



# “COMP PLANS” AND TOBACCO CONTROL



A comprehensive plan (“comp plan”) is a planning process that offers an opportunity for a community – be it a county, city, or township – to create a vision, to outline its values, and to declare what kind of place it wants to be. The idea driving comprehensive planning is simple: place matters.

At its core, comprehensive planning is a public health activity. It promotes safe streets, access to clean water and sanitation, green space, and areas for recreation — and it can be used to promote physical activity, environmentally responsible transportation, and access to healthy food.

Yet too often, local governments overlook a leading cause of poor health when



building their comprehensive plans. Tobacco is responsible for more than 480,000 deaths per year in the United States, including nearly 42,000 deaths resulting from secondhand smoke exposure. That is more than the number of people who die each year from alcohol, AIDS, car accidents, drug use, murders, and suicides — combined. And for every person who dies because of smoking, at least 30 people live with a serious smoking-related illness.<sup>1</sup> This is why any local government serious about building a healthy place to live should integrate tobacco control into its comprehensive planning.

## Place Matters When It Comes to Tobacco Use

Studies show that youth who live or go to school in neighborhoods with a high density of tobacco outlets are more likely to smoke.<sup>2</sup> Also, according to the U.S. Surgeon General, there is no risk-free level of secondhand smoke exposure.<sup>3</sup> Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke.<sup>4</sup> Place-based tools are an important way to reduce the negative effects of tobacco on the health of our community.

### What Is a Comp Plan?

In its simplest terms, a comprehensive plan is a guide for future decisions about land use and community growth in a city, county, or township.<sup>5</sup> Because comprehensive plans are broad and forward-thinking, they can serve as a blueprints for planning, similar to zoning ordinances and subdivision regulations. In contrast to zoning or subdivision codes, a comprehensive plan is written in general, aspirational language. It identifies goals — like reducing the overall density of tobacco retailers — not specific requirements such as the number of feet retailers must be located from each other. The plan sets the framework for future development because zoning ordinances and other similar laws must be consistent with the broad goals set forth in the comprehensive plan.<sup>6</sup>

### Examples of Place-based Tobacco Control Policies

- Creation of tobacco-free spaces, including restrictions on e-cigarette<sup>7</sup> use:
  - Tobacco-free or smoke-free multi-unit housing;
  - Tobacco-free parks and recreation areas, including sports arenas and fairgrounds;
  - Tobacco-free transit, including waiting areas;
  - Tax and other credits for tobacco-free development policies.



- Restrictions on the location of tobacco retailers, including e-cigarette retailers:
  - Limit retailer proximity to schools and other youth-centered areas;
  - Reduce retailer density, which can promote health equity among racial and socioeconomic groups within the community. Studies, for example, have found a higher density of tobacco retailers in neighborhoods with lower median household incomes and a higher percentage of persons of color. Reducing tobacco retailer density could create the most benefit for these neighborhoods;<sup>8</sup>
  - Prohibit tobacco retailers in pharmacies and other health-promoting institutions.

## How to Incorporate Tobacco Control Into a Comprehensive Plan

### Planning Within the Seven-County Metropolitan Area

The time it takes to create or update a comprehensive plan varies depending on the jurisdiction's process. It can take many years. Minnesota law requires that local governments in the Twin Cities seven-county metro area update their comprehensive plans every 10 years, with the next updates due in 2018.<sup>9</sup> Cities and counties in the seven-county metro area usually start the process of updating their comprehensive plans at least two years before the updates are due. The sooner public health advocates are able to participate in the process, the greater opportunity they will have to participate in the plan's development. Here are a few examples of existing comp plans within the seven-county metro area:

- [The Minneapolis Plan for Sustainable Growth \(2009\)](#)
- [City of Saint Paul Comprehensive Plan \(2010\)](#)
- [City of Bloomington Comprehensive Plan 2008 \(2009\)](#)
- [Ramsey County 2030 Comprehensive Plan \(2009\)](#)
- [Scott County 2030 Comprehensive Plan \(2009\)](#)

### Who Creates a Comp Plan?

The process of creating a comprehensive plan varies. For some local governments, the process is guided by a local planning commission with staff support, including input from a variety of community stakeholders.<sup>10</sup> For other local governments with limited staff, the process may involve working with a contractor to develop plans. The planning process might start with



public meetings or surveys to generate input from the public to shape the first draft of the new or updated plan. This draft may be amended many times before it is finalized, and at least one public hearing will be held before it is submitted to the city's governing body for approval.<sup>11</sup> Local governments within the seven-county metro area must also share their comp plans with neighboring jurisdictions and submit them for review and comment to school districts in their area, surrounding cities, and the Metropolitan Council before passing them.<sup>12</sup> The Metropolitan Council may require a local governmental unit to modify its plan so that it is compatible with metropolitan system plans.<sup>13</sup>

To ensure that comp planning includes strong tobacco control language, public health advocates can consider taking these steps:

- 1 **Take a seat at the policymaking table:** Public health advocates should talk with planners and public officials regularly, learn when comp plans are being updated, and attend planning meetings where possible.
- 2 **Present research:** Present planners with local data on local tobacco use and sales to better inform the decision-making process.



- 3 **Make tobacco control recommendations:** Find and recommend the adoption of specific evidence-based tobacco control policies that are tailored to the community's needs.
- 4 **Develop community partnerships:** Develop relationships with planners, community leaders and organizations to strengthen the public health voice at the policymaking table.

### What Is Included in a Comp Plan?

Comprehensive plans address a wide range of topics related to a community's vision for its future, including its plan to implement strategies that will serve the health and welfare of its residents. To help local governments within the seven-county metro area put together their plans, the Metropolitan Council created a [Local Planning Handbook](#). This handbook organizes planning into the following topics:

- Land Use
- Transportation
- Water Resources
- Parks and Trails
- Housing
- Resilience
- Economic Competitiveness
- Implementation

However, communities are not limited to these topics. Local governments can use comp planning to respond to a growing understanding of their community's needs. For example, the Minneapolis Plan for Sustainable Growth has chapters on Heritage Preservation, Arts and Culture, and Urban Design. In addition, land use is not a required section in comp plans for the counties of Ramsey, Hennepin, Anoka and Dakota.<sup>14</sup> County land use authority is limited to unincorporated areas of the county, and within Ramsey and Hennepin County, land use is controlled entirely by cities and townships.<sup>15</sup> Other topics, such as food access and active transportation, are also incorporated into many local government plans to address chronic health issues.

## Planning Outside the Seven-County Metropolitan Area

Many communities in Greater Minnesota engage in community planning, but outside the seven-county metropolitan area communities are not required to establish comprehensive plans. Therefore, the process for developing plans, as well as their content and structure, can vary significantly. To assist communities in Greater Minnesota with items like planning, the state legislature created nine regional development commissions (RDCs). The RDCs work together through the [Minnesota Association of Development Organizations](#). Here are a few examples of comprehensive plans from Greater Minnesota:

- [Duluth's Comprehensive Land Use Plan](#)
- [Greater Bemidji Area Land Use Plan](#)
- [Murray County Comprehensive Plan](#)

## Where to Include Tobacco Control?

Tobacco control could be a part of any of the elements of a comp plan, but the most natural fit may be topics that address tobacco-free spaces (e.g., parks and recreation, transportation, and housing) and the location and operation of tobacco retailers (including land use and economic competitiveness). Communities could also consider adding a topic specifically focused on community health and including tobacco control in that section.

- Policy resources related to tobacco retailers:
  - [Using Licensing and Zoning to Regulate Tobacco Retailers](#)
  - [Location, Location, Location: Regulating Tobacco Retailer Locations for Public Health](#)
  - [Prohibiting the Sale of Tobacco Products in Pharmacies](#)
- Policy resources related to tobacco-free spaces
  - [There is No Constitutional Right to Smoke: 2008](#)
  - [Regulating Smoking in Multi-Unit Housing](#)
  - [Creating Smoke-Free Affordable Housing](#)
  - [Regulating Tobacco Use Outdoors](#)



Although, as of the date of this publication, no comprehensive plans in Minnesota appear to include specific tobacco control language,<sup>16</sup> examples of tobacco control language can be found in existing or proposed comprehensive plans elsewhere in the U.S. The following table indicates possible areas where the sample language might fit within a metro-area comp plan. If you consider adapting any language from these plans, take care to ensure the provision in question is practical and legal in your jurisdiction. Please note that the Public Health Law Center does not endorse or recommend any of the following policies. These examples are included simply to illustrate how different communities have approached similar issues.

## Sample Policy Language From Other Jurisdictions

Jurisdiction	Possible Section of a Minnesota Comp Plan
<u>Sonoma County, CA</u>	Land Use
<p><b>Public Facilities and Services Element</b></p> <p>GOALS PF-3: Address youth and family issues related to land use</p> <p>Policy PF-3d: Consider the potential negative impacts of proposed projects involving the selling or serving of alcohol, <b>tobacco</b> products, or the dispensing of marijuana or any other controlled substance of a similar nature. When reviewing new proposals, consider the site’s proximity to other such uses and to youth serving facilities, and consider denial of Use Permit applications that would result in negative impacts.</p>	
<u>King County, WA (proposed language)</u>	Land Use
<p>Chapter 2: Urban Communities</p> <p><b>Tobacco</b> remains the leading cause of death for King County residents. Zoning regulations can be used to reduce concentrated exposure to alcohol, <b>tobacco</b> and marijuana by regulating the number of outlets that can sell these products and advertising that is in view of the general public. <b>Tobacco</b> use also creates environmental tobacco smoke, which contains more than 4,000 substances and has been classified by the Environmental Protection Agency as a Group A carcinogen. <b>Tobacco</b>-free area policies reduce this hazard ...</p> <p>King County is successfully promoting and supporting policies and programs that focus on the health of students at school. However, the school environment is only one aspect of the overall health of the student. The environment surrounding a school and the routes a typical student travels to school or nearby school-related destinations also must be considered, including managing density of retail uses that primarily sell alcohol, <b>tobacco</b> and marijuana, and low-nutrition products; enhancing green space sites; creating safe areas to walk and bicycle to school; providing for transit and related facilities; and reducing exposure to environmental toxins and other types of unsafe environments</p> <p>U-113 King County shall promote children’s health by encouraging and supporting land uses in the environment surrounding a school and on travel routes to schools that complement and strengthen other formal programs, such as Safe Routes to School ...</p> <p>U-143 Common facilities such as recreation space, internal walkways that provide convenient and safe inter- and intra-connectivity, roads, parking (including secure bicycle parking), and solid waste and recycling areas with appropriate levels of landscaping should be included in multifamily developments. Common facilities should include <b>smoke-free</b> areas to avoid exposure to environmental <b>tobacco</b>.</p>	



## Sample Policy Language From Other Jurisdictions

Jurisdiction	Possible Section of a Minnesota Comp Plan
<p><u>Santa Clara County, CA</u></p> <p><b>Recreation and Physical Activity</b></p> <p>Strategy #2: Improve the usability/connectivity, aesthetics, and safety of existing parks, trails, and open space.</p> <p>Policy HE-E.9 <b>Smoke-free</b> parks. Encourage and support local jurisdictions in establishing <b>smoke-free</b> parks and recreational areas.</p>	Parks and Trails
<p><u>New York, NY</u></p> <p>Vision 2: Our Just and Equitable City</p> <p>HEALTHY NEIGHBORHOODS, ACTIVE LIVING</p> <p>Initiative 3: Address health hazards in homes</p> <p>B. Decrease secondhand <b>smoke</b> exposure in the home.</p>	Housing
<p><u>Santa Clara County, CA</u></p> <p><b>H: Healthy Housing</b></p> <p>Strategy #1: Acknowledge the significance of health impacts from housing conditions, supply, and affordability.</p> <p>Policy HE-H.3 <b>Tobacco-free</b> multi-family housing. Coordinate with cities and other stakeholders to establish <b>tobacco-free</b> housing, and prohibit <b>smoking</b> in multi-family residential housing.</p>	Housing
<p><u>King County, WA (proposed language)</u></p> <p><b>Chapter 4: Housing and Human Services</b></p> <p>H-113 King County should support the development, preservation and rehabilitation of affordable housing that protects residents from exposure to harmful substances and environments, including environmental tobacco smoke, reduces the risk of injury, is well-maintained, and is adaptable to all ages and abilities. King County should work on a regional level with jurisdictions to enact a comprehensive healthy housing code system in the county that provides for regular inspection of rental housing units for violations of healthy housing standards, including in unincorporated King County.</p>	Housing

(continued)



## Sample Policy Language From Other Jurisdictions

### Jurisdiction

(King County, WA, continued)

H-114b King County shall support and encourage **smoke-free** policies in multi-family housing and affordable housing.

H-153 King County shall encourage the inclusion of **smoke-free** housing policies in projects funded through its affordable housing subsidy programs.

H-166 King County shall administer standards for publicly subsidized housing that will: ... d. Increase the ability of people to have access to **smoke-free** housing.

H-204 King County shall apply principles that lead to thriving healthy communities in all neighborhoods of the region. King County will support public health investments to that help all residents live in prospering communities where they have the opportunity to make healthy choices. King County shall support: ... f. Reduction of **tobacco**, nicotine, marijuana and alcohol use, so residents are protected from involuntary and under-age exposure to these harmful products;

### Santa Clara County, CA

#### **B: Social and Emotional Health**

Strategy #3: Prevent and effectively address harmful habitual and addictive behaviors.

HE-B.18 Density and location of **tobacco** retail outlets. Encourage and support cities to restrict the number of **tobacco** retailers near schools, other youth-populated areas, and areas with a high density of existing **tobacco** retailers.

HE-B.19 **Tobacco** retail licensing. Encourage and support cities to create a **tobacco** and/or **electronic smoking device** retail licensing policy that earmarks a portion of the license fee for enforcement.

HE-B.20 Distribution and redemption of coupons. Support restrictions on the distribution and/or redemption of coupons, gift certificates, gift cards, and rebates for **tobacco** and **electronic smoking devices**.

HE-B.21 **Electronic smoking devices**. Encourage and support cities to include **electronic smoking devices** in all existing smoking and **tobacco** policies, regulations, and education programs.

(continued)

### Possible Section of a Minnesota Comp Plan

Housing

Land Use,  
Economic  
Competitiveness

## Sample Policy Language From Other Jurisdictions

Jurisdiction	Possible Section of a Minnesota Comp Plan
<p>(Santa Clara County, CA, continued)</p> <p>HE-B.22 Flavored <b>tobacco</b> and <b>electronic smoking products</b>. Support the elimination of the sale and distribution of mentholated cigarettes and/or other flavored <b>tobacco</b> and <b>electronic smoking products</b>.</p> <p>HE-B.23 <b>Tobacco-free</b> pharmacies. Encourage and support retailers, service providers, and cities to eliminate the sale of <b>tobacco</b> products, including <b>electronic smoking devices</b>, in places where pharmacy and/or other health care services are provided by a licensed health care professional (e.g., hospital, vision screening, blood pressure screening).</p> <p>HE-B.24 <b>Smoke-free</b> colleges and universities. Support and encourage local colleges and universities to create <b>smoke-free</b> campuses, including restricting the use of <b>electronic smoking devices</b>.</p> <p>HE-B.25 <b>Secondhand smoke</b>. Encourage and support cities to reduce residents' exposure to <b>secondhand smoke</b> by banning use on government property and public spaces and events, including outdoor dining and service areas, entryways, farmers' markets, plazas, and community street fairs (NOTE: Policy HE-E.9 addresses smoking in parks and HE-H.3 addresses multi-unit housing).</p> <p>HE-B.26 <b>Tobacco</b> cessation services. Support and increase the number of programs, clinics, and social service agencies that implement evidence-based <b>tobacco</b> cessation treatment services.</p>	<p>Land Use,  Economic Competitiveness</p>

City of Boise, Idaho

Community Health

**Chapter 2: Citywide Vision and Policies**

Section #6 "A Safe, Healthy, and Caring Community."

Goal SHCC16: Encourage wellness through care and prevention.

Policy: SHCC15.2: COMMUNITY AWARENESS Participate in school and agency programs to:

- Provide healthy meals;
- Combat tobacco, alcohol, and drug dependency;
- Raise awareness on suicide prevention resources;
- Distribute city parks and recreation materials through the schools; and
- Distribute information about the benefits of proper nutrition and exercise.

## Sample Policy Language From Other Jurisdictions

Jurisdiction	Possible Section of a Minnesota Comp Plan
<p><u>Calvert County, Maryland</u></p> <p><b>Chapter II: People</b></p> <p>Section: Health and Social Services</p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>Promote accessible and quality health and social services in the County.</li> <li>Promote wellness programs, such as fitness classes, nutrition, checkups, and education.</li> <li>Promote programs, services, and policies that nurture strong, healthy families and individuals.</li> <li>Encourage community support of positive youth development activities that help prevent youth from engaging in high-risk behaviors.</li> <li>Promote strategies that encourage adults to model positive, healthy lifestyles.</li> </ul> <p>Action II-24: Implement a plan to address <b>smoking</b> prevalence, illegal drug use, and chronic drinking of alcoholic beverages.</p>	Community Health
<p><u>Austin, Texas</u></p> <p><b>Building Block 6: Society</b></p> <p>S P9. Develop and promote <b>tobacco</b> cessation programs and regulations to support <b>tobacco</b>-free environments.</p> <p>Actions:</p> <ul style="list-style-type: none"> <li>Work with local health providers to develop educational materials and programs for use in schools and the community about the dangers of <b>tobacco</b> use and promote available cessation resources.</li> <li>Promote <b>tobacco</b>-free multifamily housing which shares common walls, such as apartments, duplexes, townhouses, row houses, and condominiums.</li> <li>Promote <b>tobacco</b>-free environments and <b>tobacco</b>-free living</li> </ul>	Land Use Housing Community Health



For more information on incorporating health into comp plans, see the Minnesota Food Charter's [Minnesota Food Access Planning Guide](#) and ChangeLab Solutions' [Healthy Planning Policies](#). For more information on comprehensive planning generally, see the chapter on [Comprehensive Planning, Land Use and City-Owned Land](#) from the League of Minnesota Cities handbook for Minnesota Cities, and the Metropolitan Council's [Local Planning Handbook](#).

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## Endnotes

- 1 U.S. Dep't of Health & Human Services, *The Health Consequences of Smoking — 50 Years of Progress: A Report of the Surgeon General* (2014), <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>.
- 2 Lisa Henriksen et al., *Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?*, 47 PREVENTATIVE MED. 210, 211-212 (2008); Scott T. Leatherdale & Jocelyn M. Strath, *Tobacco Retailer Density Surrounding Schools and Cigarette Access Behaviors Among Underage Smoking Students*, 33 ANNALS OF BEHAV. MED. 105,106 (2007); McCarthy et al., *Does Proximity to Retailers Influence Alcohol and Tobacco Use Among Latino Adolescents?*, 12 J. IMMIGRANT & MINORITY HEALTH 626, 631 (2010).
- 3 U.S. Dep't of Health & Human Services, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* (2006), <http://www.surgeongeneral.gov/library/secondhandsmoke/report>.
- 4 U.S. Dep't of Health & Human Services, *supra* note 1.
- 5 Minnesota Statutes Section 462.352(5) defines a comprehensive plan as “a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency’s recommendations for the future development of the community.”
- 6 MINN. STAT. § 473.858, subd.1.
- 7 The term used in Minnesota Statutes and many local ordinances in Minnesota is “electronic delivery device.” MINN. STAT. § 609.685.
- 8 See Public Health and Tobacco Policy Center, *Tobacco Disparities: Evidence Supports Policy Change* <http://www.tobaccopolicycenter.org/documents/Tobacco%20Disparities-Evidence%20Supports%20Policy%20Change.pdf>.
- 9 MINN. STAT. § 473.864, subd.2.
- 10 MINN. STAT. §§ 462.354, subd.1, 462.355, subd. 1.
- 11 MINN. STAT. § 462.355, subd. 2.
- 12 MINN. STAT. §§ 473.858 subd. 2, 473.175, subd. 1.
- 13 MINN. STAT. § 473.175, subd. 1.
- 14 MINN. STAT. § 473.862.
- 15 *Ramsey County 2030 Comprehensive Plan*, A-3, (Nov. 2009). [https://www.ramseycounty.us/sites/default/files/Open%20Government/Ramsey%20County%202030%20Comprehensive%20Plan%20\(Nov.%202009\).pdf](https://www.ramseycounty.us/sites/default/files/Open%20Government/Ramsey%20County%202030%20Comprehensive%20Plan%20(Nov.%202009).pdf).
- 16 Dakota County Public Health and Planning Departments recently prepared comprehensive comp planning reference documents—sample City Health Data, Healthy Communities, Housing, Land Use, and Parks comp plan forms—that include tobacco control-specific language (available here, with Tobacco-Free Environment Basecamp access: <https://basecamp.com/1789088/projects/459617/messages/64753690>). Please contact the Public Health Law Center for these resources if you do not have access to this Basecamp.