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How States Administer Smart Growth Laws: Some Approaches for Iowa

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Overview

- SF 2386
- Administrative Rules
- Manuals
- Model Ordinances
- Training
- Grants
- Benchmarking
- Evaluation

Iowa SF 2389 (2010)

- Establishes Iowa “smart planning principles”
- “State agencies, local governments, and other public entities *shall consider* and *may apply* the following principles during deliberation of all appropriate planning, zoning, development, and resource management decisions, except that nothing in this section shall be construed to expand the eminent domain authority of a state agency, local government, or other public entity beyond that which is authorized under chapter” (emphasis supplied)

Smart planning principles

- Collaboration
- Efficiency, transparency, and consistency
- Clean, renewable, and efficient energy
- Occupational diversity
- Revitalization
- Housing diversity
- Community character
- Natural resource and agricultural protection

Smart planning principles

- Sustainable design
- Transportation diversity

Municipal requirements

- A municipality *must* consider smart planning principles *and may* incorporate the following information when developing or amending a comprehensive plan or land development regulations:
 - Public participation
 - Primary characteristics of community

Municipal requirements

- Objectives, information, and programs on:
 - Current land uses and future development and redevelopment
 - Residential development
 - Certain utilities
 - Transportation
 - Economic development
 - Agricultural and natural resources
 - Natural and manmade hazards
 - Certain public and community facilities and social services
 - Joint planning and decision-making with other municipalities and governmental entities

Municipal requirements

- Programs and specific actions to implement the comprehensive plan in connection with zoning, subdivision, official map

Mandates

- Flood hazards: “A municipality's comprehensive plan developed using the guidelines [in the statute] shall address prevention and mitigation of, response to, and recovery from a catastrophic flood.”
- Zoning: “Regulations adopted under this chapter *shall* be made with consideration of the smart planning principles . . .” (emphasis supplied)
- Question: Does this mean that regulations that fail to do this will be invalid?

Financial assistance

- Act allocates \$30.0 million in grants for cities and counties to apply smart planning principles and guidelines

Iowa Smart Planning Task Force

- Consists of 29 voting members and four ex-officio members
- Has a variety of responsibilities including:
 - Developing statewide goals
 - Evaluating and developing incentives for local and regional comprehensive planning
 - Reviewing comprehensive plans in connection with identification of hazards
 - Evaluating state policies, programs, statutes, and rules to determine whether they should be revised to integrate the Iowa smart planning principles

What Other States Have Done

- Administrative Rules—May be mandatory or indicative
 - Florida—9J-5—For review of comprehensive plans and land development regulations--[Link](#)
 - Georgia--[Link](#)
 - Oregon—Interprets state planning goals--[Link](#)
 - Washington—Guidelines for growth management--[Link](#)

Manuals

- Rhode Island—Maintaining a state guide plan element—[Link](#) ;
Local comprehensive plan handbook--[Link](#)
- Georgia—Georgia’s best examples—[Link](#) ; Quality Growth
Toolkit—[Link](#) ; Plan Builder--[Link](#)
- Cape Cod Commission—Design Guidelines for Cape Cod—[Link](#)
; Affordable Housing Strategies Toolkit—[Link](#)
- Maine—Comprehensive Planning Manual--[Link](#)
- Illinois—Metropolitan Planning Council Housing--1-2-3—[Link](#) ;
Planning 1-2-3—[Link](#)
- Utah—Envision Utah—Tool Box series--[Link](#)
- Vermont—Planning manual--[Link](#)

Model Ordinances

- Wisconsin—Traditional Neighborhood Development Ordinance--[Link](#)
- California—Affordable housing--[Link](#)
- Cape Cod Commission—Model bylaws--[Link](#)
- New Jersey—Fair share ordinance--[Link](#)
- Georgia—Model Code--[Link](#)
- Oregon—Model Development Code for Small Cities (highly recommended)--[Link](#)
- American Planning Association—*Smart Codes, Model Land-Development Regulations*, Planning Advisory Service Report 556--[Link](#)

Mandatory training of planning/zoning boards

- Tennessee
- Kentucky
- New Jersey
- New York
- South Carolina
- Louisiana
- Maryland

New Jersey's "basic course" in land use law and planning

- Basic course is five hours
- Capable of being completed in a single day
- Satisfies Department of Community Affairs curriculum requirement set forth in administrative rules
- New planning and zoning board members must take course in order to be seated
- Current board members must complete course within 18 months of first offering
- Test required

Planning and Zoning in New Jersey

A MANUAL FOR PLANNING AND ZONING BOARD MEMBERS



by Stuart Meck, FAICP/PP, and Jacquelyn Zelinka, AICP/PP

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Grant programs

- Many states have or had grant programs
- Typical when new planning and regulatory effort underway
- Examples: Georgia, New Jersey, Washington, Wisconsin, Vermont
- Level of funding depends on economy, state priorities

Benchmarking

- Ensures accountability in planning
- Involves setting numeric baseline indicators to track the achievement of a particular planning goal over time
- Example: parkland, energy use, consumption of land, recycling
- Examples: Oregon, King County, WA, Noblesville, IN, Minnesota
- *Growing Smart Legislative Guidebook* Model Statute, Sec. 7-504
- Benchmarks can be built into comprehensive plan, annual report of local government

Evaluation

- No published evaluation of impact of manuals, model ordinances, grant programs, and the like.
- Most recent evaluation, *Smart Growth Policies: An Evaluation of Programs and Outcomes* (Lincoln Institute, 2009)—[Link](#)
- Major finding: States with smart growth policies achieved success in areas such as protecting open space and expanding transportation choices, but no state was able to make gains in all the major objectives of smart growth; programs had mixed results (e.g., Oregon—reducing sprawl, but failing completely at affordable housing)

