Washington APA

2009 Conference

Vancouver, Washington
November 13, 2009
A Better Way to Zone
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Zoning is not a sexy topic
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Zoning is not a sexy topic
so why write a book about it?
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Zoning is not a sexy topic – so why write a book about it?
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- A big lever on our future
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- A big lever on our future
- Affects people’s lives directly
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- City Council’s favorite power
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- Affects people’s lives directly
- City Council’s favorite power
- Too complex to understand
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What is zoning?

A list of “zones” with rules addressing:
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- Too complex for public to grasp
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- Expensive and time-consuming to administer
  - Over-the-counter answers fall from 75% to 25%

- Doesn’t give us the cities we want
  - Enormous efforts to work around the rules
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How did it get so complex?
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  - Denver from 13 to 42 (to 90+?)
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- Ideas about quality multiplied
  - Parking–signs–landscaping–environment
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Four historical paths

Euclidean
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Euclidean

PUDs
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Four historical paths

Euclidean ➔ PUDs ➔ Performance

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Four historical paths

- Euclidean
- Performance
- Form-Based
- PUDs
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- Euclidean Hybrid
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Failed Assumptions
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Every so often . . .
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Failed Assumptions

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and remember John Harrison
Failed Assumptions

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- We thought we had to separate the uses
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- We thought the rules had to be “static”
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New Land Use Drivers
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- Tax limits pushes over-zoning for commercial
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- Tax limits pushes over-zoning for commercial
- Transportation often "drives land use"
- NIMBYism became a very powerful force
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The Lost Art of Governance
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- Lost the focus on long-term workability
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- New regulations added but old ones never removed
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- Lost the focus on long-term workability
- New regulations added but old ones never removed
- “Understandability” got steamrolled

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The Lost Art of Governance

- A word about “predictable flexibility”
  - Sounds like a square circle . . . but
- Not really a crazy idea
  - Canadian “tolerance” bylaws
  - American “administrative adjustment” rules
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How Do We Fix It?
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- Focus on Ten Key Principles
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1. More Flexible Uses

- Fewer, broader categories
- Less micro line drawing
- Major simplifications of:
  - Industrial
  - Retail
  - Personal Services
  - Professional Services
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1. More Flexible Uses - Examples

- Winnipeg reduced from 460 uses to 141
- SmartCode suggests 81 uses for entire region
- Miami 21 lists 48
- DC aiming for 15
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2. The Mixed Use Middle

- Distinctions between higher density MF, Commercial, Institutional, and Light Industrial increasingly blurred

- New menu will be shorter and simpler
  - Residential
  - Mixed Use
  - Special
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2. The Mixed Use Middle – Examples

- Winnipeg reduced districts from 27 to 22 (dropped 7; added 2)
- SmartCode based on 6 transects
- Though more in practice
- Miami now has 13?
- Denver’s 7 MU districts are the most used
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3. Attainable Housing
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- Average renter income spent on housing has risen from 19% to 29%
- 49% of renters spend more than 30% of income on housing
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- Real need is in attached and multi-family units
- Don’t be fooled by current downturn
  - The gap between prices and wages rises over time
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3. Attainable Housing – Examples

- Aurora, CO Small Lot Standards
  - Down to 3,700 square feet
- Austin, TX
  - SFD at 14du/acre
- Mesa County, CO
  - Auto courts and loop lanes
- Denver Highlands Gardens
  - Co-Housing
- Santa Cruz, CA
  - 8 pre-approved ADU templates

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5. Living With Non-Conformities

➢ The theory was wrong – they don’t go away

➢ Some non-conformities are now accepted “place-makers”

➢ Move away from limits on expansion and replacement

➢ Remove legal consequences to encourage investment
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5. Living With Non-Conformities

- Move away from a system that says pre-existing buildings are on zoning parole – i.e. technically “legal” but not favored.

- Towards one that says pre-existing buildings have the same rights as new buildings unless they involve a public health or safety risk.
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6. Dynamic Development Standards

- Who said rules have to be static over time?
- Let some of them adjust automatically as conditions change
  - Fees
  - Heights & setbacks
- Not recommended for SFD areas
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6. Dynamic Development Standards–Examples

- Kalamazoo – Maximum height is “tallest building within 200 feet plus 2 stories” – which will change over time.

- Nashville – Parking required depends on distance from transit lines and available public parking lots – which will change over time.
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8. De-Politicizing Final Approvals

- Delegate final subdivision approval to staff
- Avoid public hearings on most site plans
- Use hearing officers for non-discretionary decisions
- Limiting public hearing debate to listed issues
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- Fewer contentious hearings
- “Making room for sustainability” and other topics that we are learning to care about
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PLAN OF SEATTLE

Seattle

“How beautiful thou art!
Stretching thine arms to greet the Orient;
Gazing with eyes of mystery, to pierce
The far sea-spaces; dreaming, mother-like;
The boundaries of thy power still unset,
The wonder of thy destiny, unknown.”

Alice R. Coe.
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LOOK to Pierce County for the next stages of growth that will tie the region even tighter, and bring us problems that can only be solved with regional planning.

Pierce County's boom towns — Bonney Lake is the easy example — plus the arrival of huge planned developments such as Cascadia on nearly 5,000 acres of northern Pierce County, foreshadow the impacts of the next housing boom and the continued rise of the suburban outer crescent of Seattle, King and Pierce counties.

So far, the counties have been working things out by themselves but a recent unanimous vote by the Pierce County Council adds that Puget Sound counties are trying to control the land rush.

What Pierce County leaders decided to do is simple rather than complicated: To keep some land, mostly in Eastern Pierce, working as farms, forests and natural green space, they created a way for farmers and foresters to benefit from transfer of development rights to the urban areas.

So, some places get more homes, and some stretches of open land stay open.

It's a thing called transfer of development rights, and has been working with mixed success in King County for years. Planners inside Pierce County know there are always "ifs" in land use but are optimistic they can keep ahead of the curve by keeping development close to the urban areas.

For the average family, either on farmland or in their car looking for a home to buy, this may be as tangible as holding a cloud, but the concept of transferring development rights from one side of the county another can have an enormous impact on the way we live in the great sprawl of communities around the Sound.

A possibility is that Gig Harbor, the little town I know will be denser, compact and maybe taller. The south Bonney Lake, with its combination of high densities, density, suburban and small town communities, has led to new efforts to try to manage the tide. The potential use of Lake Tapps water for Eastside and South King County communities only adds to the rough edge of the debate over growth.

Bonney Lake, like Lake Sammamish before it, and Lake Stevens now, is the outcome of disjointed land policies in the three contiguous counties.

At the center of Pierce County's acceptance of a development rights regime was the Cascade Land Conservancy, which held talks for two years in the communities affected. According to the CLC, Pierce County lost "almost 900 acres of farmland through conversion to other uses — about one Point Defiance Park last year."

"Lost" is the operative, and perhaps pejorative, word. Where are people supposed to live if not on the remaining land available?

I've come around to believe that keeping some portions of the region's towns, rural highways and crops of forest intact is worth the squeeze of density shifted to urban centers. It's a devil's bargain sometimes because the two-car, two-child, two-job family is caught in higher land prices. But ask in Sammamish if they want more development to go elsewhere, and most people will say yes, send it somewhere else. The living history of this region demands we have to get ready for the next arrival — tens of thousands of people being born here or arriving by moving trucks.

I don't see any other way to deal with it, other than to deal with it.

James F. Vesely column appears Sundays in The Times. His e-mail address is: jvesely@seattletimes.com for a Q&A with the author, go to Opinion at seattletimes.com

Information
CASCADE LAND CONSERVANCY: www.cascadeland.org
THE CASCADE AGENDA: www.cascadeargenda.com

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Are we already zoning better?
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- Generally, what is in the way, or not?
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- Town centers, transit oriented development
- Local administration/interagency relationships
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  - Where to put 1.7 million people
- A Seattle example: “backyard cottages”