

Local Landslide Planning: A Survey of State Enabling Legislation

Draft: August 2001

This is a summary of state enabling planning enabling legislation for local governments. It highlights those states that require local governments to address landslides in their local planning processes. Though most states have some enabling legislation for comprehensive plans, not all address landslides. This document summarizes those that allow, require, or mandate local communities to address landslides in comprehensive plans. The survey is ongoing, and is not yet complete. States in bold font specifically require or allow a landslide or geologic hazard component in plans. For corrections and suggestions to this document, please send e-mail to landslides@planning.org.

State	Relevant Issues Addressed	General Citation	Description and Comments
Alabama	None	State Code 11-85-4; 11-52-1 - 11-52-10	Landslides or geologic hazards are not specifically identified The State Code section 11-85-4, which authorizes any regional planning commission to make and amend a master regional plan, does not require that local governments address geologic hazards or landslides. However, the statute does not limit the elements that may be included in a master plan. Section 11-52-2 authorizes municipalities to create planning commissions and to make and adopt a municipal plan. Section 11-52-8 lists the elements that should be included in such municipal plans, but does not list landslide planning as one such element.
Alaska	None	State Statutes 29.40.20; 29.40.030	State Statutes 29.40.020-29.40.030, which require that first and second class boroughs establish planning commissions and prepare a comprehensive plan, do not require that local governments address geologic hazards or landslides. However, the statutes do not limit the elements that may be included in a comprehensive plan.
Arizona	Geologic Hazards	Revised Statutes 9-461.02 - 9-461.05; 6.11-801- 6.11-824	State Statute 9-461 authorizes municipalities to create a planning agency. If the municipality creates a planning agency, that planning agency must develop a master plan. The state requires a safety element to be included in most municipal comprehensive plans (with exceptions for small towns). The safety element must include mapping of geologic hazards. The environmental planning element must address anticipated effects of development on natural resources (geologic resources could possibly apply here). The conservation element also should address preserving soils, minerals and other natural resources (geologic resources could possibly apply here as well). In effect, in Arizona, landslides could either be addressed as a hazard in the safety element or as a resource in the open space, environmental planning, natural resources, growth area or conservation elements. Section 6.11.802 requires counties to plan and to make and adopt a county comprehensive plan. That statute does not make any mention of landslides or geologic hazards.
Arkansas	None	Arkansas Code 14-17-206	No mention of landslides or geologic hazards is made. Code section 14-17-206 lists the topics that should be addressed in county comprehensive plans. They include the conservation of natural resources and the protection of areas of environmental concern, both of which could presumably include sloping areas. The county planning commission may include any topics which are "logically related to or form an integral part of a long-term plan for orderly development" which presumably could include geologic hazards.
California	Geologic Hazards and Landslides	Pub. Res. Code 26525; 2690-2692; Gov. Code 65300-02	Government Code section 65300 requires cities and counties to adopt a comprehensive general plan, and section 65302 requires said plans to include a safety element. The safety element provisions specifically require plans to address landslides and to map geologic hazards. Public Resource Code section 26525 provides for the creation of Geologic Hazard Abatement Districts (GHADs) to finance mitigation, control, abatement or prevention of a geologic hazard by property owners. The provisions for GHAD applications also specify requirements, such as public hearings and a "plan of control" prepared by a certified engineering geologist. Public Resource Code sections 2690-2692 provide for seismic mapping with the intent of reducing damage from seismically-induced landslides.

Colorado	Geologic Hazards, Steep Slopes	Revised Statutes 24-65.1; 31-23-202; 31-23-206; 30-28-103; 30-28-106	State Statute article 24-65.1 specifically addresses areas of the state's interest, including landslide areas. A local government may designate an area to be of state interest if it is a natural hazard area. Natural hazards, according to the statute, can be constituted of geologic hazard areas, in which, the statute includes landslides. Local governments can then grant or deny applications for permits for development in geologic hazard areas. Section 31-23-202 authorizes municipalities to make and adopt a master plan and to create a planning commission. Section 31-23-206 requires that the Plan include the commission's recommendations for areas containing steep slopes and geological hazards. For counties, section 30-28-106 requires that master plans in counties must also include the planning commission's recommendation for areas containing steep slopes and geological hazards.
Connecticut	None	General Statutes 8-23	Statute 8-23 allows municipalities to create a planning commission and requires the planning commissions to prepare a plan of conservation and development. Although the statute does not mention landslides or geologic hazards, it does require that the plan address conservation, which could include the conservation of landslide prone areas. It also calls for a plan for open space acquisition, which could be used to acquire hilly or sloping areas for recreational or other purposes. The plan should also make recommendations to protect ridgelines. Any area of the state may create a regional planning commission and such commissions are required to create a plan of development for the area, but the regional plan is not required to address landslides or geologic hazards.
Delaware	None	State Code 7-702; Quality of Life Act, Chapter 26 of State Code	State Code section 7-702, which requires an incorporated municipality's planning commission to adopt a comprehensive plan, requires that such plan include an element that address the protection of sensitive areas. However, it does not specifically mention landslides or geologic hazards. Counties are required to adopt comprehensive plans with open space and conservation elements, but are not required to plan for geologic hazards.
Florida	None	State Statutes 163.3178; 163.3164	State Statute 163.3178 requires local governments in coastal areas to include a coastal management element in their plans, but does not specifically mention geologic hazards as a component of that element. It calls for the restriction of development in coastal areas with the intent of protecting human life and limiting public expenditures in areas that are subject to disasters. This element is presumably required so as to mitigate against flooding and storm disasters, but is sufficiently general to include other disasters. State Statute 163.3164 also requires a conservation element for local comprehensive plans, which could be used to treat landslide prone areas as a natural resource (slope or hillside).
Georgia	None	State Code 36-70-3	Code section 36-70-3 authorizes municipalities and counties to create a comprehensive plan, but does not specify what should be included in that plan.
Hawaii	None	Revised Statutes 226-58	Statute 226-58 lists the requirements for county general plans. It does not address geologic hazards or landslides.
Idaho	Hazardous Areas, Ground Failures, Landslides, Avalanches	State Code 67-6508	Code section 67-6508 mandates that local governments include a Hazardous Areas Element in their comprehensive plans. The Hazardous Areas Element must include an analysis of the hazards that may occur as a result of landsliding. The plan should include maps, charts and reports. Unlike other states' requirements, Idaho's code specifically requires jurisdictions to explain why a Hazardous Areas Element is not needed if the jurisdiction chooses not to include the element.
Illinois	None	Compiled Statutes 50 ILCS 15; 55 ILCS 5-14; 60 ILCS 1-115; 65 ILCS 5-12	Compiled Statutes sections 55 ILCS 5-14 authorize townships, municipalities, and counties to plan, but there is no mention of landslide planning. Statute 60 ILCS 1-115 specifically authorizes townships to acquire land for open space, which could be a way for local governments to prevent building on geologically hazardous sites. Statute 50 ILCS 15 authorizes local jurisdictions to engage in regional planning with other jurisdictions.

Indiana	None	State Code 3-7-4-502; 36-4-503	Code section 36-7-4 authorizes counties and municipalities to plan. It does not require that jurisdictions address geologic hazards or landslides. However, the code does not limit the elements that may be included in a comprehensive plan. Local comprehensive plans can include elements that are part of the "physical...situation" of the jurisdiction. This situation could presumably include natural hazards such as landslides.
Iowa	None	State Code 414.3; 352.5	Code section 414.3 requires that municipal community zoning be in accordance with a comprehensive plan. This plan is not required to address geologic hazards or landslides. Section 352.5 requires counties to make a land preservation and use plan for unincorporated areas of the county. While the plan must address open space, it does not need to address geologic hazards.
Kansas	None	State Statute 12-747; 19-2958	Statute 12-747 authorizes city planning commissions to prepare a comprehensive plan. The plan may include any element deemed necessary to the development or redevelopment of the area. The statute specifically requires an element that address the utilization and conservation of natural resources. This element could presumably address hillside or sloping areas that are prone to landslides. Statute 19-2958 authorizes county planning commissions to make and adopt a comprehensive plan. The requirements for the plan do not include a safety or geologic hazards element, but it may include a natural resources element and any other element that the planning commission sees fit to include.
Kentucky	None	Revised Statutes 100.183 - 100.187	Statute 100.183 authorizes planning commissions to make comprehensive plans. A planning commission can be either a municipal or county planning commission. Statute 100.187 sets few requirements for comprehensive plans. However, the statute explains that other elements than those required could be included in comprehensive plans.
Louisiana	None	Revised Statutes 106	Statute 106 requires parishes and municipalities to adopt a master plan. However, the statute does not require a safety, hazards or natural resources element.
Maine	None	State Statutes 30-A.4326	Growth Management Statute section 30-A.4326 allows municipalities to plan. Comprehensive plans are required to have a natural resources element, which could presumably include policies to preserve hills and slopes, although neither is specifically mentioned.
Maryland	None	State Code 66-B.3.05	Code section 66-B.3.05 requires a sensitive areas element and a natural resources element for municipal or county comprehensive plans. Both of these elements could be employed for protecting hills and slopes, although neither is specifically mentioned.
Massachusetts	None	General Laws 40B:41:81A	General Laws section 41:81A-D requires municipalities of more than 10,000 people to create a municipal planning commission and the planning commissions must make and adopt a master plan. Section 40B requires regional planning commissions to prepare a comprehensive plan of development or a schematic study plan, but does not require that the commission address landslides or geologic hazards.
Michigan	None	Comprehensive Laws 125.36; 125.105	Comprehensive Laws section 125.36 requires municipal planning commissions to make and adopt a comprehensive plan, but no hazards other than floods are specifically mentioned. Section 125.105 requires counties to make and adopt a county plan, but the plan need not address geologic hazards.
Minnesota	None	State Statutes 473.145; 462.355	Statute 473.145 requires metropolitan councils, which are a political subdivision of the state and whose jurisdiction includes a metropolitan area, to create a comprehensive development guide. The guide need not address landslides or other geologic hazards. Statute 462.355 requires municipal planning agencies to make a comprehensive plan, but no mention of geologic hazards is made.
Mississippi	None	State Code	Code section 17-1-1 lists the elements that should be included in a municipal or comprehensive plan. Geologic hazards or landslides are not mentioned.

Missouri	None	Revised Statutes 89.340; 64.040	Statute 89.340 requires municipal planning commissions to make a city plan, but does not require the plan to address geologic hazards or landslides. Statute 64.040 grants the power to make and adopt a master plan to county planning commissions. One purpose of the county plan is to preserve natural resources. Hills and slopes could be addressed in the natural resources element, although neither is specifically mentioned.
Montana	None	State Code 76-1-601	State Code section 76-1-601 requires jurisdictions' planning boards (either counties or municipalities) to have a growth policy, which may include a natural resource element. Presumably, such an element could protect hills and slopes, although neither is specifically mentioned.
Nebraska	None	State Statute 19-903; 23-114.01 - 23-114.02	Statute 19-903 requires zoning and other regulations to be consistent with a municipal comprehensive plan. The plan need not address geologic hazards or landslides. Statute 23-114.01 requires county planning agencies to create and adopt a comprehensive plan. Statute 23-114.02 lists the elements that must be included in the plan, but does not require the plan to address geologic hazards.
Nevada	Landslides, Ground Failures	Revised Statutes 278.160	Statute 78.160 lists the elements that municipal or county master plans may include. A safety element is one element specifically listed as an element that can be included in a comprehensive plan. Landslides are specifically mentioned as one type of hazard that such a safety element could address.
New Hampshire	None	Revised Statutes 674:2	Statute 674:2 lists the elements that municipal master plans should include when "appropriate or if it is specifically required as a prerequisite for the adoption of implementation measures." While the statute does not require a hazards or safety element, it does require a conservation and preservation section. This section should provide for the conservation and preservation of natural areas, which, although not mentioned, could include hills, slopes, and landslide prone areas.
New Jersey	None	Permanent Statutes 40:27-2; 40:55D-28	Permanent Statutes section 40:27-2 allows a county to chose to create a planning commission. If there is a county planning commission then it must make and adopt a master plan. The plan need not address landslides or geologic hazards, but the plan may include any elements that the commission sees fit. Section 40:55D-28 authorizes a municipal planning board to make and adopt a master plan. If they do, the plan must include information about topography and soils, and a conservation element, but the statute makes no specific mention of landslides or geologic hazards.
New Mexico	None	State Statutes 3-9-09; 4-57-2	Statute 3-9-09 requires municipal planning commissions to make and adopt a master plan, which should include several elements, but a safety or hazard element is not required. The statute does not mention landslides or geologic hazards. Statute 4-57-2 grants county planning commissions the power to plan but does not require them to address landslides or geologic hazards.
New York	None	Consolidated Laws Article 12-B, Section 239-d; Article 3, Section 28-a	Consolidated Laws Article 12-B authorizes counties to request a comprehensive plan from the county planning board. Article 3, Section 28-a authorizes municipal planning commission to adopt a comprehensive plan. No mention of geologic hazards, landslides or safety elements is made in either article.
North Carolina	None	General Statutes 160A-361; 153A-321	Statute 160A-361 authorizes cities to create a local planning commission, board or agency, which has the power to make a master plan. The contents of the plan are not specified. Statute 153A-321 authorizes counties to plan but also does not make any mention of landslides or geologic hazards.
North Dakota	None	Century Code 40-48-08; 11-35-01	Code section 40-48-08 describes the contents of a municipal master plan. It does not, however, mention landslides or geologic hazards, nor require a safety, hazards or natural resources element. Section 11-35-01 authorizes counties and municipalities to form regional planning commissions.
Ohio	None	Revised Code 713.02	Code section 713.02 describes the contents of a municipal plan, but does not require a safety, hazards or natural resources element.

Oklahoma	None	State Statutes 11-47-106; 19A-863-7	Statute 11-47-106 describes the contents a municipal master plan, but does not make any mention of landslides or geologic hazards. Statute 19A-863-7 requires municipal planning commissions to make and adopt a plan for the municipality and the unincorporated area of the county. The plan should address the conservation of natural resource areas, which presumably could include hills and slopes, but makes no mention of a safety element, landslides or geologic hazards.
Oregon	Natural Hazards, Landslides	State Planning Goal 7; Senate Bills 1211 and 12.	The state planning goals, which are the source for planning requirements for local jurisdictions, including landslides, include a statewide planning goal (Goal 7) that requires communities to inventory known hazards. Local governments are also mandated to make a comprehensive plan to reduce risk from natural hazards, including landslides. For landslides in forestlands, a separate provision, under Senate Bill 1211, allows the State Forester to prohibit forest operations in landslides-prone areas. Additionally, Senate Bill 12 has three more provisions for rapidly moving slides: mapping areas prone to debris flows, local government regulating authority, and funding for a model ordinance. These provisions also appear in the Oregon Department of Land Conservation and Development's "Planning for Natural Hazards: Landslides Technical Resource Guide (TRG)." For slopes, the state Building Codes Division has additional provisions.
Pennsylvania	Landslides	State Code 25-9-181-184	Pennsylvania's Environmental Master Plan includes policies that address landslides and local planning. Local governments shall develop an "environmentally sensitive lands planning program" to "prevent landslides, control environmental pollution, and reduce property damages resulting from landslides." Additionally, the state policy is to "encourage the development of local and count land planning and regulatory programs which consider the cumulative effects of land use and development activities upon landslide susceptibility." It is also the state policy to "encourage the development of remedial assistance programs for owners of property damaged by municipalities having landslide controls to assure the adequate disclosure of landslide potential in official plans and land transactions."
Rhode Island	None	State Statutes 45-22.2-6	State Statute 45-22.2-6 requires municipalities to include a Natural and Cultural Resources element in their comprehensive plans that identifies significant natural resource areas. Slopes and Hillside could be such areas, although they are not specifically mentioned.
South Carolina	None	State Code 6-7-510; 6-29-310	Code sections 6-7-510 and 6-29-310 authorize local planning (municipal, county or joint) in the state. Section 6-7-510 lists elements that can be included in a comprehensive plan but does not specifically mention a geologic hazard or landslides element. However, the broad language that describes what may be included in the plan would allow planning for the conservation of hills and slopes and protecting against landslide hazards, although it is not required.
South Dakota	None	State Statutes 11-6-14. 11-2-11--11-2-12	Statute 11-6-14 requires municipal planning commissions to create a comprehensive plan, but does not make any mention of geologic hazards or landslides. Statute 11-2-11 authorizes county planning commissions to create a comprehensive plan. Statute 11-2-12 lists the purposes of the plan. Although no mention of geologic hazards is made, the county can address the conservation of natural resources in the comprehensive plan which presumably could include hills and slopes.
Tennessee	None	State Code 13-4-201	Code section 13-4-201 requires municipal planning commissions to adopt a general plan. However, the section does not mention geologic hazards or landslides.
Texas	None	Local Government Code 371.043	Code section 371.043 requires municipalities to form a joint planning commission and prepare a master plan. The plan need not address landslides and no mention of geologic hazards is made.
Utah	None	Municipal Code 10-9-30; 17-27-204	Code section 10-9-301 authorizes municipalities to prepare a comprehensive plan. The section does not specifically mention landslides but allows the plan to address safety. The code allows the municipality to determine the extent of the plan. Section 17-27-204 requires county planning commissions to make a comprehensive plan, but does not require that the plan address landslides or geologic hazards.

Vermont	None	State Statutes 24-4382; 24-4302	Statute 24-4386 authorizes municipalities to undertake a comprehensive planning program. The municipal plan is required to address growth and environmental issues and the preservation of irreplaceable natural areas. Such natural areas could include landslide prone areas or hillside areas, although neither is specifically mentioned. Statute 24-4302 provides for regional planning, but no mention of landslides or geologic hazards is made.
Virginia	None	State Code 15.2-2223	Code section 15.2-2223 requires local planning commissions (counties or municipalities) to prepare a comprehensive plan. However, landslides or geologic hazards are not mentioned in this code section.
Washington	Critical Areas, Sliding, Geological Events, Geologic Hazards	Revised Code 36.70.040; 36.70.320; 36.70A.040; 36.70A.070; Washington Administrative Code (WAC) 365-190; 365-195	Revised Code section 36.70.040 authorizes county boards to create planning commissions and planning departments. Section 36.70.320 requires planning agencies to prepare a comprehensive plan for the county. Although counties are not required by this statute to address geologic hazards or landslides in their comprehensive plans, they may include a conservation element for the conservation of natural resources. Although not specifically mentioned, these resources could presumably include hills or slopes. Additionally, the planning commission may include additional elements that are not required or listed in the statutes. Revised Code section 36.70A.040 requires every county with a population over 50,000, the cities within that county, and counties with significant growth (as outlined in the statute) to implement a comprehensive plan. Section 36.70A.060 requires that local governments adopt regulations to protect critical areas. Critical areas, by the statutory definition, include geologically hazardous areas, which, also by the statutory definition, include areas that are susceptible to sliding. When designating critical areas, counties and cities should use t
West Virginia	None	State Code 8-24-16	Code section 8-24-16, which lists the required elements for municipal or county comprehensive plans, does not specifically mention landslides or geologic hazards, but any factors that are part of the physical situation of the jurisdiction can be included in the plan.
Wisconsin	None	State Statutes 66.1001	Statute 66.1001 lists the requirements for comprehensive plans (municipal, county or regional). The statute does not mention geologic hazards, but does require a natural resources element, in which jurisdictions need to address environmentally sensitive areas, which could presumably include hillsides, slopes, or landslide prone areas.
Wyoming	None	State Statutes 15-1-503	Statute 15-1-503 authorizes municipalities to create a master plan but does require that the plan address geologic hazards or landslides.