

COMMISSION ON ACT 250: THE NEXT 50 YEARS
COMPARISON CHART OF OTHER STATES WITH STATEWIDE OR REGIONAL LAND USE CONTROLS

Aaron Adler, Legislative Counsel Aug. 31, 2018

STATE	AREA COVERED	REGULATED USES	USE OF PLAN	USE OF MAP	USE OF APPLICATION REVIEW	REGULATORY BODY	APPEALS	NOTES
CA	Coastal zone (except SF Bay)	Development within zone, defined broadly to include not only typical land development activities such as construction but also changes in intensity of use of land or water. Exemptions include repair and replacement in kind.	Yes, an overall 5-year strategic plan. County and municipal govts. also prepare a plan as part of their Local Coastal Programs (LCP) under the Coastal Act.	Yes, to establish coastal zone boundary. Also, most LCPs divide their coastal areas into geographic segments.	Yes.	California Coastal Commission (CCC, with 12 voting and 3 non-voting members). Application review by CCC is quasi-judicial. County and municipal govts. with CCC-approved LCPs. These authorities issue coastal development permit instead of the CCC.	Appeal is to court from the CCC, and from local authorities with approved LCPs (for some development). In some cases, appeal from local authorities is to CCC, with a de novo hearing.	Permitting authority is now delegated to localities in most of the coastal zone. CCC retains review over development in tideland or public trust land.
CA	San Francisco Bay	Work in the Bay, within 100 feet of the shoreline, or within certain nearby salt ponds, waterways, and wetlands, including filling, dredging, and other work.	Yes. Overall plan and special area plans.	Yes. Maps apply policies in plan.	Yes. Application types include major, administrative, and regionwide permitting.	Bay Conservation and Development Commission (27 members). Application review by BCDC is quasi-judicial.	Review of permit denial or permit conditions available in court.	Regionwide permitting allows approval of some activities without Commission review.
CA/NV	Lake Tahoe region	Comprehensive jurisdiction based on interstate compact approved by Congress. Exemptions determined by agency (examples include fences and repairs and remodeling).	Yes. Agency adopts environmental threshold carrying capacities and adopts plan and programs to achieve and maintain them.	Yes. Maps depict approved land uses for areas within region.	Yes. Agency has developed an “express check” process for some activities (examples include driveway paving and residential additions).	Tahoe Regional Planning Agency under governing board (15 members). Agency has authority to adopt ordinances. Through agreements, some permit reviews delegated to local authorities. For some activities, TRPA staff can issue a permit.	The compact states that legal actions on matters such as permit decisions of the agency may be filed “in the appropriate courts of California and Nevada and of the United States.”	To achieve its objectives, the agency conducts both a regulatory program and an environmental improvement program (e.g., restoration projects).

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HI	Entire state	Comprehensive. All land in state is classified into one of 4 districts: urban, rural, agricultural, and conservation. Statute designates the general types of uses permitted in the districts.	Yes. Overall state plan adopted by legislature. State plans specific to various functions (e.g., agriculture) adopted by state agencies. Counties also adopt plans that must be consistent with state plan.	Yes. May be changed through boundary amendment proceedings.	Yes. Uses may require review (“use review”) or may be allowed without further action (“permitted uses”).	Multiple actors: <i>State Land Use Commission</i> (LUC; 9 members) establishes the district boundaries and acts on petitions for boundary changes and requests for special use permits in the agricultural and rural districts. Petition and permit review before LUC is quasi-judicial. <i>State Office of Planning</i> reviews districts every 5 years and recommends adjustments to LUC. <i>Counties</i> administer and enforce land uses in all districts except conservation, in which administration is by the <i>State Board and Department of Land and Natural Resources</i> .	Appeal from case decisions of LUC and county land use authorities is to state Circuit Court.	(1) Hawaiian civilization developed its own system of land use control and management prior to contact with Europeans and this system influences the current regulatory structure. (2) In HI, the Circuit Court is the equivalent of the Superior Court in VT.
ME	Unorganized and deorganized townships	Comprehensive zoning-style regulation, with exemptions such as utility facilities and normal maintenance and repair.	Yes.	Yes, zoning maps adopted for each township	Yes. Multiple forms for different types of activities (e.g., residential, boat launch, bridge construction).	Maine Land Use Planning Commission (9 members). Commission has authority to delegate decision-making to staff, subject to requests for Commission review of the staff action.	Right of review in Superior Court.	(1) Statute requires at least 3 districts: protection, management, and development. (2) Much of ME is unincorporated

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ME	Shoreland areas as defined in statute	Uses within the shoreland area, with exceptions for repair, maintenance, and replacement of existing road culverts below certain sizes.	Yes, when adopted by municipality.	Yes.	Yes.	ME requires each municipality to have a shoreland zoning ordinance. The State Board of Environmental Protection adopts minimum guidelines for implementation and may adopt an ordinance for a town that fails to do so	Appeal to Superior Court; appeal to Supreme Judicial Court available if large project.	
NY	Adirondack Park	Comprehensive jurisdiction. All private lands in Park classified into 6 types of areas.	Yes.	Yes.	Yes. Need for application and level of review varies based on area and type of project.	Adirondack Park Agency with governing board (11 members). Many approvals are by staff. Agency has delegated permitting authority to some localities after approval of their programs.	Review of agency decisions available by application to Supreme Court.	In NY, the Supreme Court is the equivalent of the Superior Court in VT.
OR	Entire state	Comprehensive zoning-style regulation. State law requires counties and municipalities to plan and have implementing regulations.	Yes. State commission established 19 planning goals County and municipal plans must be consistent with those goals.	Yes. The plans must each have maps. Zoning maps are subordinate to plan maps.	Yes. Different kinds of applications and reviews, similar to usual local land use (e.g., conditional uses, subdivisions).	Multiple actors: <i>State Land Conservation and Development Commission</i> adopts planning goals and reviews county and municipal plans for consistency. <i>Municipal and county authorities</i> review applications and issue permitting decisions.	Municipal and county land use decisions are appealable to the Land Use Board of Appeals (quasi-judicial; 3 members). Decisions of that board may be appealed to the Oregon Court of Appeals.	Planning goal 14 requires that municipalities and counties adopt urban growth boundaries.