



Department
of Planning

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Department of Planning

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The great advantage of state-level land use planning is that it provides the opportunity to have one entity look at the “big picture” of growth, development, and conservation in a state. Planning at the state level can help bring order and cohesion to locally decided land use development patterns across the state. Long-term planning for future growth can help prioritize state infrastructure investments in support of community goals for economic development, while protecting the natural environment and preserving community character. Poorly managed growth can decrease the availability of open space; rob a state of its areas of scenic beauty; increase the cost of community services and infrastructure; and limit housing and transportation choices. In this section, we describe ways to plan for future growth that encourage regional coordination to plan for infrastructure investment and development, update and improve zoning, and facilitate exemplary development patterns that will help communities achieve their goals.

1

Establish a cabinet-level planning office**ACTION**

The State should establish a cabinet-level Office of State Planning. Ideally the Office of State Planning should be a stand-alone, cabinet-level department responsible for state planning issues as well as review of and coordination with local plans.

An Office of State Planning may be structured a number of ways:

- as an office that not only performs traditional planning functions, but also assumes broader growth coordinating functions; or
- an office that is paired with an Office of Smart Growth, where the Department of Planning carries out traditional planning functions and works with local governments, while the Office of Smart Growth is responsible for “big picture” coordination of state agency actions toward a more sustainable pattern of development.

In some states, planning is conducted by an arm of the Governor's office, while in others it is conducted by other state agencies. These structures often give planning less impact, stature, and ability to influence. The most effective planning offices are directly answerable to the Governor. (see *Policy #9, Create an office to coordinate growth issues, in the Comprehensive Approaches section*).

Establishing a cabinet-level planning department demonstrates that good land use and infrastructure planning is a priority. Such a move also raises the profile of planning and growth coordination among other state agencies.

PROCESS

The first step in creating a new department or office of planning is to inventory the information and functions related to planning that the state already has. For example, all states have a center for census information; many also have existing GIS capabilities, perhaps in the state's transportation department; most states also provide local governments with some sort of technical assistance or training; have historic preservation programs; and existing long-range planning functions. Consolidating these and related functions in a single office can create the core of a new planning department.

The roles of planning departments vary from state to state, but include such tasks as direct technical and

planning assistance to local governments; coastal protection; data repository; infrastructure investment oversight and coordination; coordination of federal funds; historic preservation; periodic reports on land use trends; and setting goals and benchmarks. The planning agency should be given the authority to oversee the implementation of the state's land use program. It should also provide technical and financial assistance to localities to support planning and development actions at the local level that achieve the state's development objectives.

In states where there is an Office of Smart Growth, the Office of Smart Growth typically looks at the overall land use patterns of the state—conducting land use modeling and analysis, producing maps that simulate the effects of development on the landscape, and facilitating consideration of land use options. The smart growth offices also prod cabinet agencies into action, as well as coordinate the communications, marketing, and messaging on land use and growth issues. In states that do not have an Office of Smart Growth, these tasks are conducted by the Office of State Planning.

Legislative approval is required in most states before a Governor may create a new cabinet-level department. When a governor believes reorganizing executive departments will produce effective results, most legislatures tend to support the governor's decision. However, if legislative approval is difficult to achieve, a cabinet-level planning department's goals may also be achieved by giving strong authority to a unit within the Office of the Governor or to a planning office at the top echelon of another agency.

EXAMPLE**Maryland Department of Planning**

Maryland's Department of Planning is an asset to state government, local governments, communities, businesses, and organizations because of its ability to provide and analyze relevant land use research and to develop smart growth policy tools. The Department of Planning utilizes technology such as computer mapping, satellite imagery, analysis of census data, land use and parcel data, and aerial photography for trend analysis. It reviews and comments upon local comprehensive plans, develops technical “models and guidelines” booklets on land use and planning topics, and provides a range of direct planning technical assistance to local governments. The Department also monitors and forecasts changes in development and land use throughout the state and

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produces information on demographic, socioeconomic, political, cultural, geographic, and land use trends. Divisions within the Department of Planning include the State Clearinghouse for Intergovernmental Assistance, Planning Data Services, Local Planning Assistance, and the Office of Smart Growth.

Maryland Department of Planning: <http://www.mdp.state.md.us/>

2

Develop a set of model smart growth codes for communities

ACTION

Local development regulations establish the land use pattern in a community. In many communities, local codes prevent the development of compact and walkable neighborhoods. These codes include zoning regulations, subdivision ordinances, parking standards, and street guidelines. The State can help local governments increase the number of compact, walkable neighborhoods by developing and sharing a set of model smart growth development codes.

PROCESS

There are many existing smart growth codes that the state's planning agency can adapt for community use. The American Planning Association has drafted a set of model smart growth codes.

Additionally, the Local Government Commission has compiled examples of more than 40 smart growth codes from across the U.S., highlighted in its publication, *Smart Growth Zoning Codes: A Resource Guide*.

Model codes include the elements that make up standard zoning ordinances. These elements include the identification of land uses permitted in each district, applicable design standards, requirements and procedures for obtaining permits required by the code and standards, and procedures for variances and non-conforming situations. It is important to ensure that the state's zoning enabling legislation supports the model code. The zoning enabling legislation may also need to be updated so that localities can use the model smart growth code.

In addition to developing the model code, the state planning department or agency should publicize the code and train localities in the use of the code.

To accompany the code, it may also be necessary to develop supplementary materials, such as application forms and checklists.

EXAMPLE

Wisconsin's Traditional Neighborhood Design Model Code

In 1999, Wisconsin passed the Smart Growth for Wisconsin Act, which required that the state's largest communities (those with populations more than 12,500) adopt Traditional Neighborhood Development, a planning model that encompasses elements of smart growth. In response to this legislation, the University of Wisconsin Extension Service developed a model ordinance that localities could use as a template to customize and tailor own smart growth codes.

Wisconsin's Traditional Neighborhood Design Model Code: <http://stevenspoint.com/code/zoning/tndord.pdf>

3

Provide planning grants to local governments

ACTION

Localities exert substantial influence on development patterns through land use regulations, investment decisions, and community plans. States can help local governments improve their planning by developing a state planning grant program, which can be an incentive for local governments to adopt development regulations and capital investment strategies that achieve and reinforce state development goals.

PROCESS

Planning grant programs should support actions that can be replicated across the state and that have the potential to become state or national models. Emphasis should also be placed on funding projects that change development patterns, such as subdivision codes, zoning, capital investment policies, storm water management requirements, and parking policies. Funding can be used for activities such as community visioning and public participation events, policy analysis, plan updates, training of elected and appointed officials, public education, code audits, and code revision.

Because recipients often use grant money to hire consultants, the state planning agency should help grant recipients prepare requests for proposals (RFPs). The

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state agency should also review proposals to ensure that the grant recipient hires the most qualified contractors and that grant funds are used in accordance with the intent and objectives of the planning grant program. Additionally, applicants should be allowed to use grant funds to meet the matching requirements of other state programs, such as covering the cost of planning activities for open space acquisition and brownfield redevelopment. Such actions can support and leverage other state investments.

EXAMPLE

Colorado's Heritage Grant Program

The Colorado Office of Smart Growth coordinates the state's annual planning grant program. Towns, cities, counties, and special districts are all eligible recipients under the program. Since 2000, \$1.8 million in grant funds has been provided to over 100 communities in the state, with a suggested \$50,000 maximum grant amount per recipient.

Colorado's Heritage Grant Program: <http://dola.colorado.gov/dlg/osl/chpg.htm>

4

Partner with communities to conduct build-out analyses of their current development patterns

ACTION

States should help local governments conduct build-out analyses, since many communities are unsure of how current development regulations (such as zoning codes, subdivision codes, and infrastructure and capital improvement policies) will affect their development. Many local governments are also unsure of the potential impact of current development patterns on the amount and quality of open space, the cost of providing sewer, water, and other infrastructure, housing and transportation choices, and the cost of providing community services. Build-out analyses can help communities envision how they will look and function if build-out occurs according to their current development regulations.

PROCESS

There are several ways to help localities conduct build-out analyses. One option is for the state to provide grants

to local planning departments. Since local planning departments often have the land-use and zoning information required to conduct basic build-out analyses, they can calculate the resulting amount of developable land. The State can also require build-out analyses as part of its comprehensive planning statute or by modifying criteria for planning grants to give priority to localities that have recently conducted build-out analyses.

Another option is for the State to conduct build-out analyses in-house or in partnership with either regional planning organizations or a university's planning department. The state planning department, or comparable agency, typically has land use and land cover data for jurisdictions in the state, but can also acquire this information from a regional or metropolitan planning organization. The results of the build-out analyses can then be provided to localities.

EXAMPLE

Massachusetts' Community Preservation Initiative

In 1999, the Massachusetts Executive Office of Environmental Affairs launched an effort to envision how each of the state's 351 municipalities and towns would grow under current zoning regulations and what the impact of that growth would be on the state's natural resources. The state then worked in partnership with 13 regional planning agencies across the Commonwealth to develop a build-out map that identified the amount of developable land in the state. State officials held summits with communities to present the results of their build-out analyses and to discuss with citizens how they would like to see their communities grow.

Massachusetts' Build-Out Maps and Analyses: <http://commpres.env.state.ma.us/content/buildout.asp>

5

Establish a circuit rider program for communities

ACTION

The State should establish a circuit rider program to assist cities and counties with planning. Local governments, especially in non-metropolitan areas, often lack the expertise on staff to manage growth. Circuit rider programs can help communities overcome these obstacles. These programs typically involve designating one or more people to be technical resources to multiple

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communities in a given county or region. The circuit rider is then responsible for assisting those communities with a range of planning functions, such as developing comprehensive plans, evaluating and revising codes and development regulations, analyzing policies, and reviewing project proposals.

PROCESS

To develop a circuit rider program, the state planning department or a comparable agency must assign staff to become circuit riders for given regions, counties, or townships. The type of assistance that is provided to communities will influence how the circuit rider program is staffed. For example, if circuit riders take on the functions of a local planning department or provide ongoing assistance, then additional staff may be needed. However, if circuit riders merely supplement or complement local planning efforts on a short-term basis, additional staff may not be necessary.

Circuit rider programs are most effective when they draw upon the resources and knowledge base of multiple state agencies, such as planning, transportation, environment, housing, and community development. This enables the sharing of resources across state agencies, which can be useful in addressing the interdisciplinary issues that can arise in growth management.

One alternative to a state circuit rider program is providing state-issued grants to counties or regional governments to establish their own circuit rider programs.

EXAMPLE**Delaware's Local Planning Assistance**

Delaware's state planning office has enacted a circuit rider program in which a 'circuit rider planner' is assigned to help local governments with the planning process. Each of Delaware's three counties is assigned a different circuit rider planner. Circuit riders assist local governments with development and updating of land use plans; assist small towns with municipal development strategies; and provide a checklist and advice on a range of land use issues, including public participation, population data and analysis, housing inventory, affordable housing; annexation, redevelopment potential, historic preservation, infrastructure, and related issues. The circuit rider planners' services are supplemented by support from University of Delaware's Institute for Public Administration and private sector planning and consulting firms.

Delaware's Local Planning Assistance: <http://stateplanning.delaware.gov/services/circuit.shtml>

6**Create a technical assistance academy****ACTION**

In order to plan sensibly, local governments must understand how their regulations, codes, and ordinances enable or discourage the development of compact, mixed-use, and walkable communities. To assist communities in gaining this understanding, a state can create a technical assistance academy. A statewide technical assistance program can help local governments determine how to best incorporate smart growth development practices in their codes and ordinances. The academy can also provide a forum for information exchange between communities and the state's planning department, as well as a means to identify, concentrate, and offer technical assistance resources that may be scattered throughout many agencies of state government.

PROCESS

A technical assistance academy can take a number of different forms, such as a virtual academy accessible through the Internet. A virtual academy would provide a one-stop-shop for all growth-related technical assistance programs or services in the state, including those provided by the state, educational institutions, and other related organizations, such as the state chapters of the American Planning Association or National Association of Realtors®. An example of an existing virtual information clearinghouse is Smart Growth Online.

Whatever approach is taken, it is usually beneficial to utilize the existing resources of the state's higher education institutions. Many of these institutions likely deliver technical assistance and training to planners, planning commission members, and elected officials throughout the state. Creating an academy that leverages these existing efforts could save time and money.

The academy should provide tools and outreach efforts that encourage local governments to better coordinate planning of infrastructure investment and development, to update and improve their zoning, and to facilitate exemplary development. Technical assistance should also be used to help communities that do not have sufficient planning capacity to address the challenges of growth.

EXAMPLE**Georgia's Quality Growth Partnership**

The Quality Growth Partnership is an alliance between state, local, and regional governments, non-profits, and the University of Georgia that aims to promote education

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and awareness about the implications of urban sprawl. The Partnership believes that this increased education and awareness will encourage those involved in urban growth and development to utilize efficient land use and smart growth techniques.

Georgia's Quality Growth Partnership: http://www.dca.state.ga.us/toolkit/about_GQGP.asp

7

Provide training for planning commissioners and local elected officials

ACTION

States should establish training programs for local planning commissioners and elected officials. In most communities, the responsibility for most land use and development decisions rests with planning commissioners and city and county boards, who are responsible for approving local plans, rezoning and variance requests, and development proposals. Local decision-makers are often unfamiliar with the basics of the local planning and development process, so they do not have a complete understanding of the impact of their decisions or the options available to them. Education on the basics of planning and smart growth principles can help members of these boards make better decisions.

PROCESS

There are many existing providers of planning and smart growth training and education. For example, many local government associations, state chapters of the American Planning Association, and universities provide low-cost, convenient training. Additionally many conferences, such as the American Planning Association's national conference and the annual New Partners for Smart Growth Conference, provide separate conference tracks or days for local decision makers. The state planning department or comparable agency can connect local decision makers to these opportunities by simply including a list of available training opportunities on a state website. In addition, the State can provide scholarships to local officials to attend training or conferences.

The state planning department or comparable agency could also partner with educational institutions, such as cooperative extension services or the state's American Planning Association chapter to develop training opportunities or invest in existing training programs. Partnership may involve developing or expanding

curricula, training faculty or instructors, or providing funds to lower the cost of training for participants.

Cooperative arrangements for joint training can also be reached with private-sector professional organizations, such as the National Association of Realtors®, whose members may be willing to pay fees to obtain continuing education credits by attending the same courses created for local elected and appointed officials.

Several states have amended their planning enabling legislation to require planning commissioners to receive regular training on planning and development issues. Legislation defines how much training is required per year, the areas in which this training is required, the consequences of not meeting requirements, and how the costs of training will be covered.

EXAMPLES

Michigan's Citizen Planner Program

The Michigan Citizen Planner program is a voluntary program for planning officials, developers, and community leaders. Participants receive about 18 hours of classroom training and complete 30 hours of community service in land use planning. Training sessions are held throughout the state and are bundled together so participants can complete the classroom portion of the training within eight weeks. Training can also be obtained on-line. The cost of the training is \$385.

Michigan Citizen Planner Program: <http://citizenplanner.msu.edu/>

Kentucky's Continuing Education Program

In 2001, Kentucky became the first state to pass legislation requiring planning commissioners, board of adjustment members, and professional planning staff to receive orientation and continuing education training. According to House Bill 55, all planning commissioners and board of adjustment members are required to receive at least eight hours of continuing education within two consecutive calendar years. All professional planning staff is required to receive 16 hours of education within two consecutive years. The program allows each local planning commission to determine how the training will take place and requires them to cover the cost of training. Commissioners and staff who do not meet the training requirements become ineligible to remain in their positions. Support for this bill was broad: Proponents included the Homebuilder Association of Kentucky, Kentucky League of Cities, Kentucky Association of Counties, and the Kentucky Farm Bureau.

Kentucky's Continuing Education Program, House Bill 55: <http://www.kapa.org/doc/hb55sum.pdf>

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8

Provide technical and financial support for regional collaboration

ACTION

The State should help communities collaborate regionally on development issues. While decisions about growth and development happen mostly at the local level, the impacts of local decisions are often felt throughout a region. For instance, if a community decides to permit the construction of a shopping center on the edge of town, the resulting revenue and jobs may be concentrated in the permitting jurisdiction. However, costs related to the shopping center, such as increased traffic, environmental impacts, and the decline of business for existing retail, are often felt throughout the region. Regional coordination of development decisions can help to encourage more equitable, efficient, and balanced growth patterns.

PROCESS

The state planning agency can support and encourage regional coordination by providing incentives, such as financial and technical assistance for regional planning efforts and prioritizing access to state funds to communities that collaborate regionally. The latter could be implemented by including criteria in discretionary grant programs that evaluate proposals based on the extent to which they have the demonstrated support of multiple jurisdictions in a region. Similarly, the State can also adopt a policy under which a state planning department or comparable agency reviews projects that will have regional impact (those of a significant size or with cross-jurisdictional boundaries, such as regional shopping malls). Projects that successfully demonstrate that they have support of jurisdictions in the region and do not disproportionately affect certain communities in the region would receive greater consideration for grants, capital infrastructure investments, and preferential loan terms.

EXAMPLES

Maine's Regional Challenge Grant Program

The State Planning Office in Maine established the Regional Challenge Grant Program to provide gap funding for promising regional initiatives, such as inter-municipal agreements, regional capital investment plans, and tax base sharing agreements. This is a non-competitive program in which applicants are required to

provide a 100 percent match for awards. Funding has recently been reduced due to budgetary constraints.

Maine Regional Challenge Grant Program: <http://mainegov-images.inform.org/dafs/2006RegionalizationResourceList.pdf>

Utah's Quality Growth Communities Program

Utah's Quality Growth Communities Program, established in 2004, certifies jurisdictions that meet specific criteria as Quality Growth Communities or Quality Growth Service Providers. The certified communities receive preferred loan terms for water loans, preferred access to critical land conservation funds, preference for certain transportation funds, and preferred access to housing funds, such as Community Development Block Grants and funding from the Permanent Community Impact Fund Board. In addition, the communities receive special recognition from the governor and the Quality Growth Commission, as well as the right to use the Quality Growth Communities name and logo. The Quality Growth Communities Program is voluntary, so communities can choose not to accept the Quality Growth Community designation.

Utah's Quality Growth Communities Program: http://www.utah.gov/governorwalker/newsrels/2004/quality_growth_communities.doc

Utah's Quality Growth Commission: <http://governor.utah.gov/Quality/Communities.htm>

Help Desk

The following resources are available on our Web site at <http://www.govinstitute.org/policyguide/Planning/helpdesk.html>

Reports

Model Codes for Smart Growth; Smart Growth Zoning Codes: A Resource Guide; Model's and Guidelines for Managing Growth

Organizations

American Planning Association

Websites

Planning Commissioner Training Resource Center