Reform of State Planning Statutes: A Bibliography

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State-Specific Reports


This is a series of essays on the Oregon planning system--what works and what could work better. Professor Deborah Howe contributes a good piece on a research agenda for Oregon planning. She makes the point that evaluative research is generally resisted, ("Declare victory and move on," she quotes one planner as saying.)


A landmark study on state planning statute reform. The study recommended a community development program containing three elements: (1) a statement of development policy; (2) a capital improvement program; and (3) adequate professional assistance.


This report recommends reform to state statutes and administrative procedures in the areas of: (1) infrastructure; (2) housing; (3) integration and coordination of state planning, including a multiple-element “integrated state plan”; (4) local comprehensive plans; (5) the California Environmental Quality Act; (6) single issue permits and permit streamlining; (7) councils of governments; (8) congestion management; (9) air quality; and (10) agricultural protection.


The commission recommends a number of reforms to the California Environmental Quality Act that would encourage local agencies to establish regional strategies for protecting water quality, open space, wildlife habitat, and other natural areas. The report also contains ideas about funding the state infrastructure bank and directing the state office of planning and research to develop model zoning and planning ordinances.


The Senate Urban Growth Policy Project's collection of recommended legislative reforms for California's growth management strategy.

A proposal for new planning legislation in Massachusetts. The report calls for a statewide comprehensive planning process, the adoption of statewide growth policies, a new state agency to review regional and state agency plans for consistency with these policies, and regional planning commission review of local plans.


Detailed recommendations from the Pennsylvania House of Representatives on land use policies regarding state planning, affordable housing, concurrency, farmland and environmental protection, and consistency among state, regional and local plans.


This study proposed a unique two-step process for general plan preparation and adoption and a shifting burden of proof that is predicated on whether the local government has an adopted plan to support its land-use regulations.


The State Land Development Plan provides a policy framework for state and regional agencies in conducting their planning programs. It "delineates land use development guidelines which are to be used to achieve that proper balance of economic prosperity with the protection and enhancement of Florida's natural and historic resources."


This study contains an assessment of problems faced by Illinois communities as a consequence of the zoning enabling acts. The study contains a proposed Land Resources Zoning Code, an Intergovernmental Cooperation Act, a Planning and Conservation Law Study Commission, and a state land use act that establishes a division of land use regulation in the Department of Local Government Affairs and a State Land Use Commission.


This report of the Illinois Land Resources Management Study Commission summarizes problems faced by Illinois municipalities and counties with respect to land resource management.

Land Use Legislation in Oregon. The Conservation Foundation, Washington, D.C.

A detailed proposal to combine enabling legislation for municipalities, townships, and regional agencies into one enabling statute.

Lansing.
A report containing recommendations on growth management strategies in Michigan. It advocates the unification of planning and zoning enabling acts, support of legislation that creates a regional impact coordination act, and the empowerment of local units of government to use development agreements. Proposals formed the basis for bills introduced into the Michigan legislature in 1995.

The state plan required by the 1986 New Jersey State Planning Act, which created the New Jersey State Planning Commission and required the Commission to prepare and adopt this document. The statewide planning process, called cross-acceptance, ensures that government at all levels participate in preparing the state plan. The plan includes statewide goals and policies, and a map showing planning areas, urban centers, regional centers and towns, villages, and hamlets.

This report contains three issue papers: Land Use and SEQR Regulations and Procedure; Protection of Rural Character and Natural Resources; and, The Comprehensive Plan and Comprehensive Planning. The report is intended to aid state legislators and others in a review of New York's community planning and land use enabling statutes.

This survey's intent is to identify both the extent and types of planning and zoning tools currently being used by city and town governments in New York State.

This report presents the final status of community planning and land use legislation introduced by the Legislative Commission on Rural Resources during the 1994 legislative session. Four of the bills were passed by the Senate and Assembly and signed by the Governor, including one that established an Interagency Geographic Information Systems Coordinating Council to examine various technical and public policy issues related to GIS.
Oregon. 1991. *Managing Growth to Promote Affordable Housing: Executive Summary.* 1000 Friends of Oregon and The Home Builders Association of Metropolitan Portland. This housing study evaluates Portland region land use policies, such as the Portland Metropolitan Housing Rule, and their impacts on housing costs. The study finds these policies are helping to mitigate the effects of rising housing costs, while furthering the region's goals for orderly and efficient urban growth.


Oregon Progress Board. February 1993. *Oregon Benchmarks: Standards for Measuring Statewide Progress and Government Performance.* Salem. This contains excerpts from a complete report analyzing the accomplishments of Oregon state government, including its performance vis a vis benchmarks that apply to planning and land use, including a clean environment, livable communities, community design, and transportation. The report shows how Oregon monitors the impact and consequences of state programs through quantifiable performance objectives.


   A summary of all adopted elements of the State Guide Plan, including overall goals and
   policies for general land development, water resources, energy, housing and economic
development.

   Tallahassee.
   A thorough evaluation of the Florida growth management system with some substantive
   recommendations on reform, particularly in the areas of transportation, urban sprawl, and
   intergovernmental coordination.

   This study recommends establishing a statewide system for coordinated state and county
   growth management wherein counties would be accountable to state-established
   performance standards. The state would assume new functions in providing planning
   standards and systematic planning assistance and support to counties.


   This report makes several recommendations for achieving the state growth policies and
   the visions of the local governments set forth in the Economic Growth, Resource

   Measures of Progress. Baltimore.
   The Commission has outlined all planning techniques currently used in Maryland to
   provide baseline information about the activities of the state, counties, and municipalities.
   The report describes local government achievement of various objectives in the Economic

   This report provides an overview of Vermont's problems related to a steady increase in
   growth. It contains a list of recommendations to guide planning in Vermont. It is aimed at
   revamping Act 250, which establishes a state regulatory process for land use.

   Respond. Richmond.
   Based on a series of Growth Commission meetings, this report provides a summary
analysis of specific public concerns in eleven areas of the state. Common themes expressed include the need for increased environmental programs, regional coordination, and strengthening the state's role in planning. Much of the Commission's work has been based on these comments.

---. August 1993. *Virginia Geographic Information Network: Proposal for Legislative Action.* Virginia Commission on Population Growth and Development, Richmond, Va. This report contains findings and recommendations on the future of geographic information systems (GIS) in Virginia. The Growth Commission recommended: (1) the development of four sets of geographic information statewide--political boundaries, transportation, hydrography, and topography; (2) funding a data network; (3) establishing a GIS division in the Department of Planning and Budget; (4) directing this division to develop GIS standards; and (5) instructing the executive branch to work with the GIS division.


Wisconsin Department of Natural Resources. June 1994. *Land Use in Wisconsin: A Draft Report of the DNR Land Use Task Force.* Madison. The state’s Internal Land Use Task Force identified several potential actions the Department of Natural Resources can do to improve land use decisions and work towards "sound land use" programs.

A summary of public responses to the Department of Natural Resources' efforts to improve land use management in Wisconsin. Common themes included the role of state agencies in land use, the recognition of a regional culture, respect for private property rights, and the necessity for informed local land use decisions.


This report recommends that the state: (1) should define a land-use “vision”; (2) allow and encourage tax-base-sharing tools among neighboring municipalities; (3) discourage local governments from adopting “gold-plated” minimum standards for infrastructure, lot size, house size, garages, etc.; and (4) encourage planning by and between all levels of government within a consistent framework that addresses state and local goals and objectives.

**RELATED PUBLICATIONS**


The adopted version of a model code that represented a critical rethinking of American planning and zoning law. For a discussion of the ALI code, see the article by Stuart Meck, “Model Planning and Zoning Enabling Legislation: A Short History,” which appears in this report.


This report is a detailed analysis of state and local programs that promote regional housing opportunities for those least able to afford it. The report examines approaches to estimate and plan for local housing needs, stimulate housing production, and provide assistance in housing finance.


This monograph is an assessment, as of 1992, of state/regional growth management systems in seven selected states (Florida, New Jersey, Maine, Vermont, Rhode Island, Georgia, and Washington), and two regions (Atlanta and Portland).

The purpose of this study was to determine whether and how consensus building is useful for coordinating growth management. The study was devised to recommend to the California Legislature principles for designing a growth management program for the state. The findings outline the processes, the conditions, incentives and institutional settings in which consensus building appears to be most effective.


Growth management perspectives on issues of environmental quality, planning and regional governance reforms.


Salkin proposes ten steps for successful reform of state land use statutes. Among her suggestions are appointment of the legislative commission or a gubernatorial body to oversee reform, provision of incentives to local government to comply with statutory objectives, and development of a public education plan.


This collection includes some excellent papers on state-level planning in New Jersey, on integrating state environmental and economic policies, and evaluating housing elements in growth management comprehensive plans in Florida.


This study targets government regulations that drive up housing costs. Among the report's 31 recommendations were proposals for state regulatory barrier removal plans; state zoning reform; state-sponsored conflict resolution and mediation; restructuring of regulatory procedures and standards; enactment of state impact fee standards; and removal of regulatory barriers of certain types of affordable housing, such as accessory apartments.

---. 1992. Removing Regulatory Barriers to Affordable Housing: How States and Localities Are
This study, in response to 31 recommendations provided by the commission in 1991, identifies regulatory reform measures currently in use by state and local governments with profile summaries of each program.

This article describes the procedure for siting controversial facilities in New York City as implemented by the Department of City Planning.

This is a multivolume treatise on planning law. Chapter 160 in Volume 5 is a very comprehensive treatment of the state initiatives in land use control. Chapter 163 discusses opportunities for reform of planning and land use control systems.

This study described a "new mood in America...that questions traditional assumptions about the desirability of urban development. The motivation is not exclusively economic. It appears to be part of a rising emphasis on human values, on the preservation of natural and cultural characteristics that make for a humanly satisfying environment." It did not propose specific changes to enabling legislation. However, it favored more use of discretionary reviews in approving local development proposals, among them environmental impact statements, which it is said required development agencies "to publicly evaluate opportunities within a broad spectrum of public objectives."


The study, by the American Bar Association Advisory Commission on Housing and Urban Growth, proposed a series of measures to increase housing opportunity and choice and promote a more rational urban growth process. It supported mandatory comprehensive planning and endorsed requiring a housing plan as part of the local comprehensive plan. Such a plan, said the report, "should consider housing for all economic segments of the community, particularly low and moderate income households, as well as regional housing circumstances." The report contains detailed specifications for a housing plan. The report also examined the judicial role in entertaining challenges to exclusionary zoning regulations.


A summary analysis of five major reports and their recommendations for land use. The reports are: (1) the U.S. Advisory Commission on Intergovernmental Relations, Urban and Rural America: Policies for Future Growth; (2) the National Commission on Urban Problems (Douglas Commission), Building the American City; (3) the American Law Institute, A Model Land Development Code (Tentative Draft No. 1); (4) the Canadian Federal Task Force on Housing and Urban Development, Report of the Task Force on Housing and Urban Development; (5) the American Society of Planning Officials, New Directions in Connecticut Planning Legislation.