

Reform of State Planning Statutes: A Bibliography

By Laura A. Thompson with Stuart Meck, AICP

State-Specific Reports

Abbott, C., D. Howe, and S. Adler. 1994. *Planning the Oregon Way: A Twenty-Year Evaluation*. Corvallis: Oregon State University Press.

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.)

American Society of Planning Officials. February 1966. *New Directions in Connecticut Planning Legislation: A Study of Connecticut Planning, Zoning, and Related Statutes*. Chicago: American Society of Planning Officials.

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.

California Governor's Interagency Council on Growth Management, Office of Planning and Research. 1993. *Strategic Growth: Taking Charge of the Future: A Blueprint for California: Report of the Growth Management Council to Governor Wilson*. Sacramento, California.

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.

California Little Hoover Commission. 1995. *Making Land Use Work: Rules to Reach Our Goals*. Sacramento, California.

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.

California Senate Office of Research. July 1991. *Prosperity, Equity and Environmental Quality: Meeting the Challenge of California's Growth*. Sacramento.

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

Commonwealth of Massachusetts. January 1990. *Special Commission on Growth and Change: Final Report*. Boston.

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.

Commonwealth of Pennsylvania. 1992. *Final Report of the 1991-1992 House Select Committee on Land Use and Growth Management: Hearings, Findings and Recommendations*. Harrisburg.

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.

Doebele, W. A., Jr. 1962. "Improved State Enabling Legislation for the Nineteen-Sixties: New Proposals for the State of New Mexico." *Natural Resources Journal* 2 (2): 321-54. 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.

Florida Department of Community Affairs. 1989. *The State Land Development Plan*. Tallahassee. 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."

Forrest, C. W. March 1971. *Zoning Laws Study Commission Report of Findings and Recommendations to the State of Illinois 77th General Assembly* Urbana: Zoning Laws Study Commission.

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.

---. June 1981. *Land Resource Management Report to the State of Illinois 82nd General Assembly*. Urbana: Land Resources Management Study 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.

Little, C. E. 1974. *The New Oregon Trail: An Account of the Development and Passage of State*

Land Use Legislation in Oregon. The Conservation Foundation, Washington, D.C.
The politics of enacting state land use legislation in Oregon in 1973.

Michigan Chapter-American Planning Association Planning Law Committee. July 1994.
Suggested Outline for Unified Planning Enabling Legislation in Michigan. Lansing.
A detailed proposal to combine enabling legislation for municipalities, townships, and regional agencies into one enabling statute.

Michigan House Republican Policy Committee. April 1994. *Task Force Report on Land Use.*
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.

New Jersey State Planning Commission. 1992. *Communities of Place.* Trenton.
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.

New York State Legislative Commission on Rural Resources. January 1991. *White Papers for A Community Planning and Land Use Retreat.* Albany.
This report contains three issue papers: Land Use and SEQRA 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.

---. August 1994. *Local Planning and Zoning Survey: New York State Cities, Towns and Villages.* Albany.
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.

---. August 1994. *Restructuring New York State Community Planning and Land Development Statutes: Final Status of Legislation.* Albany.
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 Department of Land Conservation and Development. 1991. *Urban Growth Management Study: Summary Report*. Salem.

This report establishes an agenda to improve growth management programs in Oregon. Proposals include: establishing "focused growth plans," identifying expansion areas outside urban growth boundaries as "urban reserves," and creating a state agency to assist local governments with infrastructure finance.

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.

Pennsylvania Local Government Commission. March 1993. *Analysis of Revisions to the Pennsylvania Municipalities Planning Code*. Harrisburg.

Commentary on amendments enacted during the 1987-88, 1989-90, and 1991-92 legislative sessions related to the Pennsylvania Municipalities Planning Code. Issues included are planning agencies, comprehensive plans, subdivision and land development, municipal capital improvement, zoning, planned residential development, joint municipal zoning hearing board and other administrative proceedings.

Pivo, G., and D. Rose. January 1991. *Toward Growth Management Monitoring in Washington State*. Olympia: Washington State Institute for Public Policy.

This report offers a general approach to growth monitoring using the Growth Management Act of 1990. The report compares those states involved with growth management with Washington's proposed plans for a growth monitoring system.

Rhode Island Department of Administration. June 1989. *Handbook on the Local Comprehensive Plan*. Providence.

A commentary on Rhode Island's Comprehensive Planning and Land Use Regulation Act of 1988. It describes the state standards required to be adopted by nine local governments, the state's role in local planning, and the local comprehensive plan.

---. 1992. *State Guide Plan Overview*. Providence.

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.

State of Florida. June 1989. *Governor's Task Force on Urban Growth Patterns: Final Report*. 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.

State of Hawaii. June 1994. *State Land Use Regulation and Management Study: Findings and Recommendations to the State Legislature*. Honolulu: Office of State Planning.

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.

State of Maryland. 1992. *Managing Maryland's Growth: What You Need to Know About the Planning Act of 1992*. Baltimore: Maryland Office of Planning.

---. December 1994. *Economic Growth, Resource Protection and Planning Commission: Recommendations & Report*. Baltimore.

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 Protection and Planning Act of 1992.

---. December 1994. *Economic Growth, Resource Protection and Planning Commission: 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 Growth, Resource Protection, and Planning Act of 1992.

State of Vermont. 1988. *Report of the Governor's Commission on Vermont's Future: Guidelines for Growth*. Montpelier: Office of Policy Research and Coordination.

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.

Virginia Commission on Population Growth and Development. December 1991. *Virginians 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.
- . July 1994. *Growth Management and Strategic Planning: A Background Reader*. Richmond. A collection of articles on growth strategies, strategic planning, housing, economic development, and state planning offices. Compiled as background reading for Virginia's Commission on Population Growth and Development.
- . July 1994. *Regionalism: Shared Decision Making: A Background Reader*. Richmond. A thoughtful collection of articles on the history of planning and regionalism in Virginia and the United States. Contains a good piece from the National League of Cities on interlocal revenue sharing in various states.

Virginia Department of Housing and Community Development. April 1991. *A Historical Overview of State and Regional Planning in Virginia*. Richmond.

Washington State Growth Strategies Commission. September 1990. *A Growth Strategy for Washington State*. Seattle.

This report contains the recommendations from the commission on growth management legislation in Washington State. Part one focuses on twelve critical growth issues, including statewide growth strategies, preserving lands and resources of statewide significance, designating urban growth areas, affordable housing, and resolving NIMBY issues. Part two is a detailed discussion of the recommendations and their technical concepts.

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.

---. February 1995. *Land Use Views: A Summary of Public Input on the Department of Natural Resources' Draft "Land Use in Wisconsin" Report*. Madison.

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.

Wisconsin Strategic Growth Task Force. December 1995. *Land Use Issues Facing Wisconsin*, Vol. 1. Madison, Wisconsin.

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

American Law Institute (ALI). 1976. *A Model Land Development Code: Complete Text and Commentary*. Philadelphia, Pa.

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.

Burchell, R. W., D. Listokin, and A. Pashman. March 1994. *Regional Housing Opportunities For Lower-Income Households: An Analysis of Affordable Housing and Regional Mobility Strategies*. New Brunswick, N.J.: Center for Urban Policy Research, Rutgers University.

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.

DeGrove, J. M., and D. A. Miness. 1992. *The New Frontier for Land Policy: Planning and Growth Management in the States*. Cambridge, Mass.: Lincoln Institute of Land Policy.

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).

Innes, J., J. Gruber, M. Neuman, and R. Thompson. November 1994. *Coordinating Growth and Environmental Management through Consensus Building*. Tempe, Ariz.: California Policy Seminar.

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.

Innes, J., J. D. Landis, and T. K. Bradshaw. 1993. *Issues in Growth Management: Reprints of Recent Growth Management Writings by IURD Associates*. Berkeley: University of California, Institute of Urban and Regional Development.

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

Leitner, M. L., and S. P. Schoettle. 1994. A Survey of State Impact Fee Enabling Legislation. In *Zoning and Planning Law Handbook*, edited by K. H. Young, New York: Clark Boardman.

Salkin, P. August 1992. "Political Strategies for Modernizing State Land-Use Statutes." *Land Use Law and Zoning Digest* 44 (8): 3-6.

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.

Stein, J. M., ed. 1993. *Growth Management: The Planning Challenge of the 1990's*. Newbury Park, Calif.: Sage.

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.

U.S. Department of Housing and Urban Development. 1991. *Not In My Back Yard: Removing Barriers to Affordable Housing*. Washington, D.C.: Advisory Commission on Regulatory Barriers to Affordable Housing.

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*

Moving Ahead. Washington, D.C.: Advisory Commission on Regulatory Barriers to Affordable Housing.

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.

Valletta, W. 1993. "Siting Public Facilities on a Fair Share Basis in New York City." *Urban Lawyer* 25 (1): 1-20.

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

Williams, N., Jr. 1994. *American Land Planning Law*. Deerfield, Ill.: Clark Boardman.

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.

Reilly, W. K., ed. 1973. *The Use of Land: A Citizen's Policy Guide to Urban Growth-Task Force on Land Use and Urban Growth*. Thomas Y. Crowell, New York.

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."

Fishman, R. P., ed. 1978. *Housing for All Under Law: New Directions in Housing, Land Use and Planning Law*. Ballinger, Cambridge, Mass.

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.

5. Heeter, D. 1969. Planning Advisory Service Report Number 250. *Toward A More Effective Land-Use Guidance System: A Summary and Analysis of Five Major Reports*. American Society of Planning Officials, Washington, D.C.

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*.