

Indiana Policy Summaries

Prepared for:

**Coastal Connections 2006 Land Use Roundtable
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Indiana University Northwest

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***Prepared by:* Indiana University Northwest School of Public and Environmental Affairs, the Indiana Roundtable Steering Committee and the Great Lakes Commission**

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>

B. Consistency between Zoning Ordinances and Comprehensive Plans

Strategic Action

Require that zoning ordinances be consistent with comprehensive plans.

Rationale

Though most major U.S. Great Lakes cities have a comprehensive plan; they often fail to implement it in a way that can direct new development. Most local jurisdictions use zoning ordinances rather than comprehensive plans to determine what type of development can happen where. In the Great Lakes region, only the states of New York, Minnesota and Pennsylvania (and effective January 2010, Wisconsin) require local zoning to be consistent with a local comprehensive plan. Zoning ordinances describe where and what type of land use can take place, but they do not consider the “how” and “when” issues—issues of how new developments will impact the overall community, design (what they should look like), timing (when they should occur based on the communities’ priorities for growth) or financial viability (the ability to finance necessary public infrastructure and services, particularly over the long term). Often the end result is unplanned, relatively uniform development that conforms to minimum building code requirements, low-density zoning ordinances and segregated land uses, or sprawl.

Moreover, when coupled with strict building codes and extensive permit requirements, zoning ordinances can make redeveloping central urban sites unfeasible or impractical for developers, while rendering greenfields easy targets for development. Zoning ordinances need to be used as a tool for implementing a comprehensive plan, not as development/growth policies themselves.

Progress to Date in Indiana

Indiana law as codified in IC 36-7-4-601 requires the following:

- (a) The legislative body having jurisdiction over the geographic area described in the zoning ordinance has exclusive authority to adopt a zoning ordinance under the 600 series. However, no zoning ordinance may be adopted until a comprehensive plan has been approved for the jurisdiction under the 500 series of this chapter.
- (b) When it adopts a zoning ordinance, the legislative body shall:
 - (1) designate the geographic area over which the plan commission shall exercise jurisdiction; and
 - (2) incorporate by reference into the ordinance zone maps, as prepared by the plan commission under subsection (e).
- (c) When it adopts a zoning ordinance, the legislative body shall act for the purposes of:
 - (1) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
 - (2) lessening or avoiding congestion in public ways;
 - (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and
 - (4) otherwise accomplishing the purposes of this chapter.
- (d) For the purposes described in subsection (c), the legislative body may do the following in the zoning ordinance:
 - (1) Establish one (1) or more districts, which may be for agricultural, commercial, industrial, residential, special, or unrestricted uses and any subdivision or combination of

these uses. A district may include geographic areas that are not contiguous. A geographic area may be subject to more than one (1) district.

(2) In each district, regulate how real property is developed, maintained, and used. This regulation may include:

(A) requirements for the area of front, rear, and side yards, courts, other open spaces, and total lot area;

(B) requirements for site conditions, signs, and nonstructural improvements, such as parking lots, ponds, fills, landscaping, and utilities;

(C) provisions for the treatment of uses, structures, or conditions that are in existence when the zoning ordinance takes effect;

(D) restrictions on development in areas prone to flooding;

(E) requirements to protect the historic and architectural heritage of the community;

(F) requirements for structures, such as location, height, area, bulk, and floor space;

(G) restrictions on the kind and intensity of uses;

(H) performance standards for the emission of noises, gases, heat, vibration, or particulate matter into the air or ground or across lot lines;

(I) standards for population density and traffic circulation; and

(J) any other provisions that are necessary to implement the purposes of the zoning ordinance.

(3) Designate zoning districts in areas having special development problems or needs for compatibility in which a plan commission shall:

(A) approve or disapprove development plans under the 1400 series of this chapter; and

(B) ensure that a development plan approved under this subdivision is consistent with the comprehensive plan and the development requirements specified in the zoning ordinance.

(4) Provide for planned unit development through adoption and amendment of zoning ordinances, including PUD district ordinances (as defined in section 1503 of this chapter).

(5) Establish in which districts the subdivision of land may occur.

(e) When it prepares a proposal to initially adopt a zoning ordinance for a jurisdiction, the plan commission shall also prepare zone maps. The purpose of the zone maps is to indicate the districts into which the incorporated areas and unincorporated areas, if any, are divided.

In sum, local legislative bodies (e.g., city and town councils) may adopt zoning ordinances but only after a comprehensive plan has been developed. As with planning, the state code is very general, with a long list of things that can be zoned for, but little to no guidance on how it can be done in ways that are more sustainable (i.e., accommodate growth while protecting of community character and natural resources, and how to provide public facilities and infrastructure that are financially sustainable in the long-term, etc.). As such, many communities zone in reaction to or against something, rather than using it as a proactive tool to implement a visions or plan. Still, some communities are bucking the trend.

One example is the city of Portage, which updated their comprehensive plan to shift from an outward to an inward focus on sustaining development. To accomplish this, the city updated their zoning and subdivision ordinances to implement mixed uses, design standards, and pedestrian linkages within the community.

Another example is the city of Kokomo/Howard County, which had neighborhoods zoned in industrial sites. To rectify this, Kokomo implemented mass rezoning based on how the land was being currently used rather than future uses. In doing so, the community was able to update both their comprehensive plan and zoning ordinance to establish reasonable standards and procedures for subdivisions and re-subdivisions and protect the character and social and economic stability of all

parts within the community. Kokomo is able to avoid scattered, illogical and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services by planning for a balance between land uses, natural resources, open spaces, recreation and public ways that is beneficial to the community for present and future developments.

Best Practices in Other States

Florida established a state law that requires comprehensive plans to be adopted by ordinance and must have measurable goals. New York, Minnesota and Pennsylvania (and effective January 2010, Wisconsin) require local zoning to be consistent with a local comprehensive plan.

The state of Wisconsin has developed model ordinances for adopting comprehensive plans, traditional neighborhood development, and conservation subdivisions.

Implementation Options

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

- B1. State incentives for zoning consistency with plans. Create a state dividend to provide funding to those communities who have made their zoning ordinances consistent with their comprehensive plans
- B2. Develop model ordinances. Local government members of NIRPC can request that NIRPC develop model ordinances for local governments to adopt. Other state model ordinances could be used as a starting point, but the model ordinances for Northwest Indiana should reflect the contents of the relevant regional planning documents.
- B3. Enact legislation requiring zoning consistency with plans. Amend state planning and zoning enabling laws to require that zoning ordinances be consistent with comprehensive plans.

Key Web Resources

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

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

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

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

Wisconsin model zoning ordinances,
http://www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=370&linkcatid=224&linkid=

C. Inventory of Indiana Wildlife Habitat, Farmland, Cultural & Historic Resources

Strategic Action

As part of comprehensive plans or as an independent effort, jurisdictions in urban fringe and rural areas should incorporate into their comprehensive plans, inventory information regarding:

- a) Wildlife habitat (including acreage and capacity to support viable plant and animal populations)
- b) Prime farmland acreage
- c) Cultural and historic resources

This information can be used develop mitigation/protection measures in advance of development proposals.

Rationale

For those urban fringe and rural places where development pressures can be intense, proactive policies that anticipate development proposals should be encouraged. Through their own planning efforts, independent initiatives such as contracted studies, or the use of existing inventories compiled by various agencies and organizations, communities can incorporate information about their natural, agricultural and cultural/historical resources into comprehensive planning measures. With this information in hand, developers be informed in advance of the lay of the land in order to develop proposals that meet the requirements of local comprehensive plans.

Progress to Date in Indiana

Indiana does not have a coordinated, statewide assessment system in place for natural features inventories. Data is collected and maintained by a variety of agencies and organizations. Below are several examples of the primary **natural features inventories** that are available for the state.

- Partners with Fish and Wildlife Program (U.S. Fish and Wildlife Service (USFWS) 1987)
- Indiana Biodiversity Initiative (1996) (federal, state, and local agencies, non-profits, academia, and business and agriculture industries) – The Defenders of Wildlife-initiated program includes developing a statewide biodiversity conservation strategy, assessing Indiana's biodiversity, educating the public, and cultivating collaborations.
- Indiana Comprehensive Wildlife Strategy (CWS) (Indiana Department of Natural Resources (IDNR), Division of Fish and Wildlife (DFW) in partnership with a number of state conservation organizations (2005)) - done in part to fulfill a Congressional mandate.
- Coastal and Estuarine Land Conservation Plan: The Coastal and Estuarine Land Conservation Program (CELCP), will identify important resource areas in the coastal region. Being developed by the IDNR's Lake Michigan Coastal Program, the plan is to include an assessment of priority land conservation needs and clear guidance for nominating and selecting land conservation projects within the state.
- National Wetlands Inventory (Indiana DNR and USFWS (1985)) - mapping of Indiana wetlands. Recently, the Indiana Department of Environmental Management (IDEM) received grant approval to investigate trends in wetlands losses and gains and recreate the work done by IDNR utilizing more recent information and newer habitat studies.
- Indiana Gap Analysis Project (Indiana State University (ISU), Department of Geography, Geology, and Anthropology and Department of Life Sciences and Indiana University's SPEA, in partnership with IDNR (1994)) – a compilation of over 60 specific habitat types through research and the use of GIS databases.
- Indiana Natural Heritage Data Center (IDNR (1978)) – part of worldwide Natural Heritage Network – 59 high quality habitats and over 700 significant natural areas in Indiana

- Important Bird Areas Program (IBA) (The Indiana Audubon Society (1988)) - maintains an inventory of important bird habitats. As of September, 2005, Indiana has 13 IBAs.

Below are examples of the **farmland inventories** that are available for the state. The U.S. Department of Agriculture and Purdue University have been active over the years in collecting and maintaining records for Indiana.

- Indiana Farmland Statistics (The U.S. Department of Agriculture National Agricultural Statistical Service (USDA NASS)) – data available for 1992, 1997, and 2002
- National Resources Inventory (NRI) (The U.S. Department of Agriculture Natural Resources Conservation Science (NRCS)) – conducted every five years for non-federal US lands. The NRI is done to fulfill NRCS reporting requirements and to help measure the effectiveness of conservation practices and programs as authorized by the federal Rural Development Act of 1972. The Soil and Waters Resources Conservation Act of 1972 and the Food Security Act of 1985 highlighted the need for periodic assessment of the nation’s natural resources. Data available for Indiana for 1982, 1987, 1992, and 1997. The 2003 survey is due in March, 2006.

Below are examples of the **cultural and historical inventories** that are available for the state. The National Historic Preservation Act (1966) mandated that each state create a State Historic Preservation Office (SHPO) to identify, evaluate, register, and protect historic resources. The Indiana SHPO is managed by the Indiana Department of Natural Resources (IDNR) Divisions of Historic Preservation and Archeology (DHPA).

- IDNR, Division of Historic Preservation and Archeology (DHPA) (1981) – has developed an Indiana Cultural Resources Management Plan (2005-2011). It also maintains approximately 200,000 records of above-ground resources identified since 1975 after surveying 92 Indiana counties. Interim reports are available through the Historical Landmarks Foundation of Indiana, county historical societies, and county libraries.
- National Park Service (NPS) – inventories of national historic landmarks, monuments, sites, battlefields, and parks and lakeshores - three nationally-recognized areas – Indiana Dunes National Lakeshore, George Rogers Clark National Historical Park, and Lincoln Boyhood National Monument and 36 national historic sites in Indiana.
- Indiana Board of Tourism - inventory of historical & cultural locations - battlegrounds, cemeteries, museums, districts, forts, ruins and trails.

In summary, many different sources exist for natural, cultural and historic features data, but these sources are not well coordinated within the state. Partnerships among various agencies and organizations have resulted in on-going efforts to maintain these inventories. Still, there is no systematic effort to coordinate all of these inventory activities in a way that is useful for planning entities. Currently, there are few, if any, real incentives for local governments to incorporate these types of inventories into their comprehensive plans. However, programs such as the Indiana Biodiversity Initiative and Planning with POWER (Illinois-Indiana Sea Grant College Program and the Purdue University Cooperative Extension Service) educate local governments on the benefits of incorporating inventories in into the comprehensive planning process and provide assistance to revise plans accordingly.

Other key initiatives include:

- Harrison County, Indiana has been using natural resources regional assessment data developed through the Indiana Biodiversity Initiative as a conservation tool to guide its local planning.
- The “Working Farmland Protection Program” Bill (HB 1654) introduced by the Hoosier Chapter, Soil & Water Conservation Society failed to pass in the 2005 Indiana Legislative Session. It outlined a policy where Indiana agricultural economic development and farmland protection are compatible with the USDA NRCS Federal Farm & Ranch Land Protection Program. A similar bill (SB 0392) is being considered in the 2006 Legislative Session, which establishes the Hoosier legacy fund to fund eligible projects under the U.S. Dept. of Agriculture’s farmland preservation and forest legacy

programs. The bill also authorizes the Land Resources Council to identify priority funding areas and provide technical assist to local governments.

Best Practices in Other States

Oregon is a leading state in developing legislation mandating that local comprehensive planning include the development and use of inventories. It adopted the Oregon Land Use Act (1973) in response to farmland preservation issues in relation to the city of Portland. The Act is administered by The Land Conservation and Development Commission and the Department of Land Conservation and Development. It calls for all cities and counties to prepare comprehensive plans and development regulations with goals that include: agreement on city and county-wide planning policies, designation of critical areas, agricultural lands, forest lands, mineral resources lands, and historical and cultural resources, designation of urban growth areas, adoption of regulations to protect these lands, and adoption of comprehensive plans that address land use, transportation, capital facilities, utilities, shorelines, and (for counties) rural land use and development. Cities and counties are also required to show how they meet statewide goals.

Washington adopted a comprehensive statewide legislative and regulatory approach to growth management with the passage of the Growth Management Act (GMA) (1990) and later amendments. Modeled after Oregon's initiative, the GMA was proposed as a result of increasing population growth and sprawl and traffic congestion in select counties of the state. The Act calls for local governments to prepare comprehensive plans and development regulations with 13 goals in mind, some of which include: agreement on county-wide planning policies, designation of critical areas, agricultural lands, forest lands, and mineral resources lands, designation of urban growth areas, adoption of regulations to protect these lands, and adoption of comprehensive plans that address land use, transportation, capital facilities, utilities, shorelines, and (for counties) rural land use and development. Unlike Oregon's Act, Washington's does not require a historic preservation or cultural resources element in a comprehensive plan. But, cities and counties planning under the GMA must consider and incorporate the historic preservation goal. The planning process and the relationships set up by Washington reflect a higher degree of local control than that specified by Oregon. Only counties (and the cities within) meeting thresholds of growth are required to plan fully under the GMA. The rest may choose whether or not they want to plan fully or to only designate critical lands and resource areas.

Prompted by the need to protect a federally listed, endangered owl, Pima County, Arizona is developing the Sonoran Desert Conservation Plan. The plan is designed to direct development in a way that will protect habitats for both rare and common species. It combines wildlife conservation with wetlands and riparian restoration, cultural and historical preservation — including ranch protection — and develops natural corridors to link protected areas. In conjunction, a series of county maps were developed showing areas of varying habitat importance. The county also updated its comprehensive plan by incorporating the Sonoran Desert Conservation Plan into its local land use strategy.

Implementation Options

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

- C1. DNR clearinghouse for natural, cultural and historic features data. The IDNR should take on a leadership role to be the clearinghouse for all natural, cultural and historic features data. While other entities may generate and update some of the data (e.g., the non-natural features data), the DNR could establish a web site that serves as a clearinghouse with guidance on how to use the inventories in

developing comprehensive plans. Planning entities could use this clearinghouse and guidance as a “one-stop shopping” point for getting data on natural, cultural and historic features and guidance on how to incorporate that data into their plans.

- C2. Interagency coordination of data. State, regional and local agencies that generate and maintain this data should convene periodically to coordinate the delivery and distribution of their data. The IDNR could take the lead on an annual meeting of relevant agencies.
- C3. Natural, cultural and historic features state funding requirement. State agencies that fund local projects, (transportation, agriculture, commerce) should make the presence of a comprehensive plan with natural, cultural, and historic features part of their funding eligibility requirements.
- C4. Enact state legislation to require natural features data. The State legislature should pass a bill requiring comprehensive plans to reflect natural, cultural, and historic features inventory data and information to guide future community development and land and other resource protection.
- C5. Enact state legislation for protection of farmland. Pass state legislation to create a farmland preservation program administered by a relevant state agency or body (such as the Department of Agriculture or Indiana Land Resources Council) that will pass through federal financial assistance for farmland preservation to local governments.

Key Web Resources

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

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

The American Farmland Trust, Great Lakes Region Office -<http://www.farmland.org/cgl/indiana.htm>

The Biodiversity Initiative – <http://www.biodiversitypartners.org/state/in/bioplaning.shtml>

The Historical Landmarks Foundation of Indiana - <http://www.historiclandmarks.org/>

The Coastal Historic and Cultural Resources Study of the Lake Michigan Watershed - <http://www.in.gov/dnr/lakemich/pdf/historicstudy.pdf>

The Indiana Audubon Society - <http://www.indianaaudubon.org/>

Indiana Department of Natural Resources, Division of Historic Preservation and Archeology - <http://www.in.gov/dnr/historic/>

Indiana Department of Tourism - <http://www.in.gov/tourism/>

The US Department of Agriculture National Agricultural Statistical Service (USDA NASS) - <http://www.nass.usda.gov/census/census02/volume1/in/index1.htm>.

Indiana Historical Society - <http://www.indianahistory.org/>

Partners with Fish and Wildlife Program - <http://www.fws.gov/partners/pdfs/IN-needs.pdf>

Purdue University, School of Agriculture - <http://www.agriculture.purdue.edu/>

Purdue University, Purdue Interdisciplinary Center for Ecological Sustainability (PICES) - <http://bilbo.bio.purdue.edu/~pices/index.html>

US Department of Agriculture Natural Resources Conservation Science – National Resources Inventory Indiana - <http://www.in.nrcs.usda.gov/technical/nri/INNRIweb1.html>

U.S. Fish and Wildlife Service (USFWS) - Partners with Fish and Wildlife Program - <http://www.fws.gov/partners/pdfs/IN-needs.pdf>.

D. Link Brownfields Funding with Planning

Strategic Action

Tie state funding for brownfields cleanup and redevelopment to land-use planning by encouraging consistency with up-to-date comprehensive plans as a condition for brownfields funding, particularly in metropolitan and other urbanized areas.

Rationale

Great Lakes states' efforts to wed cleanup and economic development programs have been an important and positive step toward a more comprehensive approach to brownfields redevelopment. However, Great Lakes jurisdictions at all levels have been less successful when it comes to integrating brownfields redevelopment into a more comprehensive approach to land-use planning and development.

Great Lakes states can learn from New Jersey and Oregon by linking brownfields cleanup and redevelopment funding to a strategic growth plan that has a strong urban revitalization/urban development component. Encouraging consistency of brownfields activities with comprehensive plans as part of brownfields funding may also promote comprehensive plan review and updating, a needed activity in many areas. This will also ensure that brownfields cleanup and redevelopment does not compromise a community's ability to carry out its master plan or vision of growth and development in the future (e.g., by converting a commercial operation into residential, which might require a higher level of cleanup). Though tying state brownfields funding with comprehensive plans may be viewed as an encumbrance to brownfields redevelopment, it will ultimately result in brownfields redevelopment that is well-planned to serve the short and long-term needs of the community.

Progress to Date in Indiana

The Indiana Finance Authority [formerly the Indiana Development Finance Authority (IDFA)] administers the Indiana Brownfields Program, which offers financial, technical, legal and educational assistance to encourage the redevelopment of brownfields. Financial assistance is offered in the forms of grants, low-interest loans and tax credits to encourage an eligible entity to redevelop a brownfield property. Applicants who apply for brownfields funding are asked to provide information about their comprehensive plans and planning efforts and to describe how the brownfield redevelopment project fits in with that overall plan. Although having a comprehensive plan is not a requirement to receive funding, those applicants that do have a plan and that have a redevelopment project that fits into the overall community plan receive additional consideration during the scoring process. Having a reuse plan for individual sites is, however, part of threshold criteria for grant awards.

The U.S. Environmental Protection Agency provides important seed funding for assessment (including planning activities), cleanup, revolving loan fund, and job training to help Indiana communities launch their redevelopment programs and perform initial site assessments at priority brownfields. These grants assist communities in developing the local expertise, knowledge and credibility to leverage the other public and private resources needed for successful revitalization. At this time, there is no state funding specifically for planning activities.

Best Practices in Other States

Most of the Great Lakes states do not explicitly link state brownfields funding to local land use planning. However, New York State offers assistance to communities to develop area-wide plans for brownfield redevelopment and community revitalization.

New York State's Brownfield Opportunity Areas Program (BOA) is designed to assist communities to foster redevelopment and return dormant and blighted land into productive and catalytic areas while restoring environment quality. This program provides municipalities and community-based organizations with resources to address local brownfields providing area-wide brownfield redevelopment planning, access to expert environmental and economic analysis, and environmental site assessment for strategic redevelopment parcels. The goal is to work in partnership with local communities to develop and realize a community vision for brownfield development.

One of the program benefits is the development of a community-based revitalization plan and implementation strategy that spurs investment in distressed areas by establishing clear priorities for redevelopment and other actions for community renewal and improved quality of life. The plan provides a proactive and systematic way to address brownfields and to return them to productive use.

New Jersey and Oregon require local planning for state brownfields funds. For the state of New Jersey, no grant may be awarded from the Hazardous Discharge Site Remediation Fund (HDSRF) unless the municipality, county or redevelopment entity has adopted a comprehensive plan for the development or redevelopment of contaminated, or potentially contaminated property, or can demonstrate to the NJ Economic Redevelopment Authority that a realistic opportunity exists that the property will be developed or redeveloped within three years from the completion of the remediation. In Oregon, applicants for state brownfields funds must show that the proposed use of redevelopment property is consistent with the local land use plan.

Implementation Options

Following are possible approaches which could be pursued to promote the linkage of state funding to land use planning. These ideas will be discussed during one of the breakout sessions at the Coastal Connections Land Use Roundtable.

- D1. Link local funding to updated local plans. Local development authorities should develop local funding sources for brownfields (e.g., such as tax increment financing, or real estate transfer fees) and make the funding eligible for communities, or regions that have an updated (less than 5 years old) comprehensive or strategic growth plan in place.
- D2. Make local planning consistency a state funding eligibility criterion. Through state agency rule, policy or guidance change, make consistency with local comprehensive plans an eligibility criterion for state grants, loans and other brownfields redevelopment incentives.
- D3. NIRPC strategic planning for economic development. Establish a project to define the NIRPC role in economic development and to identify the strengths/assets of organizations involved in economic development in northwest Indiana and explore opportunities for enhanced public/private partnerships that can link brownfields funding with broader planning and economic development initiatives. NIRPC and the Northwest Indiana FORUM will work together to further define the role of the partners, develop goals and strategies and identify funding opportunities for brownfield redevelopment and other sustainable regional economic development projects.

Key Web Resources

UNLOCKING BROWNFIELDS: Keys to Community Revitalization
<http://www.resourcesaver.com/file/toolmanager/CustomO93C337F65023.pdf>

Indiana Brownfields Program

www.brownfields.in.gov

<http://www.in.gov/ifa/business/>

E. Interagency Coordination for State-Funded Projects

Strategic Action

Strengthen coordination among state agencies for state-funded projects that will directly result in changes in land use and establish a process for multi-agency evaluation of such projects that: a) ensures that such projects support state planning goals and/or the mutual goals of greenfields protection and brownfields redevelopment/urban revitalization and b) requires the consideration of alternatives where the project is inconsistent with local land-use plans.

Rationale

This strategic action designed to ensure that state goals publicly-funded projects are coordinated and implemented consistent with common statewide goals related to land-use planning, growth and development and resource protection. It will also ensure that alternatives are considered and pursued where mandated state agency activities are in conflict with state goals or with local land-use plans developed pursuant to state goals. Promoting and ensuring state consistency with comprehensive plans will reinforce and complement state incentives for local governments to develop comprehensive plans that reflect state planning and/or smart growth goals.

Progress to Date in Indiana

The Indiana Brownfields Program works with the Indiana Department of Environmental Management (IDEM), and several other state agencies as appropriate, to facilitate and encourage the redevelopment of brownfield sites. IDEM spearheaded an effort to create the **Interagency Brownfields Task Force** as a way to coordinate the resources of state and federal agencies for brownfields redevelopment. Although *not active* at this time, this Task Force was one way for communities to access several different agencies at one time to discern the applicability of funding and/or technical assistance offered from member agencies, including Indiana State Department of Natural Resources (IDNR), Indiana State Department of Transportation (INDOT), Indiana State Department of Agriculture, Federal Housing Authority, U.S. Housing Urban Development, U.S. Environmental Protection Agency and others. While interagency coordination is not a requirement for state-funded projects, it is a service the state has offered to encourage project tracks for successful brownfields redevelopment. It is certainly possible for state-funded projects to utilize various sources of state and federal funding as appropriate.

The Indiana Brownfields Program Financial Resources Coordinator as a representative of the Indiana Finance Authority (IFA) and member of the FASTeam (Fast Access Site Team) coordinates related state funding. Created in 2005, the Pilot Indiana Shovel Ready Program will help communities and companies identify sites that can be rapidly developed. To do this, IFA, which administers the Pilot Shovel Ready Program, has created the FASTeam that is composed of state representatives from IFA, the Indiana Economic Development Corporation, IDNR, IDEM, INDOT, the Indiana State Department of Health, the Indiana State Department of Agriculture, and the Indiana State Department of Homeland Security. These agencies will cooperate to expedite state, federal, and local business/industry specific permitting for brownfield and greenfield sites listed in the Pilot Shovel Ready Program. The IFA will utilize the FASTeam to achieve the Pilot Shovel Ready Program goals, including: helping communities prepare sites for development by pre-permitting as much as possible; certifying sites to help companies more easily navigate the selection and permitting process; generating a list of remaining permits necessary for a specific site; and helping fast track remaining state, federal, and local business/industry specific permits.

Other state interagency coordination initiatives are listed below.

- Marquette Plan Phase I: In 2005, the five Northwest Indiana communities of Whiting, East Chicago, Gary, Hammond and Portage, with support from the Lake Michigan Coastal Program,

completed a comprehensive plan for recapturing at least 75% of the shoreline for public use, creating a setback for new structure development and implementing a link for pedestrian and bike trails from the Illinois state line to Porter County. This study involved input from numerous stakeholders: government agencies, public, industry, and non profit organizations. The next step is for each community to endorse the plan and to pursue funding for implementation.

- Marquette Plan Phase II: In 2006 the Northwestern Indiana Regional Planning Commission (NIRPC) will continue the Marquette Plan's "vision" for the remaining 24 miles of shoreline, from Portage to the Michigan state line.
- Lake Michigan Coastal Program. Established in 2001 as part of a federal program, Indiana's Lake Michigan Coastal Program supports coordination and partnerships among local, state and federal agencies and local organizations for the protection and sustainable use of natural and cultural resources in the Lake Michigan region. It does this through three primary program activities: the coastal grants program; development of a nonpoint pollution control plan; and encouraging cooperation, coordination and communication among governmental entities. This last element is driven by the "consistency provision" of the federal Coastal Zone Management Act, which gives the state an effective voice concerning federal actions that affect the state's coastal zone. The consistency provision provides that certain federal actions that affect any land or water use or natural resource of the state's coastal zone must be consistent with the state's federally-approved coastal program. While this does not require *state* actions to be consistent with the state coastal program, the intent of the program is to coordinate local, state and federal activities in the coastal zone.
- LaPorte County Comprehensive Plan: La Porte County and the Cities of Michigan City and La Porte are working with consultants to create a comprehensive, countywide Land Development Plan. The first step in this process involves meeting with a wide variety of local officials, groups and citizens to identify key issues. The consultant team will prepare maps and analyze demographic trends, economic trends, natural resources and infrastructure. While working closely with local officials and a local citizen advisory group, the consultant will also develop specific policies and implementation strategies. The resulting Countywide Land Development Plan will be crafted in such a way that it is useful for public officials, members of the development community, and residents of all La Porte County communities.
- Northwest Indiana Regional Development Authority (RDA): The RDA is a newly-established institution that will provide permanent local funding specifically to match federal investment in lakeshore and other economic development projects, such as transportation enhancements. The RDA currently covers Porter and Lake Counties.
- Natural Resources Damage Assessment: Through a settlement between the State of Indiana and the Industrial Users of Hammond Sanitary District a Restoration Fund was established in order to address the effects of sediment contamination in the West Branch of the Grand Calumet River and to restore natural resources damaged in the same area. The Fund is overseen by a Council made up of IDNR, IDEM, US Fish and Wildlife and US EPA.

Best Practices in Other States

Minnesota Interregional Corridors: Land use planning and Transportation Management: Minnesota Planning, Local Planning Assistance, prepared a working paper to inform Minnesota's counties, cities and townships about the significant interrelationship between the state's Department of Transportation's (DOT) Interregional Corridor Management Program and the land use planning and management responsibilities of local units of government. This paper specifies how Minnesota DOT adopted the four

principles from the Governor's Smart Growth Initiative (land stewardship, efficiency, choice and accountability) to issues related to transportation. Furthermore, the paper informs local governments of how they can integrate their land use planning with the Interregional Corridor. It identifies the *Local Solutions Alliance*, a consortium of state agencies, as a means for local government to coordinate their land use planning with regional state issues such as transportation.

Illinois Comprehensive Housing Plan: The "Building for Success: Illinois' Comprehensive Housing Plan" was released on January 24, 2005. Building on Governor Blagojevich's September 2003 Executive Order "To Establish A Comprehensive Housing Initiative," the plan promotes affordability and choice, creates and preserves the state's supply of affordable and workforce housing, and engages more local and state leaders in advancing housing solutions. Although the plan does not identify new resources and incentives for planning, it does strengthen the coordination between state agencies that plan and fund new development impacting the housing arena, including the Illinois Department of Transportation and Department of Commerce and Economic Opportunity. The plan also directs a variety of activities for leveraging the investment of private sector business, financial institutions and the federal government. Additionally, it outlines a number of initiatives to pursue and pilot, ranging from land trusts to shared-risk property insurance pools. The state will update this plan annually. Legislation to codify the plan is making its way through the General Assembly.

Pennsylvania Interagency Land Use Team and State Land Use Action Plan: The *Land Use Action Plan*, as a guiding document for state agencies under the Growing Smarter initiative, represents a major step towards more coordinated state policies and programs. The plan complements the state development and conservation goals developed by the Interagency Land Use Team in 2003. The Action Plan is organized around five major themes with strategic objectives and associated tasks:

- Agency Coordination
- Planning, Program and Project Delivery
- Investment/Leverage
- Intergovernmental Partnerships
- Education

Implementation Options

Following are possible approaches which could be pursued to promote interagency coordination of state-funded projects. These ideas will be discussed during one of the breakout sessions at the Coastal Connections Land Use Roundtable.

- E1. Coordinative body for state-funded projects. Create an interagency body to coordinate large-scale (e.g., over \$500,000) state-funded projects that impact land use. This body could be created by an Executive Order (or legislation) and would include high-ranking decisionmakers from the Department of Agriculture, Department of Transportation, Department of Environmental Management, Department of Natural Resources, Northwest Indiana Regional Development Authority, Indiana Finance Authority and other relevant state agencies. The body would be charged with developing a process for informing and obtaining feedback from non-lead agencies and developing for proposed large-scale projects, as well as criteria for evaluating such project with respect to existing regional initiatives such as the Marquette Plan Phase I and Phase II.
- E2. Build capacity to coordinate coastal projects. The state legislature should appropriate the necessary funds for the Indiana Lake Michigan Coastal Program to lead interagency coordination of state-funded coastal projects including the coastal grants program. Additional funding will enhance the coastal program's ability to fulfill its mission "to support coordination and partnerships among local, state and

federal agencies and local organizations for the protection and sustainable use of natural and cultural resources in the Lakes Michigan region.”

- E3. Reinvigorate the Interagency Brownfields Task Force. The Indiana Finance Authority should lead the Interagency Brownfields Task Force to coordinate state resources for brownfield redevelopment. Expedited Permits for Sustainable Projects. The FASTeam (Fast Access Site Team), through its financial resources coordinator, should establish and employ a simple set of sustainability criteria in its Pilot Shovel Ready Program that can be used to quickly evaluate projects and offer highest priority for expedited permitting to those projects that rank highest on those sustainability criteria.

Key Web Resources

Indiana Department of Commerce, Region I Strategic Plan for Economic Development,
http://www.ibrc.indiana.edu/Studies/iedc_strategic_plans_2005/reg1_strategy.pdf

Lake Michigan Coastal Program, www.in.gov/dnr/lakemich

Indiana Brownfields Program,
www.brownfields.in.gov
<http://www.in.gov/ifa/business/>

F. Sustainable Infill and Brownfield Redevelopment

Strategic Action

Through financial incentives, process incentives (such as expedited permitting), and other appropriate means, promote the *sustainable* redevelopment of underutilized sites in urban areas, including small-scale infill sites and brownfields.

Rationale

There are important economic, social, environmental, and public health benefits that can be realized by restoring brownfields and other infill sites and having the properties back in use. The benefits are often increased or extended when plans are made for the *sustainable* redevelopment of sites. *Sustainable* redevelopment means giving consideration to how the site, the buildings on the site, and the activities that will take place at the site will affect the community, the local economy, and the environment, both short-term and long-term.

Among the sustainable features can be incorporated into site redevelopment are:

- Native plants and natural landscaping which need less watering and less treatment with fertilizers and pesticides as compared to non-native vegetation.
- Green roofs -- vegetated roofs that improve storm water management, absorb UV rays and help moderate temperatures.
- Energy-efficient building features, such as improved insulation, energy-efficient lighting, solar panels and grey water reuse systems.
- Cisterns -- large water collection units that store and provide the reuse of rain water, which help conserve drinking water supplies and improve storm water management.
- Water-efficient plumbing features to prevent waste or overuse of water.
- Rain gardens -- constructed vegetated areas used to collect and absorb storm water and also provide aesthetic value.
- Permeable pavements, which allow storm water to permeate back into the ground and prevent contaminated runoff.
- Site features which encourage or allow for multiple modes of transportation.
- Materials selection for site structures from local manufacturers, distributors or recyclers.

The sustainable redevelopment of brownfield/infill sites can result in significant environmental benefits, such as improved storm water management and/or reduced air emissions. Redevelopment of sites to incorporate green features such as trees and native landscaping can also provide important social benefits. Researchers at the University of Illinois found:

- ✓ Apartment buildings surrounded by trees and greenery are relatively safer than buildings devoid of green. The greener the surroundings, the fewer the crimes.
- ✓ Urban families with trees and greenery in their immediate outdoor surroundings have safer domestic environments than families who live in buildings that are barren of nature.
- ✓ Symptoms of children with Attention Deficit Disorder are relieved after contact with nature. The greener the setting, the more the relief.

In addition to environmental benefits, many sustainable features and practices, such as reduced energy consumption, also result in economic savings and related socio-economic benefits. By taking into account the three elements of sustainability -- economic, environmental and social considerations -- decision-makers can foster redevelopment projects that maximize the benefits to the community and to ensure the long-term use and value of the site.

Progress to date in Indiana

While Indiana does not have a specific program related to sustainable redevelopment of sites, the Indiana Brownfields Program does recognize the value of this concept and incorporates it in various brownfield redevelopment incentives. For example, in general scoring of grant and loan applications, greater consideration is placed on projects with comprehensive end use plans, especially those that indicate aspects of sustainable development. Projects that are committed to green building or energy efficiency building standards receive additional points during the evaluation process. The Program also values those Comprehensive Local Environmental Action (CLEAN) network communities that are designated such through an Indiana Department of Environmental Management (IDEM) program. Furthermore, there is a "forgivable" component to brownfields low-interest loans for program participants that meet cleanup and remediation goals per specified criteria that have sustainable elements.

The state is evaluating its brownfields program, looking for ways to make it even more effective. The evaluation may identify opportunities to further promote the sustainable redevelopment of brownfield sites through financial or other incentives.

There are a number of other programs and initiatives through which the state is sharing information about sustainable design features and management practices:

- The IFA, through its the Brownfields program, works closely with IDEM and its Office of Pollution Prevention and Technical Assistance to market information and incentives related to pollution prevention and resource consumption reduction.
- A newly-created Office of Energy is responsible for administering various energy related grant programs, including the Renewable Energy Demonstration Project Grant Program and the Alternative Energy Systems Grant Program.
- State resources are available through IDEM's Office of Pollution Prevention and Technical Assistance to finance projects that identify or implement energy efficiency technologies.

The Pilot Shovel Ready Program is a new state program created to help communities certify sites as "ready for development." Shovel Ready is designed to ultimately help companies locate and develop a property site quickly. This provides a competitive advantage for Indiana communities and will help attract businesses to sites in the state. The elements of the Pilot Shovel Ready Program are:

- Help local communities prepare sites ready for development by pre-permitting a site as much as possible.
- Certify sites to help companies more easily navigate the selection and permitting process;
- Generate a list of remaining permits necessary for a specific site.
- Help fast track the remaining state, federal and local business/industry specific permits.

Applications to have sites certified under the Pilot Shovel Ready Program are now being accepted; the application deadline is May 15, 2006.

Best Practices in Other States

The state of Minnesota implements a Sustainable Development Initiative, which is a collaboration of business, government and civic interests to promote policies, institutions and actions that ensure long-term environmental, economic and social well-being. The initiative aims to incorporate as many environmentally sustainable redevelopment options as possible, including: reuse/conservation of land, creation and preservation of affordable housing, strengthening and diversifying neighborhoods, integration of open space and green space, improved water quality, energy conservation and green building practices. The state also

has developed a loan program which helps finance redevelopment that is cleaner and greener by providing loans to small businesses that purchase new equipment that meets or exceeds environmental standards.

The state of Wisconsin is working to foster the sustainable redevelopment of brownfield and infill sites through number of means, including education and outreach and transfer of best practices. The state shares information on sustainable practices on its website, and has partnered with U.S. EPA and other organizations to sponsor conferences and workshops on planning tools and green redevelopment of sites. The city of Milwaukee is a leader in land revitalization and the sustainable reuse of brownfields. The city developed Sustainable Design Guidelines for the Menomonee River Valley, a large industrial area west of downtown. Tax increment finance districts are used to support revitalization projects. The city has joined with others to form several partnerships including the Milwaukee Urban Forest Program and the Milwaukee Green Team. Some success stories include: improved air quality, reduction of energy use, improved storm water management, the first green public housing building, and several green public school spaces.

The Clean Michigan Initiative (CMI) is a \$675 million dollar bond approved by Michigan voters to improve and protect the state's water resources, parks, and urban areas. A total of \$335 million was set aside for brownfield redevelopment initiatives. CMI funds are also used for state and local park projects and waterfront revitalization projects, and to capitalize a Small Business Pollution Prevention Assistance Revolving Loan Fund. The city of Detroit is presently developing guidelines for the sustainable redevelopment of the East River district, an area adjacent to the Detroit River that largely comprised of Brownfield sites. The guidelines will be used by the city in RFPs for redevelopment of city-owned sites and by the Planning Department in reviews of proposed redevelopment projects. The Southeast Michigan Sustainable Business Forum is a resource for the development and implementation of sustainable business practices. The Forum's purpose is to provide a learning network to member companies aimed at raising awareness, developing programs, and promoting successes of the Triple Bottom Line (economic prosperity, environmental quality, and social equity) of business sustainability. One of the Forum's workgroups is focused on sustainable land use, including brownfield redevelopment, greenfield preservation, and smart growth.

Ohio voters in 2000 approved a statewide Clean Ohio Fund. The Legislature created four funding programs, each designed to carry out one of the original objectives for the Fund:

- The Clean Ohio Green Space Conservation Program helps to fund preservation of open spaces, sensitive ecological areas, and stream corridors.
- The Clean Ohio Agricultural Easement Purchase Program supports the permanent preservation of Ohio's most valuable farmland through the purchase of development rights.
- The Clean Ohio Trails Fund works to improve outdoor recreational opportunities for Ohioans by funding trails for outdoor pursuits of all kinds.
- The Clean Ohio Revitalization Fund supports the cleanup of polluted properties so that they can be restored to productive uses.

Of the \$400 million available through the Clean Ohio Fund, half is allocated to brownfield redevelopment and related urban revitalization. Local governments, other public agencies and non-profit organizations are eligible to apply for grants or low-interests loans, with local match likely required for grants. Revenue will be generated through the sale of bonds, which will provide a permanent, dedicated funding mechanism for these initiatives.

The state of Pennsylvania has several programs to promote sustainability. The state's Land Recycling Program has four cornerstones: uniform cleanup standards based on health and environmental risks, standardized review procedures, releases from liability, and financial assistance. The Green Opportunities for Brownfields connects the state's land recycling goals with its conservation planning, watershed restoration, greenway and recreational initiatives. Pennsylvania has several financial incentives available for

brownfields including an Industrial Sites Clean-up Fund, a Brownfield Inventory grant program, an Industrial Sites Reuse program, an Infrastructure Development program, a Keystone Opportunity Zones program, and a Job Creation Tax Credit program. In addition to these programs, the state has developed a Brownfield Action Team which serves to enhance interaction between the Department of Environmental Protection and local communities by creating a single point of contact within the DEP for priority brownfields redevelopment projects.

U.S. EPA has developed several programs and tools at the national level aimed at fostering the sustainable redevelopment of brownfield and infill sites. Sustainable Management Approaches and Revitalization Tools-electronic (SMARTe) is a joint effort of the U.S.-German Bilateral Working Group, the U.S. Environmental Protection Agency, and the Interstate Technology Regulatory Council Brownfields Team. The tool is intended to be used by brownfield project stakeholders for assessing market and non-market costs and benefits of redevelopment options, clarifying both private and public financing options, evaluating and communicating environmental risks, and easing access to pertinent state-specific information related to specific projects. SMARTe provides the analytical tools needed to implement and integrate each component of the decision process.

The Great Lakes Region Sustainability Funds, LLC was formed in July 2002 to help address the funding needs of redevelopment and environmental projects in the Great Lakes region. The barriers to redevelopment of brownfields are often difficult to overcome -- upfront costs of remediation and the organizational expertise and predevelopment work that a project needs to complete before ground is even broken on infill development. The Great Lakes Funds were developed with this in mind. Using low interest loans and providing New Markets Tax Credits investment opportunities will create the funding necessary to move redevelopment projects along. The Fund managers provide technical assistance where needed. The Funds have created two subsidiary funds to address the divergent needs of environmental problems in the region: the Great Lakes Redevelopment Initiative Fund I, and the Great Lakes Pollution Prevention and Energy Efficiency Fund.

The Leadership in Energy and Environmental Design (LEED) program is a green building rating system sponsored by the U.S. Green Building Council (USGBC). The program is a voluntary consensus-based set of national standards for measuring the sustainability of sites and buildings. The USGBC is now working with two partner organizations to develop standards for determining the sustainability of clusters of sites or neighborhoods. LEED criteria are potentially useful for helping to determine how sustainable is a proposed redevelopment plan. It may be possible to use LEED criteria in determining eligibility for certain financial or process incentives for sustainable practices. For example, the city of Chicago is now implementing a "green permits" program under which building permit applications for sustainable site/building projects are processed on an expedited basis. LEED criteria are used to determine how "green" is the proposed building. Projects that are designed to LEED standards or better (and also meet certain city requirements) will get permitted in just 6 weeks -- at least 2 months faster than the average permit process.

Implementation options

Following are possible approaches which could be pursued to promote sustainable brownfield/ infill redevelopment projects. These ideas will be discussed during one of the breakout sessions at the Coastal Connections Land Use Roundtable.

- F1. Include sustainability considerations in site assessments. For brownfield sites, incorporate sustainability considerations into site assessments. Site assessments are one of the first steps for any brownfield redevelopment. This process could be expanded so that the site assessment includes assessing the site not only for its past use and contamination, but also for its potential future uses and optimal sustainability practices. This would encourage communities and developers to consider at the

outset of planning what sustainable elements can be incorporated into the site, and could help guide some future restoration and reuse decisions.

- F2. State brownfield grant and loan programs. Fine-tune state brownfield grant and low interest loan programs to create stronger incentives for committing to the sustainable redevelopment of sites. Among the specific options that could be considered could be:
- Ranking criteria used to determine how available funds will be allocated could be adjusted to give more points to projects where applicants commit to green buildings (potentially using LEED criteria to confirm what is a "green" building);
 - Ranking criteria could be adjusted to give more points to projects where applicants commit to sustainable storm water management features, such as rain gardens, cisterns, green roofs, or permeable pavement;
 - For grants with match requirements, local match requirements could be reduced by a small increment for projects where the applicant commits to incorporating sustainable features in the redevelopment.
- F3. Sustainable Indiana Fund. Seek approval from Indiana voters on programs to make greater amounts of public funding available for sustainability initiatives, potentially modeled after the Clean Michigan Initiative and/or the Clean Ohio Fund. This could be done on a statewide basis, or a regional basis (e.g., through Regional Planning and Development Districts), or a local basis.
- F4. Expedited permits. Expand the use of expedited permitting processes like "Shovel Ready" and Chicago's green permits program to encourage sustainable site and building features. At the state level, the match requirements for certification under the Shovel Ready program could potentially be adjusted such that the match amount required would be lower if the local jurisdiction commits to sustainable redevelopment of the site. At the local level, communities processing building permits or PUD applications could adjust the sequencing of their work to put applications for sustainable projects "at the top of the pile" so such applications are processed on an expedited basis. For developers, time is money, and expedited processing of permits and associated paperwork is potentially a valuable incentive for green practices which could be offered at relatively low cost.
- F5. Tools and data for project planning. Provide additional or better tools and data to foster sustainable redevelopment of sites. For example the Center for Neighborhood Technology has developed a Green Infrastructure Calculator, which quantifies the life cycle costs and benefits of various sustainable features, such as green roofs, permeable pavements, and vegetated swales. This could potentially accelerate the adoption of sustainable practices by facilitating planning work and reducing uncertainty about costs and benefits. Useful tools could potentially be provided to planners, developers, government officials and community members via IFA and IDEM websites.
- F6. Productive Partnerships. Explore partnerships which could be valuable in terms of sharing technical information and/or leveraging funds. For example, the state and/or local units of government could develop memoranda of understanding with the Delta Redevelopment Funds LLC to align criteria and synchronizes processes to make it easier for communities and/or developers to simultaneously participate in public and Delta Redevelopment programs. Partnerships could also be considered with universities to provide planning and/or engineering technical assistance to communities or developers.
- F7. Private-sector financial incentives. Work with financial institutions to create private-sector financial incentives for sustainable practices. For example, the Indiana Finance Authority could potentially work with Indiana banks to examine development costs, operational costs, and risks for green sites as compared to conventional sites. Sustainable sites are likely less expensive to operate over time (e.g., the buildings may be more energy-efficient) and may pose relatively less environmental risks, and thus banks could potentially offer a slightly lower lending rate for "green" sites/ projects as compared to

conventional sites. A green mortgage product or loan program could be a significant incentive for green buildings and sustainable sites.

- F8. Tax Increment Financing. Create Tax Increment Financing (TIF) areas aimed at revitalizing under-utilized areas, incorporating into the district guidelines provisions for using TIF funds to subsidize sustainable features (such as green roofs) that are beneficial to the community but may have increase up-front costs for developers.
- F9. Storm water fee systems with rebates. Establish local or regional storm water fee systems to generate funds for operation and maintenance of storm water infrastructure and to help fund sustainable storm water management features. The fee system can be set up to provide rebates or fee reductions for property-owners that implement storm water management measures. The city of Minneapolis has a storm water fee system of this type.
- F10. Property tax incentives. Provide property tax incentives for sustainable features, such as a 5- or 10-year freeze of assessed values if the property has sustainable features (e.g., the building is a LEED-certified building).
- F11. Participative planning processes. Use participative planning processes to gather input from neighbors and community members on how they would like to see brownfield and infill sites redeveloped. State funding requirements and/or local approval processes could include requirements for such effective community involvement, which potentially would help foster all the components of sustainability -- benefits to the environment, the local economy and to the people who live in the area.

Key web resources

<http://www.in.gov/ifa/environment/>
<http://www.in.gov/idem/land/Brownfields/>
www.pca.state.mn.us/cleanup/Brownfields.html
<http://www.dnr.state.wi.us/org/es/science/landuse/greenmakeover/>
www.michigan.gov/deq/Brownfields
www.depweb.state.pa.us/ocrlgs/site/
<http://dnr.wi.gov/org/es/science/landuse/greenmakeover/>
<http://www.dnr.state.wi.us/org/aw/rr/financial/index.htm>
<http://www.delta-institute.org/glrsf/greatlakesfunds.php>
<http://www.epa.gov/compliance/cleanup/redevelop/er3/>
<http://www.energystar.gov/>
www.usgbc.org
<http://greenvalues.cnt.org/calculator>
<http://www.americanforests.org/productsandpubs/citygreen/>
<http://www.smartec.org/smartec/home/index.xml>
<http://www.bmpdatabase.org/>
www.nipcc.org/environment/sustainable/content.htm#Development
<http://www.sustainable.org/>
www.nalgep.org/issues/Brownfields