

**A Primer on State Development Plans**

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## **Abstract**

State activity in land use planning has waxed and waned over the years and continues to vary extensively from state to state. Among the state approaches to land use is the adoption and implementation of state development plans. This approach is rare and most often practiced in a limited number of small Eastern states. What is less rare and has become increasingly common is the adoption of state climate action plans—plans that seek to reduce greenhouse gas emissions in part by better coordination of land use and transportation planning. In this paper we review the practice of state development planning in five states that have pursued this option with the specific objective of exploring the promise of state development planning as a means of pursuing greenhouse gas targets. We find that state development plans vary extensively in their structure, content, and horizontal and vertical linkages. We also find that while they hold considerable promise for addressing climate change issues, these plans are likely to need strengthening in their design detail, their horizontal and vertical linkages, and in their stability over changes in gubernatorial administrations.

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# **A Primer on State Development Plans**

## **I. Introduction**

The role of state government in land use planning has long been a subject of interest, contention, and misunderstanding. In 1926, the Supreme Court ruled that land use control is a legitimate exercise of state authority. But following the model planning and zoning enabling acts of 1924, most states granted nearly all such authority to local governments. Over time as the land use implications of transportation, environmental, and economic issues have grown in scope and complexity, many states have sought to recapture some of the authority once delegated to local governments. This has taken a variety of forms. Some states merely authorize local governments to plan under certain conditions; others review local plans against statewide goals and guidelines; still others adopt statewide land use plans with which local governments must conform; finally, some states adopt plans in specific functional areas, such as transportation, housing, and economic development. In all cases where there are state plans, however, the relationship between the state plans and local plans, as well as the interrelationship among state agency plans, remains confusing and subject to controversy and debate.

Perhaps the most recent and important example of planning at the state level is the response taken by states to the complex challenges created by climate change. By 2008, at least 29 states (as well as scores of cities and counties) in the U.S. had adopted plans to address the problems brought on by global climate change (Wheeler 2009). Virtually all of these plans call for reductions in greenhouse gases that contribute to global warming. To achieve those reductions will likely require a reduction in vehicle miles traveled (VMT), more mixed land uses and compact urban growth, and greater protection of green infrastructure. But any attempt to reduce greenhouse gases by changes in land use raises questions regarding the role of state governments in land use planning.

To gain insights into the role of state governments in land use planning, and the potential of plans as tools for addressing climate change, we explore in this the paper experiences of states that have created and adopted state development plans. Specifically, we review five states, most of them relatively small, dense states in the Northeast or Mid-Atlantic that have created such plans in the post-war era. The first was Connecticut, in 1971. The others – Rhode Island, New Jersey, Delaware and Florida – adopted state development or land use plans between 1975 and 1995. A sixth state, Maryland, is now in the process of creating its own state development plan, which, if successful, will become the nation's first new state plan in the era of climate change concerns. Each state has taken a different approach. Some plans are lengthy; others are remarkably brief. Each reflects the political structure and culture of their respective states. But all offer insights into the role of state government in land use planning and the prospects of addressing climate change through state development planning.

## II. Overview of State Planning

State planning emerged in the United States in the 1930s during the New Deal era, shortly after the ascendance of local planning in the 1920s.<sup>1</sup> From the early 1930s until the agency dissolved in 1943, a federal agency called the National Planning Board encouraged state planning and provided funding for such efforts. Eventually renamed the National Resources Committee and then the National Resources Planning Board, the agency promoted state planning by offering funds to states that established a state planning board, codified the board in statute, and developed a planning and long range public works program. In 1938, at the height of this initial era, 47 states had state planning boards, 42 of which were established statutorily. Only about one-third of these planning boards substantively influenced the practice of state government. (National Resources Committee 1938) Most of these boards instead spent most of their efforts on data collection, analysis, and on technical assistance to local governments.

This era of state planning faded with the onset of World War II though some states, including Maryland, Tennessee, Connecticut and Pennsylvania, continued state planning activities. Not until the early 1960s did state planning substantively re-emerged. Hawaii adopted the first state plan in 1961 and also instituted state zoning. California and New York also prepared variations of state plans in the 1960s and early 1970s. By 1968, federal incentives spurred 14 additional states to create state planning organizations. The federal Intergovernmental Cooperation Act of 1968 furthered state planning activities by allowing states and regional planning organizations to review and comment on the relationship between federal funding applications and state and regional plans, goals and policies.

State planning continued in the 1970s and 1980s, though the form changed over time. In 1971, Bosselman and Callies famously characterized the growing role of state government as a “Quiet Revolution in Land Use Control.” DeGrove (2005) subsequently characterized the growing role of state governments as taking place in three waves, the first wave occurring during the 1970s (including new state land use programs in Oregon, Vermont, Florida and Hawaii), the second wave occurring during the 1980s and 1990s including new land use policies adopted by Florida, Washington, and Maryland) and the third wave occurring in the late 1990s and early 2000s (including programmatic revisions in New Jersey, Georgia, Maine, and Vermont). Meck (2002) identified 5 types of state intervention in land use control: state-promoted planning (like Georgia); state review (mini-NEPA – like California and Washington); state-mandated planning (like Florida and Oregon); state permitting (like Vermont), and state planning (like Hawaii). State planning, however, continues to be the most rarely used approach.

A 1992 report by the Virginia Commission on Population Growth and Development (1992)<sup>2</sup> found only six states not engaged in some kind of planning at the state level.

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<sup>1</sup> In Chapter 4 of *Growing Smart Legislative Guidebook, 2002 Edition*, Meck offers a historical overview of state planning. This section is drawn in large part from that work.

<sup>2</sup> It is important to point out that though states may engage in some sort of state-level planning, such planning is not necessarily connected to land use planning and does not always carry spatial applications.

Four states did not maintain an office for planning, while 19 states engaged in some sort of centralized coordination but did not maintain a centralized office. California, Minnesota, Texas, Rhode Island and Washington were identified as states engaging in long-range strategic planning linked to the budget process.

In analyzing of statewide land use plans, Muchmore (1977) identified two state planning paradigms: *the civic model* based in the heritage of city planning and *the management model* based in organization management. State plans produced under the civic model resemble city plans offering goals, resource inventories, and implementing measures, and addressing functional topics like transportation, land use and economic development. These sorts of plans are designed to shape infrastructure decisions and growth strategies. Plans emerging under the civic model offer a physical dimension and are classified as state land use planning. Management based approaches focus on the coordination of state agencies under the policies of the executive. This approach is classified as a strategic planning approach through which states develop plans that coordinate across state agencies. These plans focus more on overall objectives and the operational capabilities of state agencies to carry them out.

Today, state plans cannot be simply classified as either management based or civic based as many exhibit characteristics of both. Kaiser and Godschalk (1995) offer a classification of local land use plans that can be applied to state plans as well. *Land use design* plans are long range plans that provide detailed mapping of future land uses, often accompanying strategies and policies. *Land use classification* plans feature maps that are more general than those in land use design plans and typically designate growth and preservation areas. Like land use design plans, certain policies are applied to particular areas. *Verbal policy plans* provide policy framework plans and are not spatially specific. These are considered easier to prepare and adopt as the controversies associated with mapping are averted. Kaiser and Godschalk (1995) note that these plans can be the first step in creating a broader spatial plan, and also assert that these types of plans are well-suited for the state level where maps might be unfeasible. Finally, *development management plans* offer strategies of coordinated action with analyses and goals specific to certain agencies. These plans are action-oriented and focused on implementation.

States also differ in the types and functions of state agencies and organizations. Meck (2002) identifies five different types of agencies: state planning office, state planning department, state planning commission, cabinet coordinating committee, and departments of development or community affairs. *State planning offices* are located in the office of the governor and the office advises the governor on policies and coordinates activities of state agencies. Some state planning offices are located within departments of administration, management, or budget. *State departments of planning* report to the governor or a state planning commission, and are responsible for the preparation of certain state plans and assist other state agencies with functional plans. Often state departments of planning are responsible for reviewing permits and local plans or offering technical assistance. *State planning commissions* are appointed bodies responsible for all state planning and often perform various functions like providing annual reports to the Governor, preparing state development plans, and reviewing comprehensive plans. State

planning commissions are distinctive in that these bodies continue through different administrations and thus can provide a level of continuity for planning in the state. *Cabinet coordinating committees* consist of key department heads related to planning and land use. These committees are often designed to either present a single voice on development issues in the state or settle disputes. Often, cabinet committees have technical advisory committees providing advice on their functions. *Departments of development or community affairs* typically encourage economic development through loans and grants, and in some cases provide technical assistance to local governments and perform similar functions as departments of planning in reviewing local plans. Sometimes these agencies have subordinate planning committees or offices.

To gain additional insights into the nature of state planning and the promise of state plans as tools for addressing climate change, in the following sections we review the plan, planning processes, and implementation of state development plans in five states: Connecticut, Delaware, New Jersey, Florida, and Rhode Island.

### **III. Case Study Analysis**

Below we present case studies of five states with some form of state development plan. We begin with an overview of the historical political context of the state in relation to land use issues and discuss what prompted each state's initial interest in state planning. Next, we give an overview of the formal goals and general strategy of the plan. We then discuss the planning process paying particular attention to who writes, approves, and oversees the implementation of the plan. Next we explore the plan's vertical and horizontal linkages. Vertical linkages involve the relationship between the state plan and local government plans while horizontal structure relates to the relationship between the state plan and the activities and plans of state agencies. Then we discuss the spatial articulation of the state plan and describe how the state plan maps were created and how the maps relate to implementation. Finally, we offer a limited analysis of the implementation and efficacy of the plan.

#### **Connecticut**

The state of Connecticut is the 3<sup>rd</sup> smallest but 4<sup>th</sup> densest state in the United States. Unlike other states, municipalities and regional planning associations, not counties, play a major role in land use planning. As a result, in 1971, Connecticut adopted a state planning framework that is incentive based and nested in a strong home rule tradition in local planning. Since 1971 the plan has been updated five times. Each time the plan changed in content and focus but the 5<sup>th</sup> and 2005 version of the plan is starkly different from years past. Whereas previous plans were functionally organized around topics like housing, transportation, and environment, the 2005 version included additional efforts to coordinate spending by state agencies towards broad growth management goals. The impetus for a shift in focus from functional categories to cross cutting growth management principles emerged from a series of workshops and reports in the late 1990s and early 2000s. Most influential was the 1999 Connecticut Regional Institute for the 21<sup>st</sup> Century, in which business leaders expressed concern about fading economic vitality

in the Northeast. A 2003 report called *Economic Vitality and Land Use* recommended better coordination of land use and environmental regulatory programs and reinvigorating state, regional and municipal planning processes. These publications and events set the stage for a state plan less focused on specific functional categories, and more oriented around broader objectives. (Connecticut Conservation and Development Plan 2005)

### Plan Goals and Strategies

The Connecticut state plan focuses primarily on coordination within state government. As stated in the plan, the plan provides the “policy and planning framework for administrative and programmatic actions of capital and operational investment decisions of state government.” (Connecticut Conservation and Development Policies Plan 2005) That is, the plan serves primarily as a management framework for state agencies to allocate particular types of state resources to particular locations. It is expressly not designed to influence local land use planning, though local governments are encouraged to address the six growth management principles that serve as the organizing framework for the plan. In the typology of Kaiser and Godschalk (1995), the Connecticut plan resembles a combination of a verbal policy plan and a land classification plan. By focusing on horizontal coordination, the plan aims to be a development management plan, but fails to outline specific courses of action, instead relying primarily on agencies addressing policies in their agency plans.

The 2005 Conservation and Development Policies Plan is organized around six growth management principles that provide a framework for state decisions. Regional planning organizations and municipalities are also encouraged to address these principles in their conservation and development plans. These principles are incorporated in state agency decisions through state agency plans and the review of particular projects for consistency with the plan. These principles are presented in table 1.

**Table 1: Connecticut Conservation and Development Policies Plan Growth Management Principles**

<ol style="list-style-type: none"><li>1. Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure</li><li>2. Expand housing opportunities and design choices to accommodate a variety of household types and needs</li><li>3. Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options</li><li>4. Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands</li><li>5. Protect and ensure the integrity of environmental assets critical to public health and safety</li><li>6. Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis</li></ol>
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## Planning Process

In Connecticut, two state entities play prominent roles in the development, approval, and implementation of the state plan: The Intergovernmental Policy Division within the Office of Policy and Management (OPM) and the Legislative Continuing Committee on State Planning and Development. The OPM is responsible for creating and implementing the plan and reports annually to the Legislature's Continuing Committee on State Planning and Development on the implementation of the plan and the extent of state conformity. Additionally, OPM formulates regulations on the criteria and process for initiating interim changes between the five year updates. The OPM is a staff agency for the governor and provides information and analysis for public policy decisions in the state in addition to housing the division of budget and financial management for the state.

Before the plan is submitted to the legislature, OPM holds regional public hearings and circulates the plan among state agencies and regional planning organizations for feedback. To implement the plan, OPM reviews certain project applications for consistency with the plan.

## Vertical Structure

The vertical structure of Connecticut's plan is unique in the importance of regional planning organizations. In 1955, Connecticut authorized the creation of regional planning organizations; these are designated by the Office of Policy and Management as logical planning regions for the state. These 15 regional planning organizations are funded by the state (most recently receiving \$1 million each) and are authorized to perform certain activities. These include:

- Provide technical assistance to member municipalities and other public agencies;
- Make recommendations to member municipalities for the efficient and economical development or operation of public facilities or services in relation to regional economic and social welfare and the municipalities;
- Give technical assistance and make recommendations in instances where two or more member municipalities are considering the joint development or operation of a physical facility or service
- Whenever two or more municipalities seek to join together in the formation of a district permitted under the General Statutes or a special act for joint development or operation of physical facilities and services, the proposal must be referred to the regional planning agency for an advisory report, and
- The regional planning agency must make a plan of development for its region.

Of the 15 RPOs, eight of these organizations are also metropolitan planning organizations (MPOs) and thus coincide with federal transportation planning areas.

The state explicitly states that the Conservation and Development Policies Plan is not a compilation of existing and future land uses, and does not weaken the institution of home rule in the state. As a result, any incorporation of the state plan in local government plans

is purely voluntary. Municipalities and regional planning organizations are encouraged to address the statewide principles in their conservation and development plans. But the state does not review local plans to ascertain whether it promotes state planning goals or for consistency with the state plan. Local governments can identify inconsistencies between state and local plans, but neither the state nor local governments are required to reconcile or address these differences. The state provides grants to local governments to update their plans which are then reviewed with comments by regional planning organizations for consistency with the state plan, regional plan, and the plans of neighboring municipalities.

### Horizontal Structure

The primary purpose of the plan is to provide context and direction for state agencies and to assure that state agency plans and actions are consistent with state growth management principles. Agency plans must be submitted to OPM for a review of conformity with the state plan. Certain types of state agency spending must be consistent with the plan.

Specifically subject to this requirement are state actions including:

- property acquisitions exceeding \$200,000,
- development of property where costs are over \$200,000,
- acquisition of public transportation or equipment when costs exceed \$200,000, and
- the authorization of state grants over \$200,000 for acquisition, development, or improvement of real property or acquisition of public transportation equipment or facilities.

Beyond these projects, other types of projects are also reviewed for consistency with the Conservation and Development Policies Plan. The OPM advises the State Bond Commission on the allocation of state bonds, providing comments on whether issuance of particular bonds conforms to the Conservation and Development Policies Plan. Projects undergoing environmental review under the Connecticut Environmental Policies Act are also reviewed for consistency with the Conservation and Development Policies Plan. Other projects use the plan as a framework for review as well, though consistency is not necessarily required. These include plans and proposals submitted to OPM for a review through the Intergovernmental Review System, Municipal Development Program and Environmental Impact Reporting. In these reviews, specific conservation and development areas identified on the map receive priority value over other conservation and development areas.

### Spatial Articulation

The state plan map and the state plan text are given near equal standing the Connecticut state plan. Elements on the map are grouped into two broad categories: conservation elements and development elements. Conservation areas include existing preserved open space, preservation areas, conservation areas, and rural lands. The state prioritizes spending in these areas in this order. Development areas include regional centers, neighborhood conservation areas, growth areas, and rural community centers, and the

state prioritizes spending in these areas in this order. Additionally, Aquifer Protection Areas and Historic Areas overlays appear on the map.

Both the conservation and development classifications on the maps represent general distinctions. That is, designations such as regional centers, town centers, and neighborhood conservation areas do not represent particular urban design attributes such as building heights, mixture of use, transit connectivity; and nor are there urban design guidelines for state investments in designated centers. The centers and neighborhood conservation areas are instead designated based on population, housing, and economic criteria using 2000 census data and were refined using local and regional plans and aerial photography, to identify actual development patterns. Growth areas are identified as areas near regional centers and neighborhood conservation areas where urban expansion opportunities exist, and are generally in conformance with local growth areas. Rural community centers are mixed use areas suitable for future clustering in the state's more rural communities where small-scale community water supply, waste disposal and public services are appropriate.

Three types of conservation areas, including existing preserved open space, preservation areas, and conservation areas, are based on a variety of criteria: public and quasi-public open space including parks, forests, trails and corridors, agricultural and forest lands that have sold their development rights, water utility lands, water supply lands, floodways, wetlands, endangered species areas, recreational areas, prime agricultural lands, historical areas, scenic areas, and natural areas of local significance. Rural lands are simply all lands falling outside of any other guide map category.

The update process for the Connecticut map is intended to produce a "living" document, meaning that if the criteria defining a site changes after the plan's adoption, the project should be reviewed for consistency based on the most current data sources available at the time of evaluation. For example, if a parcel of currently unpreserved land becomes preserved, this will be reflected on the map before the map undergoes comprehensive revision.

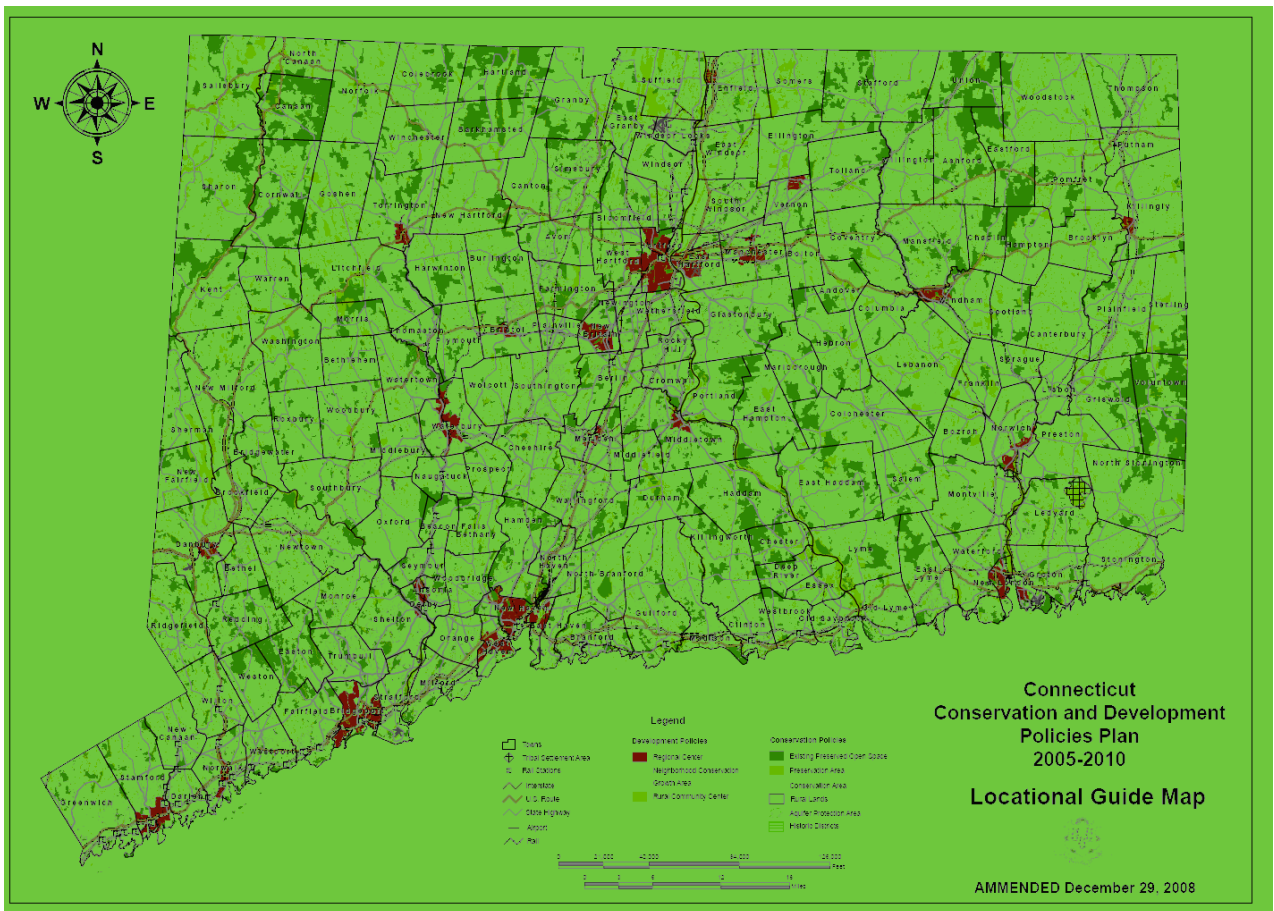
### Review and Assessment

The Connecticut plan is primarily intended to help manage state resources; hence the strength of the plan lies in its horizontal not vertical relationships. Although the plan must be approved by the state legislature, it is prepared and administered by the OPM. Administration by the budgetary arm of state government adds to its managerial and political influence. State agencies must submit plans consistent with the state plan. The guidemap is used to assure that state agencies allocate appropriate funds to appropriate places. Although regional and municipal organizations are encouraged to address the principles of the state Conservation and Development Policies Plan, and local governments are encouraged to identify differences between their plan and the state plan, the state does not exert any influence over the content and quality of local plans. The relationship is merely advisory, not supervisory. Finally the Connecticut plan is updated continuously in addition to being comprehensively updated every five years. Though the

map is updated incrementally, continuous legislative oversight prevents the plan from straying too far statewide goals.

As ostensibly a policy plan administered by the OPM, the strength of the plan lies in its ability to shape the plans and actions of state agencies. This approach could perhaps serve to assure that state funds are not used to promote sprawl or undermine general state land use goals. The approach could also perhaps succeed at implementing a state regional development strategy. More significantly, however, the lack of vertical integration limits the ability of the plan to impact land use policy below the land classification level or shape urban form.

**Figure 1: Connecticut Locational Guide Map**



## **Delaware**

The 2<sup>nd</sup> smallest state in land area but 6<sup>th</sup> highest in population density, Delaware has only three counties and 57 municipalities, 54 of which have land use authority. Efforts at state planning began in 1994 following the release of a task force report on state planning issues. This history of state planning in Delaware is relatively short, but the state is small and has a small number of jurisdictions. In addition, the state funds 90 percent of roads, 70-80 percent of school construction, 100 percent of school transportation costs, and provides funding for police, paramedics, libraries, and state service centers. Thus, though the Delaware experience is rather limited, a great deal of financial leverage, a relatively uncomplicated physical and political landscape, and 16 years of progressive leadership have enabled the state to make considerable progress in its state planning efforts.

The state level approach to land use planning began in the mid-1990s during Governor Thomas Carper's first administration with a visioning exercise called "Shaping Delaware's Future" which set the stage for reforms in land use decision making in the state. To address land use issues, during the Carper administration, the Cabinet Committee on State Planning Issues was reestablished and the Office of State Planning Coordination was created. In 1999, the first state plan was adopted -- "Strategies for State Policies and Spending." This newfound emphasis on intergovernmental coordination provided a new framework for land use policy in Delaware.

Governor Minner, during her eight years in office, coupled the plan with the "Livable Delaware Agenda," a statewide executive initiative seeking "to curb sprawl and direct growth to areas where the state, counties, and local governments are most prepared for it in terms of infrastructure investment and thoughtful planning." The "Livable Delaware" agenda was furthered by a suite of executive orders and legislative bills. Key to this agenda was the success of House Bill 255 in 2001 which elevated the importance of comprehensive planning in Delaware. House Bill 255 led to sweeping changes in comprehensive planning by giving plans legal status, requiring that zoning reflect plans within 18 months of plan adoption, that plans are revisited every 5 years and updated every 10 years, that annexations are consistent with plans, and finally, and that plans be certified as consistent with the growth goals and objectives of the state plan. To complement the provisions of HB255, Executive Order 14 required state agencies to implement the "Strategies for State Policies and Spending" through reviewing budgets, programs and policies and aligning them with Livable Delaware principles. Livable Delaware is centered around five principles: 1) Invest taxpayers' dollars efficiently while slowing sprawl; 2) Preserve farmland and open space; 3) Encourage infill and redevelopment that avoids greenfields; 4) Facilitate attractive affordable housing; and 5) Preserve our quality of life through sustainable development. Several additional Livable Delaware-related bills passed between 2001 and 2003 addressing local comprehensive planning, open space acquisition, state agency review of developments of significant impact, and brownfields cleanup.

### Plan Goals and Strategies

The stated purpose of the Delaware "Strategies for State Policies and Spending" is to "coordinate land use decision-making with the provision of infrastructure and services in a manner that that

makes the best use of our natural and fiscal resources.” (Strategies for State Policies and Spending 2004) Administratively, the plan is designed to coordinate plans and actions across state agencies and between state agencies and local governments. The plan map is used to direct state investments and to review and certify local comprehensive plans, but it is explicitly not a land use plan. In the Kaiser and Godschalk (1995) taxonomy, the plan represents a combination of a policy plan with a land classification plan. The plan also includes characteristics of a development management plan in that specific actions are delegated to specific agencies to facilitate implementation of the plan.

Eleven strategies<sup>3</sup> for state policies and spending, developed through the Shaping Delaware’s Future Program, serve as the backbone for the plan. (see table 2)

**Table 2: Delaware Strategies for State Policies and Spending**

- |   |
|---|
| <ol style="list-style-type: none"><li>1. Direct investment and future development to existing communities, urban concentrations, and growth areas.</li><li>2. Protect important farmland and critical natural resources areas.</li><li>3. Improve housing quality, variety, and affordability for all income groups.</li><li>4. Ensure objective measurement of long-term community effects of land use policies, and infrastructure investments.</li><li>5. Streamline regulatory processes and provide flexible incentives and disincentives to encourage development in desired areas.</li><li>6. Encourage redevelopment and improve the livability of existing communities and urban areas, and guide new employment into underutilized commercial and industrial sites.</li><li>7. Provide high quality employment opportunities for citizens with various skills levels to retain attract a diverse economic base.</li><li>8. Protect the state's water supplies, open space, farmland, and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.</li><li>9. Promote mobility for people and goods through a balanced system of transportation options.</li><li>10. Improve access to educational opportunities, health care and human services for all Delawareans.</li><li>11. Coordinate public policy planning and decisions among state, counties and municipalities.</li></ol> |
|---|

These goals serve as the foundation of the overall Livable Delaware agenda and were embraced by Governor Minner's administration. Strategies guide state divisions and provide the framework for state comments on local plans and land use decisions. Though the spirit of these strategies is important to planning in Delaware, the strategies do not permeate the text of the plan to the same level as other states like Connecticut and New Jersey. However, in combination with the investment areas and overall context of the plan, the state strategies are used in reviewing local plans.

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<sup>3</sup> Instead of having state goals or principles like other states, Delaware has strategies. These strategies are not be confused with the overall strategy of the plan, which provides the framework for the use of the plan.

## Planning Process

The organizations most prominent in the state planning process in Delaware include the Office of State Planning Coordination, the Governor's Advisory Council on Planning Coordination, and the Cabinet Committee on State Planning Issues. The Office of State Planning Coordination is located within the Office of Management and Budget and is the agency primarily responsible for developing and implementing the plan. The Governor's Advisory Council on Planning Coordination (also called the Livable Delaware Advisory Council), created by statute in 2001, advises the Office of State Planning Coordination throughout the development of the plan. This council is composed of:

- a Chair appointed by the Governor,
- the Chair of the Cabinet Committee on State Planning Issues,
- a County Administrator or County Executive for each county,
- the President or designee of the Delaware League of Local Governments,
- co-chairs of Joint Bond Bill Committee,
- eight members appointed by the Governor representing: agriculture, homebuilders, business, real estate and development, environmental interests, community development, historic preservation, and civic associations, and
- the Secretaries of Transportation, Natural Resources and Environmental Control, Agriculture and the Director of Economic Development.

The Cabinet Committee on State Planning Issues approves the plan, and during and after plan adoption, advises the governor on land use planning, growth, and infrastructure investment policy issues. This cabinet committee is comprised of:

- the Secretary of Natural Resources and Environmental Control,
- the Secretary of Transportation,
- the Secretary of Agriculture,
- the Director of the Delaware Economic Development Office, and
- others the Governor may designate.

The first version of the Delaware plan was approved in 1999, and the most recent version – the first 5-year update – was approved in 2004. As the second iteration, the 2004 plan had more local input through the use of state certified local comprehensive plans. Public involvement is an important step in the process for Delaware, which held 7 public meetings prior to the 2004 plan – two in each of the three counties in the state and one in the city of Wilmington. Beyond public hearings, public comment was received in writing, through email, and through a web form.

## Vertical Structure

Although local governments are not required to have the comprehensive plans reviewed, local governments that wish to annex or receive certain state funds and services must have their comprehensive plan certified by the state. The state also provides a number of incentives to encourage local governments to create or update plans and to have them certified as consistent with state land use policies. These incentives include technical assistance provided by the Office of State Planning Coordination and the availability of Livable Delaware matching grants for the development of plans and their implementation. The effort has been quite successful as 53 of the

54 municipal and all three county governments with land use decision making authority are either in process or have completed a comprehensive plan.

The Governor's Advisory Council on Planning Coordination, identified above, reviews local plans and makes recommendations about whether plans should be certified. And while the state cannot tell local governments to fix plans, the state can withhold funding for infrastructure if the plans are deemed inconsistent with state land use policies. This is a powerful stick for implementation because most of the funding for infrastructure and public services are funded by the state.

The plan is also implemented through Delaware's review of projects with regional impact by the Preliminary Land Use Service (PLUS.) PLUS requires state agency review of brownfield redevelopment projects and developments of a significant impact. These projects are reviewed for consistency with local and state plans at the beginning of the development project, which mitigates impacts of development beyond local boundaries and fully integrates state and local plans.

### Horizontal Structure

Executive Order 14, establishing the Livable Delaware Agenda, required that state agencies produce Livable Delaware Implementation Plans that show how their missions could be carried out while fulfilling the Livable Delaware strategies and to identify impediments to reaching goals. These plans are submitted to the Office of State Planning Coordination. Through Executive Order 14, state agencies were also required to show how budget planning could be used with the statewide strategies. Budget requests for all agencies (particularly capital requests) are considered for consistency with strategies for each of the investment tiers on the map. Agencies also work together during the PLUS review process in reviewing potential developments.

### Spatial Articulation

The plan map features four tiers of investment that serve as the organizing principles of the map (in figure 2). The Investment strategy regions are derived from spatial analysis of data from state, county and local agencies reflecting various aspects of land use policies and land use. Specifically, the map was constructed through analyzing of development suitability for grids, as determined by a number of datasets. Areas were first divided into three areas – out of play (not available for development or redevelopment), lands where state and local policies do not favor growth, and lands where state and local policies do favor growth. These areas were then ranked based on suitability for preservation and for development. High negative scores (which would be level IV on the map) indicate high suitability for conservation and high positive areas (which would be level I on the map) indicate a high suitability for development. Out of play areas are state owned lands and easements, parks, private and public preserved lands, lands for which development rights have been purchased, tidal wetlands, and 100 year floodplains, in addition to other lands. Lands seen as unfavorable for growth are based on: areas outside development districts according to local plans, corridor capacity preservation areas and planning priority areas identified by the transportation department, agricultural preservation districts, high value

working forests and forest habitats, buffers around riparian zones and wetlands, state resource areas, and water resource protection areas. Areas of favorable growth are based on both short and long term growth areas for municipalities and counties, sewer districts, water service areas, municipalities, land cover maps of developed areas, school buffer zones, transit buffer zones, urban areas, Delaware State Housing Authority designated sites, and active projects identified by counties.

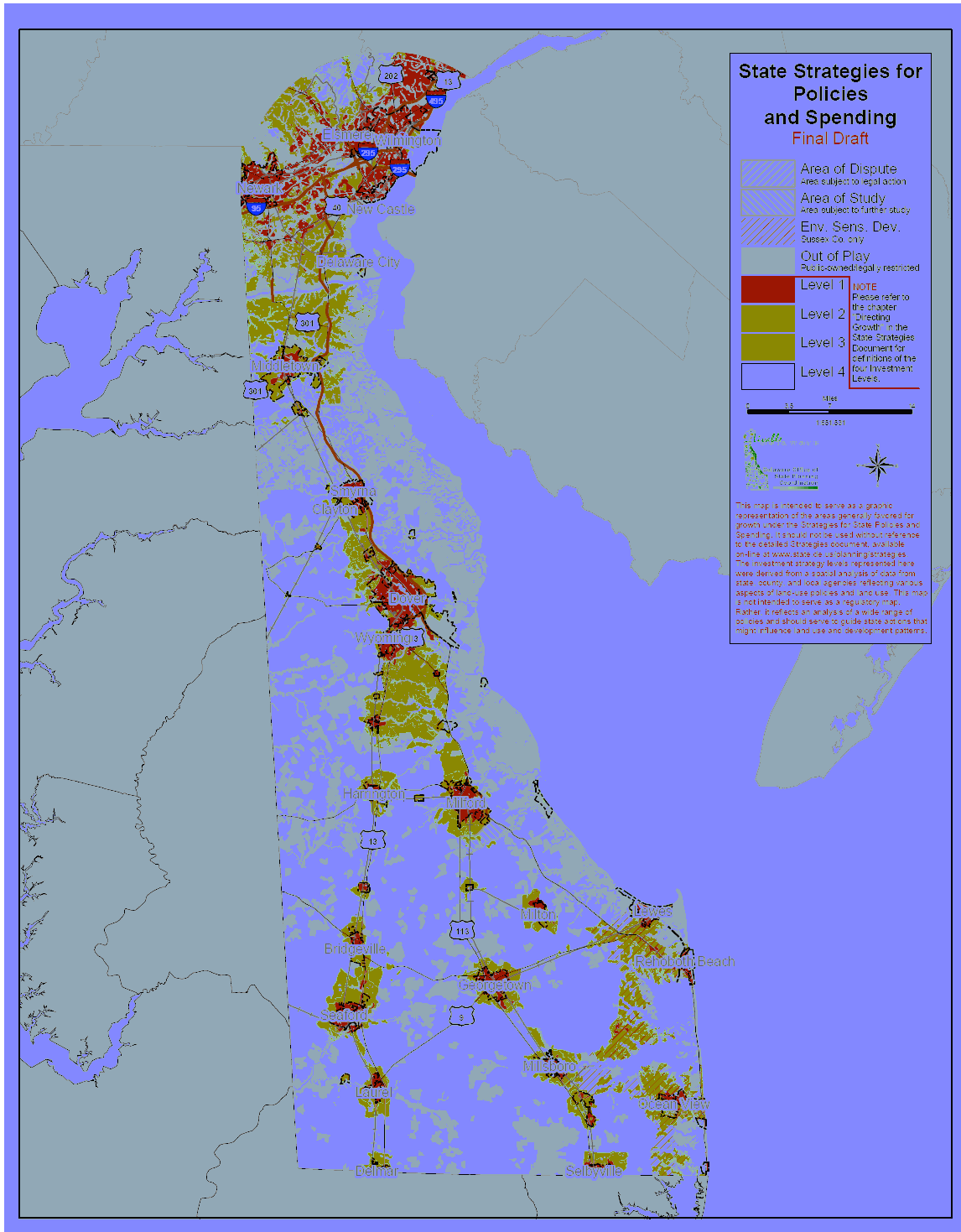
These Investment areas are intentionally titled Investment Levels I-IV rather than given names to avoid misinterpretation. On Delaware's map, investment levels are not prioritized by numerical order (that is, no investment level is more likely to receive favorable consideration than others), but certain types of projects are favored in different levels. For example, in Level 1, the state makes investments for improving existing transportation and wastewater infrastructure and encouraging compact development. In Level 4, the state makes investments in protecting farmland and open space. By these means, the plan map is intended to serve as a guide for state actions that influence land use and development patterns.

### Review and Assessment

Delaware is unique in that the state pays the bulk of infrastructure and service costs. As a result, the State of Delaware has much more at stake in local land use decisions than most other states. It was with this in mind that the state felt that strengthening the local comprehensive plan and ensuring state cooperation with state certification would create a partnership approach beneficial to both state and local governments.

As in Connecticut and Rhode Island, the plan is administered by a unit in the budget arm of state government and has strong horizontal linkages to agency plans, spending patterns, and regulatory decision as a result. Though stronger than Connecticut's, the vertical linkages of the state plan are purely incentive based. But because the state pays much of the cost of urban infrastructure, the incentives for local governments to seek state certification of local plans are strong. These incentives, therefore, enable the state to influence urban design and land use policy issues below the land classification scale. Thus, though the plan is explicitly not a land use plan, and vertical consistency is purely voluntary, by controlling infrastructure spending and allocating certain types of funding to certain areas as noted on the map, the plan certainly has the potential to have significant effects on land use.

**Figure 2: Delaware State Strategies for Policies and Spending**



## **Florida**

Florida has always been a large, diverse, and rapidly growing state with highly sensitive natural environments. Concern over environmental degradation in the late 1960s was the impetus for a suite of growth management laws passed in 1972. This package of legislation included the Environmental Land and Water Management Act, Water Resources Act, State Comprehensive Planning Act, and Land Conservation Act. Soon after, the Local Government Comprehensive Planning Act of 1975 was passed setting the stage for what would become an elaborate process of local planning in Florida, and providing for state review and comment on local plans. This initial set of legislation, though broad, was not thorough. As DeGrove (2005) notes, though the legislation got the state involved in planning at the local level, the focus has remained on process rather than substance.

Legislation in the 1980s addressed some of the weaknesses of early legislation. Critical in this suite of legislation was the Florida State and Regional Planning Act of 1984 which required that the Office of the Governor develop a state plan to present to the 1985 legislature. Following extensive hearings, the plan was adopted by the legislature in 1986. The plan serves as a framework for regional and local plans, providing a foundation for a statewide growth management system. (DeGrove 1989) This 1985 State Comprehensive Plan (SCP) continues to serve as the state plan today and is largely unchanged since first adopted. In the same session, the legislature strengthened local and environmental planning through an Omnibus Growth Management Act, which provided an integrated framework for vertical and horizontal implementation and requires state agency plans and local and regional plans to be consistent with the state plan. Further, local plans were required to be reviewed by the state's Department of Community Affairs.

Though Florida has a storied past in growth management policy and has a long-standing state plan, the plan in Florida is unique as it contains merely a collection of goals and includes no map. The plan has undergone minor modification since its original adoption, though the number of goals has decreased from 26 to 25. The goals guide state agencies and must be reflected in local plans.

### Plan Goals and Strategies

The Florida SCP is intended to “provide long-range policy guidance for the orderly social, economic, and physical growth of the state.” (Florida Statutes: Chapter 187 1986) The plan is intended to be direction setting, and the policies can be implemented only to the extent that the legislature appropriates grants or other funding. This document is intended to provide guidance to all other planning efforts in the state, including state agency plans, regional policy plans, and local comprehensive plans. The plan does not have regulatory authority or authorize the adoption of agency rules, criteria and standards not specifically authorized by the law. The plan, found completely in state statutes, currently contains 25 goals with several policies under each goal. In the Kaiser and Godschalk typology, the Florida plan most closely resembles a policy plan.

The State Comprehensive Plan originally laid out 26 state goals and established a broad set of issues that were to be addressed by local governments in their comprehensive plans. (Chapin 2007) Though alterations to the Florida SCP have been minor, Goal 1 was originally Education, but was later folded into Children and Economy, and also addressed through school concurrency. Also, in the 2008 legislative session, the legislature made some changes to the plan relating to energy planning – the first significant change to the plan in years. (Chapin 2009) The function of these goals is visionary, merely providing guidance, not targets. As such, the goals read and function more as objectives than goals. The goals are identified in table 3.

**Table 3: Topics of Florida State Goals**

1. Children
2. Families
3. The Elderly
4. Housing
5. Health
6. Public Safety
7. Water Resources
8. Coastal and Marine Resources
9. Natural Systems and Recreational Lands
10. Air Quality
11. Energy
12. Hazardous and Nonhazardous Materials and Waste
13. Mining
14. Property Rights
15. Land Use
16. Urban and Downtown Revitalization
17. Public Facilities
18. Cultural and Historic Resources
19. Transportation
20. Governmental Efficiency
21. The Economy
22. Agriculture
23. Tourism
24. Employment
25. Plan Implementation

Goals constitute the required elements of local plans, which are reviewed by the Department of Community Affairs, and also provide guidance to the state agencies in appropriating funds. Each of these goals carries policies that are explicated in the state statutes.

### Planning Process

The administrative structure of the state plan in Florida differs extensively from other states. Florida does not have an advisory council or commission or a subset of cabinet secretaries

focused on planning issues. The Department of Community Affairs implements the plan through evaluating local plans for consistency with state goals and policies.

Like in Connecticut, the legislature approves the state plan. The complete State Comprehensive Plan was passed by the legislature in 1986 in statutes and is required by statute to be reviewed biennially by the legislature. However, according to Chapin (2009), this requirement and the plan in general have been largely ignored by the legislature, and most state agencies except the Department of Community Affairs (DCA.) By statute, the implementation of the plan's policies requires legislative action unless otherwise specifically authorized by the constitution or law, meaning the legislature is responsible for assuring the plan is applied to state government decisions.

While public involvement is an important part of the local planning process, it is not a part of state planning process. Statutorily, the plan should be applied "when economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights." (Florida Statutes: Chapter 187 1986) The intentionally vague language in this clause makes it easy for the governor, legislature or DCA to ignore the plan when convenient.

### Vertical Structure

Local comprehensive plans must be consistent with the regional plans. And, regional policy plans (called Strategic Regional Policy Plans) must be consistent with the State Comprehensive Plan. However, because Strategic Regional Policy Plans are typically weak documents, DCA instead uses the SCP goals as the primary means for evaluating local plans, amendments, and developments of regional impact. Where Regional Planning Councils are active, they do play a major role in the review of plan amendments and developments of regional impact.

Review of local plans by DCA is mandatory, and the state provides incentives to local governments to plan, but generally only to rural counties with lower planning capacity or for innovative local planning efforts in high capacity counties and cities. However, while the state may comment on and review local plans for addressing goals, formal state approval does not exist in Florida. (Chapin 2009) If a local government does not adopt a plan addressing the goals, the state may impose development moratoria until the local government adopts an acceptable plan, or it can take over local planning. The state may withhold Community Development Block Grant funds or sales tax revenues if a plan is not certified. These enforcements instruments, particularly the withholding of sales tax revenue, are highly influential in engaging local governments in the planning process.

### Horizontal Structure

State agency spending must be consistent with the plan to the extent authorized by the legislature and agency functional plans must be consistent with the plan, according to the 1984 State and Regional Planning Act. However, according to Chapin (2008), this requirement has been largely ignored as the statutes specify no administrative procedures to assure that agency plans are in

fact consistent with the state plan. According Chapin (2009), of all agencies, only DCA has paid any serious attention the plan.

### Review and Assessment

The content and structure of Florida's state plan is vastly different from other states. The plan has changed little since its inception in 1986 despite requirements for the legislature to revisit it biennially. Though the plan is intended to coordinate regional, local, and state governments, local and regional governments consider the goals in their plans only because the plans are reviewed by DCA. Beyond all three levels addressing the same goals, there is little coordination. Though there are strong compliance instruments encouraging local governments to engage in planning, it has been stated that even local planning in Florida is primarily about process rather than implementation and outcomes. (DeGrove 2005; Chapin 2008) The state review mechanism is relatively weak and plans lack strong consistency because of the lack of formal approval by the state. At the state level, the goals are intended to affect state agency planning but have had little impact.

Unlike most states, the plan says little about land use arrangements and land use policy, beyond the existence of Land Use and Urban Revitalization goals. And to counter these goals, there is Property Rights goal, which as Chapin (2009) states has a strong presence in Florida. And unlike other states, there is no map or any sort of spatial interpretation accompanying the plan. It is generally acknowledged that the State Comprehensive Plan has had little influence on planning in the state (DeGrove 2005). Local governments and state agencies mostly ignored the State Comprehensive Plan when developing their plans in response to the 1985 Growth Management Act. (Chapin 2007)

### **New Jersey**

Located between Philadelphia and New York, New Jersey is the densest state in the United States, the 4<sup>th</sup> smallest in area, and has witnessed extensive suburban development since the 1960s. In its modern form<sup>4</sup> the New Jersey's state plan stems from the *Mt. Laurel* decisions of 1975 and 1983. To allocate affordable housing in the face of exclusionary zoning, the courts required that each community accept its fair share of affordable housing. Governor Bryne issued Executive Order 35 directing development of a statewide housing plan. New Jersey's first state plan in recent history, the State Development Guide Plan, was prepared in the mid-1970s. Later, the Division of State and Regional Planning, which implemented the guide plan, was abolished by Governor Thomas Kean. Fueled by *Mt. Laurel* decisions and interest groups concerned about growth, an ad hoc committee formed in 1983 to present a new state planning law to the governor.

What emerged from this committee, the New Jersey State Planning Act of 1985, established the State Planning Commission and mandated the Commission to prepare and adopt a state plan and to revise and readopt this plan every three years. The State Planning Act established unique requirements for public participation called "cross acceptance," which is the process employed by the state to vet the plan with local governments. Since the statutes were enacted in 1986, the

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<sup>4</sup> New Jersey had a state plan in the New Deal Era in 1935 and maintained a division of state and regional planning in the 1950s and 1960s.

State Planning Commission has approved two versions of the plan – the first in 1992 and the second in 2001. The third version of the plan is currently being written. New Jersey’s state plan is a plan which has received national attention, largely due to the unique cross-acceptance and the plan endorsement processes.

### Plan Goals and Strategies

The New Jersey State Development and Redevelopment Plan is a policy guide for municipal, county, and regional planning, state agency functional planning and infrastructure investment decisions. Explicitly, the plan is not to be used to formulate codes, ordinances, administrative rules or other regulations. However, the state plan acts as a guide when state funds are used and provides protection for equity among citizens so that benefits and burdens are borne equally. The plan is 359 pages long, detailed, and administratively complex. In structure and content, the New Jersey state plan most closely resembles a policy and land classification plan, with some elements of a land design plan, through center designation, and some elements of a development management plan through the identification of specific strategies of action and the attribution of specific activities to state agencies. The plan is weak on including implementation measures for these strategies of action, however.

The plan identifies eight goals and 19 policies which guide the State Plan Policy Map and when applied by all levels of government, shape growth in ways that will help achieve the intent and purpose of the State Planning Act. Accompanying each goal is a vision of what conditions will be like in 2020 if goals are achieved.

Eight goals are derived from the State Planning Act and strategies for achieving each goal are identified. These eight goals are listed in table 4.

#### **Table 4: New Jersey Statewide Goals**

Goal 1: Revitalize the State’s Cities and Towns.
Goal 2: Conserve the State’s Natural Resources and Systems.
Goal 3: Promote Beneficial Economic Growth, Development, and Renewal for All Residents.
Goal 4: Protect the Environment, Prevent and Clean Up Pollution.
Goal 5: Provide Adequate Public Facilities and Services at a Reasonable Cost.
Goal 6: Provide Adequate Housing at a Reasonable Cost.
Goal 7: Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space, and Recreational Value.
Goal 8: Ensure Sound and Integrated Planning and Implementation Statewide.

Beyond these goals and strategies, statewide policies provide guidance to state and local officials on issues in 19 categories. Statewide coordination is to be achieved through flexible application of the Statewide Policies. For development patterns to be impacted, the policies must be applied to public and private decisions through the State Plan Policy Map. The 19 policy categories are listed in table 5.

**Table 5: Policies of the New Jersey State Development and Redevelopment Plan**

1. Equity
2. Comprehensive Planning
3. Public Investment Priorities
4. Infrastructure Investments
5. Economic Development
6. Urban Revitalization
7. Housing
8. Transportation
9. Historic, Cultural, and Scenic Resources
10. Air Resources
11. Water Resources
12. Open Land and Natural Systems
13. Energy Resources
14. Waste Management, Recycling and Brownfields
15. Agriculture
16. Coastal Resources
17. Planning Regions Established by Statute
18. Special Resource Areas
19. Design

Beneath these 19 major categories, additional general policies are laid out. For example, Policy 2, comprehensive planning, has 29 affiliated policies ranging from increasing public understanding and participation to using planning tools.

### Planning Process

In New Jersey, the State Planning Act provides the framework for undergoing the state planning process, including detailed information on the conduct of each step in creating the plan. This means the process is heavily directed by legislative intent, even if the plan itself is a creature of the State Planning Commission and Office of Smart Growth.

A 17 member State Planning Commission (SPC) is responsible for establishing the statewide planning process, and preparing and updating the plan in addition to providing technical assistance to local governments. The SPC is also responsible for reviewing state and local planning programs and procedures and recommending more efficient and effective processes and programs to the legislature, and reviewing legislation appropriating funding for capital projects. The SPC is composed of:

- the State Treasurer and four other cabinet members to be appointed by and serve at the pleasure of the Governor;
- two other members of the executive branch of State government to be appointed by and serve at the pleasure of the Governor;
- four representatives from municipal and county government, one of whom represents urban areas; and

- six public members, not more than three of whom shall be of the same political party, at least one shall be a professional planner.

Local government and public members are appointed by the Governor and approved by the Legislature for three year terms.

Three versions of the plan are mandated by the statewide planning process – a requirement that has lengthened the time it takes to develop and implement the plan. The Preliminary Plan is the version vetted during cross acceptance while the Interim Plan reflects changes to the Preliminary Plan negotiated through cross acceptance and serves as the basis for the Impact Assessment. And the Final Plan, the State Development and Redevelopment Plan, emerges after public meetings and written comments are addressed, and the State Planning Commission adopts this plan. There have been two publications of the plan and the most recent version of the plan was approved by the State Planning Commission in 2001. The plan is currently undergoing update.

The preliminary plan undergoes the collaborative participatory process of cross-acceptance in search of compatibility between local, county and state plans. In 2000, these negotiations identified 947 policy issues and map changes and achieved 76 percent agreement on these issues in the draft final plan. The draft final plan is presented at public hearings in each county. Though municipalities dominate land use decisions, counties play an important role in the cross-acceptance process. Changes to the plan are negotiated among the State Planning Commission, counties and municipalities.

By design, the legislature was removed from the state planning process. Legislators do not serve on the Commission and the Legislature does not approve the state plan. Instead, the plan is expected to serve as a guide for the executive branch and for counties and municipalities.

The State Planning Act established an Office of State Planning in the Department of Treasury, but this office was renamed The Office of Smart Growth in 2001 and is now located in the Department of Community of Affairs. This Office publishes an annual report on the status of the State Plan, provides planning services to state government and planning assistance to local government, compiles relevant statewide data, and presents alternate growth and development strategies.

### Vertical Structure

During the plan development process, the state of New Jersey relies on an iterative process called *cross-acceptance* to vet the plan to ensure that the public and all levels of government participate in the process. The intent of the cross-acceptance process is to obtain compatibility among local, county, and state plans. Cross acceptance encourages intergovernmental dialogue during the plan creation process. County and local governments comment on areas of agreement and disagreement and the state then modifies the plan accordingly. Goals, discussed at length in a subsequent section, are meant to provide guidance to county and municipal governments in drafting their plans.

Plan endorsement is the vertical implementation mechanism used by the Office of Smart Growth. Comprehensive plans must be updated every 6 years and local governments are encouraged but not required to submit plans for *plan endorsement* by the Office of Smart Growth, which carries incentives both during the endorsement process and after. (Harrison 2007) During the endorsement process, municipalities receive technical assistance funding and upon receiving endorsement, municipalities are eligible for further financial incentives. This funding, however, is not significant, and only counties in coastal zones and hoping to avoid getting sued by developers under affordable housing laws have submitted plans for certification. Currently, 92 municipalities have certified centers, out of 567 total, and 12 comprehensive plans are certified including one county, for a total of 123 municipalities with some type of endorsement. For other municipalities, it is too expensive and the rewards are inadequate to justify undergoing plan endorsement. It is through plan endorsement that the state attempts to increase the degree of consistency among plans and to facilitate implementation of these plans.

### Horizontal Structure

Because the State Planning Commission includes representatives of five state agencies, the State Development and Redevelopment Plan is supposed to be a product of coordination among state agencies. The policies identified in the State Plan provide guidance for state agency action.

Further, state agency functional plans, like the federally mandated State Implementation Plan relating to air quality, and the Water Supply Master Plan, incorporate guidelines and policies of state plan and address goals. State agencies were required to review existing programs to identify ways to achieve provisions of the state plan and implement programs in a manner consistent with the plan. The plan serves as a guide to when and where available state funds should be extended to achieve the goals of the State Planning Act. The annual capital improvement budget must be consistent with the goals and provisions of the plan. In practice, cooperation and coordination is less extensive than required by statute. In the history of the state development plan in New Jersey, horizontal coordination has proven difficult to achieve.

### Spatial Articulation

Realizing that the state policies alone will not achieve development patterns mirroring the goals of the act, the plan also contains a State Plan Policy Map. The State Plan Policy Map, shown in figure 3, identifies certain areas as required by the State Planning Act including areas targeted for growth, agriculture, open space, conservation, and areas where the state seeks to limit growth. Seven types of Planning Areas are delineated in the map to identify the conditions the plan should address through policies. Planning Areas are based on explicit definitional criteria, but are finalized iteratively in the cross-acceptance process. Seven Planning Areas appear on the map:

- PA1 - Metropolitan Planning Area;
- PA2-Suburban Planning Area;
- PA3-Fringe Planning Area;
- PA4-Rural Planning Area;
- PA4B-Rural/Environmentally Sensitive Planning Area;

- PA5-Environmentally Sensitive Planning Area;
- PA5B-Environmentally Sensitive/Barrier Islands Planning Area.

For example, in PA2-Suburban Planning Area, the state seeks to promote growth within Centers instead of facilitating sprawl and encourage redevelopment in these Centers. In PA5, the state seeks to protect large areas of land, accommodate any growth in Centers rather than Environs.

Accompanying the general description of each Planning Area in the plan, detailed delineation criteria are laid out. For each planning area, the intent, related policy objectives, and an implementation strategy are also outlined.

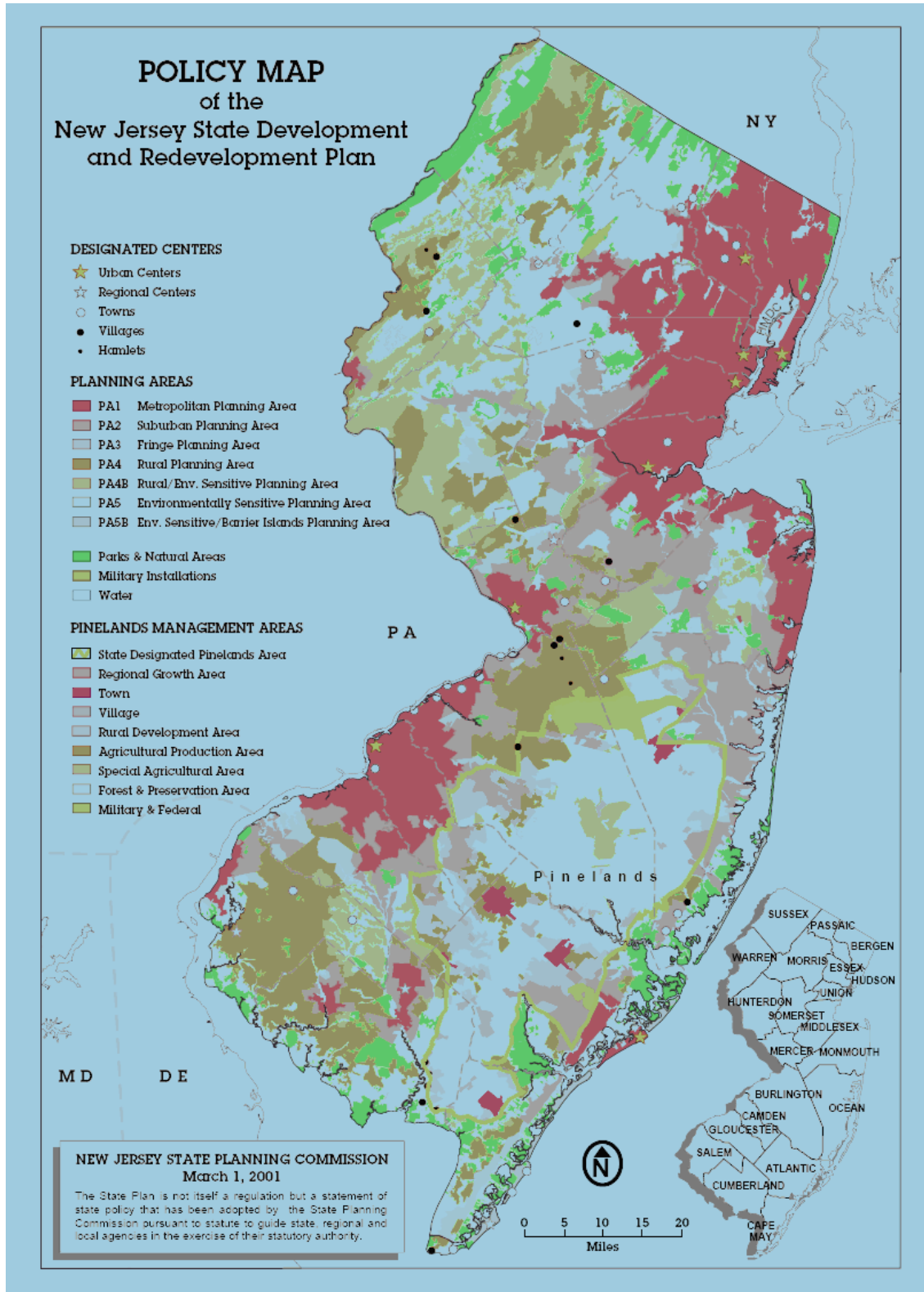
Each planning area carries a different set of policy objectives which guide the application of Statewide Policies and different development patterns are prescribed for each area. Within planning areas, Centers, Cores, and Environs are identified for targeted focus. Five types of centers are identified through the plan endorsement process and include: Urban Centers, Regional Centers, Towns, Villages, and Hamlets. Centers are critical to the state plan as they play an important role in organizing development and redevelopment. Centers must be submitted by local governments for designation through the plan endorsement process, and this designation is based on density, housing, and employment criteria. To be endorsed, municipal, county or regional plans and development regulations are reviewed for consistency, and if consistent, endorsed by the State Planning Commission. Unlike Rhode Island, these centers are not conceptual but have distinct boundaries.

### Review and Assessment

Though New Jersey employs complex innovative techniques like cross-acceptance and plan endorsement, the relationship between the state and local governments remains incentive-based. Thus, success of the state plan in New Jersey is contingent on local government actions. Further, the focus of the document centered on planning rather than implementation because implementation was always too contentious and the statutes are silent about implementation. Throughout the history of state plans in New Jersey, leadership has been very important to the success, or lack thereof, of the state plan. Shifting political tides, and governors of alternating political parties, hindered implementation of the state plan, and produced delays that sometimes threatened the state planning program as a whole. (DeGrove 2005)

Throughout the history of the state plan in New Jersey, the Office of Smart Growth (and Office of State Planning in the past) has remained heavily focused on the map and vertical structure, presuming horizontal consistency would fall into place through the State Planning Commission. This has not been the case. Further, the difficulty of achieving horizontal consistency has made achieving vertical consistency even more difficult in recent years because, given the lack of compliance by state agencies, the financial incentives are not strong enough to encourage local governments to seek endorsement. Further, though the State Planning Commission is a theoretically sound approach to removing politics from the process, the prevalence of political appointees and the short terms of membership have not diminished the importance of gubernatorial support for the plan.

**Figure 3: New Jersey State Development and Redevelopment Plan Policy Map**



## **Rhode Island**

Despite being the smallest state in the nation with regards to its land area (658,000 acres), Rhode Island is the second most densely populated state in the nation. Like many New England towns, local governance is dominated by municipalities (8 cities, 31 towns & one Indian Tribe.) Though counties exist, they lack governmental powers including land use authority and thus do not play an important role in land use governance. (DeGrove 2005)

Economically, Rhode Island has been historically dominated by manufacturing, which has limited economic growth in recent years. In 1964, the legislature created the Statewide Planning Program and State Guide Plan. In 1975, the state completed the first land use plan. Despite difficult economic times, Rhode Island put in place a strong growth management program in 1985 with the requirement for a state plan. (DeGrove 2005). In 1987, a bill was passed to create a Land Use Commission comprised of executive and legislative officials and representatives from the development and environmental communities.

Emerging from this 1987 Commission was strong local and state growth management legislation setting state goals and requiring local comprehensive plans that must be consistent with the State Guide Plan, a collection of functional plans adopted and compiled since 1964. Legislation in 1998 also created a State Planning Council. In Rhode Island, once local comprehensive plans are approved, projects and plans of state agencies must adhere to local plans. Rhode Island was an early though hesitant leader in state planning, and continues to play a role. In 2006, the state overhauled the state land use plan, approving “Land Use 2025: Rhode Island Land Use Policies and Plan.”

### Plan Goals and Strategies

Though the State Guide Plan is the collection of a number of functional plans, the state land use and development plan is primarily related to one of these plans: the “Land Use 2025: Rhode Island Land Use Policies and Plan.” The plan articulates the state's overarching goals, objectives and strategies to guide and coordinate the land use plans and regulations of municipalities and State agencies to direct projects at both the state and municipal level.

Stemming from the 1964 requirement to have state goals, the 2025 plan includes five broad goals and additional objectives and strategies that complement the goals. Agencies are identified to serve as the lead for each goal in the implementation process. Unlike several other states, goals do not play a major role in the organization of the plan, though the goals serve as the backbone of the plan. The goals of the plan are listed in table 6.

**Table 6: Rhode Island Statewide Land Use Policies and Plan**

1. A sustainable Rhode Island that is beautiful, diverse, connected and compact with a distinct quality of place in our urban and rural centers, and abundance of natural resources, and a vibrant sustainable economy
2. A state network of greenspaces and greenways that protects and preserves the environment, wildlife habitats, natural resources, scenic landscapes, provide recreation, and shapes urban growth
3. Excellence in community design: communities that are high quality, energy efficient, safe and healthful, distinct, diverse and aesthetically pleasing; communities that are rich in natural, historical, cultural, and recreational resources; communities that provide abundant economic opportunities.
4. First class supporting infrastructure that protects the public's health, safety and welfare, forest economic well-being, preserve and enhances environmental quality, and reinforces the distinction between urban and rural areas
5. Implement and maintain the vision. Continue to support public stewardship for land use through strategic public investments in growth centers, land conservation, development, and enhanced planning capacity at the local and regional levels

Each of these goals carries objectives associated with the goals. For example, under Goal 2, one of the objectives is to “upgrade and maintain urban and community Greenspace.”

The plan also carries 51 policies that are intended to guide state activities towards fulfillment of the plan and provide a foundation for decision-making. For example, Land Use Policy 3 is to “use open space to control and shape urban growth.”

### Planning Process

In 1964, the legislature created the Statewide Planning Program and State Guide Plan. In 1975, the state completed the first land use plan. The second state land use plan was approved in 1988, and this plan was overhauled in 2006 to create the “Land Use 2025: Rhode Island Land Use Policies and Plan.”

The State Planning Council approves the plan and reviews specific projects and programs for consistency with state plan. The Rhode Island State Planning Council includes:

- the director of the Department of Administration as chairperson;
- the director of the Policy Office in the office of the Governor, as vice-chairperson;
- the governor, or his or her designee;
- the budget officer for the state;
- the chairperson of the Housing Resources Commission;
- the Chief of Statewide Planning, as secretary;
- the president of the League of Cities and Towns or his or her designee and one official of local government, who shall be appointed by the governor from a list of not less than three (3) submitted by the Rhode Island League Cities and Towns; and
- the executive director of the League of Cities and Towns;

- one representative of a nonprofit community development or housing organization;
- four (4) public members, appointed by the governor;
- two (2) representatives of a private, nonprofit environmental advocacy organization, both to be appointed by the governor; and
- the director of planning and development for the city of Providence.

The Statewide Planning Program is housed within the Division of Planning in the Department of Administration and is responsible for preparing the plan. During plan development, the Technical Committee of the State Planning Council serves an advisory role. The composition of the Rhode Island State Planning Council Technical Committee parallels that of the State Planning Council, including representatives of state agencies, local governments, citizens from different areas of the state, and federal advisory members. The Chief of Statewide Planning serves as Secretary. The committee is intended to ensure representation of diverse interests and views in the Statewide Planning Program's activities.

To solicit public input into the 2006 plan, staff of the Statewide Planning Program conducted phone interviews, televised a town meeting, and held five workshops with Regional Planners. Additionally, the Division of Planning interviewed local planning leaders throughout the process. Approximately 60 members of the Rhode Island Chapter of the American Planning Association, including municipal, private and nonprofit planners, took part in a Land Use 2025 Brainstorming Session to discuss and provide guidance for the plan.

### Vertical Structure

The method of vertical consistency employed in Rhode Island differs from that of other states. Municipal plans are required to be reviewed by the state for consistency with state goals and policies. After municipal plans are approved, state plans and projects must be consistent with municipal plans. This offers a bidirectional element in vertical consistency where local plans must be consistent with state goals, but state actions then must be consistent with local plans. The state plan then serves as a "Resource and Review Mechanism" for:

- proposals requesting federal funds,
- applications for U.S. Army Corps of Engineers permits,
- Environmental Impact Statements,
- R.I. Economic Development Corporation projects,
- projects being reviewed by the Energy Facility Siting Board,
- applications for various loans, grants, or other federal or State financing,
- rules and regulations promulgated by State agencies, and
- property leases and conveyances proposed before the State Properties Committee.

This focus on consistency has not been present throughout the history of the state plan. Through the most recent version of the plan, the movement from a policy oriented plan to a consistency oriented plan was agency led with gubernatorial support.

### Horizontal Structure

State agency projects and activities are to conform to local plans that have received State approval. To implement the State Guide Plan, the document recognizes a need for a prioritized investment strategy for federal and state funding. In the plan, this is identified as a strategy, but the plan does not explain how the state is doing this. Implementation of strategies outlined in the plan is assigned to "lead agencies" and each strategy is classified as short term, long term or ongoing.

### Spatial Articulation

Rather than exemplifying a land design approach like the 1975 plan, the current Rhode Island plan map identifies areas of potential use, representing the state's intention for areas and provides guidance for local land use decisions. The most current plan relies on an "urban/rural systems" approach, showing conservation and development categorizations of land. Rhode Island is unique in using scenarios to develop the state plan map. After exploring four scenarios through extensive analysis of future land use needs, land availability, land suitability, and land intensity classification, the Composite Scenario was endorsed. The State Planning Council made refinements to the Composite Scenario, creating the Future Land Use Map 2025. (See figure 4). The Future Land Use Map was then compared to a composite map of municipal future land use maps to identify areas of consistency and differences. Differences were to be addressed in the next municipal comprehensive plan update. Comparing the future land use map with the composite of municipal maps showed that the two maps did not differ greatly.

Beyond using scenarios to create the map, Rhode Island's map differs from other states in dividing map categories into committed and potential sewer uses. Additionally, the state shows an urban service boundary, centers, and both future and current transit stations on the map. Growth areas include sewer and urban development showing currently developed areas and areas suited for new development, and centers. Centers are defined as compact developed areas with a central core, accommodating residential and economic functional needs for communities and regions. In the most recent plan map, the state instituted a policy to direct growth towards centers and the urban service area. In Rhode Island, centers are conceptual and do not designate specific geographic boundaries.

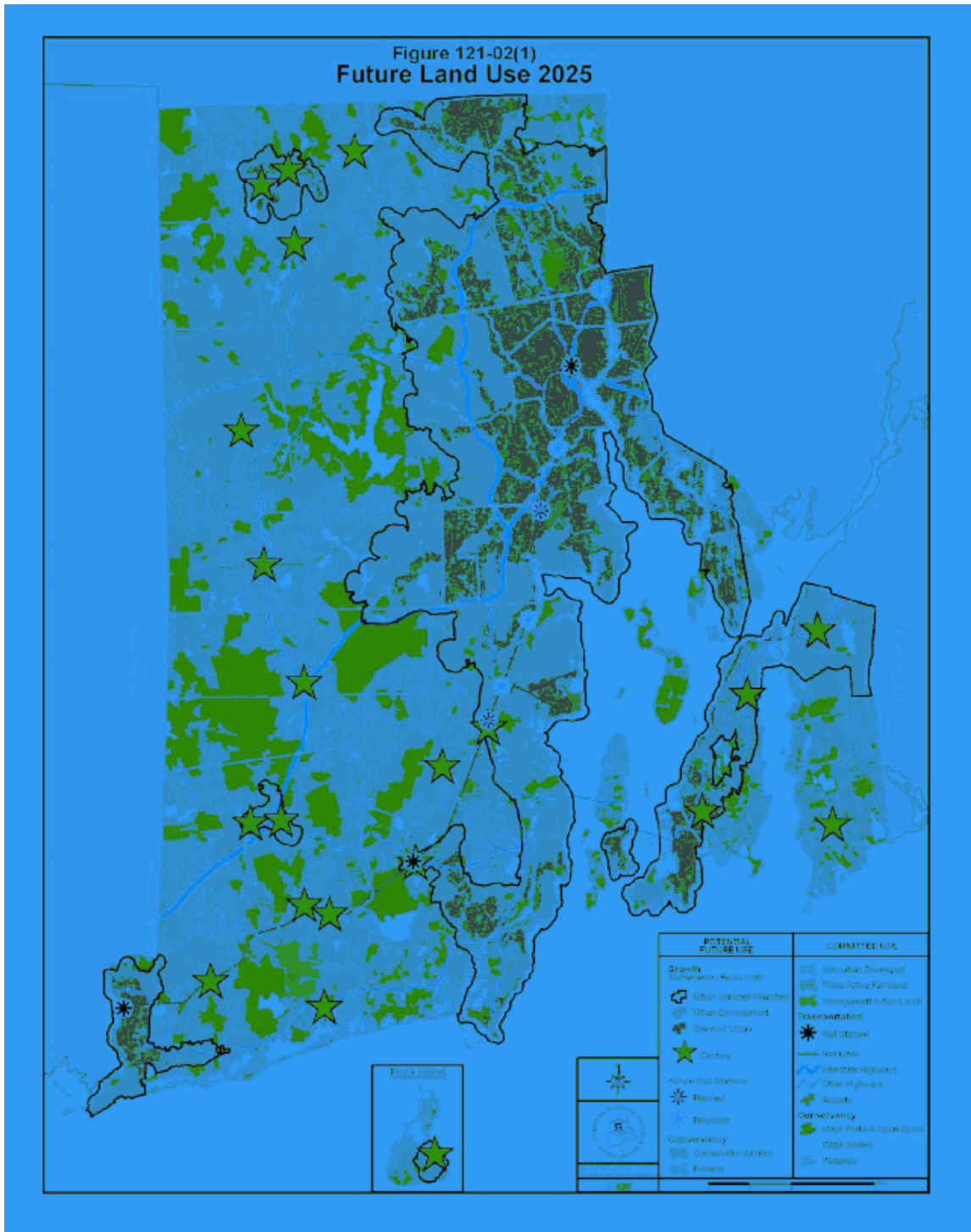
In conservation areas, lands are divided into conservancy areas, suited for preservation and protection, and reserve areas, which are not needed for development by 2025 but are capable of supporting development. Committed use areas are recommended to continue at present intensity level and/or status, and include non-urban developed land, prime farmland, Narragansett Indian Tribal Lands, transportation infrastructure, and major parks and open space.

### Review and Assessment

The approach used by Rhode Island is quite different from other states. Rather than using incentives to encourage local governments to plan, local governments must plan and if the local government plan is approved, state actions must adhere to local plans which were reviewed by the state. Thus, the mechanism for reviewing local plans is strong, resulting in strong vertical consistency. Rhode Island's plan offers numerous analytical and technical components and appendices, and bases the spatial articulation of the plan on scenario analysis. Though Rhode Island provides considerable technical analyses, and uses innovative relational structures

between state and local governments, implementation is relatively weak. The plan provides little guidance for how state agencies will achieve the goals of the plan. Horizontal consistency is, thus, weaker than vertical consistency.

**Figure 4: Rhode Island Composite Future Land Use Map 2025**



#### IV. Summary and Conclusions

In this paper we sought to gain insights into the promise and performance of state development planning with particular interest in how such plans might serve as a tool for addressing climate change. As with local planning, but with a much smaller sample frame, we find considerable differences in the focus, style, development process, and implementation of state development plans. We also found state planning to involve the time and effort of many individuals and organizations only to meet the full satisfaction of relatively few. But that, too, is generally true for local land use plans.

With the exception of Florida, the plans of every state reviewed here represent some combination of land classification plan and verbal policy plan, with some degree of development management plans in some states. The Florida plan is exclusively a policy plan as it contains little more than statewide goals and policy statements. In general, the Florida approach does not represent state planning at all since the processes for reviewing local plans against statewide goals and guidelines are no different from Oregon and Washington State, which claim to have no state plan. The other four combine goals and policy statements with a map that contains general categories of land use with specific state policies that apply to each category. Most state policies pertain to the types of funding available for each land classification and the general future visions the state is seeking. The plan maps are less different than alike. Excluding Florida, which lacks a state map, the maps in each state plan generally contain simple land classifications and a hierarchy of central places. Rhode Island differs in classifying the map in committed and potential future uses. The state plan map for New Jersey looks quite similar to the plan maps Connecticut, Delaware, and Rhode Island but the plan text contains much more detail on the nature of urban centers and the design components that such centers should exhibit. The New Jersey plan thus comes closest to a land design plan.

All the state plans contain extensive language that addresses the vertical relationship between state agencies and local governments, but the mechanisms for addressing this relationship varies from Connecticut's explicit proclamation that the plan is not intended to reflect current and future land uses to New Jersey's complicated and politically charged cross-acceptance process. Without extensive further exploration, it is difficult to assess which, if any, of these formally established vertical relationships work best, or even well. But for states choosing to use them, both the set of maps and state policy statements embodied in each of the state plans clearly provide a framework for improved coordination between the state and local governments on land use issues.

The plans of all the states contain considerably less language that addresses the horizontal relationship among state agencies. Through strong horizontal linkages to state agency plans it perhaps possible to incorporate elements of development management plans into the state planning framework. Unfortunately, this rarely happens. Often, it is assumed that horizontal consistency will occur through cabinet committees, commissions, and gubernatorial proclamation. Perhaps that is not surprising, since horizontal cooperation and consistency can be addressed without statutory requirements and is not subject to the open politics that encumber state and local relations. Or, as one state planner put it: "it doesn't matter what the statutes say if

the governor says to cooperate.” Of course, the obverse is probably true as well. Thus the evidence that plans facilitate horizontal consistency is mixed at best.

The question of whether state development plans can serve as an effective vehicle for addressing climate change is difficult to assess. Most of the state plans reviewed here were completed in the early 2000s, just before climate change became the widely recognized policy issue that it is today. Because the state plays a major role in the finance of roads, schools, water and wastewater facilities, and open space, however, it would seem that a state development plan would be a the logical instrument for the state to use to pursue the kinds of actions that will be necessary to reduce greenhouse gas emissions and increase carbon sequestration. But the degree of change in development patterns needed to achieve significant reductions in greenhouse gas reductions is not minor; and the political obstacles to pursuing greenhouse gas reductions through state land use planning are quite substantial. Thus degree of success could depend critically on how the state plan is constructed, who is charged with implementation, the strength of its vertical and horizontal linkages, and its durability over successive gubernatorial administrations.

As mentioned, with the exception of Florida, the plans of the case-study states represent a combination of policy and land classification plans, with some elements of development management plans. The plans are primarily designed to assure that state conservation and development funds are targeted to generally appropriate locations. But it is not clear whether land classification and policy plans can further greenhouse gas objectives to a significant degree. Meeting greenhouse gas reduction targets is likely to require significant increases in density, integrated transportation, sewer and water, and open space investment strategies, new investments in green infrastructure, and a spatial strategy that includes functional coordination of land uses with transportation facilities. In short, a state development plan is more likely to achieve significant reductions in greenhouse gases if it exhibits more characteristics of land design and development management plans. In particular, state land use maps need to include stronger links to functional plans, such as transportation, housing, wastewater, drinking water, natural resource plans—and in some states, sustainability plans--and need to identify strategies and implementation mechanisms for each of the pertinent state agencies. In addition, the plan must have strong, well-defined horizontal and vertical linkages.

A state development plan is more likely to achieve greenhouse gas reductions if it has strong vertical linkages. All of the five case-study states have plans that explicitly address vertical linkages, but the strength of those linkages vary widely in both process and implementation. While New Jersey’s cross-acceptance process is perhaps the most direct in incorporating local government input into the process, the Delaware process of state certification of local plans on a regular cycle, coupled with state review of certain projects through the PLUS process, might be just as effective and less cumbersome. By basing the state actions on certified local plans, Rhode Island also offers an interesting approach to achieving vertical integration. Regardless of the mechanism, a strong vertical linkage of state plans to local plans and actions will be necessary to implement a land design plan. And because of the extent of land use change necessary to achieve greenhouse gas targets, it is far from certain whether the vertical linkages in any of the existing state development plans are strong enough to achieve these goals.

A state development plan is also more likely to achieve greenhouse gas targets if it has strong horizontal linkages. The horizontal linkages in the five case-study states vary from virtually nonexistent to relatively strong. Once again, Delaware's PLUS process and the requirement that state agencies produce consistency plans appears the strongest. The state also examines budget requests for consistency with the plan, a step which is simplified by the existences of the Office of State Planning Coordination within the Office of Management and Budget. Connecticut also employs strong mechanisms for horizontal consistency in requiring that projects above a certain threshold, subject to environmental review, and allocations by the State Bond Commission must be consistent with the state plan. Additionally, agency plans are reviewed by the state for consistency with the state plan. Horizontal consistency is weak in Rhode Island where beyond certain project review, the only implications for state agencies lie in the assignment of certain policies and priorities to certain agencies. Clearly this is an area where considerable gains could be made in many states with little more than an executive order and without the complication of legislative politics.

A state development plan is also more likely to achieve greenhouse gas targets if it has strong intertemporal linkages. In every case study state the pertinence of the state development plan waxes and wanes over the course of successive administrations, although Delaware has benefited from 16 years of progressive leadership over the life of its statewide plan. Certainly, more stable intertemporal linkages are possible by codifying state review and spatial consistency requirements in statute. Whether greater horizontal consistency can be similarly achieved as administrations change is less certain, since interactions among state agencies are less transparent or closely scrutinized and agency heads serve at the pleasure of the governor. The most promising approach to assuring longevity is to establish an oversight body responsible for long term implementation. In the five case study states, oversight bodies include the legislature, a subcabinet of state agency officials, a state department, and a plan commission or council. New Jersey appears to have the strongest state plan commission and there is evidence to suggest that it has indeed played a role in sustaining the plan over wide changes in the levels of gubernatorial support. But the sustenance role of the state plan commission could be strengthened even further if the appointed members have longer than three-year terms and if the terms systematically overlap state administrations.

In sum, we find the practice of state development planning alive and well, though generally limited to a small number of Mid-Atlantic States. Although our evidence is based on what we heard from professionals and activists in the respective states, they appear to have had some degree of success at coordinating state and local planning and spatially directing state investments. Whether they have measurably changed land development patterns in their respective states is beyond the scope of this paper. Our guess would be some, but not much. Despite only modest levels of influence we believe state development plans do offer a promising vehicle for pursuing climate change policies—at least in relatively small, urban states. They contain the essential information base, engage the appropriate set of stake holders, and address the appropriate policy issues. But the extent to which they can serve to lower greenhouse gases depends on the strength of their horizontal, vertical, and intertemporal linkages. On those dimensions, recent experience in the five case study states suggest, the evidence is clearly mixed. Further, the extent to which state development plans offer promise for larger and more rural states remains uncertain as well.

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