

State Land Use System Summaries Recommended as Models for Best Practices

CALIFORNIA	
Overview	
<p>In California, State law is the foundation for local planning. The California Government Code directs land uses by local governments including: general plans, specific plans, subdivisions, and zoning. The Governor's Office of Planning and Research (OPR) is the State comprehensive planning agency responsible for working with State agencies and departments, regional planning organizations, and local jurisdictions on land use planning. The State, however, is seldom involved in local land use and development decisions; these responsibilities are delegated to the city councils and boards of supervisors of the individual cities and counties; local decision makers adopt their own sets of land use policies and regulations based upon the state laws.</p>	
Topic	
Enabling Legislation	<p>California Government Code, Title 7, Planning and Land Use California Coastal Act of 1976</p>
State Planning	<ul style="list-style-type: none"> •OPR's planning responsibilities: <ol style="list-style-type: none"> a) formulate long-range goals and policies for land use, population growth and distribution, urban expansion, land development, and resource preservation; b) assist in preparing of functional plans by State agencies relating to protection and enhancement of the State's environment; c) create regional planning districts; d) develop guidelines for the preparation of city and county general plans; and e) provide general planning assistance to local governments. •OPR does not provide funding assistance to local governments for land use planning. •There are legislatively required general plan elements.
State Approval of Local Plans	<p>Plans are reviewed and approved by local governments who determine whether an activity is consistent with the general plan.</p>
Land Use Incentives	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •encourage projects that are consistent with a regional plan that reduces greenhouse gas emissions; and •facilitate the construction of affordable housing.
Enforcement and Sanctions	<p>Local governments are required to provide annual reports to OPR and the Department of Housing and Community Development on the status of the general plan and its implementation. The State may impose sanctions for failure to have a complete and adequate general plan or for inconsistency of zoning and subdivision actions and public works projects. Sanctions may include:</p> <ul style="list-style-type: none"> •a writ of mandate; or •the issuance of an injunction pending adoption of a complete and adequate general plan.
Appeals	<p>Local trial courts, then California Courts of Appeal</p>
Innovative Features	<ul style="list-style-type: none"> •Sustainable Communities and Climate Protection Act of 2008 - Supports the State's climate action goals to reduce greenhouse gas emissions through coordinated transportation and land use planning with the goal of more sustainable communities. •Strategic Growth Council (2008) - The Council is a cabinet level committee tasked with coordinating the activities of state agencies to improve air and water quality, protect natural resources and agriculture lands, increase the availability of affordable housing, improve transportation, encourage greater infill and compact development, and assist state and local entities in meeting AB 32 goals. •California Coastal Commission (1972) - This Commission was established by voter initiative in 1972 and later made permanent by the California Coastal Act of 1976. In partnership with coastal cities and counties, it plans and regulates the use of land and water in the coastal zone. The Coastal Act states that development activities generally require a coastal permit from either the Coastal Commission or the local government. The twelve-member Commission is an independent, quasi-judicial State agency.
Citations and Links for Additional Information	
<p>http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf http://ceres.ca.gov/planning/planning_guide/plan_index.html#anchor147450 http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov http://opr.ca.gov/s_planningresources.php</p>	

MARYLAND

Overview	
<p>The Maryland Department of Planning (MDP) is the State planning agency responsible for ensuring that all of the State’s natural resources, built environment, and public assets are preserved and protected as smart and sustainable growth goals are attained. The power to plan and zone in Maryland is given to local governments: Maryland entrusts local jurisdictions with land use planning authority to guide growth and development through the Land Use Article of the Maryland Annotated Code.</p>	
Topic	
Enabling Legislation	<p>Land Use Article of the Maryland Annotated Code Sustainable Growth and Agricultural Preservation Act of 2012 Sustainable Communities Act of 2010</p>
State Planning	<ul style="list-style-type: none"> •MPD's responsibilities include: <ul style="list-style-type: none"> a) overseeing Maryland's smart growth programs through the State development plan, PlanMaryland; b) providing technical services to support planning at the local level of government; c) providing social, economic, and geographic information; d) financial and other planning assistance to local governments as provided in the State budget. e) legislatively required comprehensive plan elements.
State Approval of Local Plans	<p>Plans are reviewed and approved at the local level; the MPD can only comment on local plan compliance with State goals.</p>
Land Use Incentives	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •direct growth to Priority Funding Areas (<i>see Innovative Features section below for more information</i>) •limit development on rural lands and natural resource areas; •regulate development in water resource areas; •renovate historic homes; and •implement sustainable transportation/land-use practices.
Enforcement and Sanctions	<p>Local planning commissions are required to submit annual reports to the board of county commissioners or the county council with a copy to MPD. While MPD can only comment on the reports, it may withhold state funding for any projects that are not consistent with State goals or local plans.</p>
Appeals	<p>County Board of Appeals, then Circuit Court for the county, then Court of Special Appeals</p>
Innovative Features	<ul style="list-style-type: none"> •Maryland Sustainable Growth Commission (2010) - Identifies regional growth and development issues for the Governor’s Smart Growth Subcabinet; recommends ways to collaborate on planning between State agencies and local governments and coordinate growth and development among jurisdictions; and reviews statewide efforts to implement the state growth plan, PlanMaryland. •Smart Growth Subcabinet (1998) - Helps implement Smart Growth Policy, recommends changes in State law, regulations, and procedures needed to support the Policy. •The Priority Funding Areas Act of 1997 - Directs State funding for growth-related infrastructure to Priority Funding Areas (PFAs), providing a geographic focus for State investment in growth.
Citations and Links for Additional Information	
<p>http://www.mdp.state.md.us/ http://www.mdp.state.md.us/OurWork/2012Legislation.shtml http://www.lexisnexis.com/hottopics/mdcode/</p>	

OREGON

Overview

Oregon maintains a strong centralized land use planning system. The State Department of Land Conservation and Development (DLCD) is the State comprehensive planning agency responsible for statewide planning guidelines and ensuring that local comprehensive plans address the land use goals which form the foundation of the State's land use planning system. Once enacted, a comprehensive plan also requires demands the consistency with other local land use ordinances, regulations, and proceedings.

Oregon's seven-member Land Conservation and Development Commission (LCDC), assisted by DLCD, adopts State land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program.

Oregon's planning laws apply not only to local governments but also to special districts and State agencies. The laws strongly emphasize coordination -- keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.

Topic	
Enabling Legislation	Senate Bill 100 (1973)
State Planning	<ul style="list-style-type: none"> •Nineteen Statewide Planning Goals express the State's policies on land use and related topics, such as citizen involvement, housing, and natural resources. They serve to bind state and local governments. •Once a plan is approved by the LCDC, the goals "drop out" and are no longer independent standards for review of local land-use decisions, and the plan then becomes the controlling document for land use in the area covered by that plan. •Most statewide goals are accompanied by guidelines, which are suggestions about how a goal may be applied. •The DLCD provides funding and technical assistance to help local governments meet their planning obligations. •Plans and land use regulations are subject to periodic review by the LCDC to determine continued compliance with the goals.
State Approval of Local Plans	The State LCDC has ultimate approval authority over local plans in determining consistency with the statewide planning goals.
Land Use Incentives	Incentives are offered to: <ul style="list-style-type: none"> •encourage downtown mixed-use developments.
Enforcement and Sanctions	Local governments are required to provide annual reports to LCDC on the status of the comprehensive plan. The State may impose sanctions if a local government fails to adopt, amend, or respect its plan. Sanctions may include: <ul style="list-style-type: none"> •loss of eligibility for grants; •LCDC enforcement orders •blocking the distribution of state tax revenues; or •suspending local authority to issue building permits.
Appeals	Land Use Board of Appeals
Innovative Features	<ul style="list-style-type: none"> •State growth management and planning. •Integration of transportation and growth management. •Use of urban growth boundaries to contain sprawl. •Regional Pilot Program (2012) - The DLCD works with several counties to explore the development of region-specific rules for protecting farm and forest land.

Citations and Links for Additional Information

<http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1532&context=plr>
<http://housinglandadvocates.org/resources/land-use-and-housing/land-use-planning-in-oregon/>
http://planning.hawaii.gov/wp-content/uploads/2014/05/Planning_OR-LU-system@40_Feb-2013.pdf

RHODE ISLAND

Overview
 Rhode Island maintains a strong centralized land use planning system. The State Department of Administration, Division of Planning is the central planning agency guided by the State Planning Council (Council), comprised of State, local, public representatives, and federal and other advisors.

The State comprehensive plan, called the State Guide Plan, mandates comprehensive planning at the local level. Consistency with the State and local plans is required in almost every aspect of land use planning. The Council, with help from Division of Planning, creates and updates the State Guide Plan and supervises the comprehensive planning process. The Council also coordinates the different land use policies and programs of State agencies, adopts planning regulations, and reviews and approves local comprehensive plans.

Topic	
Enabling Legislation	Comprehensive Planning and Land Use Regulation Act of 1988
State Planning	<ul style="list-style-type: none"> •The statewide planning system maintains municipal discretion in land use decision-making but also establishes the lead role of the State Guide Plan. •The land use system creates an incentive for municipalities by obliging the State to conform its programs and actions to municipal plans that were certified as being consistent with State goals and policies. •The State encourages cooperation between municipalities in the design and implementation of their respective plans. •The State requires public input and comment during the comprehensive planning process. •The Division of Planning oversees several grant programs. •Local comprehensive plans must meet certain minimum standards and be updated and re-adopted every ten years.
State Approval of Local Plans	The State reviews and approves local comprehensive plans to ensure consistency with the State Guide Plan.
Land Use Incentives	Funding, tax, or technical assistance incentives are offered to encourage: <ul style="list-style-type: none"> •State agency consistency with adopted local plans; •regional development of major new industrial centers; •redevelopment of vacant and abandoned properties; and •restoration of historic buildings.
Enforcement and Sanctions	The State may impose sanctions for noncompliance which may include: <ul style="list-style-type: none"> •the adoption of a local comprehensive plan by the State Comprehensive Plan Appeals Board if a locality fails to adopt one.
Appeals	State Comprehensive Plan Appeals Board (appointed by Governor, Senate, House)
Innovative Features	<ul style="list-style-type: none"> •Required state and local plan consistency. •Governor’s Growth Planning Council (2000) - This initiative promotes growth centers through a State investment strategy that directs State discretionary investments (to include State managed federal funds), technical assistance, and expedited regulatory review to locally designated and State approved growth centers. •The State Planning Council's Technical Committee is a permanent advisory committee that reviews the Statewide Planning Program staff work on major plans and provides other advice as requested by the State Planning Council.

Citations and Links for Additional Information
<http://www.planning.ri.gov/>
<http://www.planning.ri.gov/documents/121/landuse2025.pdf>
<http://www.planning.ri.gov/statewideplanning/land/growthctrs.php>
<http://gov.uchastings.edu/public-law/docs/smartgrowth.pdf>

WASHINGTON

Overview

Washington State allows a high level of comprehensive planning within its political subdivisions, but still provides state oversight and coordination of regional and local planning. The Washington State Department of Commerce (DOC) is the State planning agency responsible for coordinating State agency efforts toward implementing the Growth Management Act (GMA), which is the foundation for State and local planning in Washington.

The GMA creates a framework for counties and cities meeting a threshold population size and those experiencing rapid population growth to establish goals, evaluate community assets, write comprehensive plans, and carry out those plans to a future vision through regulations and innovative techniques. The DOC assists local governments in these efforts. Additionally, the comprehensive plan of each county or city must be coordinated and consistent with the comprehensive plans of other counties or cities with common borders or related regional issues.

Topic	
Enabling Legislation	Growth Management Act of 1990 Planning Enabling Act 1959
State Planning	<ul style="list-style-type: none"> •The DOC rules help local governments carry out the GMA by setting minimum guidelines to conserve resource lands and protect critical areas. •Other state agencies also help cities and counties develop their local comprehensive plans and development patterns. •Under the GMA, state agencies are required to comply with adopted countywide planning policies, comprehensive plans and development regulations of cities and counties. •The DOC provides grants and technical assistance to local governments for growth management planning. •There are legislatively required comprehensive plan elements.
State Approval of Local Plans	Plans are reviewed and approved at the local level.
Land Use Incentives	Incentives are offered to: <ul style="list-style-type: none"> •encourage development in high-growth areas; •encourage state agency consistency with local plans; •retrofit existing structures with the electrical outlets capable of charging electric vehicles; and •develop of low-income housing units.
Enforcement and Sanctions	The State may impose sanctions for noncompliance which may include: <ul style="list-style-type: none"> •withholding revenues to which the county or city is entitled; •a notice of noncompliance which temporarily rescinds the county or city's authority to collect the real estate excise tax; or •revising allotments in appropriation levels.
Appeals	The Growth Management Hearings Board (GMHB), then Superior Court
Innovative Features	<ul style="list-style-type: none"> •State growth management •If a party is dissatisfied with the Final Decision and Order of a GMHB, an appeal of that decision may be made to a Superior Court.

Citations and Links for Additional Information

<http://apps.leg.wa.gov/rcw/default.aspx>
<http://www.commerce.wa.gov/Documents/GMS-GMA-RCW-2013Update.pdf>
<http://www.horsleywitten.com/evergreen/images/Module-7-report.pdf>
<http://www.gmhb.wa.gov/>
<http://www.commerce.wa.gov/Documents/GMA-101-Brochure.pdf>

OVERVIEW OF STATE LAND USE SYSTEMS

	CALIFORNIA	MARYLAND	OREGON	RHODE ISLAND	WASHINGTON
Overview	<p>State Planning Agency: Governor's Office of Planning and Research (OPR)</p> <p>State Roles: Formulate long-range goals and policies; assist in preparing functional plans by State agencies; create regional planning districts; develop guidelines for the preparation of city and county general plans; and provide general planning assistance to local governments.</p> <p>Local Roles: Local decision makers adopt their own sets of land use policies and regulations based upon the State laws.</p>	<p>State Planning Agency: Maryland Department of Planning (MDP)</p> <p>State Roles: Oversee Maryland's smart growth programs; provide technical services to support planning at the local level of government; provide economic, and geographic information; offer financial and other planning assistance to local governments as provided in the State budget.</p> <p>Local Roles: Local governments have land use planning authority to guide growth and development based on State laws and policies.</p>	<p>State Planning Agencies: Department of Land Conservation and Development (DLCD), Land Conservation and Development Commission (LCDC)</p> <p>State Roles: Oregon maintains a strong centralized land use planning system. State prepares the statewide planning guidelines, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, manages the coastal zone program, and certifies comprehensive plans in compliance with the guidelines.</p> <p>Local Roles: Local comprehensive plans must address State land use goals.</p>	<p>State Planning Agency: Department of Administration, Division of Planning</p> <p>State Roles: Rhode Island maintains a strong centralized land use planning system. The State supervises the comprehensive planning process, coordinates the different land use policies and programs of State agencies, adopts planning regulations, and reviews and approves local comprehensive plans.</p> <p>Local Roles: Local comprehensive plans must be consistent with the State plan.</p>	<p>State Planning Agency: Washington State Department of Commerce (DOC)</p> <p>State Roles: Coordinate State agency efforts toward implementing the Growth Management Act (GMA), the foundation for State and local planning in Washington.</p> <p>Local Roles: The comprehensive plan of each county or city must be coordinated and consistent with the comprehensive plans of other counties or cities with common borders or related regional issues.</p>
Enabling Legislation	California Government Code, Title 7, Planning and Land Use California Coastal Act of 1976	Land Use Article of the Maryland Annotated Code Sustainable Growth and Agricultural Preservation Act of 2012 Sustainable Communities Act of 2010	Senate Bill 100 (1973)	Comprehensive Planning and Land Use Regulation Act of 1988	Growth Management Act of 1990 Planning Enabling Act 1959
State Planning	<ul style="list-style-type: none"> •OPR does not provide funding assistance to local governments for land use planning. •There are legislatively required general plan elements. 	<ul style="list-style-type: none"> •The Department may provide financial assistance to local governments as provided in the State budget. •There are legislatively required comprehensive plan elements. 	<ul style="list-style-type: none"> •LCDC decides whether to approve local plans which serve to bind state and local governments. •Once a plan is approved, the goals "drop out" and are no longer independent standards for review of local land-use decisions, and the plan then becomes the controlling document for land use in the area covered by that plan. •DLCD provides funding and technical assistance to help local governments meet their planning obligations. •Plans and land-use regulations may be subject to periodic review by the LCDC to determine continued compliance with the goals. 	<ul style="list-style-type: none"> •The statewide planning system maintains municipal discretion in land use decision-making but also establishes the lead role of the State Guide Plan. •The land use system creates an incentive for municipalities by obliging the State to conform its programs and actions to municipal plans that were certified as being consistent with State goals and policies. •The State encourages cooperation between municipalities in the design and implementation of their respective plans. •The Division of Planning oversees several grant programs. •Local comprehensive plans must meet certain minimum standards and be updated and re-adopted every ten years. 	<ul style="list-style-type: none"> •The DOC rules help local governments carry out the GMA. •Other state agencies help cities and counties develop their local comprehensive plans and development patterns. •Under the GMA, state agencies are required to comply with adopted countywide planning policies, comprehensive plans and development regulations of cities and counties. •The DOC provides grants and technical assistance to local governments for growth management planning. •There are legislatively required comprehensive plan elements.
Land Use Incentives	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •encourage projects that are consistent with a regional plan that reduces greenhouse gas emissions; and •facilitate the construction of affordable housing. 	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •direct growth to Priority Funding Areas •limit development on rural lands and natural resource areas; •regulate development in water resource areas; •renovate historic homes; and •implement sustainable transportation/ land-use practices. 	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •encourage downtown mixed-use developments. 	<p>Incentives are offered to encourage:</p> <ul style="list-style-type: none"> •State agency consistency with adopted local plans; •regional development of major new industrial centers; •redevelopment of vacant and abandoned properties; and •restoration of historic buildings. 	<p>Incentives are offered to:</p> <ul style="list-style-type: none"> •encourage development in high-growth areas; •encourage state agency consistency with local plans; •retrofit existing structures with the electrical outlets capable of charging electric vehicles; and •develop low-income housing units.
Enforcement and Sanctions	<p>Local governments are required to provide annual reports to OPR and the Department of Housing and Community Development. Sanctions may include:</p> <ul style="list-style-type: none"> •a writ of mandate; or •the issuance of an injunction pending adoption of a complete and adequate general plan. 	<p>Local planning commissions are required to submit annual reports to the board of county commissioners or the county council. Sanctions may include:</p> <ul style="list-style-type: none"> •withholding state funding for projects that are not consistent with State goals or local plans. 	<p>Local governments are required to provide annual reports to LCDC on the status of the comprehensive plan. Sanctions may include:</p> <ul style="list-style-type: none"> •loss of eligibility for grants; •LCDC enforcement orders •blocking the distribution of state tax revenues; or •suspending local authority to issue building permits. 	<p>The State may impose sanctions for noncompliance which may include:</p> <ul style="list-style-type: none"> •the adoption of a local comprehensive plan by the State Comprehensive Plan Appeals Board if a locality fails to adopt one. 	<p>The State may impose sanctions for noncompliance which may include:</p> <ul style="list-style-type: none"> •withholding revenues to which the county or city is entitled; •a notice of noncompliance which temporarily rescinds the county or city's authority to collect the real estate excise tax; or •revising allotments in appropriation levels.
Appeals	Local trial courts, then California Courts of Appeal	County Board of Appeals, then Circuit Court for the county, then Court of Special Appeals	Land Use Board of Appeals	State Comprehensive Plan Appeals Board (appointed by Governor, Senate, House)	The Growth Management Hearings Board (GMHB), then Superior Court
Innovative Features	<ul style="list-style-type: none"> •Sustainable Communities and Climate Protection Act of 2008 •Strategic Growth Council (2008) •California Coastal Commission (1972) 	<ul style="list-style-type: none"> •Maryland Sustainable Growth Commission (2010) •Smart Growth Subcabinet (1998) •Priority Funding Areas Act of 1997 	<ul style="list-style-type: none"> •State growth management and planning. •Integration of transportation and growth management. •Use of urban growth boundaries to contain sprawl. •Regional Pilot Program (2012) 	<ul style="list-style-type: none"> •Required state and local plan consistency. •Governor's Growth Planning Council (2000) •State Planning Council's Technical Committee 	<ul style="list-style-type: none"> •State growth management •If a party is dissatisfied with the Final Decision and Order of a GMHB, an appeal of that decision may be made to a Superior Court.