

A. Development of Local Comprehensive Plans

Strategic Action

Encourage the development of local comprehensive plans and provide funding to support their development. Such funding should be contingent on plans that reflect state/provincial planning goals or that include designated areas for growth and also for protection; promote urban revitalization, greenfields protection and transit and/or pedestrian-oriented development patterns that enhance neighborhoods and reduce public infrastructure and service costs and discourage sprawl; and are prepared through local interjurisdictional agreements or in cooperation with other municipalities.

Rationale

The state of Indiana does not require that a local government exercise planning and zoning. However, if a local government chooses to exercise its zoning authority, a comprehensive plan must be developed prior to the adoption of zoning and planning regulations. As an alternative to requiring the development of comprehensive plans, states can provide a strong incentive for comprehensive plan development by offering planning grants to local governments that develop plans that reflect state planning goals. Minnesota, Pennsylvania and Wisconsin have demonstrated leadership among Great Lakes states in this area by passing legislation that defines what comprehensive plans should include and by offering incentives for local governments to develop and implement such plans. See “best practices in other states” below.

State legislation that encourages planning should allow for flexibility while encouraging a systematic approach to development so that local comprehensive plans are based on criteria that consider previously-developed sites (or buildings for reuse or conversion) for development before greenfields sites, particularly where public investment is concerned. This approach is a national policy in the United Kingdom. Legislation should also encourage intergovernmental cooperation/coordination and innovative land development and protection techniques. For example, not every community needs to allow for every type of land use (e.g. industrial, commercial, residential and agricultural).

Progress to Date in Indiana

Indiana law (P.L. 309 of 1981 Section 23) as codified in IC 36-7-4-502 requires that a Comprehensive Plan contain at least the following elements:

- (1) A statement of objectives for the future development of the jurisdiction.
- (2) A statement of policy for the land use development of the jurisdiction.
- (3) A statement of policy for the development of public ways, public places, public lands, public structures, and public utilities.

In addition to the required content a comprehensive plan may address:

- (1) Surveys and studies of current conditions and probable future growth within the jurisdiction and adjoining jurisdictions.
- (2) Maps, plats, charts, and descriptive material presenting basic information, locations, extent, and character of any of the following:
 - (A) History, population, and physical site conditions.
 - (B) Land use, including the height, area, bulk, location, and use of private and public structures and premises.
 - (C) Population densities.
 - (D) Community centers and neighborhood units.
 - (E) Areas needing redevelopment and conservation.
 - (F) Public ways, including bridges, viaducts, subways, parkways, and other public places.

- (G) Sewers, sanitation, and drainage, including handling, treatment, and disposal of excess drainage waters, sewage, garbage, refuse, and other wastes.
 - (H) Air, land, and water pollution.
 - (I) Flood control and irrigation.
 - (J) Public and private utilities, such as water, light, heat, communication, and other services.
 - (K) Transportation, including rail, bus, truck, air and water transport, and their terminal facilities.
 - (L) Local mass transit, including taxicabs, buses, and street, elevated, or underground railways.
 - (M) Parks and recreation, including parks, playgrounds, reservations, forests, wildlife refuges, and other public places of a recreational nature.
 - (N) Public buildings and institutions, including governmental administration and service buildings, hospitals, infirmaries, clinics, penal and correctional institutions, and other civic and social service buildings.
 - (O) Education, including location and extent of schools, colleges, and universities.
 - (P) Land utilization, including agriculture, forests, and other uses.
 - (Q) Conservation of energy, water, soil, and agricultural and mineral resources.
 - (R) Any other factors that are a part of the physical, economic, or social situation within the jurisdiction.
- (3) Reports, maps, charts, and recommendations setting forth plans and policies for the development, redevelopment, improvement, extension, and revision of the subjects and physical situations (set out in subdivision (2) of this section) of the jurisdiction so as to substantially accomplish the purposes of this chapter.
 - (4) A short and long range development program of public works projects for the purpose of stabilizing industry and employment and for the purpose of eliminating unplanned, unsightly, untimely, and extravagant projects.
 - (5) A short and long range capital improvements program of governmental expenditures so that the development policies established in the comprehensive plan can be carried out and kept up-to-date for all separate taxing districts within the jurisdiction to assure efficient and economic use of public funds.
 - (6) A short and long range plan for the location, general design, and assignment of priority for construction of thoroughfares in the jurisdiction for the purpose of providing a system of major public ways that allows effective vehicular movement, encourages effective use of land, and makes economic use of public funds.

Planning with POWER (Protecting Our Water and Environmental Resources) is a statewide educational program that links land use planning with watershed planning at the local level. Established in 2000, with funding and coordination provided by the Illinois-Indiana Sea Grant College Program and the Purdue University Cooperative Extension Service, it is designed to empower communities to prevent and solve natural resource problems resulting from changing land use in growing watersheds and to empower local officials to incorporate watershed protection measures into comprehensive land use plans. The Planning with POWER provides local communities assistance with:

- Evaluating the status of a community within the planning process
- Identifying steps needed to incorporate natural resources protection into local comprehensive plans
- Using the appropriate technical and educational resources for planning
- Evaluating progress and identifying additional steps

Planning with Power has been working closely with several Indiana communities on an ongoing basis including Lake, Porter, Elkhart, Hendricks, Howard, Putnam and Dearborn counties. It has produced ten publications to inform communities about natural resource protection, stormwater management, best management practices for nonpoint source pollution and open space planning.

Several regional planning initiatives are underway in northwest Indiana. Since there is no legal authority for regional planning, these plans are implemented when local governments adopt the plans provisions into their own plans and zoning ordinances. Several Northwest Indiana regional planning documents that can help local planning efforts include:

- The Ped and Pedal Plan established by Northwestern Indiana Regional Planning Commission in 1994 aims to develop trails and open space that improve the quality of life and interconnects the communities of Northwest Indiana.
- In 1999, The Indiana Department of Natural Resources (DNR) released their Statewide Comprehensive Outdoor Recreation Plan (SCORP). This 5-year plan aimed at improving recreation opportunities while protecting natural resources in Indiana by establishing priorities and recommendations for decisionmakers.
- The Marquette Greenways plan, conceived by 5 Northwest Indiana Mayors, establishes three objectives: 1) recapture 75% of the shoreline for free public access, 2) as a minimum, require a setback from the water of at least 200 feet for any new structures or facilities, and 3) establish a continuous pedestrian/bicycle trail contiguous to the shoreline, to the greatest extent possible.
- The Northwest Indiana Regional Watershed Plan developed by the Northwestern Indiana Regional Planning Commission's (NIRPC) establishes a framework for water quality improvements and planning within the three-county NIRPC planning area. The goals for this plan are to bring all of the stakeholders to the table and to commit to work together in establishing achievable management practices and protective goals. This plan will assist the state in water quality management planning, provide support for IDEM's Total Maximum Daily Load program and provide guidance for the region's communities and the public. The Regional Watershed Plan also provides a framework for smaller watersheds in the three-county region of northwest Indiana to develop and implement their own watershed plans.

Best Practices in Other States

Minnesota's former Community Based Planning Act, sets forth a framework to integrate sustainable development principles into local planning. The Act stressed the need to plan for growth and provides financial and technical assistance for local planning. Future land use decisions and ordinances were required to be consistent with the plan, and coordination of plans was required among local and neighboring jurisdictions. Although this Act was repealed in 2001, communities may still consider the smart growth measures that it suggests.

In 2000, Pennsylvania initiated its "Growing Smarter" plan to include anti-sprawl measures. The "Growing Smarter" initiative involves a combination of strategies, which include legislative actions to promote multi-municipal land use planning and consistency between comprehensive plans and zoning ordinances at the municipal and county levels of government. Financial support of \$3.6 million for local land use planning was included in the Governor's budget. Pennsylvania has also streamlined guidelines for local governments applying for state funding to develop multi-municipal comprehensive land use plans. These guidelines spell out that the state's priorities to fund the development of plans that are done in cooperation with other jurisdictions and that meet the state's land use objectives. Growing smarter has included a top-to-bottom interagency review of state government to determine how state funding programs support local land use planning.

In passing the 1999-2001 State Budget, Wisconsin legislators made significant changes to the state's planning laws. The changes enacted are often referred to as Wisconsin's "smart growth" legislation; however, the law does not define "Smart Growth." Rather, the law focuses on the development and

implementation of local comprehensive plans. Specifically, the law defines what is a "comprehensive plan," outlines procedures for adopting plans, and requires that certain actions, beginning in 2010, be consistent with an adopted plan. The law creates a comprehensive planning grants program and stresses the importance of citizen involvement, community visioning, and other types of public participation in the planning and plan adoption processes. Initial incentives included \$3.5 million in grants to local governments. Under Wisconsin law, comprehensive plans must address housing and ways to broaden the range of housing choices; transportation with emphasis on transportation alternatives; utility and public infrastructure and service capacity and future needs; farmland and natural resource management and protection; economic development, with particular attention to brownfields redevelopment; intergovernmental cooperation; and current and future land use trends. The Wisconsin state budget established a Smart Growth Dividend program in 2005 to provide additional funding to jurisdictions that have developed comprehensive plans according to the state guidelines and adopted consistent zoning and subdivision ordinances.

With regard to Florida, the state's Growth Management Act (Chapter 163, Part II, Florida Statutes, The Local Government Comprehensive Planning and Land Development Regulation Act) requires all of Florida's counties and municipalities to adopt Local Government Comprehensive Plans that guide future growth and development. Comprehensive plans contain chapters or "elements" that address future land use, housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. A key component of the Act is its "concurrency" provision that requires facilities and services to be available concurrent with the impacts of development.

Implementation Options

Following are possible approaches which could be pursued to promote the development of local comprehensive plans. These ideas will be discussed during one of the breakout sessions at the Coastal Connections Land Use Roundtable.

- A1. State funding for planning. Amend the state planning law or use another relevant legislative vehicle to authorize the Indiana Finance Authority to provide annual appropriations for local governments to support the development and regular updating of local comprehensive plans
- A2. State smart growth task force. Establish a statewide task force to review the Indiana Planning Law as codified in IC 36-7-4-502 and make recommendations to the state legislature for amendments that would incorporate conservation design, transportation-oriented development, natural, cultural resource inventories, and other smart growth measures.
- A3. Legislation to require concurrency. Enact state legislation requiring "concurrency"—whereby public facilities and services must be available (or the funding to provide them) to accommodate new development before it occurs, so as to reduce long-term financial and tax burdens that accompany unplanned development.
- A4. Statewide funding for technical assistance. Enhance state funding to provide technical support to local governments to develop and update comprehensive plans, such as is done with the Planning with Power program.

Key Web Resources

IC 36-7-4-502 and IC 36-7-4-503
Indiana Code for Planning and Development

Planning with Power, Purdue University, <http://www.planningwithpower.org/>

Purdue University Land Use Team, <http://www.ces.purdue.edu/anr/landuse/>

Conserve open spaces and natural resources while meeting development objectives, <http://www.greenneighborhoods.org/site/growinggreener.pdf>

City of Portage Comprehensive Plan, www.ci.portage.in.us

Porter County Land Use Plan, www.porterco.org

Planning, Development, and Zoning guides for growing sensibly, <http://www.growingsensibly.org>

Indiana Planning Association, <http://www.indianaplanning.org/citizen.htm>