



## WASHINGTON ASSOCIATION OF REALTORS®

Government Affairs - Issue Paper

### *Role of Local Government Planning*

Cities, counties and other local governments undertake planning, zoning, and additional forms of development regulation according to state enabling statutes. Comprehensive plans, zoning ordinances, subdivision regulations and capital improvement programs are the mainstays of local governments' regulatory programs. Many communities adopt additional measures to manage growth and development.

**Role of Local Government Planning:** The functions of local government planning are policy, decision-making, and setting legal requirements. Planners use data, statistics, surveys, research, analysis, and indicators providing population, economic, social, and environmental information to prepare community plans. Local government planning activities generally consist of developing comprehensive plans; preparation of individual development project applications; oversight of community development; land use management, coordination and review; policy analysis; research; and public participation. Local government planning's role, fundamentally, is four-fold:

- 1) Facilitates the development of community goals and policies (based on community character and vision, and physical, economic and social factors)
- 2) Establishes development controls and regulations to implement goals and policies
- 3) Coordinates comprehensive plans for the community (land use, economic development, housing, transportation, utilities, recreation, environment, financing and budgets)
- 4) Reviews individual projects for compatibility with community goals, policies and regulations

**Comprehensive Plan:** A comprehensive plan provides a community vision, a statement of the community's policies and goals, a guide to development, and a guide for decision-making. It describes the desirable ways in which a community should develop over a ten to twenty year time frame. The plan should include an introduction, existing conditions, resources, demand patterns, needs analysis, challenges and barriers, goals and policies, and implementing regulations. A plan usually consists of written development goals and policies that provide guidelines for local officials regarding decisions about the quality, location, and amount of development. Comprehensive plans are legally binding on public decisions, and all development regulations must be consistent with the policies set forth in the comprehensive plan. The comprehensive plan also includes plans for specific development elements such as housing, economic development, and infrastructure systems.

**Zoning Ordinances:** Zoning ordinances are the most widely used form of development regulation. They include written requirements and standards that pertain to the permitted uses of land and buildings, the height and size of buildings, the size of lots and yards around buildings (site coverage and setbacks), the number of parking spaces, the size and type of signs and fences, and other matters. These provisions are spelled out for a variety of zoning districts, which are delineated on maps. When a local government adopts a zoning ordinance, every property within the government's jurisdiction is designated within a specific district and its use regulated by the ordinance provisions for that district. The ordinance also establishes procedures for changing zoning. There are two approaches to zoning:

**Uniform Zoning:** Uniform zoning pre-designates the use and physical development within a specified geographic area (permitted use, density, maximum building height and bulk, and

---

setbacks). If the zoning code is clear and consistent, discretionary review should be unnecessary. However, if too restrictive, it adds significant costs to development and threatens the feasibility of the project (depending upon the market). Further, uniform zoning is inflexible and may not meet market demands as consumer trends change.

**Impact/Performance Zoning:** Performance zoning establishes standards for traffic, open space, landscaping, noise and other design elements, but does not spell out how the standards must be met. Well-designed ground rules provide flexibility for project development, while ensuring impacts are addressed. However, the administrative costs are much higher and the process may be more discretionary and less predictable, if not handled properly.

**Subdivision Regulations:** Subdivision regulations provide public control over subdivisions of land into lots for sale and development. They contain requirements and standards regarding the size and shape of lots; the design and construction of streets, water and sewer lines, and other public facilities; and other concerns such as protecting environmental features. The regulations require all subdivision developers to obtain approval of detailed plans before they can record and sell lots. Developers, ultimately, must consider the following subdivision regulation implications prior to development: subdivision plat, site plan, building design, review procedures (pre-application conference, preliminary plat, final plat), requirements, design standards, site considerations, critical areas, street right-of-way dedications, easements, shorelines, public dedications, environmental impacts, variances, and zoning.

**Capital Improvement Programs:** Capital improvement programs are adopted by local governments to provide a construction schedule for planned infrastructure improvements, and identify the expected sources of funds to pay for the improvements. The plan, usually updated each year, is a guide to when and where improvements will be made. The plan provides a useful indication of long-term plans for development within the jurisdiction.

In addition to these basic forms of regulation, several local governments have adopted various growth management techniques. These techniques tend to provide more direct public control over the amount, type, timing, location and quality of development than traditional planning and zoning. They range from more precise standards for development (such as design guidelines) to actual restrictions on the amount of development that may take place. Another regulatory technique is the use of concurrency, requiring adequate public facilities. Such regulations make development contingent on the existence of adequate capacity in the local infrastructure systems that will serve new development. Development proposals could be stopped unless the community or developer provides the necessary infrastructure.

*“Local growth management is ... a conscious government program intended to influence the rate, amount, type, location, and/or quality of future development within a local jurisdiction. Growth management programs may include a statement of growth policy, a development plan, and various traditional and innovative implementation tools — regulations, administrative devices, taxation schemes, public investment programs, and land acquisition techniques. ... It should be noted that this definition, which in fact focuses on actively guiding growth, differs from the popular notion of stopping growth completely.”* – **Constitutional Issues of Growth Management**

The regulations adopted by local governments establish procedures that require property owners and developers to obtain zoning, building and occupancy permits. Applications must be submitted for these permits, usually with supporting documentation. If the type of development is allowed “by right,” according to the permitted zoning for the property, an administrative official can approve the proposal without further action. If the proposed development is only allowed under certain conditions or requires a change in zoning, special hearings and other procedures are necessary.

---

**Project Review Process:** The project review process is designed to determine if the project is consistent with the zoning designation, density, environmental constraints, development regulations and controls, coordinated for consistency with public facilities and utilities (roads, water, sewer, parks, schools, etc.), and determine and mitigate impacts. The staff will prepare a report for decision makers to review and approve (or amend, or reject) the project application. The plan review consists of the extent the project achieves community goals; the extent the project improves the quality of life of the community; and, the extent the project encourages capital investment, improves tax base, improves job opportunities, attracts consumers, and produces revenues.

As development regulations become more complicated and convoluted, developers face many decisions about making their way through the permitting process. Frequently, to develop a marketable product or to maximize their investment, developers request changes in the adopted plans or zoning or turn to special procedures that allow alternative uses or more flexible design treatment. A request for changes or special procedures usually exposes the project to closer scrutiny by public officials and the general public and often creates opportunities for public officials to require additional design features, amenities or infrastructure contributions.

The use of these special “discretionary” procedures has grown in recent years. In part, this growth has occurred because public officials have discovered that they can control the size and quality of development more directly through case-by-case reviews than through written regulations. In part, developers have found regulations too restrictive and thus request special procedures that permit greater flexibility. But special interest groups and citizens’ groups have also discovered that such procedures open opportunities for participating in decisions. Developers increasingly find that they must spend almost as much time coming to terms with neighborhood or special interest groups as with the public officials charged with project approval. In many instances, developers must employ consultants and prepare special studies to respond to questions and demands from such groups. Changing the plan and/or design midstream is usually much more expensive. In fact, changes forced by the public sector can make a project infeasible. When this happens at a later stage in the development process, the developer often face almost insurmountable difficulties.

**Planning for Growth:** Nearly every area is attempting to address growth-related issues. Communities try to plan for growth and land use changes to improve the livability of their community. Of course, the problems facing each community are different. Some growth problems manifest themselves through intense “infill” that contributes to higher densities, worsening air pollution, and traffic congestion. For other areas, the problem is not that there is too much growth, but that there is none at all.

Growth is difficult to predict, and comprehensive plans and developments regulations are rarely updated, limiting the ability of communities to adapt and respond efficiently to changing needs and preferences. Because plans are not updated to reflect market trends and preferences, planners spend most of their time reviewing permits and processing variances to outdated plans.

Surveys and market trends indicate a preference for livable communities that offer a wide variety of choices in housing, job opportunities, transportation, recreation, shops, services, gathering places, and community centers. The biggest obstacles to developing these livable communities are the current zoning regulations. Development regulations are blocking the ability of developers to meet demand for this type of development. Changes from contemporary zoning are required in response to changing consumer tastes. Only flexible and open-ended planning can respond adequately to the changing desires of consumers.

Investors who create developments offering space for business, shopping, and housing conduct planning through market-based strategies. Investments in better designs and better locations are rewarded as buyers and renters drive up prices through competition. Ultimately, individual consumers who decide what to buy or not to buy guide development in the market.

While the market ultimately determines where growth will occur, local governments often set the tone for a community's success (or failure) in attracting economic growth. By laying the proper groundwork—establishing the proper goals and policies, coordinating planning and permit review processes, providing infrastructure, ensuring land availability through zoning ordinances, implementing effective development regulations—a community can set the stage for successful efforts of working with the business community for job retention, expansion and recruitment.

Through the Growth Management Act, local governments have implemented growth management policies through comprehensive plans, development regulations, and other funding mechanisms. As required by the GMA, the communities will soon be reviewing their comprehensive plans and development regulations to determine if they are in compliance with the GMA, and what measures will be needed to ensure jurisdictions are achieving the goals of the GMA – in particular, how they are accommodating growth, preserving rural lands, and protecting environmentally sensitive areas. In addition, based on the new population projections, each community must determine how it will accommodate the projected growth and update its comprehensive plan and policies accordingly.

Land use controls are based on the planning goals and policies established in each community's comprehensive plan. By getting involved in the process and influencing these goals and policies, REALTORS® can help determine the zoning and development regulations for which the use of property will be based – and hence, the property owners' ability to use and market their land. Further, REALTORS® have the opportunity to affect the quality of life, and ultimately, the marketability of real estate in each community.

***Getting Involved:*** Both the Growth Management Act and the Shoreline Management Act require local jurisdictions involve the public when they adopt or amend their Comprehensive Plans and Shoreline Master Programs. Contact your city or county and request to be placed on their mailing lists for notices involving land use actions. Request that an advisory committee be created to oversee Comprehensive Plan and Shoreline Master Program updates. If your city or county has set up an advisory committee, request that you be included. If a limited number of persons may sit on the advisory committee, form an interest group to advance your concerns before your local policy-makers. Attend meetings and hearings to provide input and make recommendations. Apply for a position on the Planning Commission. Help elect candidates that support your issues (*or consider running for office yourself!*)

***Influencing the Process:*** Make sure that local elected officials are asking the right questions as they prepare to adopt or amend their Shoreline Master Programs and update their Comprehensive Plans. Make sure local officials know their community goals and are not compromised by proposed restrictions. Local officials need to know what their proposed action will cost in terms of dollars, opportunities and property rights. Make sure that new regulations include compensation for land owners when property is reduced in value. Make sure that any new regulations address how the community will accommodate growth if land is being removed from the buildable inventory due to Shoreline or other regulations. Make sure that adjustments are made in the Comprehensive Plans and development regulations to ensure economic vitality, provide housing opportunities, and accommodate projected growth.