

## **Part II: Land Use and You**

### **The Importance of Community Plans to Your Business**

Being knowledgeable of the land use rules in your community increases your reputation and reliability as a real estate professional. You are able to provide educated advice to protect your clients and prevent unexpected delays or a discouraging failure to close a sale based on complex or unachievable contingencies.

As a real estate professional your experience and voice are essential in shaping new laws or recommended changes in local plans. As your knowledge base grows, and you become better equipped to deal with the ever-changing land use environment, the better it will be for your community, your business, and ultimately you, as a professional REALTOR®.

As discussed in Part I of this series, "Land Use Laws and You," comprehensive plans, critical area ordinances, and shoreline rules must all be updated over the next several years. The changes required will reshape your community and have significant impact on the use, value, and marketability of property.

REALTORS® have been at the forefront of the public's understanding of these rules, and for good reason. Your business and the best interests of your clients and communities are directly affected by the legislation that implements the Growth Management Act and the local processes that enact it.

The first and most significant value factor is the land use designation of the property in the community comprehensive plan - this designation affects the value and use of property.

The comprehensive plan is the blueprint for community development - the vision of the community you would like to become. Comprehensive plans set the basic shape of community development, addressing such issues as housing, economic development, land use, "urban growth areas" around cities, "resource lands" (agriculture, forest, and mineral), "rural lands," "limited areas of more intense development," and a host of other specialty issues that a community may or may not elect to address (rural area resorts, non-city industrial development).

With the advent of the Growth Management Act, comprehensive plans in most counties need to address land use, open space, affordable housing, transportation, resource lands, utilities, and capital facilities. The key point to remember is that any new zoning ordinance or other development regulation must be "consistent with the comprehensive plan."

**Process.** Comprehensive plans are adopted through hearings before a Planning Commission, which makes recommendations to the city or county governing board. Because Planning Commission recommendations can be adopted by a Board of County Commissioners by resolution without further public hearings, it is essential that your participation be focused at the Planning Commission level to be meaningful and effective. Planning Commissions and staffs usually publish a schedule of comprehensive plan updates and agenda items. Sign up on the local mailing list to better follow local proceedings and to participate or alert your clients of the need to get involved to protect or enhance the ultimate value of their properties.

**Issues: Population.** One of the first decisions to affect you is the local population allocation. Counties have received a range of population growth projections for the county based upon the 2000 Census. The estimate covers the period of the next 20 years and includes a low estimate, medium estimate, and high estimate for growth throughout the county. Two decisions at this level will affect you and your clients.

**FIRST-**Whether to adopt the low growth, medium growth, or high growth model for planning the county population growth over the next 20 years. You must make sure your county accepts a growth scenario that accurately reflects local conditions. "No growth" advocates are pushing for no growth or low growth scenarios, which, if unrealistically low, will cause housing shortages, stifle the economy, and create artificial price inflation affecting affordable housing.

**SECOND** -Once the total county population growth is identified, the focus shifts to allocating the population among the various cities in the community, and to rural areas and special purpose districts-fully contained

communities and master planned resorts. Some communities are refusing to accept a fair share of population growth, pushing the costs of growth to others, and violating constitutional principles involving the right to travel and accommodate reasonable population increases.

The population allocation in Growth Management counties is accomplished through a joint committee of city and county representatives. Inquire! Get the Facts! Population allocation is the lynchpin on which all other GMA planning is based.

Other comprehensive plan considerations affecting value of real estate:

**Urban Boundaries.** The Urban Growth Boundary defines an area outside the city limits designed to accommodate a portion of the projected 20-year growth (residential, commercial, and industrial) that cannot be accommodated within the city. Residential densities inside Urban Growth Boundaries are commonly 4-units per acre and up, and commercial and industrial zones are planned with urban utilities in mind. Outside the Urban Growth Boundary densities are limited to large lots-5, 10, 20 acres and more with limited exceptions-and commercial and industrial activities are limited to "rural scale," which presume the absence of urban utilities and are commonly much smaller than the urban counterparts.

**Cities propose and counties adopt Urban Growth Boundaries.** REALTORS® should know and understand where and why the urban boundaries are situated in your community and be aware of any efforts to relocate such boundaries. Location within or without the UGA will be the single biggest factor affecting the value and utility of property near our urban areas. The fact that a client's property is presently in an Urban Growth Area does not mean it is safe. GMA counties must reevaluate and re-justify their current boundaries. Changes may well shrink or move boundaries, so vigilance is important.

**Resource Land Designation.** All counties are required to designate and protect resource lands. Designations include forest, agricultural, and mineral lands of long-term commercial significance. Recent trends indicate that non-resource uses will be severely limited on designated resource lands. Likewise, the ability to have surface mines, cement plants, and asphalt facilities outside designated mineral resource lands may also be severely limited. Early indications suggest great pressure on counties to designate significantly more lands for resource use, particularly farmlands. Your rural clients need to be aware of impending changes.

**Limited Areas of More Intense Rural Development.** In rural areas some activities existed prior to GMA, including small towns, crossroad commercial areas, small rural industrial areas, and other urban/suburban type development that was never incorporated into a city. While some of these areas may qualify for designation as urban areas, many are more properly located in Limited Areas of More Intense Rural Development or "LAMIRDs." Clients with properties in these areas must be aware of potential limitations on development and fight for the right to change uses and expand businesses, within the limits of local rural facilities. Recent changes to GMA laws supported by your Association will make such changes much easier.

**Rural Uses and Densities.** The future land use chapter of the comprehensive plan will spell out rural uses and densities for the overall rural areas in the county (lands not UGAs, resource, or LAMIRDs). While many seek to severely limit uses in rural areas, communities have been successful in identifying the importance of rural development in Washington State and the need to assure the vitality of the rural economies. You, as REALTORS® in the more rural areas, need to be active participants to assure that the county allows a full measure of rural uses and activities.

**Critical Areas and Environmental Policies.** The environment chapter of the plan must call for a balanced approach to "protecting" critical areas, including the use of buffers, where appropriate, to protect natural areas, and management programs to address critical area protection in areas documented by the built environment.

The comprehensive plan will set the future uses for your client's property, and in that manner be the biggest determinant of future value. As REALTORS®, you are encouraged to become familiar with your community's comprehensive planning process, to get involved on citizen committees to bring your knowledge and experience to the fore, and to keep your clients updated on the many changes that may materially affect the use and therefore the value of their property.

Your state REALTOR® Association has a wealth of resources and information available regarding the local planning process. Contact your state Association for assistance on how to be effective in the process that affects the value and use of property and how your community will grow in the future.

Part III -Zoning and Environmental Regulations