Planning – A New Jersey Perspective***

While no two programs were created the same, most of the states have adopted various aspects and techniques of other states' growth-management programs to respond to their own needs and circumstances. In doing so, they have developed innovative approaches to growth management that are being used as examples for the states that are now contemplating statewide planning initiatives.

New Jersey's program is similar to many of the other programs in that it incorporates many of the same concepts, while differing in its approach. (*See table 1*). As New Jersey enters a new era of planning and the statewide planning process matures, we find ourselves facing some familiar challenges:

- ◆ *how do we ensure compact urban development and “manage” sprawl (compact development);*
- ◆ *how do we ensure coordinated and consistent planning takes place at all levels (coordination & consistency); and,*
- ◆ *how do we ensure the availability and cost efficiency of infrastructure to meet the existing and future needs of the nation's most densely populated state (concurrency).*

To address these challenges, it is important that we continue to seek out new ways of thinking about planning. Using these issues as a basis for review, we must re-examine our own strengths as well as look for those features of other state planning programs that might prove useful to our own planning efforts.

As such, we must be prepared to respond to two key questions that have emerged from our research: “*What can New Jersey learn from other state programs?*” and “*What can New Jersey contribute?*”

### ***Coordination***

- ◆ ***Leadership:*** Governor Whitman has taken significant steps in supporting statewide planning efforts in New Jersey. In November 1995, a directive was issued to the State Cabinet (all state agency commissioners), requesting that each state agency submit annual reports describing each department's initiatives in incorporating the State Development and Redevelopment Plan's policies into their planning, decision-making, and resource allocation activities. This action reinforced the importance of coordination among state agency programs and activities of implementing the State Plan.
- ◆ ***Organization:*** The State Planning Act called for the creation a 17-member State Planning Commission (SPC) composed of cabinet-level officials, representatives of county and municipal governments and public members. The primary function of the SPC is to prepare and adopt a State Development and Redevelopment Plan (SDRP) and revise it every three years. The commission's other functions include:
  1. Preparing an adopting a long-term Infrastructure Needs Assessment;
  2. Developing and promoting procedures to facilitate cooperation among local governments;
  3. Reviewing other state and local plans to promote efficient and effective planning;
  4. Providing technical assistance to local governments; and
  5. Reviewing legislation that appropriates funds for the capital budget

The Office of State Planning (OSP) was established to be the professional arm of the State Planning Commission. The Office of State Planning is required by law to publish an annual report on the status of the State Plan; provide planning services to other state agencies; advise and assist local planning units;

review plans of interstate agencies affecting New Jersey; compile data to estimate and forecast population, employment, housing and land needs; and design alternative growth and development strategies.

- ◆ **Local Planning:** New Jersey maintains a “home rule” approach to planning among its 567 municipalities. While there is no state mandate for them to do so, local and county governments are strongly encouraged to develop local comprehensive plans that are consistent with the eight goals of the State Plan. The State Planning Act does require that each state agency, county, municipality or other political entity provide any studies, surveys, plans, data and other information concerning land use, capital facilities, the environment, transportation, economic development or human services to the State Planning Commission for review and consideration.
- ◆ **State Guidelines:** The State Planning Act outlines the objectives, and establishes a substantive policy base, for the State Development and Redevelopment Plan. The overall policy of the State Plan is to provide “a balance of development and conservation objectives best suited to meet the needs of the State.” The State Planning Act requires the State Development and Redevelopment Plan be designed to achieve eight (8) fundamental goals, and strategies to achieve the goals, in response to the public’s development and conservation concerns.
- ◆ **Consistency:** New Jersey’s approach to the issue of consistency of local and state agency plans with the State Plan is carried out through mutual consistency reviews. Each municipality and county government is encouraged to submit their comprehensive plans to the Office of State Planning and the State Planning Commission for “consistency review.” Each comprehensive plan is reviewed by professional planning staff as well as various state agencies to determine a local plan’s consistency with the goals of the State Plan. While there is no penalty for inconsistency, those plans found to be consistent with the State Plan are considered to be “in-line” with the overall goals and planning efforts of the state, the state agencies and the county in which they are located.
- ◆ **Coordination:** During the cross-acceptance process, local and county governments review the State Plan and the state plan map, and compare them to their comprehensive plans. Any areas of disagreement are to be brought to the attention of the state, via reports prepared by the county, where the State Planning Commission negotiates agreements between local, county and state governments. Through cross-acceptance, the State Planning Act seeks to give county and municipal government full opportunity to be involved in resolving conflicts between state and local planning policies.
- ◆ **Role of State Agencies:** Many State agencies have changed, modified or have created means of implementing the State Plan. One of the ways they have done so is through the granting of priority in funding and programs to those local jurisdictions that have worked with the State Planning Commission through the center designation process. State agency review of center petitions may identify possibilities for various program or project priority. These are usually encountered in the municipal planning agenda that is part of the center petition.
- ◆ **Intergovernmental Coordination:** All petitions to amend the State Development and Redevelopment Plan by designating Centers are reviewed initially by a panel of State agencies. Agencies involved in the review include the Departments of Community Affairs, Commerce and Economic Development, Environmental Protection, Transportation, Agriculture, and Treasury as well as New Jersey Transit, Council on Affordable Housing, Housing Mortgage Finance Agency, New Jersey Economic Development Authority, Delaware Valley Regional Planning Commission and the North Jersey Transportation Planning Authority. The main purposes of the reviews are to receive comments on

petitions, to consider what State related actions are necessary to implement the petitioner's "planning agenda," and to gain the necessary coordination from that agency to address each planning agenda item.

### ***Compact Development***

- ◆ ***Community Development Boundaries:*** The New Jersey growth management program is intended to accommodate full growth while directing that growth to centers, with particular emphasis on urban centers in need of revitalization. The *Resource Planning and Management Structure*, (the compact forms of development and planning objectives that should be used to promote desirable forms of development), established in the State Development and Redevelopment Plan, integrates two critical elements of the State Plan - **Centers** and **Planning Areas**.

**Centers** are "central places" within Planning Areas where, depending upon the unique characteristics and growth opportunities of each center, growth should either be attracted or not attracted. They are a compact form of development with a core or a node (focus of residential, commercial and service development) and a Community Development Area that ranges in a scale from an Urban Center, to a Regional Center, Town, Village, and Hamlet.

**Planning Areas** are large masses of land with tracts that share certain characteristics. These common characteristics suggest that growth must be guided to certain locations, and in certain patterns, within the Planning Area to take advantage of, or to protect, the characteristics of the Planning Area.

Planning Areas are also intended to guide the application of the Plan's Statewide Policies, as well as to guide local planning and decisions on the location and size of Centers within the Planning Area. The areas outside Community Development Boundaries of Centers are the "environs" and should be protected from the growth that occurs in the Center.

**Community Development Area:** The land around a Center and within the Community Development Boundary where capital and community facilities, and utilities and services are located and provided in order to accommodate the anticipated long-term growth for that center. Community Development Areas vary in size according to the type of Center.

**Community Development Boundary:** The outer limits of a Community Development Area — as defined by physical features, such as rivers, roads, or changes in character of urban structures, or by permanent open spaces preserved through such programs as transfer of development rights, fee simple purchase, easement purchase, existing-use zoning, and other similar programs — within which projected growth, development and redevelopment are to be directed and accommodated.

### ***Concurrency***

New Jersey's approach to concurrency is similar to the other states examined, in that the provision is outlined in the statewide goals, although not outlined as one specific goal. Rather, concurrency is carried out through the ***Statewide Objectives... b. promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds...***; and through the ***Plan Strategies*** to achieve each goal.

- ◆ ***Public Investment Policies:*** New Jersey's State Development and Redevelopment Plan has established public investment priorities that guide the investment of public dollars to support and carry out the recommended strategies for directing growth. The Plan's public investment priorities affect only the allocation of public funds where an agency has discretion, or latitude, in determining how the allocation

should be made. The general effect of the Plan's public investment priorities is to give higher priority for projects and programs in distressed urban communities, while providing opportunities for non-distressed communities to receive high priority as well to meet their needs. Projects and programs anywhere in the State can, however, acquire higher priority if they have certain characteristics and if the municipality or county has undertaken certain activities.

- ◆ **Infrastructure Needs Assessments:** A key element of the State Development and Redevelopment Plan is the "infrastructure needs assessment." The State Planning Act requires that the State Plan include an infrastructure needs assessment that: "...provides information on present and prospective conditions, needs and costs with regard to State, county and municipal capital facilities, including water, sewerage, transportation, solid waste, drainage, flood protection, shore protection and related capital facilities." (N.J.S.A. 52:18A-199(b)) The purpose of the Infrastructure Needs Assessment is to contribute to the development and refinement of policies for infrastructure investments and public investment priorities in the State Plan. These policies, in turn, are to be applied in evaluating specific projects for infrastructure repair, maintenance, and improvement.
- ◆ **Capital Budgeting and Planning Commission:** One of the key purposes of the State Planning Act is to establish a "cooperative planning process" so that planning at all levels of government is consistent. The State Planning Act contemplates that State agency functional plans and programs, and investment decisions will be made based on the Goals, Policy Objectives and Policies of the State Development and Redevelopment Plan. The State Planning act provides that the annual capital improvements budget produced by the State Capital Budgeting and Planning Commission be consistent with the State Plan. Because the State Capital Budgeting and Planning Commission process relies on individual functional agency recommendations, individual functional State agencies are encouraged to look to the State Development and Redevelopment Plan to assure that the Commission's budget will be internally coordinated and consistent with the State Plan.

### **New Jersey Has Contributed to the State of the Art**

New Jersey's experience during the past ten years has contributed much to the state of the art that could benefit statewide planning programs in other states. These are among the strengths of New Jersey's State Planning Act, and the way in which it is formulated and implemented:

- ◆ **State Planning Commission:** A single governing body, consisting of state agency heads, representatives of local governments and public members, oversees the implementation of the goals and objectives of the state plan.
- ◆ **Public Outreach and Education:** The State Planning Commission (SPC), and its staff arm, the Office of State Planning (OSP), provide opportunities for continuing public participation and professional education, which is vital to the success of the program. The 'cross-acceptance' process that precedes final adoption of the State Plan is a significant keystone of the public participation effort.
- ◆ **"Cross-Acceptance" Process:** The process of comparison, negotiation and issue resolution – by which municipalities, counties, state agencies and the State Planning Commission attain mutual compatibility of the State Plan, local plans, and state agency plans – brings all levels of government together and encourages communication between them. This process creates opportunities for local governments, and the public to give feedback to the state on proposed policy changes.
- ◆ **Impact Assessment:** In an effort to respond to growing concerns that implementing the goals of the State Plan would pose too great a cost on local municipalities, the New Jersey Legislature amended the

State Planning Act to provide for an assessment of the Plan's impacts on the State's fiscal, economic, environmental, housing and quality of life features. The study, conducted by the Rutgers University Center for Urban Policy Research, found that, compared to the current (1989) development patterns, by the year 2010, Plan implementation could result in substantial savings (\$1.8 billion) in operating and capital costs to municipalities for school, roads, water supply and sewer services. Additionally, the study found that Plan implementation could result in significant environmental and natural resource improvements.<sup>8</sup>

- ◆ **Infrastructure Needs Assessment:** The State Planning Act called for the State Planning Commission to “...prepare and adopt as part of the [State Development and Redevelopment] plan a long-term Infrastructure Needs Assessment, which shall provide information on present and prospective conditions, needs and costs with regard to state, county and municipal capital facilities...”<sup>9</sup>

The purpose of the Infrastructure Needs Assessment was to contribute to the development and refinement of policies for infrastructure investments and public investment priorities in the State Plan. These policies, in turn, were to be applied in the evaluation of specific projects for infrastructure repair, maintenance, and improvement.<sup>10</sup>

- ◆ **Monitoring and Evaluation:** The State Planning Act anticipated the need to continually monitor events and trends and to evaluate their effects on Plan strategies and policies and, in turn, to evaluate the effects of the Plan on events and trends. Accordingly, the Act requires a “monitoring and evaluation” program as a component of the State planning process. The program is described in the report “*Monitoring and Evaluation Program for the New Jersey State Development and Redevelopment Plan*,” which details the variables that will be continually monitored and evaluated following adoption of the State Plan. The variables relate to the following areas of concern”
  - ◆ *Economic growth and change (e.g. income and employment growth, housing costs and prices);*
  - ◆ *Fiscal conditions (e.g. infrastructure capacities, needs and costs; revenues vs. expenditures);*
  - ◆ *Environmental quality (e.g. changes in major environmental qualities, loss of environmentally sensitive lands, acres of open space and agricultural lands);*
  - ◆ *Intergovernmental Coordination (e.g. quantity and quality of agency interaction);*
  - ◆ *Community life (e.g. housing affordability quality of public services).*<sup>11</sup>
- ◆ **Voluntary vs. Mandatory Participation:** New Jersey's “voluntary” approach to plan development and implementation facilitates open dialogue among municipalities, counties and the state.
- ◆ **Timely Revisions:** Regular intervals set for review and updating the State Plan ensure that plans and programs adapt to the changing needs of their constituents. The State Planning Act calls for the revision and re-adoption of the State Development and Redevelopment Plan, “at least” every three years. The SPC and the Office of State Planning are currently in the process of revising the State Plan.

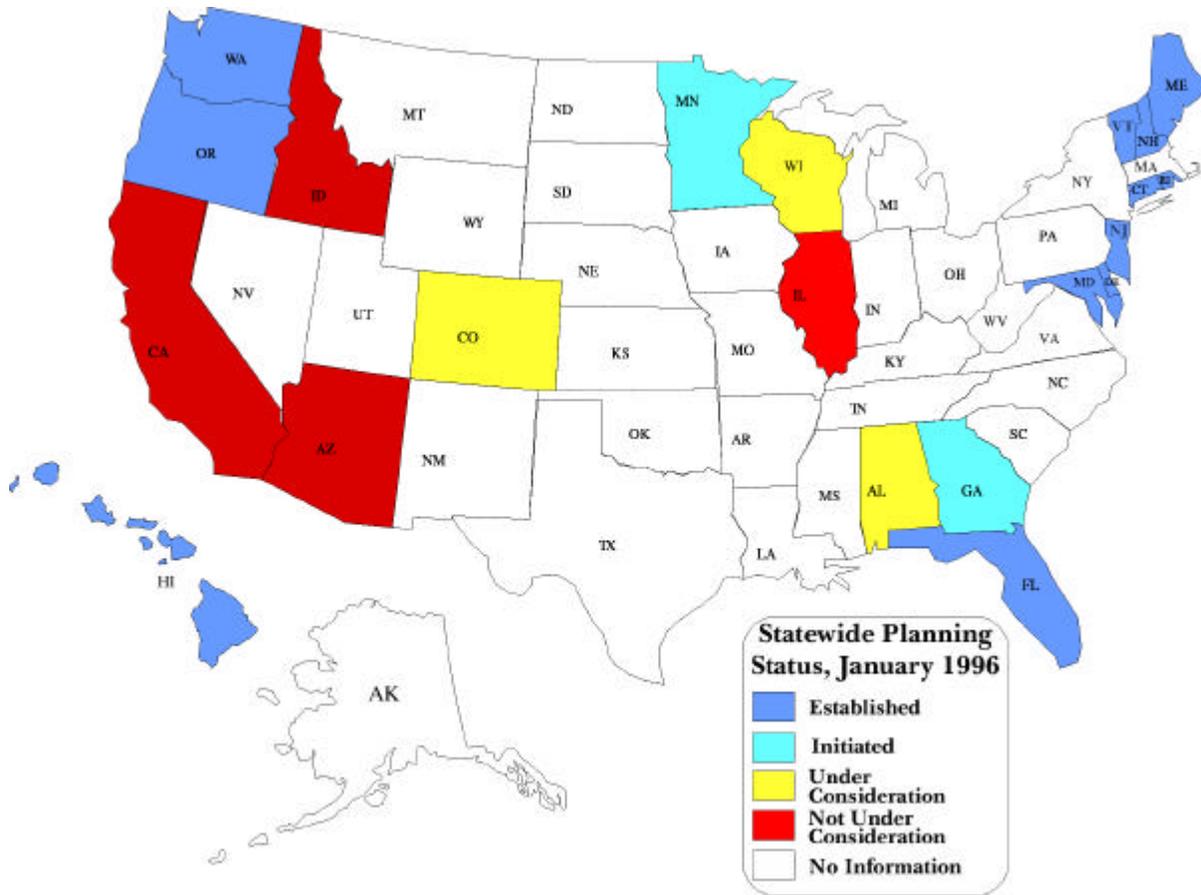
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<sup>8</sup> Office of State Planning, “Creating Communities of Place: A Guide to Understanding and Using the State Development and Redevelopment Plan”, November 1994.

<sup>9</sup> N.J.S.A. 52:18A-199b.

<sup>10</sup> Simeon, Larsen & Marsh (Douglas R. Porter), “Assessment of Infrastructure Needs to 2010, New Jersey State Development and Redevelopment Plan”, June 12, 1992.

<sup>11</sup> New Jersey State Planning Commission, “Communities of Place: The New Jersey State Development and Redevelopment Plan,” June 12, 1992, p.127.



**State Growth Management and Comprehensive Land Use Planning Acts**

	Connecticut	Delaware	Florida	Georgia	Hawaii
Code/Bill	H.J.R No. 40	SB116	CH. 187, 163	GA Planning Act	CH. 205, 226
Year Adopted	1971	1995	72,84,85	1989	1961,1978
Statewide (top-down)	X	X	X	X	X
Regional	X	X		X	
Local (bottom-up)		(county)		X	
Mandatory Participation	X			X	
Planning Incentives (grants, etc.)			X	X	
Formal Coordination (all levels of government)	X	County/state	X	X	
State Review of Plans	X	X	X	X	State Admin.
Regional Review of Plans	X		X	X	
Impact Fee Authority				X	
Internal Plan Consistency			X		
State Agency Consistency	X	X	X		
GIS Data	developing	X		X	
Urban Growth Boundary	X	local activity		local activity	X
Areas of Critical Concern			X	X	
Infrastructure - CIPs		X	X		
Concurrency Requirement	X	X	X	X	X
Monitoring & Evaluation					
Impact Assessment					
Infrastructure Needs Assessment					
Public Participation	X	X	X		X
Mediation/Negotiation			X	local/DCA activity	
<b>GOALS:</b>					
Affordable Housing	X	X	X	local master plans	X
Economic Development	X	X	X	“ “	X
Energy	X		STATE PLAN	“ “	
Agricultural Preservation	X	X	X	“ “	X
Water Quality	“Environmental Quality”	X	X	“ “	X
Transportation	X	X	X	“ “	X
Historic Preservation	X	X	X	“ “	X
Natural Resources	X	X	X	“ “	X
Air Quality	“Environmental Quality”	X	STATE PLAN	“ “	X
Natural Hazards Avoidance	“Environmental Quality”		X	“ “	
Parks, Recreation, Open Space	X	X	X	“ “	X
Urban Revitalization		X	X	“ “	X
Public Facilities		X	X	“ “	X
<b>General Planning</b>					
# of full-time Staff		4		16	
Annual Budget (FY1995)		\$160,000		\$630,000	
Work Plans/Products		X		X	X

**State Growth Management and Comprehensive Land Use Planning Acts (cont'd)**

Code/Bill	Maine	Maryland	New Hampshire	New Jersey
	<b>PL 1987</b>	<b>HB 1195</b>	<b>RSA-CH 4C, 9A</b>	<b>N.J.S.A. 52:18A-196 et seq</b>
Year Adopted	<b>1988</b>	<b>1992</b>	<b>1987</b>	<b>1985</b>
Statewide (top-down)	X	X		X
Regional			X	
Local (bottom-up)		X	X	
Mandatory Participation	X			
Planning Incentives (grants, etc.)	X	X	X	
Formal Coordination (all levels of government)		X		
State Review of Plans	X			X
Regional Review of Plans	X			
Impact Fee Authority	X			
Internal Plan Consistency	X	X		
State Agency Consistency	X	X	X	X
GIS Data		X	X	
Urban Growth Boundary	X	local master plans		X
Areas of Critical Concern		X		
Infrastructure - CIPs	X	X	X	X
Concurrency Requirement	X	X	X	X
Monitoring & Evaluation				
Impact Assessment				
Infrastructure Needs Assessment				
Public Participation	X			X
Mediation/Negotiation		X		X
<b>GOALS/(Visions)</b>				
Affordable Housing	X	local master plans	local master plans	X
Economic Development	X		“ “	X
Energy			“ “	
Agricultural Preservation	X	“ “	“ “	X
Water Quality	X	“ “	“ “	X
Transportation	X	“ “	“ “	X
Historic Preservation	X	“ “	“ “	X
Natural Resources	X	“ “	“ “	X
Air Quality		“ “	“ “	X
Natural Hazards Avoidance			“ “	
Parks, Recreation, Open Space	X	“ “	“ “	X
Urban Revitalization		“ “	“ “	X
Public Facilities	X	“ “	“ “	X
<b>General Planning</b>				
# of full-time Staff	<b>6</b>	<b>81</b>	<b>38</b>	<b>22</b>
Annual Budget (FY1995)	<b>\$1.1 million</b>	<b>\$5,086,709</b>	<b>-</b>	<b>\$1.4 million</b>
Work Plans/Products	X	X	X	X

**State Growth Management and Comprehensive Land Use Planning Acts (cont'd)**

Code/Bill	Oregon	Rhode Island	Vermont	Washington
	<b>SB 100</b>	<b>Title 45 CH. 22</b>	<b>Act 200</b>	<b>SHB 2929</b>
Year Adopted	<b>1973</b>	<b>88.91,92</b>	<b>1988</b>	<b>1990</b>
Statewide (top-down)			<b>X</b>	
Regional			<b>X</b>	<b>X</b>
Local (bottom-up)	<b>X</b>	<b>X</b>	<b>optional</b>	<b>X</b>
Mandatory Participation	<b>X</b>	<b>X</b>		<b>X</b>
Planning Incentives (grants, etc.)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Formal Coordination (all levels of government)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
State Review of Plans	<b>X</b>		<b>X</b>	<b>X</b>
Regional Review of Plans		<b>X</b>	<b>X</b>	<b>X</b>
Impact Fee Authority				<b>X</b>
Internal Plan Consistency	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
State Agency Consistency	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
GIS Data	<b>X</b>		<b>regional</b>	
Urban Growth Boundary	<b>X</b>		<b>X</b>	<b>X</b>
Areas of Critical Concern				<b>X</b>
Infrastructure - CIPs	<b>X</b>	<b>X</b>	<b>state agency</b>	<b>X</b>
Concurrency Requirement	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Monitoring & Evaluation	<b>X</b>		<b>as-needed</b>	
Impact Assessment			<b>state agency/ local</b>	
Infrastructure Needs Assessment	<b>X</b>		<b>state agency/ regional</b>	
Public Participation	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Mediation/Negotiation	<b>X</b>	<b>X</b>		<b>X</b>
<b>GOALS:</b>				
Affordable Housing	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Economic Development	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Energy	<b>X</b>		<b>X</b>	
Agricultural Preservation	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Water Quality	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Transportation	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Historic Preservation	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Natural Resources	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Air Quality	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Natural Hazards Avoidance			<b>X</b>	
Parks, Recreation, Open Space	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Urban Revitalization	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Public Facilities	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>GENERAL PLANNING</b>				
<b># of full-time Staff</b>	<b>48</b>	<b>54</b>	<b>-</b>	<b>33</b>
<b>Annual Budget (FY1995)</b>	<b>\$5.6 million</b>	<b>\$3.6 million</b>	<b>-</b>	<b>\$13 million</b>
<b>Work Plans/Products</b>	<b>X</b>	<b>X</b>	<b>-</b>	<b>X</b>

**Comparison of New Jersey and other Statewide Planning Programs**

<i>NATIONWIDE</i>	<i>NEW JERSEY PERSPECTIVE</i>
<b>STATE ROLE</b>	
In each state, one department or division of state government administers or oversees the program. These bodies develop policies, review local plans for consistency, provide technical and financial assistance to localities.	In New Jersey, the State Planning Commission, appointed by the Governor, made up of state agency heads, Governor's Office representatives, local government representatives and public members, prepares and adopts the state plan; sets policies for areas of growth, agriculture and conservation; prepares infrastructure needs assessment; and negotiates cross-acceptance of the plan with counties and municipalities.
<b>STATE AGENCY ROLE</b>	
All state agencies with relevant authority affecting land use must submit plans and/or reports showing how their programs and activities will address the goals in the state plan. In addition, many of the state agency plans must be consistent with local and regional plans.	In 1995, Governor Whitman directed all state agencies to prepare and submit reports detailing their activities and programs in implementing the SDRP.
<b>COORDINATION MECHANISMS</b>	
Many of the programs are designed to work either "top-down" (state initiated), or "bottom-up" (locally initiated). Florida's and Hawaii's programs, for example, are designed as "top-down" and bureaucratically controlled approaches with the state taking an active role in reviewing and approving local plans. While Delaware, Georgia, Maine, Maryland, New Hampshire, Oregon, Rhode Island and Washington emphasize planning at the local level – "bottom-up" – where local governments are placed in the forefront of the process.	New Jersey's "cross-acceptance" approach is collaborative, rather than top-down or bottom-up. The players are brought together to "negotiate" the policies and regulatory principles that will affect the location and types of development and infrastructure. Negotiating cross-acceptance has become the driving force of the SPC's activities.
<b>REGIONAL ROLE</b>	
Several of the states have strong regional planning bodies that prepare regional plans, review local plans for consistency, and assist local governments in developing and implementing growth management programs (Connecticut, Florida, Georgia, Maine, New Hampshire, Rhode Island, Vermont, and Washington).	Counties are designated as the mediating bodies for cross-acceptance. They provide technical assistance to local governments, coordinate the responses of local governments to the state plan, and prepare a report to the SPC.
<b>LOCAL ROLE</b>	
In the majority of states, all cities and counties must prepare comprehensive plans. These plans must be consistent with the overall state plan, regional plans, and adjacent municipality plans. Most require that the zoning and subdivision regulations of the municipality be consistent with the state goals and policies.	No <i>requirement</i> for local plan consistency with state goals. Local governments participate in the cross-acceptance process and respond to plan map designations and proposed state policies. Local governments may voluntarily submit plans to OSP for consistency review.
<b>MONITORING &amp; EVALUATION — INDICATORS</b>	
Several states have established indicator programs to measure the effectiveness of their statewide planning processes, and to gauge progress in implementing the goals and objectives of the program. (Connecticut, Florida, Oregon, Maine, and Vermont)	In New Jersey, a number of state departments are developing indicators to measure progress in meeting their respective goals. OSP is developing a set of indicators to measure the progress in achieving the goals of the State Plan.

***INCENTIVES FOR PLANNING***

Most of the states offer financial and/or technical assistance to local governments to do planning. Much of the financial assistance is provided in the form of grants to local governments for developing and maintaining comprehensive plans that are consistent with state guidelines.

New Jersey engages local governments voluntarily in negotiating processes, offering the incentive that their preferences may be expressed in the final state plan. State agencies also provide limited financial incentives to municipalities for projects or programs that implement the goals and objectives of the State Development and Redevelopment Plan. Although local governments are not required to change their own plans to comply with the state plan, many are very likely to do so. The Office of State Planning provides technical and research assistance to local and county governments, as well as the State Planning Commission.

# APPENDIX

## INTERVIEWS

Telephone interviews were conducted with individuals involved in the state planning processes nationwide. Interviews with Washington (State) and Hawaii were not available due to time/schedule constraints.

### **GROWTH MANAGEMENT IN FLORIDA**

*(Based on a telephone interview with Carmen Bishop, Department of Community Affairs, Division of Resource Planning and Management, March 10, 1995; and Darcy Foster, Governor's Office of Planning and Budgeting, Growth Management & Strategic Planning Policy Unit, March 20, 1995)*

1. Please describe the process by which the growth management legislation was enacted.

*In the early 1970s, the Florida legislature enacted the Local Government Comprehensive Planning Act which called for local governments to develop Comprehensive Plans. Over the years, the state found that these plans were not being reviewed or implemented by the state or local governments. In an attempt to strengthen the state's oversight of local planning programs, the Governor appointed an ELMS Committee (Environmental Land Management Study) to determine what steps the state should take to make the planning guidelines stronger.*

*In 1984, the legislature enacted the State and Regional Planning Act which provided a framework for an integrated system of state, regional and local planning initiatives. This legislation established the groundwork for the Florida State Comprehensive Plan which was enacted in 1985. The State Comprehensive Plan provides long-range policy guidance for the social, economic and physical growth of the state.*

2. How is the growth management system designed? Who are the principal parties involved in the process?

*When the SPC was adopted, the emphasis for the state was to implement a "top down" approach to local and regional planning. The state would take an active role in reviewing and approving local plans. The local governments would also have to develop Local Development Regulations (LDR) for state approval.*

*Florida's growth management program involves the interaction of a wide range of entities. The catalysts for the program are the local governments and the 11 regional councils who are responsible for preparing and submitting local and regional comprehensive plans. There are also Water Management Districts who have become much more involved in the process in recent years. The state agencies, specifically the Department of Community Affairs and the Governor's Office, play an important role in the implementation of the plans.*

*The state's special interest groups (Florida League of Cities, 1000 Friends of Florida, county groups, developers and environmental groups, etc.) take an active role in the process as well.*

3. How is the comprehensive planning process proceeding? Do you foresee any problems with the current process? What steps, if any, are underway to revise or improve the state's growth management policy?

*Thus far, all local plans have been adopted, based on the 1985 legislation. There are only a few that are not in compliance. The state is reviewing amendments to the plan currently. Some of the improvements to the plan underway include recommendations from the ELMS Committee to strengthen intergovernmental coordination, and efforts to make the process less cumbersome and more flexible with regards to the stringent development guidelines. Over the years, the state has found that not all standards can be applied to all areas of the state. Smaller communities cannot be held to the same standards for growth as larger cities. For that reason, the process needs to be more reasonable and flexible in its application.*

4. What are the main areas of concern for the state? Where has the state and/or the municipalities focused most of the planning efforts (i.e. housing, environmental issues, transportation, etc.)?

*According to Carmen Bishop, the main areas of concern are environmental protection and concurrency management. Darcy Foster believes that there are several areas of concern for the state including the provision of infrastructure and services (concurrency), affordable housing, and eco-system protection. The area of most concern, she felt, is transportation which affects the economy (commerce), especially with the new foreign trade system.*

*Concurrency management is a key feature of local plans. It requires that all public facilities and services (i.e. water, sewer, roads, schools, etc.) be in place "concurrent" with new development.*

5. What do you see as the strengths of the process? What are the weaknesses?

*The strengths of the process include a coordinated system of planning - the program "forced" all involved to do some sort of planning; there have been some improvements in the state's land use pattern; and the process brought all of the principle players together to try to deal with the problems of the high growth state.*

*The weaknesses of the process include a lack of funding for planning efforts; there needs to be a more streamline approach and less government involvement; there should be better intergovernmental coordination and more public involvement.*

6. What has been the perception of the process from the public? From local governments?

*The public perception has been good in the sense that those who have been involved feel that they have a voice in the process. There are some instances where those who aren't involved feel that the state is forcing planning on everyone unfairly. Many of the local governments feel the same.*

7. How is growth management, or comprehensive planning, intended to function in the state - as planned growth, limited growth, or no growth?

*Florida's approach is not listed here. Florida's growth management program is intended to do just that "manage growth". The feeling is that as the state continues to grow, which is taken as a matter of fact, the areas where growth is occurring should be managed more efficiently.*

8. Is there any type of incentive program in place to acknowledge and highlight innovative planning efforts of local communities, local or county governments, or state agencies (i.e. Governor's or Community Development Awards, Grants, etc.)? If so, please describe.

*No, not at this time at the state level. Several of the special interest groups acknowledge those communities that have implemented stellar planning programs.*

## **GROWTH MANAGEMENT IN MAINE**

*(Based on a telephone interview with Bob Carey, Office of Community Development, Department of Economic and Community Development, March 6, 1995)*

1. Please describe the process by which the growth management legislation was enacted.

*The legislation was enacted in 1988, and was on-line in 1989. The guiding force of the legislation was the state's inability to control residential development and growth in Southern Maine in the mid-1980s.*

*Prior to the adoption of the legislation, there was no means by which the state could track the effects of the continued growth in the state. A study commission was appointed to make recommendations to the state on whether to provide technical and financial assessments for the state's 494 cities and towns, and if so, to what extent.*

*Initially, Maine's growth management program was mandatory, where the municipalities, state agencies, and regional councils were required to develop comprehensive plans in order to receive planning grants or technical assistance from the state. Today, the program is completely voluntary.*

2. How is the growth management system designed? Who are the principal parties involved in the process?

*Maine's growth management program is a community driven program. Small communities have received grants from the state to develop comprehensive plans. Regional Councils of Government and the 16 counties provide assistance to the municipalities with regard to their comprehensive plans. The staff of the Office of Community Development provide technical assistance where needed.*

*The principle players in the process are the towns, planning boards, municipal officials, and the regional councils. Various state agencies also play an important role in the process by providing relevant data and technical information.*

*The program is primarily a two-part financial assistance program for community development.*

- ◆ Funds are provided to plan development
- ◆ Funds are appropriated for plan implementation

3. How is the comprehensive planning process proceeding? Do you foresee any problems with the current process? What steps, if any, are underway to revise or improve the state's growth management policy?

*In 1991, Maine experienced a budget deficit and the growth management program was eliminated. Initially, the planning staff for the program totaled 21. After the program was reinstated, the staff was reduced to its present number of 3.*

*As a result of the staff and funding reduction, the program moved from being mandatory for all 494 cities and towns, to a voluntary program where local communities maintain control over most local land use decisions utilizing the state standards. To date 60% of the state is covered by the program with southern and coastal communities receiving the larger portion of the planning grants.*

*Some of the more basic problems with the program are:*

- ◆ *The program was initially geared toward "growing towns". Not much focus was put on those communities that weren't growing. We need to focus more attention on those communities that are losing population in the rural areas.*
- ◆ *The program needs to be restructured to move away from the present "town-by-town" approach. There needs to be a more regionalized approach to some of the land use issues and in providing public services.*

4. What are the main areas of concern for the state? Where has the state and/or the municipalities focused most of the planning efforts (i.e. housing, environmental issues, transportation, etc.)?

*Although the program sets forth 10 goals to be addressed in the local comprehensive plans, the state's focus has been on land use planning and setting out areas for growth. There has been limited attention given to the other areas of concern, housing, environment, etc.*

5. What do you see as the strengths of the process? What are the weaknesses?

*The primary strength of the Maine program is the level of community and citizen involvement in the process. The communities and citizens have taken a very pro-active role in the process.*

*The major weakness of the program would have to be the fact that it is not a regionalized program. The town-by-town approach has caused some hardship on the smaller rural communities, for example, where the plan calls for communities to identify industrial land areas. A great many of these small communities do not have any industrial land areas and many are not very eager to have any located in their community.*

6. What has been the perception of the process from the public? From local governments?

*The perception from the public varies, depending upon who you speak to on any given day. However, since the program was mandatory, much of the public felt that the program was forcing communities to plan and zone. Since the program became voluntary, and the state is providing funding for planning, many see the program as beneficial, although many still feel forced to plan.*

7. How is growth management, or comprehensive planning, intended to function in the state - as planned growth, limited growth, or no growth?

*Definitely, planned growth, although the state has tried to encourage growth in those areas where the population has decreased.*

8. Is there any type of incentive program in place to acknowledge and highlight innovative planning efforts of local communities, local or county governments, or state agencies (i.e. Governor's or Community Development Awards, Grants, etc.)? If so, please describe.

*There is no formalized program. However, we are developing a "Certification Program" where communities that have submitted their comprehensive plans, ordinances and regulations would receive "Certified" status and be given priority for any grant funds or other state benefits.*

## **GROWTH MANAGEMENT IN OREGON**

*(Based on a telephone interview with Mitch Rohse, Communications Manager, Oregon Department of Land Conservation and Development, March 3, 1995)*

1. Please describe the process by which the growth management legislation was enacted.

*Oregon's growth management legislation was enacted in 1973 at the urging of Governor Tom McCall. The motivating force behind the bill was the need to curb sprawl and the loss of farmland in the state.*

*A key factor in the passage of the bill was the contracting of a planning firm to provide public education workshops to demonstrate the two scenarios guiding the plan: land use for the state in the next 20 years without comprehensive planning; and land use in the next 20 years with a comprehensive planning process in place.*

2. How is the growth management system designed? Who are the principal parties involved in the process?

*The Governor and those involved in developing the system were concerned that the proposed planning process not be a "top down" type of system where the state takes over and decides what type and where growth will occur in the state.*

*The emphasis of the planning process is at the local level. Local governments are placed in the forefront of the program. They handle the day-to-day planning efforts from comprehensive plan development to plan implementation.*

*Oregon's planning process calls for cities and counties to prepare and adopt comprehensive plans and land use regulations that must be reviewed by the state for consistency with the statewide planning goals.. Since the bill was enacted 21 years ago, the key players in the process are the cities, the counties, and the state agencies. They all must work together in order to make the planning process work. Currently, all of the cities have adopted state approved comprehensive plans*

3. How is the comprehensive planning process proceeding? Do you foresee any problems with the current process? What steps, if any, are underway to revise or improve the state's growth management policy?

*Thus far, the process is proceeding well, although still controversial. There are bills being introduced now to change some of the elements of the process. The state legislature meets every 2 years, and over the past 21 years, some changes and refinements have been proposed at every meeting.*

4. What are the main areas of concern for the state? Where has the state and/or the municipalities focused most of the planning efforts (i.e. housing, environmental issues, transportation, etc.)?

*There has been ongoing tension since the adoption of the program, a sort of competition for resources, if you will, between the rural communities and the urban community. Historically, the state has devoted more of the resources to rural area issues than to urban issues. However, over the last few years, the state has learned that the urban issues need more attention and there has been a major thrust in that direction.*

5. What do you see as the strengths of the process? What are the weaknesses?

*There are a number of key strengths that led to the establishment and maintenance of Oregon's growth management program:*

- ◆ *The design of the program enables state and local government to work together and find a balance to address the issues concerning land use in the state;*
- ◆ *The program has set state standards for main land use consistency among all communities;*
- ◆ *The program has an element of predictability in the development and permit application processes. There are clear and objective standards for each development and permit applicant to follow, which gives the state the ability to provide a "quick yes or no" answer. This process has gained strong support from the development community.*
- ◆ *Strong emphasis on citizen participation. During the pre-adoption phase, more than 100 public meetings were held to educate the citizens of the program.*

*The weaknesses in the process include:*

- ◆ *During the first 15 years of the plans' adoption, Oregon was basically flying blind due to a lack of reliable data, and no method of obtaining such data. This has led to the lack of a method for monitoring the effects and the extent of development and growth in the state.*
- ◆ *The continuation of the state's "one size fits all" policy, where the same standards are applied to big cities and smaller rural communities. New efforts for the redesigning of the program are being examined. The new strategy is a two tier program where stronger standards for large cities, and less stringent standards for smaller communities will be implemented.*
- ◆ *Enforcement of the program. The lead agency, LDC has the enforcement authority for the state. Once the local comprehensive plans are approved, the state's enforcement power is reduced. The only real recourse left for enforcement of the state goals is through citizen appeals to specific projects.*
- ◆ *Not educating the public enough on land use issues. The process would be much more effective if the public had a basic knowledge of what planning is about and what the land use and growth issues are.*

6. What has been the perception of the process from the public? From local governments?

*Overall, there has been strong support from the public. The growth management program has been on the ballot three times since it was enacted (1976, 1978, and 1982). The voters supported the program overwhelmingly. Polls have shown that in general, Oregonians strongly supported statewide planning and growth management.*

*Conflicts arise in the public perception where the rural community feels that the policies are too restrictive. On the other hand, the conservation and environmental communities feel that the policies are far too loose, and not restrictive enough.*

*The response from larger metropolitan areas and cities has been very positive. Most of these areas have had some experience in dealing with planning issues - they have full time planning staff, land use planning, ordinance and regulation preparation experience, so they know what must be done. A number of the smaller cities often find that the state standards are burdensome and unnecessary.*

7. How is growth management, or comprehensive planning, intended to function in the state - as planned growth, limited growth, or no growth?

*Definitely, planned growth. Despite some of the negative public perception, there is nothing in the policies that state that growth should be limited or not occur at all. The program is designed to allow municipalities and state agencies to plan for growth for the next 20 years and allow the state to say no to development and/or growth on its valuable land resources.*

8. Is there any type of incentive program in place to acknowledge and highlight innovative planning efforts of local communities, local or county governments, or state agencies (i.e. Governor's or Community Development Awards, Grants, etc.)? If so, please describe.

*No, Oregon does not have any type of official award program for development. The local chapter of the APA does give awards to those cities or counties that have implemented innovative programs that address the state's goals.. This would be an excellent program to develop for our municipalities.*

9. Additional comments/information.

*Oregon has used some of the New Jersey State Plan information in formulating their policies for Urban Areas and in encouraging planning for public services and facilities.*

## **GROWTH MANAGEMENT IN RHODE ISLAND**

*(Based on a telephone interview with Daniel Varin, Associate Director, Department of Administration, Division of Planning, April 4, 1995)*

1. Please describe the process by which the growth management legislation was enacted.

*A special legislative commission was appointed in 1987. The 22 member commission represented all of the important interest groups - realtors, builders, local governments, environmental groups, etc. This commission was appointed to address the problems that stemmed from the state's enabling legislation for local planning. After a thorough study was conducted, the commission proceeded to draft, review, revise, rewrite, and reorganize to produce the bill enacted in 1988 as the Comprehensive Planning and Land Use Regulation Act. The commission also passed two other planning bills - the Zoning Enabling Act of 1991 and the Land Development and Subdivision Review Enabling Act of 1992.*

2. How is the growth management system designed? Who are the principal parties involved in the process

*Under Rhode Island's growth management legislation, all cities and towns must prepare and adopt local comprehensive plans. Failure to comply with the act results in plans being prepared for the municipalities by*

*the Division of Planning. One of the most important features of the system is that all zoning and subdivision regulations must conform with the comprehensive plan.*

3. How is the comprehensive planning process proceeding? Do you foresee any problems with the current process? What steps, if any, are underway to revise or improve the state's growth management policy?

*The process is a very slow one. Thus far, 38 cities and towns have submitted plans, while only 10 have gone through the review process. The review process is slow due to the reduction in staff from 12 to 2. Portions of the plans submitted have been sent to state agencies for review.*

*Funding for the review process is one major improvement that needs to be looked at more closely.*

4. What are the main areas of concern for the state? Where has the state and/or the municipalities focused most of the planning efforts (i.e. housing, environmental issues, transportation, etc.)?

*There are three main issues addressed in the local plans:*

- ◆ *Affordable Housing*
- ◆ *Economic Development*
- ◆ *Preserving Open Space*

5. What do you see as the strengths of the process? What are the weaknesses?

*The strengths of the process include: the grant program instituted at the beginning of the program; the extent of public participation; and through GIS, data was made available to cities to eliminate the burdensome leg work.*

*The weaknesses include the time for review of local plans and no time to adopt new state guide plan elements.*

6. What has been the perception of the process from the public? From local governments?

*There hasn't been any real opposition from the public or from the local governments. The process was open to the public and all cities and towns offered their comments and suggestions as to how the process should work.*

7. How is growth management, or comprehensive planning, intended to function in the state - as planned growth, limited growth, or no growth?

*Definitely planned growth. The state knew that no rapid growth would occur, however, the goal has been to anticipate some level of growth and make sure that the necessary infrastructure is available.*

8. Is there any type of incentive program in place to acknowledge and highlight innovative planning efforts of local communities, local or county governments, or state agencies (i.e. Governor's or Community Development Awards, Grants, etc.)? If so, please describe.

*Thus far, there has only been one such activity. When a local plan is approved, the state goes out to the municipality to present a framed sealed certificate of approval during a ceremony at the town council meeting. This event sought to recognize the people and the time involved in developing a comprehensive plan. The downside has been that this is not an ongoing activity.*

## **CONTACTS FOR OTHER STATES**

While only twelve states were profiled, an effort was made to contact officials in every state to ascertain the existence or status of their statewide planning efforts. These contacts are identified in this section to assist in future follow up efforts.

The table on the following pages consists of the states which have not:

- ◆ developed a "statewide" planning process/program;
- ◆ responded to requests for information; or
- ◆ have a known contact agency or person.

**STATEWIDE PLANNING PROGRAMS - STATUS & CONTACTS**

\*Denotes person to whom contact was directed.

<i>STATE</i>	<i>CONTACT NAME &amp; TITLE</i>	<i>AGENCY</i>	<i>STATUS</i>
ALABAMA	William McLaughlin	Alabama Development -Office of the Gov. 1601 3rd Avenue, SW Montgomery, AL 35601 (205) 353-4824	No planning on the state level; reviewing regional plans in preparation for a state planning process.
ALASKA	<b>NO CONTACT</b>	-	-
ARIZONA	Greg Novak Gordon Taylor	Arizona State Land Department 1616 W. Adams Phoenix, AZ 85007 (602) 542-3671	No statewide planning program, all cities and counties do planning locally.
ARKANSAS	<b>NO CONTACT</b>	-	-
CALIFORNIA	Terry Rivasplata, Principal Planner	Governor's Office of Planning & Research 1400 Tenth St. Sacramento, CA 95814 (916) 445-4831	No programs being developed or implemented at this time due to extenuation circumstances; in 1981 some proposals developed but not acted upon.
COLORADO	Charlie Unseld	Colorado Dept. of Local Affairs Planning Assistance Division 1313 Sherman St., Room 521 Denver, Colorado 80203 (303) 866-2353	In Jan. 1995, <b><i>Colorado Leadership Summit on Smart Growth &amp; Development</i></b> , to discuss issues related to state's rapid growth and development. Documents received: <i>Smart Growth &amp; Development Report</i> <i>- Summit White Paper &amp; Growth Mgmt. Tools</i> <i>- Local/Regional Planning Effort Survey</i> <i>- Resource Directory of Services</i> <i>Economic Development Discussion Paper</i>
CONNECTICUT	Ann Foley *Alan Johansen *John Rodasci	Governor's Office of Policy & Management Policy Development & Planning Division 80 Washington St. Hartford, CT 06106 (860) 418-6200	Contacted - no information received

<b><u>STATEWIDE PLANNING PROGRAMS - STATUS &amp; CONTACTS</u></b>			
<b>*Denotes person to whom contact was directed.</b>			
<b>STATE</b>	<b>CONTACT NAME &amp; TITLE</b>	<b>AGENCY</b>	<b>STATUS</b>
DELAWARE	David S. Hugg, III, State Planning Coordinator	State of Delaware Executive Department State Planning Coordination Office Tantall State Office Building, 3rd FL. Dover, DE 19901 (302) 739-3090 FAX: (302) 739-2775 E-MAIL: <a href="http://www.DHUGG@state.de.us">http://www.DHUGG@state.de.us</a>	Analysis provided in 'State Profiles'
DISTRICT OF COLUMBIA	<b>NO CONTACT</b>		
FLORIDA	Tom Beck, Chief Bureau of State Planning *Carmen Bishop  Teresa B. Tinker, Policy Coord. *Darcy Foster	Florida Dept. of Community Affairs Division of Resource Planning & Mgmt. 2740 Centerview Drive Tallahassee, FL 32399-2100 (904) 487-4545 FAX: (904) 488-3309  Office of the Governor Growth Management & Strategic Policy Unit The Capitol Tallahassee, FL 32399-0001 (904) 488-7793 FAX: (904) 922-0666	Analysis provided in 'State Profiles'
GEORGIA	*Stuart Dorfman, Senior Planner	Office of Coordinated Planning Georgia Dept. of Community Affairs 1200 Equitable Building 100 Peachtree Street Atlanta, GA 30303 (404) 656-3836 FAX: (404) 656-9792	Analysis provided in 'State Profiles'

**STATEWIDE PLANNING PROGRAMS - STATUS & CONTACTS**

\*Denotes person to whom contact was directed.

<i>STATE</i>	<i>CONTACT NAME &amp; TITLE</i>	<i>AGENCY</i>	<i>STATUS</i>
HAWAII	*Gregory G.Y. Pai, Director	Office of State Planning Office of the Governor PO Box 3540 Honolulu, HI 96811-3540 (808) 587-2846, 587-2800 FAX: (808) 587-2848 (Director's Office) (808) 587-2824 (Planning Division)	Analysis provided in 'State Profiles'
IDAHO	*James V. Hawkins, Director  Jan Peter Blickenstaff, Community Dev. Administrator	Department of Commerce 700 W. State Street PO Box 83720 Boise, Idaho 83720-0093 (208) 334-2470 FAX: (208) 334-2631	No state level land use/growth management program; Land use planning is mandated for local governments without state oversight or coordination. Information received: <i>State of Idaho Strategic Plan FY1996-1999 (Economic Development Plan for the state)</i>
ILLINOIS	Richard Burb	Illinois Dept. of Commerce & Comm. Affairs 620 E. Adams St. Springfield, IL 62701 (217) 785-3263	State does not regulate local growth or planning issues; cities/counties set standards for growth at the local level.
INDIANA	Steven N. Straiger, Research Assistant	Indiana Economic Development Council 1 North Capitol, Suite 425 Indianapolis, IN 46204 (317) 631-0871	Strategic plan prepared by non-profit group in 1994. Copy of document requested; no information received.
IOWA	Marv Weidner	Department of Management Planning & Policy Development Division (515) 281-5362	Contacted - no information received
KANSAS	*Gloria Timmer, Director	Dept. of Administration-Division of Budget State Capitol Bldg., Room 152 300 S.W. Tenth Ave. Topeka, KS 66612 (913) 297-2436	Contacted - no information received
KENTUCKY	*Claude M. Vaughn, State Budget Director	Governor's Office for Policy & Management Capitol Building, Room 283 Frankfort, KY 40601 (502) 564-7300	Contacted - no information received

<b><u>STATEWIDE PLANNING PROGRAMS - STATUS &amp; CONTACTS</u></b>			
<b>*Denotes person to whom contact was directed.</b>			
<b>STATE</b>	<b>CONTACT NAME &amp; TITLE</b>	<b>AGENCY</b>	<b>STATUS</b>
LOUISIANA	*Joan M. Wharton, Director	Office of State Planning PO Box 94095 Baton Rouge, LA 70804 (504) 342-7000	Contacted - no information received
MAINE	*Bob Carey	Office of Community Development Dept. of Economic & Community Dev. 219 Capitol Street State House Station 130 Augusta, ME 04333 (207) 624-6800 FAX: (207) 624-6810	Analysis provided in 'State Profiles'
MARYLAND	*James T. Noonan *Gail Moran	Maryland Office of Planning 301 West Preston Street Baltimore, MD 21201-2365 (410) 225-4562 FAX: (410) 225-4480 E-MAIL: <a href="http://www.mop.md.gov">http://www.mop.md.gov</a>	Analysis provided in 'State Profiles'
MASSACHUSETTS	*Steven Tocco, Secretary	Executive Office of Economic Affairs 1 Ashburton Pl., Room 2101 Boston, MA 02108 (617) 727-8380	Contacted - no information received
MICHIGAN	<b>NO CONTACT</b>	-	-
MINNESOTA	Marilyn Lundburg	Minnesota Office of Planning 300 Centennial Building 685 Cedar Street St. Paul, MN 55155 (612) 296-3985	No statewide planning initiative; task force appointed to examine the need for a statewide planning process. Metropolitan Council (regional body) adopted "Regional Blue Print" plan for a 7-county metro area.
MISSISSIPPI	*Clinton Graham, Director	Office of Budget & Fund Management Dept. of Finance & Administration P.O. Box 267 Jackson, MS 39203 (601) 359-3927	Contacted - no information received

**STATEWIDE PLANNING PROGRAMS - STATUS & CONTACTS**

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<i>STATE</i>	<i>CONTACT NAME &amp; TITLE</i>	<i>AGENCY</i>	<i>STATUS</i>
MISSOURI	*Mark E. Wark, Deputy Commissioner	Division of Budget & Planning Office of Administration State Capitol, Room 124 Jefferson City, MO 65102 (314) 751-3925	Contacted - no information received
MONTANA	*David Lewis, Director	Budget & Program Planning Office Capitol Station Helena, MT 59620 (406) 444-3616, 444-3698	Contacted - no information received. Just beginning to discuss growth management; not an issue until recently; no formal process as yet.
NEBRASKA	*Rod Armstrong, Director	Governor's Policy Research Office P.O. Box 94601 Lincoln, NE 68509 (402) 471-2414	Contacted - no information received
NEVADA	*John P. Comeaux, Director	Dept. of Administration 209 E. Musser St., Room 204 Carson City, NV 89710 (702) 687-4065	Contacted - no information received
NEW HAMPSHIRE	*David G. Scott, Director	Policy Planning and Administration New Hampshire Office of State Planning 2 1/2 Beacon Street Concord, NH 03301 (603) 271-2155 FAX: (603) 271-1728 E-MAIL: <a href="http://www.nhresnet.sr.unh.edu">http://www.nhresnet.sr.unh.edu</a>	Analysis provided in 'State Profiles'
NEW JERSEY	*Thomas Dallessio, Public Affairs Manager	State of New Jersey Office of State Planning 33 W. State Street, 9th Fl. CN 204 Trenton, NJ 08625 (609) 292-7156 FAX: (609) 292-3292 E-MAIL: <a href="http://www.state.nj.us/osp/osphome.htm">http://www.state.nj.us/osp/osphome.htm</a>	Analysis provided in 'State Profiles'

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<b>STATE</b>	<b>CONTACT NAME &amp; TITLE</b>	<b>AGENCY</b>	<b>STATUS</b>
NEW MEXICO	<b>NO CONTACT</b>	-	-
NEW YORK	*Vincent Tese, Commissioner	Dept. of Commerce 1 Commerce Plaza Albany, NY 12245 (518) 474-4100	Contacted - no information received
NORTH CAROLINA	*Sheron K. Morgan, State Planning Officer	Office of State Planning 116 W. Jones St. Raleigh, NC 27603 (919) 733-4131	Contacted - no information received
NORTH DAKOTA	*Shirley R. Dykshoorn, Director	Office of Management & Budget State Capitol, 14th Fl. 600 E. Boulevard Ave. Bismarck, ND 58505 (701) 224-2094	Contacted - no information received
OHIO	*R. Gregory Browning, Director	Office of Budget & Management 30 E. Broad St., 34th Fl. Columbus, OH 43266 (614) 466-4034	Contacted - no information received
OKLAHOMA	<b>NO CONTACT</b>	-	-
OREGON	*Mitch Rohse, Communications Manager	Oregon Dept. of Land Conservation & Dev. 1175 Court St., NE Salem, OR 97310 (503) 373-0064 FAX: (503) 362-6750 E-MAIL: <a href="http://www.lcd.state.or.us">http://www.lcd.state.or.us</a>	Analysis provided in 'State Profiles'
PENNSYLVANIA	*Charles Zogby Policy Director	Governor's Policy Office Office of the Governor Finance Bldg., Room 506 Harrisburg, PA 17120 (717) 787-1954	Contacted - no information received

**STATEWIDE PLANNING PROGRAMS - STATUS & CONTACTS**

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<i>STATE</i>	<i>CONTACT NAME &amp; TITLE</i>	<i>AGENCY</i>	<i>STATUS</i>
RHODE ISLAND	*Bill Sheridan	Dept. of Administration Division of Planning One Capitol Hill Providence, RI 02908-5870 (401) 277-2867	Analysis provided in 'State Profiles'
SOUTH CAROLINA	*Phyllis M. Mayes, Director	Human Resource Management Division Budget & Control Board 1201 Main St. Suite 1000 Columbia, SC 29201 (803) 737-0900	Contacted - no information received
SOUTH DAKOTA	*Jim Hill, Commissioner	Bureau of Finance & Management 500 E. Capitol Ave. Pierre, SD 57501 (605) 773-3411	Contacted - no information received
TENNESSEE	*Carol White, Director	Office of State Planning Office of the Governor State Capitol Nashville, TN 37243 (615) 741-4131	Contacted - no information received
TEXAS	*Dale Craymer, Director	Governor's Office of Budget & Planning P.O. Box 12428 Capitol Station Austin, TX 78711 (512) 463-1778	Contacted - no information received
UTAH	*Lynne Koga, Director	Office of Planning & Budget 116 State Capitol Salt Lake City, UT 84114 (801) 538-1555	Contacted - no information received

<b><i>STATEWIDE PLANNING PROGRAMS - STATUS &amp; CONTACTS</i></b>			
<b>*Denotes person to whom contact was directed.</b>			
<b><i>STATE</i></b>	<b><i>CONTACT NAME &amp; TITLE</i></b>	<b><i>AGENCY</i></b>	<b><i>STATUS</i></b>
VERMONT	*Greg Brown, Deputy Commissioner	Agency of Dev. & Community Affairs Vermont Dept. of Housing & Community Development 109 State Street Montpelier, VT 05609-3383 (802) 828-3217 FAX: (802) 828-2928	Analysis provided in 'State Profiles'
VIRGINIA	*Karen F. Washabau, Director	Dept. of Planning & Budget PO Box 1422 Richmond, VA 23211 (804) 786-5375	Contacted - no information received
WASHINGTON	Mike Fitzgerald, Director *Steve Wells, Asst. Director	Dept. of Community, Trade & Economic Development Growth Management Division 906 Columbia Street, SW PO Box 48300 Olympia, Washington 98504-8300 Phone: (360) 753-2222 Fax: (360) 753-2950 World Wide Web: <a href="http://www.wa.gov/cted">http://www.wa.gov/cted</a> ; <a href="http://www.wa.gov/cted/growth">http://www.wa.gov/cted/growth</a> ; <a href="http://www.wa.gov/cted/landuse">http://www.wa.gov/cted/landuse</a>	Analysis provided in 'State Profiles'
WEST VIRGINIA	*Thomas C. Burns, Exec. Dir.	West Virginia Development Office	Contacted - no information received
WISCONSIN	Richard Chandler, Administrator	State Executive Budget & Planning Dept. of Administration P.O. Box 7864 101 East Wilson Street Madison, WI 53707 (608) 266-1035	No statewide planning process; land use planning accomplished at the local level; state agencies impacting land use comprise the Interagency Land Use Council (ILUC); Wisconsin Strategic Growth Task Force report due in July 1996.

**STATEWIDE PLANNING PROGRAMS - STATUS & CONTACTS**

**\*Denotes person to whom contact was directed.**

<i>STATE</i>	<i>CONTACT NAME &amp; TITLE</i>	<i>AGENCY</i>	<i>STATUS</i>
WYOMING	*Richard Lindsey, State Planning Coordinator	Governor's Office Herschler Bldg.. 4th Fl. Cheyenne, WY 82002 (307) 777-7401	Contacted - no information received
AMERICAN PLANNING ASSOCIATION <b>"GROWING SMART"</b>	*Marya Morris, Senior Research Associate	American Planning Association Growing Smart Program 122 S. Michigan Ave., Suite 1600 Chicago, IL 60603 Phone: (312) 431-9100 Fax: (312) 431-9985 E-mail: <a href="http://www.growingsmart@planning.org">http://www.growingsmart@planning.org</a>	

## REFERENCES ON FILE

The documents listed below are on file in the New Jersey Office of State Planning library:

### Colorado

- ◆ STA-CO001 - *Resource Directory of Services Regarding Smart Growth and Development, March 1995*
- ◆ STA-CO002 - *Smart Growth and Development Summit Report*
- ◆ STA-CO003 - *Smart Growth and Development Summit White Paper, January 1995*
- ◆ STA-CO004 - *Colorado Growth Management Toolbox: Appendix to Smart Growth and Development Summit (White Paper), January 1995*
- ◆ STA-CO005 - *Smart Growth and Development Local/Regional Planning Effort Survey, April 1995*
- ◆ STA-CO006 - *Economic Development Discussion Paper, January 1995*

### Connecticut

- ◆ STA-CT001 - *Conservation & Development Policies Plan - 1979-1982*
- ◆ STA-CT002 - *Conservation & Development Policies Plan - Proposed Revision of 1979*
- ◆ STA-CT003 - *Conservation & Development Policies Plan - 1982-1985 (extended to 1987)*
- ◆ STA-CT004 - *State Policies Plan for the Conservation and Development of Connecticut (Recommended Revision for 1987-1992)*
- ◆ STA-CT005 - *Conservation and Development Policies Plan for Connecticut, 1992-1997*
- ◆ STA-CT006 - *"A Process for Creating a Connecticut Greenway System"*
- ◆ STA-CT007 - *Initial Report of the Management Options Subcommittee: Issues to be Addressed in Developing a Rivers Management Program*
- ◆ STA-CT008 - *Aquifer Protection Program*
- ◆ STA-CT009 - *Environmental Equity Program Mission Statement*
- ◆ STA-CT010 - *The Connecticut Resource Protection Project's Focus Area Selection Workshops*
- ◆ STA-CT011 - *Connecticut's Neighborhood Revitalization Zone Program*
- ◆ STA-CT012 - *Governor Lowell P. Weicker, Jr., "For the Record"*
- ◆ STA-CT013 - *Connecticut's Environmental Plan 1992-1997*
- ◆ STA-CT014 - *Goals and Benchmarks for the Year 2000 and Beyond*
- ◆ STA-CT015 - *Connecticut Connects: An Assessment of the Economic Challenges for the State's Future*

### Delaware

- ◆ STA-DE001 - *Shaping Delaware's Future Summary Report, April 1995*
- ◆ STA-DE002 - *Senate Bill 116 "The Shaping Delaware's Future Act of 1995"*
- ◆ STA-DE003-008- *"Shaping Delaware's Future" Newsletters (Jan.-Nov. 1995)*
- ◆ STA-DE009 - *1995 Annual Assessment Report to the Cabinet Committee on State Planning Issues (July 1996)*

### Florida

- ◆ STA-FL001 - *The State Land Development Plan*
- ◆ STA-FL002 - *Urban Growth Patterns*
- ◆ STA-FL003 - *Perspectives on Florida's Growth Management Act of 1985*
- ◆ STA-FL004 - *Keys to Florida's Future : Winning in a Competitive World*
- ◆ STA-FL005 - *The Growth Management Act of 1985, Part II, Chapter 163, Florida Statutes, (as adopted, 1985) — County and Municipal Planning and Land Development Regulations*
- ◆ STA-FL006 - *The Growth Management Act, Part II, Chapter 163, Florida Statutes (as amended, 1993) — County and Municipal Planning and Land Development Regulations*
- ◆ STA-FL007 - *Local Government Comprehensive Planning Act of 1975, Chapter 163*
- ◆ STA-FL008 - *Florida State Comprehensive Plan, Chapter 187, Florida Statutes*
- ◆ STA-FL009 - *Chapter 9J-5, Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments and Determinations of Compliance (as amended, Sept. 1994)*
- ◆ STA-FL010 - *Florida Capital Facilities Planning and Budgeting, 1996-2001 Capital Improvements Program (May 1996)*
- ◆ STA-FL011 - *1995 Florida Statutes on Capital Facilities, August 1996*

## Georgia

- ◆ STA-GA001 - *Quality Growth Partnership: Governor's Growth Strategies Commission Final Report (Nov.1988)*
- ◆ STA-GA002 - *Georgia Planning Act of 1989*
- ◆ STA-GA003 - *Minimum Standards and Procedures for Local Comprehensive Planning*
- ◆ STA-GA004 - *Growth Strategies Implementation, Planning for Georgia's Growth; Accomplishments of the Office of Coordinated Planning*
- ◆ STA-GA005 - *Status of Comprehensive Planning (August 1995)*

## Hawaii

- ◆ STA HI001 - *State of Hawaii, 1981 Annual Report -- Honolulu*
- ◆ STA HI002 - *Growth Policies Plan: 1974-1984 : State of Hawaii -- Honolulu*
- ◆ STA-HI003 - *State Land Use District Boundary Review, Executive Summary - HAWAII*
- ◆ STA-HI004 - *State Functional Plans Fact Sheet*
- ◆ STA-HI005 - *Hawaii State Plan, HRS Chapter 226, Hawaii Revised Statutes, 1991*
- ◆ STA-HI006 - *State Water Resources Development Functional Plan, June 198.*
- ◆ STA-HI007 - *State Tourism Functional Plan, State of Hawaii, June 198.*
- ◆ STA-HI008 - *State Agriculture Functional Plan, State of Hawaii, June 1985.*
- ◆ STA-HI009 - *State Energy Functional Plan, State of Hawaii, June 1984.*
- ◆ STA-HI010 - *The Hawaii State Plan: Revisions : Preliminary Findings and Recommendations, March.*
- ◆ STA-HI011 - *State Land Use Regulation and Management Study*
- ◆ STA-HI012 - *State Land Use District Boundary Review, Executive Summary - OAHU*
- ◆ STA-HI013 - *State Land Use District Boundary Review, Executive Summary - MAUI/MOLOKAI/LANAI*
- ◆ STA-HI014 - *State Land Use Law, HRS Chapter 205, Hawaii Revised Statutes, 1991*
- ◆ STA-HI015 - *Hawaii State Plan Fact Sheet*
- ◆ STA-HI016 - *County Development Boundary Review Reports for Hawaii, Oahu, Maui, Molokai, and Lanai*

## Maine

- ◆ STA-ME001 - *How to Prepare a Land Use Ordinance*
- ◆ STA-ME002 - *How to Conduct An Inventory of Scenic Areas: Maine Shore Access*
- ◆ STA-ME003 - *Coastal Management Techniques : A Handbook for Local Officials*
- ◆ STA-ME004 - *Comprehensive Planning: A manual for Maine's Communities*
- ◆ STA-ME005 - *1991 Model Subdivision Regulations : Model Regulations for Maine Planning Boards*
- ◆ STA-ME006 - *Comprehensive Planning and Land Use Regulation Act, Public Law 1987, Chapter 766*
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- ◆ STA-WA004 - *Working Together: A Guide to Intergovernmental Coordination under the GMA*
- ◆ STA-WA005 - *Preparing Your Comprehensive Plan Foundation: “A Land Use Inventory Guide”*
- ◆ STA-WA006 - *Preparing the Heart of Your Comprehensive Plan: “A Land Use Element Guide”*
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- ◆ STA-WA008 - *State of Washington’s Growth Management Act of 1990 - 36.70A Revised Code of Washington*
- ◆ STA-WA009 - *Evaluating Innovative Techniques for Resource Lands- Part I: “Clustering”*
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