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Author

Innes, Judith

Publication Date

1991-07-01

Peer reviewed

Working Paper 542

Implementing State Growth Management in the U.S.: Strategies for Coordination

Judith Innes

This paper was originally prepared as a chapter for *Growth Management and Sustainable Development*, Jay Stein, Ed., Sage Publications. Research was supported by the Lincoln Institute of Land Policy and was partially conducted while the author was a Fellow at the Institute.

July 1991

University of California at Berkeley
Institute of Urban and Regional Development

INTRODUCTION: GROWTH MANAGEMENT AS COORDINATION

At the heart of growth management is the task of coordination. The pace and location of growth are affected by the building of infrastructure, land and environmental regulation, and the actions of individuals and businesses. Therefore, whether the objective is to protect natural resources, provide for efficient land development patterns, or promote the economy, the actions of many agencies, levels of government, and private actors must be coordinated. Between 1985 and 1990 seven states in different parts of the U.S.¹ have reached this conclusion and established state-wide growth management programs which are, more than anything else, strategies for coordination. In many other states comparable legislation is under consideration.

The problem is that we have no good models in practice or literature to show us effective ways to accomplish such a complex coordination task. There are so many actors, each with differing roles, objectives, powers, and perceptions. There is such a wide variety of environments and local communities with their own special dynamics. And the coordination has to take place in many dimensions: vertically among the levels of government, with responsibility for protecting and managing particular resources or providing facilities such as highways; horizontally among the agencies and actors whose decisions jointly affect a spatial area or region; and over time so that development and needed services come on line simultaneously.

We do have the assessments of the much less ambitious efforts at intergovernmental coordination of the late 1960s and early 1970s,² but these offer models more of failure than success. It is only recently that a few researchers have begun to offer new perspectives on this problem in the context of conditions today, which differ substantially from that earlier period.³ Federal funding and top-down program design in the past provided the sanctions, incentives, and procedures for coordination. But in the U.S. today we operate with more scarce financial resources, greater dependence on local initiative, and with responsibility resting primarily on the state for funding of major projects.

Accordingly, the states are each experimenting, watching each other, and learning as they go. Designers of growth management programs have neither explicitly identified the essential tools and strategies for coordination, nor articulated how to package them successfully. Indeed, they have many other concerns as they try to prepare legislation that can be supported by the many interests involved in growth issues. The institutional arrangements and processes that can permit or enforce coordination seem at times to be afterthoughts, only partially developed. One state includes some coordination techniques; another state includes others. Some of the most important approaches are being invented during the implementation process. Most of what has been written thus far on these

programs either focuses on comparisons of legislative provisions across the states rather than looking closely at actual implementation, or discusses the unique problems and strategies of individual states.

This paper outlines and compares basic implementation arrangements in six of the seven new state programs,⁴ with a particular focus on coordination. The states are now either in the stage of plan making or they are still elaborating their procedures for planning. Therefore, the paper focuses on processes and not outcomes. It looks at legislative provisions as well as at emerging formal and informal activities and practices. The paper will identify tools and strategies for coordination and discuss the preliminary evidence of success or failure.

INNOVATIVENESS OF STATE GROWTH MANAGEMENT

These state growth management programs collectively represent a significant innovation, not only in land use planning and regulation, but also in intergovernmental relations. First, they reflect a public recognition that many functions of government, from water quality control to transportation, play out and interact on the land. They establish the principle that *both* state and local governments and many public agencies share an interest in *all* the uses of land across the state. In this respect these programs go well beyond the environmental regulation of the "quiet revolution" in the early 1970s⁵ or of the American Law Institute's 1975 Model Land Development Code. Programs of that period, such as Vermont's Act 250 or coastal zone management, address either selected areas considered to have environmental qualities or development impacts of unusual significance. The strategy of that period was to separate responsibilities for land use and regulation among levels of government by issue or scale. These new programs, in contrast, simultaneously address many issues, and make no such a priori distinctions about where responsibility lies.

The new state growth management programs are also innovative in the institutions, processes, and procedures that they are creating to achieve this new task. For the most part, these are neither centralized nor decentralized systems, neither top-down, command-and-control, nor bottom-up laissez-faire approaches. Instead, they are mixed systems of shared power and joint deliberation. These systems also incorporate in a significant way a wider scope of players than in any comparable effort of the past. They include state agencies, local governments, regional bodies, and often representation from private sector interests. Perhaps the most significant departure from past practices is their growing reliance on various forms of interactive group processes at all stages in the development and implementation of plans, policies, and regulatory standards. These groups are not simply the advisory task forces that often play an external and often superficial or adjunct role in

decision making. Instead, they are integral to the problem-formulation or problem-solving processes on which policy and program are built.

RESEARCH STRATEGY

The research conducted for this paper primarily involved field interviews in Vermont, Florida, New Jersey, Maine, and Rhode Island. Research was conducted in 1988, 1989, and 1990, and also involved telephone interviews with individuals in those states and in Georgia.⁶ In each state, between 10 and 25 people were interviewed who were playing key roles in the design and implementation of the program, including state, regional, and local professional staff, agency heads, citizen commissioners, elected officials, and leaders of environmental and other organized interest groups. Program documents were examined in detail, including legislation and proposed legislation, guidelines, minutes of meetings, plans, and findings of administrative hearings. In New Jersey the author also attended key meetings.

SIMILARITIES AMONG THE STATE PROGRAMS

In broad outlines the state programs show a remarkable degree of similarity and were enacted with wide public support, considering the real differences in the type of development and environmental issues among these states. Some are fast growing, while others' growth is modest. Some are mostly rural, while others are largely urbanized. Florida has 12 million people, while Vermont has barely half a million. Florida is primarily concerned about sprawl and traffic, while Vermont's focus is on the traditional rural landscape and New Jersey's is similar to Florida's but also involves distressed cities and affordable housing.

Differences in the local political cultures are considerable as well. Vermont, for example, has a strong cadre of local political activists with views ranging from the radical utopian and socialist left to the conservative and individualistic, property-owning right. Citizens of Florida, with its vast numbers of immigrants, and New Jersey appear less politically active at the local level. There are major differences in how government is regarded in the different states and in which institutions are effective. For example, in New Jersey, the governor has strong powers over all agencies, whereas in Florida the governor is relatively weaker than the legislature and has several independently elected cabinet members. In some of the states, local planning is the norm, while in others the growth management law provides the first major incentive for localities to prepare plans or institute land regulation.

The similarities that we do find, therefore, in the programs as they evolve seem likely to reflect structures or processes that transcend these differences. There has been, of course, much borrowing of ideas among the states, particularly from Oregon's Land Conservation and Development Program of 1972.⁷ These new growth management programs, however, tend to be much more permissive and experimental than the state land use programs of that period, which relied on strong incentives and sanctions and focused on land use regulation.

Most of the six state programs incorporate at least the following six principal features. (See Appendix for more detail comparing the states.)

State Goals

In all but Georgia, the growth management program is framed by a set of, normally, 10 to 15 broad state goals, adopted by the state legislature. These goals are remarkably similar across the states, and invariably include both environmental and economic development objectives, as well as issues relating to public infrastructure and affordable housing. A few goals may be specifically directed to priorities and problems prominent in the state, such as coastal protection or transportation. These programs have the wide support and participation that they do because they attempt to balance and trade off goals, rather than focus simply on environmental protection like much earlier legislation.

Local Planning and Land Use Control

All the programs involve measures to improve the quality and increase the prevalence of local and regional planning, as well as to encourage, if not require, consistency of these plans with the broad state goals. None directly preempt local control or planning. All states offer grants and/or technical assistance for planning. Most require local planning and zoning and subdivision control consistent with the plan and with state goals. States are empowered to impose a variety of sanctions on communities that do not prepare such plans, like the withholding of various grant funds. They also offer incentives for local cooperation, such as permitting localities to levy impact fees on developers, making them eligible for new grants, or giving them special standing in disputes with agencies or developers.

State Agency Planning

In one way or another, in most states, state agencies will also be expected to act consistently with state goals. Most require agencies with land-use related responsibilities to submit either plans or reports showing how their activities are or will be consistent with state goals. In New Jersey, a state plan will map categories of urban, suburban, and rural lands; identify regional centers and other "communities of place;" adopt state policies for those areas; and provide an infrastructure needs assessment for the state. In Vermont, state agencies must prepare plans showing how their actions will affect land use and growth, and these must be consistent with approved local plans as well as with state goals. Other states have weaker mechanisms for consistent action by state agencies, such as review and comment by the state implementing agency of other agencies' plans, with consistency to be enforced by the legislature. This remains the least developed part of the legislation and, many respondents believe, the most important for growth management success.

Regional Role

Most of the states have a modest role for a regional body as part of the growth management program. This is usually a regional planning commission with elected or appointed members from the localities. Some prepare regional plans which must be consistent with state goals. Typically, the regional body is also a checkpoint in the process. They compare local plans with regional plans and make comments to the agency that is deciding on plan consistency. In most states, the regional bodies provide technical assistance and data to localities. The latter role has its main significance in states where there are small localities with little of their own professional expertise. In some states, the regional body is also designated to mediate conflicts among localities, though there is as yet little such mediation in practice. Only in Vermont was the regional body assigned to approve local plans, but that power was controversial and its implementation delayed in 1990 in response to popular objections. Nowhere thus far have regional bodies taken on a strong directive role challenging local governments in the interest of coordinating public and private action for regional benefit.⁸

Information Systems

The less populous states have all enacted requirements for statewide, compatible, multipurpose geographic information systems (GIS) to support growth management. These systems typically will incorporate both natural resource data and data on land use, population, and infrastructure on a common computer-readable base map. The data will ultimately be available to a wide variety of players in the growth process. The GIS, if successfully developed, will help with coordination by

standardizing the information that players are using. Even in the most advanced states, however, these systems are several years away from playing this role. In the two states with large populations, Florida and New Jersey, no common multipurpose GIS with wide access for users has been established to support growth management.

Conflict Resolution

In each state there is some arbiter of conflicts that arise during implementation. In Vermont, a Council of Regional Commissions (CORC) made up of regional commission members -- mostly local officials -- was created to decide disputes among agencies, governments, and interested parties, with appeal to the state supreme court. In Florida, the state Department of Community Affairs (DCA) has decision authority, with appeal to an Administrative Board. In some states, a council made up of agency heads or a citizen commission has some supervisory role over the process and decisions.

In addition, new techniques for informal, interactive conflict resolution are beginning to have a modest role or even be required in some states. Some states are training state and regional staff and interest group representatives in mediation and negotiation. Georgia's localities must be willing to participate in mediation where they have conflicts with other localities for their local plan to be officially "qualified." In Florida, the legislature established the Growth Management Conflict Resolution Consortium for research, training, and interventions, though after five years they have had no role in the review of local plans. In several states, including Oregon, recent amendments to the legislation or new practices encourage mediation strategies. Clearly, mediation is a popular idea. It remains to be seen whether it will become a popular practice.

Coordination Strategies

Within these common design features, we can distinguish several strategies for coordination. Most states explicitly require that all players should use the state goals and objectives in preparing their own plans. Georgia, however, does not, relying instead on dispute resolution and mutual adjustment as the primary coordination technique. Most programs have both some strategies for mutual adjustment and some common goals. Typically, states rely on review and comment procedures, however, for mutual adjustment rather than face-to-face conflict resolution.

Another coordinative strategy is the requirement for formal planning at all levels and in all agencies. This has the effect of assuring that some common language is spoken among the agencies

and that common processes and objectives are used. It tends to give professional planners a larger relative role and, because of their common training, to reduce variations in standards and practices.

The requirement for a GIS potentially has coordinative effects even before the system is complete. The effort to design the system, if it is done in an open and participatory way, will force the agencies and communities to develop a common language in which to communicate about the facts.⁹ The use of the data will eventually reduce the variation in activities caused by different knowledge or assumptions about actual conditions.

These strategies create conditions in which coordination may occur, but they are insufficient in themselves to force coordination. Common goals, even if they are adopted, are too broad and generic to give guidance in detail to local actions. Too often, when applied to the variety of local problems, the goals are in conflict with one another. Planning professionals and common information increase the likelihood that there will be spokesmen for coordination throughout the system and help in the effort to communicate across agencies and players. However, these strategies do not address the players' differences in power, perceptions, and objectives.

DIFFERENCES AMONG STATE PROGRAMS

Coordination Strategies

Several distinctive models for overall coordination are emerging -- the top-down model, the bottom-up approach, the adjudicatory, and the collaborative/evolutionary. These models are, it should be noted, being modified in practice as each state moves to a more mixed system. Florida's program is designed largely as a top-down and bureaucratically controlled approach, while Georgia's is almost entirely conceived as bottom-up plan development, beginning with localities. While Florida's state plan is a long list of policies produced by the legislature, Georgia's is intended to be the result of conflict resolution among the players. Vermont relies on a litigation approach. The only Vermont agency with decision authority other than the legislature or Supreme Court is a Council of Regional Commissions, which adjudicates disputes brought before it. New Jersey's "cross acceptance" approach is explicitly collaborative rather than top-down or bottom-up. The players are brought together in a variety of ways to negotiate policies and regulatory principles. While the state commission has authority to prepare and adopt the plan, in practice it has taken its mandate to "negotiate cross acceptance" as a principle for all its activities.

Oversight

Oversight and policy-making institutions vary according to these models. These institutions are particularly important because in all states major revisions have been made in the policy, the law, or the overall strategy since the legislation was first adopted. These changes have tested the adequacy of the institutions as legitimate and effective decision-making bodies. In New Jersey, the state planning commission plays an important policy-making role, but in others a state agency takes most initiatives, and the state commission, if any, is more of a formal ratifying body. In New Jersey, the state legislature is entirely out of the policy-making loop, while in Florida a legislative committee maintains oversight of implementation and proposes detailed annual revisions to the law.

Sanctions and Incentives

Tools to assure the cooperation of players also vary across states. Some states use heavy sanctions on local governments while others are quite permissive, offering mainly incentives to encourage consistent local planning. Vermont takes an incentive-based approach, making planning optional, but giving communities with approved plans standing to challenge state agency plans as well as access to a special fund to purchase land for conservation and to support affordable housing. New Jersey engages local governments voluntarily in negotiating processes, offering the incentive that their preferences may then be expressed in the final state plan. Local governments in New Jersey do not have to change their own plans to accord with the state plan, although in practice they are likely eventually to do so. Florida's DCA, on the other hand, takes a strong sanctions approach. It can withhold funds and retroactively withdraw revenue sharing money from noncompliant governments. In Rhode Island, the state can itself prepare a local plan if the community fails to do so.

There are also wide variations in the capability to assure compliance of state agencies. Vermont's law has the most direct controlling mechanisms, while in New Jersey state agency cooperation depends on the fact that a state plan is prepared and adopted by state agency heads themselves and on the hope that the governor will expect agencies to use the plan.

Information Systems

Some states are trying harder than others to integrate the development and design of the GIS into the policy process by engaging many players from the beginning. Vermont's implementation effort is particularly sophisticated, as they engage people from state to local level, including citizens in the design of applications. They have inter-agency working groups with private users and other

experts involved in the design and management process. Florida, on the other hand, is leaving state-wide GIS design solely to state agency technical staff whose concern is simply communication among agencies' databases; it has little relation to the growth management program. Other states' efforts fit somewhere between these two extremes.

Standards

Finally, coordination can also be done through the development of specific standards to which all players will adhere. There is considerable variation in the use of these tools. Such standards, if well designed, could obviate the need for constant mutual adjustment among players over every issue. These standards might include, for example, the numbers of housing units per acre for sewer systems to be required, or they might identify zoning that is to be considered compatible with agriculture.

Based on debates and problems encountered thus far in implementation, one type of stand that seems to likely have considerable utility in some states is the use of a version of urban limit lines. This might be broadened to include the designation of certain areas for certain intensities or types of land use. This approach, not unlike much of traditional zoning, helps coordinate actions in a spatial area. For each category or area, one set of uses is permitted and one set of infrastructure policies will be followed by all. New Jersey used this approach as the first step in its state plan. It divided the state into seven categories of existing land use and established criteria for defining the areas as well as policies for them. This strategy has helped to bring players to the cross-acceptance table for discussions, since these area definitions and policies will have important consequences. In Florida, where no such lines were originally established, efforts to implement growth management are leading in the direction of a similar approach. "One size fits all" policies against sprawl, originally applied by DCA, did not make sense. What was perceived as sprawl in a rural area was quite different from that in an urban area and had quite different effects.

A second type of standard that is getting much attention is Florida's concurrency requirement. This is a method of coordinating actions of many players, not only over spatial areas, but also over time. It is similar to what is more often referred to as an adequate public facilities ordinance. The concurrency requirement states that development cannot be permitted unless there is commitment and funding for the development's services, including transportation, water, and parks. While the logic of the requirement may appear impeccable, experience in Florida is suggesting that it has many unforeseen consequences. For example, particularly if the state is unwilling to finance new infrastructure, as it has been in Florida, the requirement can encourage sprawl in areas where

infrastructure is underutilized. Moreover, requiring adequate levels of service on highways can discourage the development of public transit. And the decision about what level of service is adequate turns out to be highly value laden and controversial and to vary widely across the state.

MOVING TOWARD INTERACTIVE GROUP PROCESSES

Looking across these programs, one trend is particularly distinctive. Interactive processes are being increasingly used or invented to address difficult issues, and they are demonstrating considerable success. In Florida, after the first stage of local plan making, DCA established the practice of negotiating "compliance agreements" over local plans, rather than relying on review and comment and then taking the differences to formal Administrative Board Hearings. After originally disagreeing with 50 percent of plans submitted as of May 1990, all but three localities reached compliance agreements with DCA. Also in Florida, when the system of bureaucratic rules was failing to provide adequate and publicly acceptable guidance on the nature and prevention of sprawl, the governor appointed a widely representative task force to define the issues. This group has thus far explored the meaning and implications of sprawl and sprawl prevention strategies in a document that suggests major changes in Florida's overall growth management program.

New Jersey's collaborative strategy has thus far resulted in the defusing of enormous controversy at the outset over the plan map of the state. Instead, the process is now focusing attention on policies for each area in a generally constructive way. This approach has been enhanced by the use of task forces made up of experts and representatives of key interests and agencies to develop many elements of the interim plan. The public acceptability of the plan today is in great contrast with the public outcry when the first draft was revealed.

A number of other examples stand out concerning the potential effectiveness of working groups. In Vermont, a collaborative interagency group headed by several agency chiefs worked through with state agencies the difficult task of setting the standards and practices for the state agency plans. By contrast, in Florida, the first draft of the state agency plans were prepared solely by the agencies and were generally considered unsatisfactory. Inter-agency and user working groups are making progress on the design and access issues for GIS in several states.

CONCLUSIONS

While it remains to be seen which of the coordination techniques are most effective, evidence thus far is that face-to-face discussions, negotiations, and other group processes which bring the

players together to define and resolve issues play a crucial role. The coordination task in growth management requires mutual learning and mutual adjustment among the players. The complexity of the issues, problems, and interests as well as the variability among contexts within a state is such that simple top-down rules will not work. Plans and regulations developed from the top by experts often do not function in practice as predicted, even when there is powerful central state agency control and ability, forcing players to cooperate. Many sorts of knowledge are needed to design workable programs, including both specialized expertise and the everyday knowledge of those who operate in the world where decisions affecting growth are made.

The corollary is that if growth management programs are to be successful they must be evolutionary and adaptive. They cannot be expected to be fully designed at the outset. Policies and regulatory concepts will have to be developed interactively during the process of implementation and in the effort to apply a preliminary set of tools in particular contexts. This reality is borne out in the experience of all the states, which have modified their programs considerably since their original passage. Successful growth management is most likely at this early stage if it can provide ways for the players to learn by doing, and rely on this learning process to build the implementation process.

APPENDIX I

STATE GROWTH MANAGEMENT PROGRAMS: PROCEDURES AND PROCESSES

FLORIDA

Date of Principal Legislation

1985. Local Government Comprehensive Planning and Land Development Regulation Act.

State Role

Department of Community Affairs (DCA) establishes procedural rules, criteria, and standards for local planning; reviews and approves local plans for consistency with state law; negotiates compliance agreements with localities; may withhold revenue sharing and other grants to noncompliant localities; represents state at Administrative Board when local plan implementation is challenged.

State Plan/Goals

State Comprehensive Plan passed in 1985 with 26 goals and hundreds of policies across the full range of state concerns.

State Agency Plans/Reports

All agencies prepare biennial plans consistent with state plan and with each other.

Regional Role

Regional Planning Councils (RPCs) prepare regional plans, review developments of regional impact, work with local governments to prepare their plans, review and comment to DCA on local plans' consistency with regional plans.

Local Role

Mandatory planning for all cities and counties consistent with state plan, regional plans, and plans of adjacent localities. Includes capital improvements element, concurrency management plan, and coastal management element. Mandatory implementation, including zoning and subdivision control. Development orders subject to demonstration of concurrency of infrastructure.

Information Systems

Growth Management Data Network Coordinating Council, made up of representatives of state agencies, develops standard data definitions, formats, and software for communication and data transfer. No direct relation to the 1985 act. No statewide GIS,* though state agencies and larger counties are building individual GIS to implement concurrency.

Conflict Resolution

Administrative hearings to resolve conflict between DCA and a local government. DCA instead negotiates compliance agreements in most cases. Mediation is optional on request of both parties, but has not been used. Growth Management Conflict Resolution Consortium established by Legislature in 1984 to assist in growth management process. No role thus far in plan review. RPCs are designated to mediate local-local conflicts, but seldom do so.

*Geographic Information System. Refers to a computerized mapping system with land-related information.

Coordination Mechanisms

Consistency of state agency, regional, and local plans with state Comprehensive plan and DCA standards and procedures. Concurrency of impacts of development with six types of public facilities is required in plans and before development orders. Local plans include intergovernmental coordination element. RPC comments on local plan consistency with regional plan. DCA reviews and evaluates all comments on plans. No local review of neighboring localities' plans. No direct methods for mutual adjustment among plans. Governor's review coordinates state agency plans.

Related Legislation

Land Management Act of 1972, regulating developments of Regional Impact and protecting Areas of Critical Concern. State Comprehensive Planning Act of 1972, requiring state and regional planning. Water Resources Act of 1972, creating water districts with planning, management, and permitting powers. Land Conservation Act of 1972, which will provide \$4 billion for an environmentally sensitive lands fund in next decade. Local Government Comprehensive Planning Act of 1975. State Comprehensive Plan 1985.

GEORGIA**Date of Principal Legislation**

1989 Georgia Planning Act.

State Role

Governor's Development Council, made up of state agency heads, coordinates, supervises, and reviews planning by state agencies and creates procedures for communication and preparing a statewide plan. Dept of Community Affairs (DCA), in consultation with local government and business community, develops standards and procedures for local and regional planning and implementation. Certifies local governments as "qualified." Provides planning grants and services to local governments. May withhold grants from nonqualified governments. Reviews and comments on regional plans. Board of Community Affairs (BCA), made up of local elected officials and knowledgeable citizens, assists governor in developing a comprehensive state plan based on qualified local plans, regional plans, and state agency plans.

Implementation Issues Policy Task force, representing many stakeholders, aided by teams of mainly expert participants, have developed guidelines for developments of regional impact, regional impact review, and mediation adopted by BCA.

State Plan/Goals

No plan or substantive goals in the legislation. Bottom-up state planning process, with BCA preparing plan. See above.

State Agency Plans/Reports

None directly required by the legislation.

Regional Role

Regional Development Centers (RDCs) to be established, with BCA defining boundaries. Legislative ratification required. RDCs make regional plans. DCA reviews and comments. RDC board includes chief elected official of each county and municipality. Provides planning and technical assistance,

reviews, comments, and recommends on local plans. Prepares regional plan, taking account of local plans. Regional review for state grants.

Local Role

To be "qualified," local government required to: do comprehensive plans; capital improvements plans; have consistent land use regulations; participate in state database network; and participate in good faith in conflict resolution/mediation. Local government must be qualified to be eligible for economic development funds and other funding.

Information Systems

Integrated database and network maintained by DCA. Participation required from state agencies, local governments, and RDCs. Data to be in accessible form and made available to local governments, RDCs, state agencies, and the private sector.

Conflict Resolution

DCA mediates conflict between RDCs or local governments on request or at own discretion. DCA may require review of local or regional plans with regional impact. Local governments must participate in mediation to be qualified. RDC provides forum for local governments to present views on other local plans, and determines if conflicts exist and ways to resolve.

Coordination Mechanisms

Consistency of all plans with local plans. Mediation of interjurisdictional conflict. Common database.

Related Legislation

Construction of Reservoirs 1989. Solid Waste Management Act of 1990 requires mediation and techniques similar to Planning Act.

MAINE

Date of Principal Legislation

1988. Comprehensive Planning and Land Use Regulation Act.

State Role

Office of Comprehensive Land Use Planning (OCP), in Dept of Economic and Community Development, sets priorities, provides financial and technical assistance to localities, including planning grants and legal defense grants; coordinates information for localities; develops growth management certification program; reviews local plans and implementation strategies and plans of regional councils for consistency with state goals and guidelines; and certifies local growth management programs.

Seven-member Planning Advisory Council appointed by the governor, includes representatives of different interests and perspectives. Is advisory to OCP on rules, guidelines, and implementation. In practice provides advice on range of issues and is influential in advising governor and legislature.

State Plan/Goals

Ten broad goals in 1988 Act relating to growth, housing, natural environment, public services, and facilities.

State Agency Plans/Reports

All agencies (12) with authority pertinent to the goals submit a biennial report showing how they have addressed the goals in their activities.

Regional Role

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.

Local Role

Locality must adopt growth management program consistent with state goals and guidelines. Includes comprehensive plan, capital investment plan, regional coordination plan to manage shared resources, and implementation strategy. May request "voluntary certification" if plan meets standards and has implementation, including land use regulation. Certification gives eligibility for financial and technical assistance for enforcement and legal defense of growth management programs, funding for open space, multipurpose community development block grants, and permits locality to levy impact fees.

Information Systems

OCP provides natural resource and other planning data to municipalities, using available sources where possible. They obtain and coordinate data from existing agencies. Currently are sending data to communities about to start planning. Statewide GIS is located in Dept of Conservation to be used for growth management. Regional Councils to develop databases and work with local governments.

Conflict Resolution

No formal mechanisms in the law. OCP reviews comments on local plans from agencies and localities for consistency with one another and with the law, and makes judgments. Law establishes local boards of zoning appeals.

Coordination Mechanisms

Local and regional plan consistency with state goals. Local plan consistency with regional policy. Localities do regional coordination plan. Joint planning among localities is permitted. Coordination may occur informally through technical assistance by the regional staff during local program development. Common database.

Related Legislation

Land Use Regulation Act of 1971 establishing a commission for unincorporated areas. Mandatory shoreline zoning 1972. Coastal Zone Management Program 1978.

NEW JERSEY**Date of Principal Legislation**

1986. An Act Establishing a State Planning Commission and An Office of State Planning.

State Role

State Planning Commission (SPC), appointed by governor, made up of state agency heads and governor's office representatives, representatives of local governments, and public members of both

parties. SPC prepares and *adopts* state plan; identifies areas for growth, limited growth, agriculture, and conservation, and sets policies for these areas, including policies for public investment. Prepares infrastructure needs assessment; negotiates cross-acceptance of plan with counties and municipalities. Office of State Planning (OSP) in Dept of Treasury provides staff.

State Plan/Goals

Eight goals, including promoting growth and development, protecting the environment, revitalizing state's urban areas, and providing affordable housing and adequate public facilities at reasonable cost. Plan divides state into several categories of areas reflecting existing conditions and desired patterns of settlement and outlines policies for each. Standards are advisory only. Plan is for coordination, investment, and growth management. Plan has preliminary, interim, and final versions after negotiations, public hearings, and informational meetings required in counties as part of multiyear cross-acceptance process. A commission in Office of Management and Budget prepares a capital improvements plan consistent with state plan.

State Agency Plans/Reports

None required from agencies individually, but key agency heads are members of SPC. Governor may use state plan and capital facilities plan, as a guide to where and when public investment will be provided.

Regional Role

Counties are designated mediating bodies for cross-acceptance between state and municipalities. They provide technical assistance to local governments, coordinate the responses of local governments to state plan, and prepare a report to the SPC. Large areas including Pinelands, coastal areas, and Hackensack Meadowlands are governed by regional land use bodies and are also involved with state planning.

Local Role

Local governments participate in cross-acceptance and respond to plan map designations and proposed state policies. No requirement for local plan consistency with state goals. Local governments may permit development that is inconsistent with state policies and risk that facilities or needed permits will not be provided. Local planning requirement with zoning and subdivision control antedated the act.

Information Systems

No statewide multipurpose GIS is being prepared, though a working committee has been formed. OSP compiles estimates and forecasts for population, employment, and housing and land needs. Computer mapping in OSP. GIS in Office of Environmental Protection, but no direct link to state planning process.

Conflict Resolution

Commission is required to *negotiate* "cross-acceptance." This is process of comparison and identification of differences and agreements among entities about the plan. Plan map designations and definitions have been the focus for discussion, along with policies and standards. SPC tries to get voluntary acceptance of the plan through mutual adjustment. Counties are intermediaries among local governments and between local governments and SPC. The state Center for Dispute Resolution coordinates negotiation and mediation training for state and county staff, commissioners, and private participants.

Coordination Mechanisms

Cross-acceptance and use of plan map boundaries and associated policies, including regional design plan among agencies and governments, will coordinate actions affecting location and types of development and infrastructure. Coordination between adjacent localities may also occur through county technical assistance. Coordination of state agency actions may result from agency membership in SPC but will ultimately depend on governor directing agencies to carry out the plan.

Related Legislation

Fair Housing Act of 1985 requires a state plan.

RHODE ISLAND**Date of Principal Legislation**

1988. Comprehensive Planning and Land Use Regulation Act.

State Role

Division of Planning (DP), in Dept of Administration, develops standards to assist local governments in comprehensive planning, supervises planning grants program, offers technical assistance to localities, reviews local plans and others' comments, and approves plans if consistent with state goals in Planning Act, with State Guide Plan, and with all other state policies, and if standards and procedures have been met. DP prepares local plan if municipality fails to do so. State Planning Council (SPC) adopts strategic plans and State Guide plan, coordinates planning and development activities of state agencies, reviews work program of statewide planning program, and adopts implementing rules. It has advisory committee of 15, including department heads, state and local legislators, president of the league of cities and towns, and citizens. They review guide plan and advise SPC. DP provide staff to SPC.

State Plan/Goals

Ten broad goals relating to growth, housing, environment, and to coordination, consistency, data availability, and public involvement. State Guide Plan is developed by DP and adopted by SPC.

State Agency Plans/Reports

Seventeen departments and agencies with relevant authority submit reports showing how they have incorporated findings, intent, and goals of Act in their activities. These are distributed to cities and towns and used in local plan review. Plans and projects of state agencies must conform to approved local plans.

Regional Role

None.

Local Role

Local comprehensive plans must, to be approved, conform to standards and procedures, have consistent land use regulation, and be consistent with state goals and policies. Failure to adopt conforming plan means state will do local plan.

Information Systems

DP makes available to municipalities statewide data for comprehensive plans. Local data is provided by local governments. Multipurpose statewide GIS is based at University of Rhode Island and cooperatively developed by the university and interested agencies, including DP. DP has terminals and its own GIS coordinator/expert. System will allow access by agencies, municipalities, and the public.

Conflict Resolution

Municipality may appeal to Comprehensive Plan Appeals Board, of local elected or appointed officials, on findings of fact. SPC can approve a state agency program which does not conform to an approved local plan, after a public hearing, if agency demonstrates conformity with intent of act, need for project, and conformity with State Guide Plan. Procedure has not yet been used.

Coordination

Joint planning and regulation is permitted, as is cost sharing across municipalities. Only one instance has occurred thus far, a joint geographic information system. Consistency of local plans with state goals and with state guide plan and with comprehensive plans of adjacent municipalities is required. DP decides on consistency. Some coordination may occur through state technical and planning assistance function. State agency consistency with local plan and with state goals and guide plan is required.

Related Legislation

Coastal Zone Management 1971. Local Conservation Commissions 1980.

VERMONT

Date of Principal Legislation

Act 200, 1988. "To Encourage Consistent Local, Regional and State Agency Planning."

State Role

Department of Community Affairs (DCA) gives out planning assistance grants, judges plans for conformity with affordable housing goals. Informally works with other agencies to assist in implementing the law but no direct authority. Legislature assesses state agency plan consistency with state goals, on advice of Council of Regional Commissions (CORC) and other agencies and governments. CORC does conflict resolution. See below.

State Goals/Plan

Twelve broad goals, down from 32 in original legislation, covering economy, housing, and environment.

State Agency Plans/Reports

All state agencies (19) with responsibilities pertinent to land use prepare biennial plans for public presentation, showing how their actions will be consistent with state goals. Agency plans must be consistent with approved local plans. An implementation committee of five major agency heads prepared criteria and principles for state agency plans. An implementation working group based in the Governor's Office of Policy Research argued through detailed practices.

Regional Role

Regional Planning Commissions (RPC), made up of representatives of towns, prepare regional plan consistent with local plans and state goals, provide staff and technical assistance to towns, prepare planning guidelines, and determine local eligibility for planning grants.

Local Role

Local plans are optional, but may be submitted for approval as consistent with state goals, procedures, and minimum standards. All local governments are eligible for planning grants if making progress toward a plan. For approval required to have implementation plan but not necessarily zoning and subdivision control. Localities can veto regional plan.

Information Systems

Governor's office prepares comprehensive strategy for development and use of data, including setting standards, applications and priorities, management issues, private sector role, financing, costs and benefits, financing, ways to make data available to local government. All state agency data to be in compatible form. State provides assistance to local governments or RPCs with compatible hardware and software and funding pilot application projects. GIS office located in state Agency of Administration. A 15-member Advisory Board representing state and local agencies, planning commissions, and legislatures as well as the University, private industry, and citizens, guides GIS development, holds public meetings, and conducts conferences.

Conflict Resolution

A Council of Regional Commissions (CORC) (reps of each regional planning commission, three state agency heads and two public members appointed by Gov.) is appeals board for conflicts of regional commissions and local governments, between towns, or between local governments and state agencies. Will not resolve disputes unless informal resolution of issues has been fully explored. CORC provides mediator for disputes between regions and local or between RPCs and state agencies. Three-member panel of CORC reviews local plan after disputed approval decision by RPC, if requested by individuals, groups, or agencies with standing. RPC to act as mediator between localities. Mediation training of regional staff by RPCs jointly with DCA. Interregional commissions can be established to settle interregional disputes. CORC decisions may be appealed to Supreme Court.

Coordination Mechanisms

Consistency with state goals of all plans. Agencies must coordinate plans with other agencies, RPCs, and towns. CORC reviews state agency plans for consistency with state goals and sends evaluations to governor and legislature, reviews proposed regional plans. Coordination at state level depends on legislative and executive action based on the recommendations. RPC staff informally coordinate local plans through technical assistance function. Common statewide GIS.

Related Legislation

Act 250, 1970, Land Use and Development Act, establishing state level Environmental Board and eight district commissions to issue permits and regulate development for subdivisions of 10 or more lots and developments over 10 acres in all areas and developments over one acre in localities without zoning.

NOTES

- ¹These states are Florida, New Jersey, Vermont, Maine, Rhode Island, Georgia, and Washington.
- ²This includes, for example: James L. Sundquist and David W. Davis, *Making Federalism Work*, Brookings, Washington, D.C., 1969; J. Pressman and A. Wildavsky, *Implementation*, University of California Press, Berkeley, 1973; work of the Advisory Commission on Intergovernmental Relations in Washington, D.C.; and a few books on the difficulties of intergovernmental relations in environmental management. After this was over, there was a decade of hiatus in significant analyses and assessments of intergovernmental coordination efforts. Several works assessed the state efforts at land use control, which were also to some degree efforts at intergovernmental coordination. These include Robert G. Healey and John S. Rosenberg, *Land Use and the States*, Resources for the Future, Johns Hopkins University Press, Baltimore, 1976, and Frank J. Popper, *The Politics of Land Use Reform*, University of Wisconsin Press, Madison, 1981.
- ³These include most notably Robert W. Gage, and Myrna P. Mandell, eds., *Strategies for Managing Intergovernmental Policies and Networks*, Praeger, New York, 1990; Donald Chisholm, *Coordination without Hierarchy: Informal Structures in Multiorganizational Systems*, University of California Press, Berkeley, 1989; and a few studies of particular regional planning efforts.
- ⁴The most recent growth management program, in the state of Washington, is not included.
- ⁵Fred Bosselman and David Callies, *The Quiet Revolution in Land Use Control*, Washington, D.C., 1971, described much of this phenomenon.
- ⁶All interviews were conducted by the author in person or over the telephone except those in Florida, which were done, primarily in person, by John Watts.
- ⁷The other inclusive state land use planning program of that earlier period, in Hawaii, has been little used as a model. Florida and Vermont had programs involving regulation of critical areas and large-scale development.
- ⁸It should be noted that the New Jersey Pinelands and the Meadowlands are both under jurisdiction of regional land use agencies with comprehensive land use powers, but neither is included directly in the growth management program I will be describing.
- ⁹The process by which this coordination of goals and language occurs is outlined in Judith Innes, "The Power of Data Requirements," *Journal of the American Planning Association*, Vol. 54, pp. 275-278, 1988.