

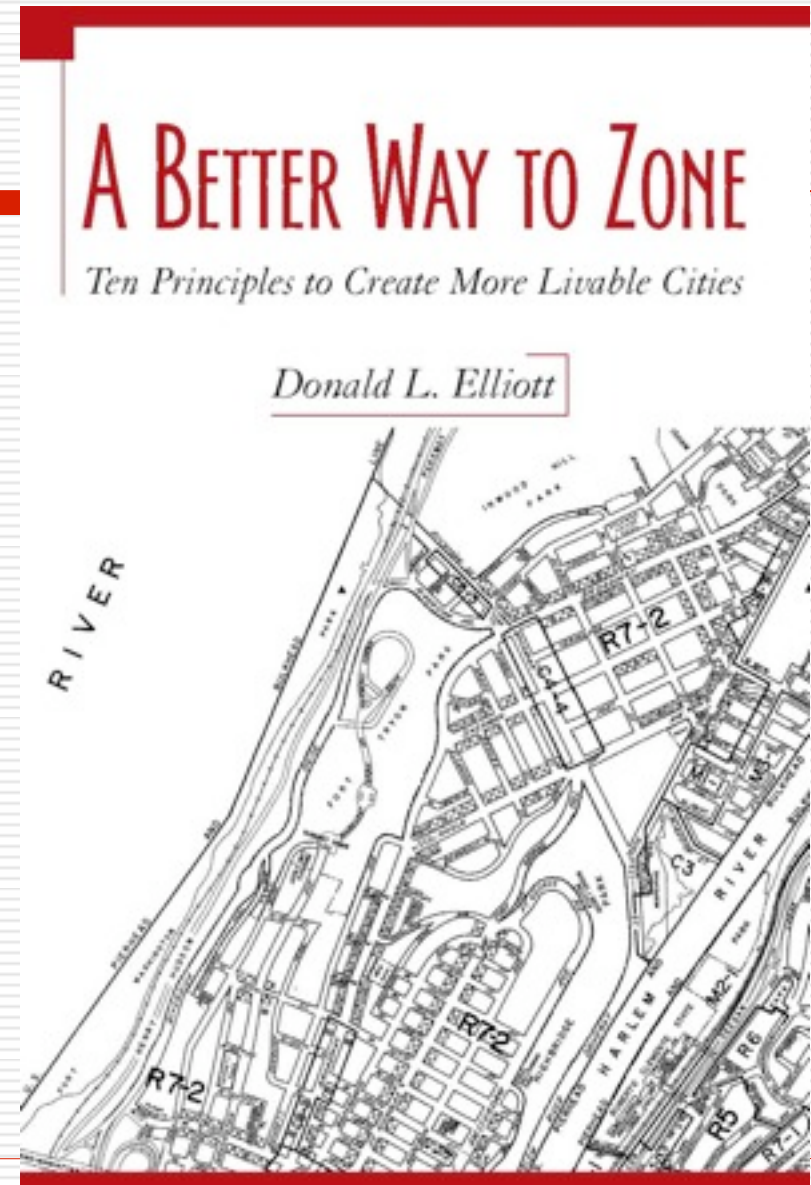
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**Washington APA**

**2009  
Conference**

**Vancouver, Washington  
November 13, 2009**

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# A Better Way to Zone

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# A Better Way to Zone

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Zoning is not a sexy topic



# A Better Way to Zone

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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 Better Way to Zone

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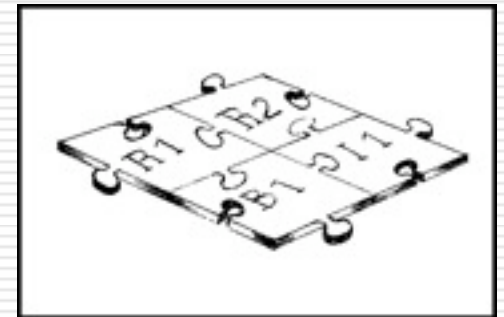
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- City Council's favorite power
- Too complex to understand



# A Better Way to Zone

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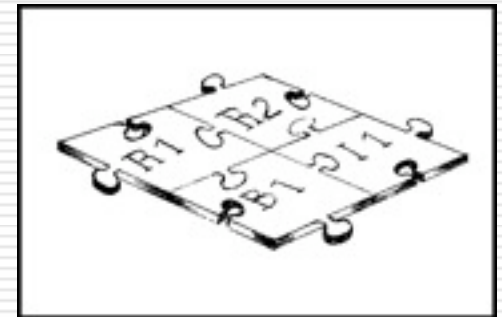


# A Better Way to Zone

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What is zoning?

A list of “zones” with rules addressing:



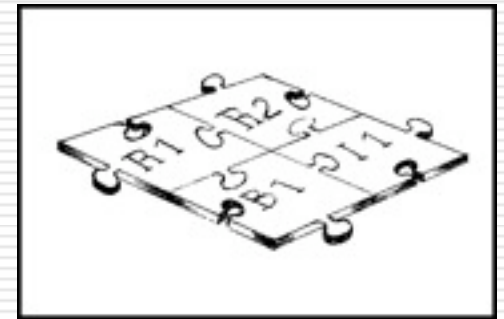
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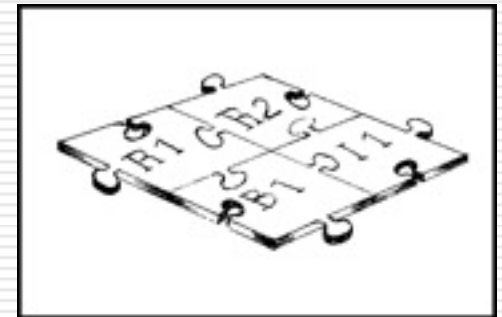
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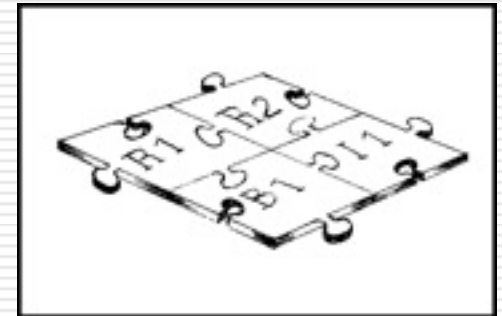
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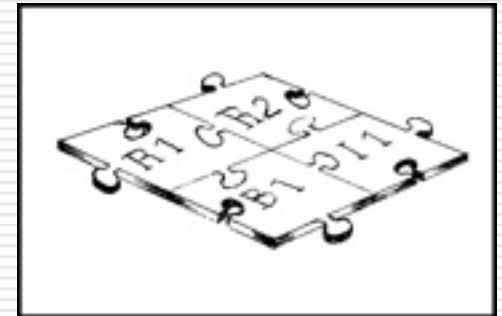
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# A Better Way to Zone

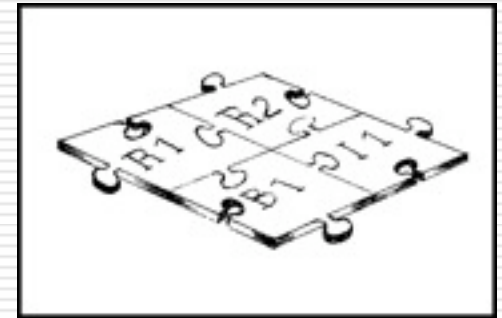
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# A Better Way to Zone

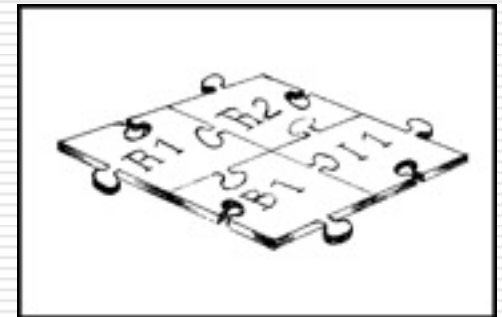
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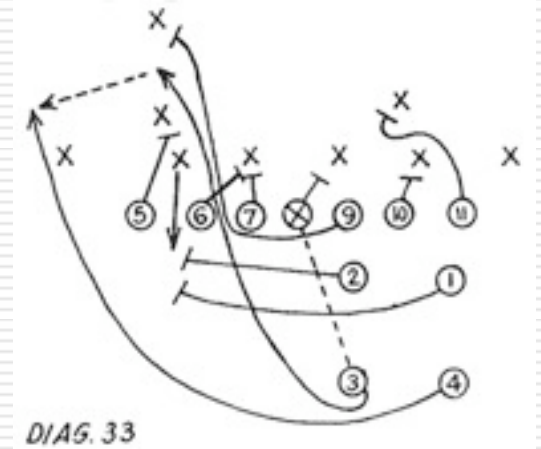
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And a map showing which  
“zone” applies where



# A Better Way to Zone

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# A Better Way to Zone

What's broken?

-- Why do we need a better way

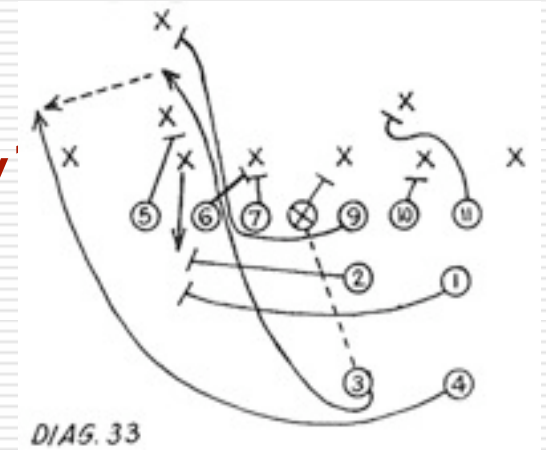


# A Better Way to Zone

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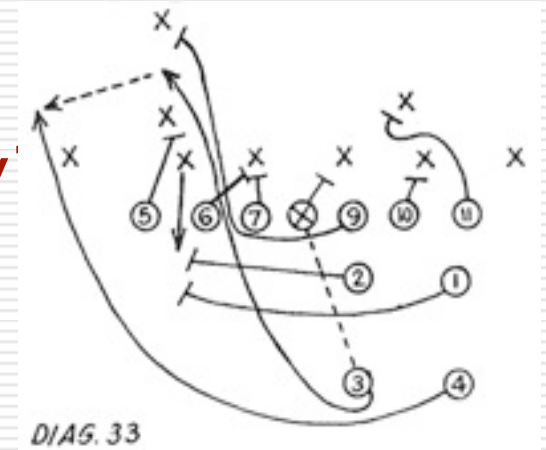


# A Better Way to Zone

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- Expensive and time-consuming to administer
  - Over-the-counter answers fall from 75% to 25%



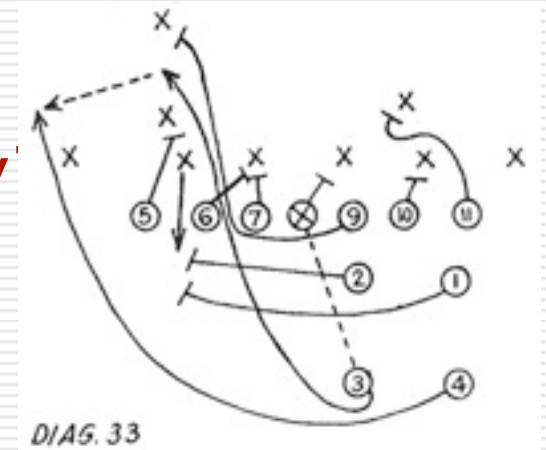


# A Better Way to Zone

What's broken?

-- Why do we need a better way

- Too complex for public to grasp
  - The Mike Henry effect
- 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



# A Better Way to Zone

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# A Better Way to Zone

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How did it get so complex?



# A Better Way to Zone

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## How did it get so complex?

- Zones multiplied
  - Denver from 13 to 42 (to 90+?)



# A Better Way to Zone

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## How did it get so complex?

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  - From “retail” to “music and video store”



# A Better Way to Zone

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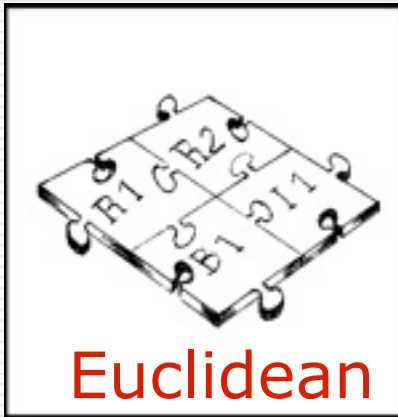
- Zones multiplied
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- Ideas about quality multiplied
  - Parking–signs–landscaping–environment



# A Better Way to Zone

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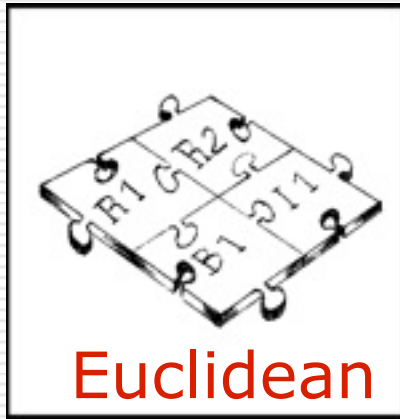
## Four historical paths



# A Better Way to Zone

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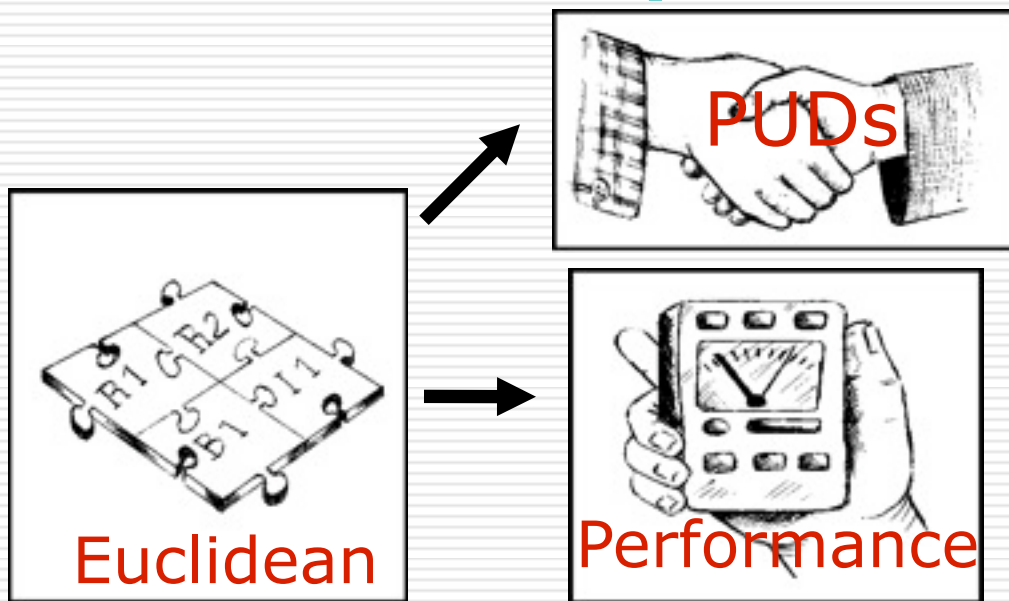




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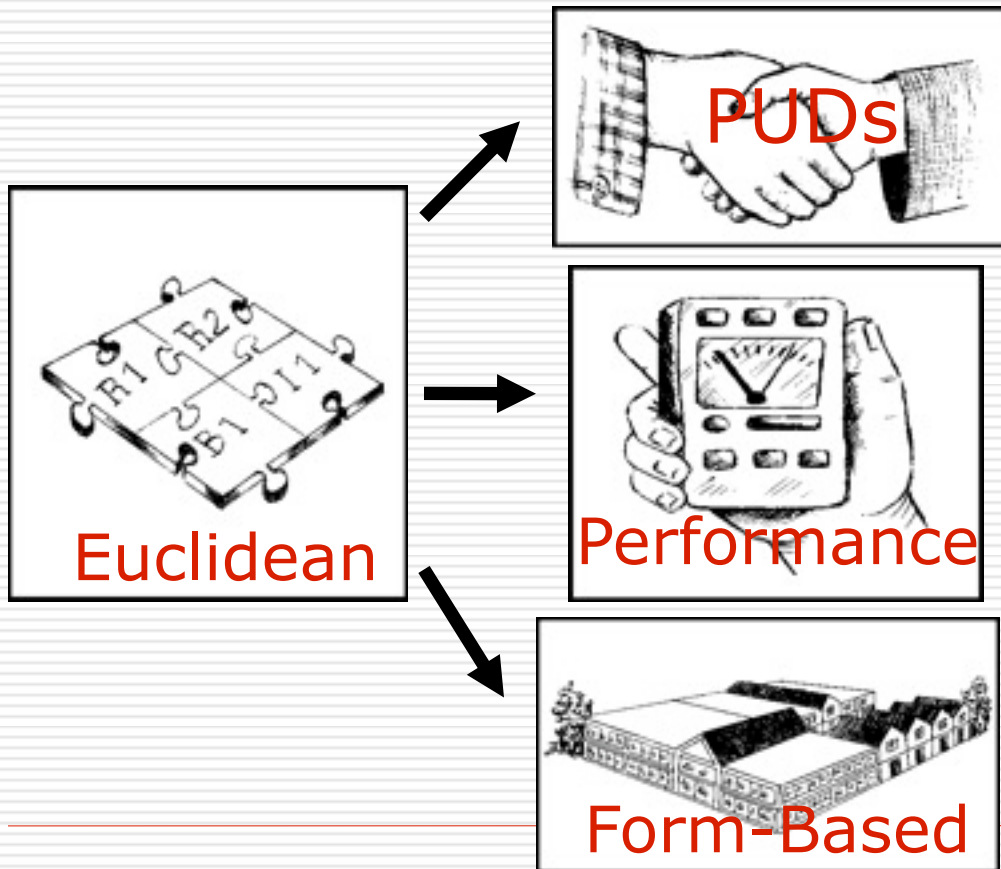
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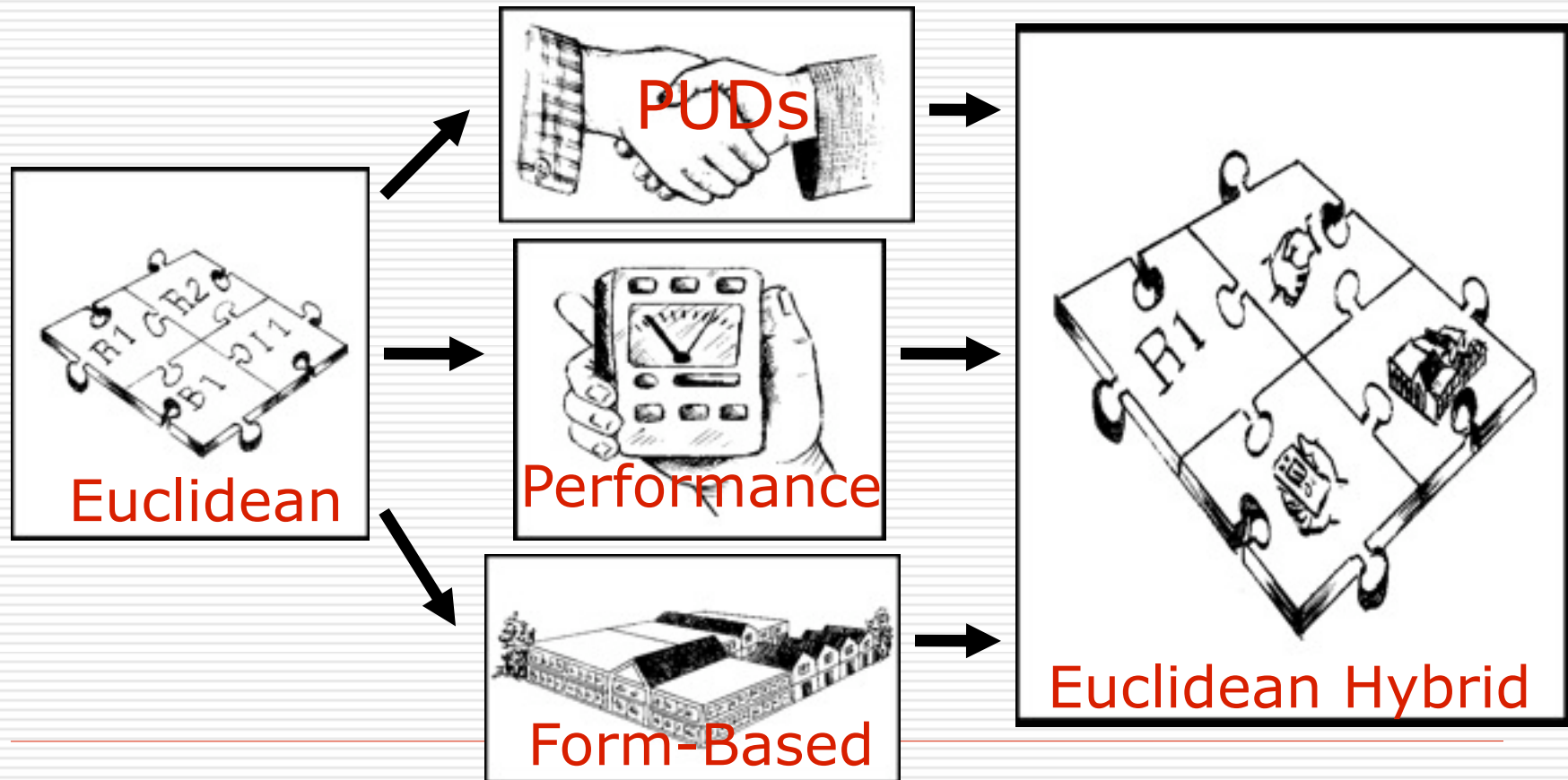
# A Better Way to Zone

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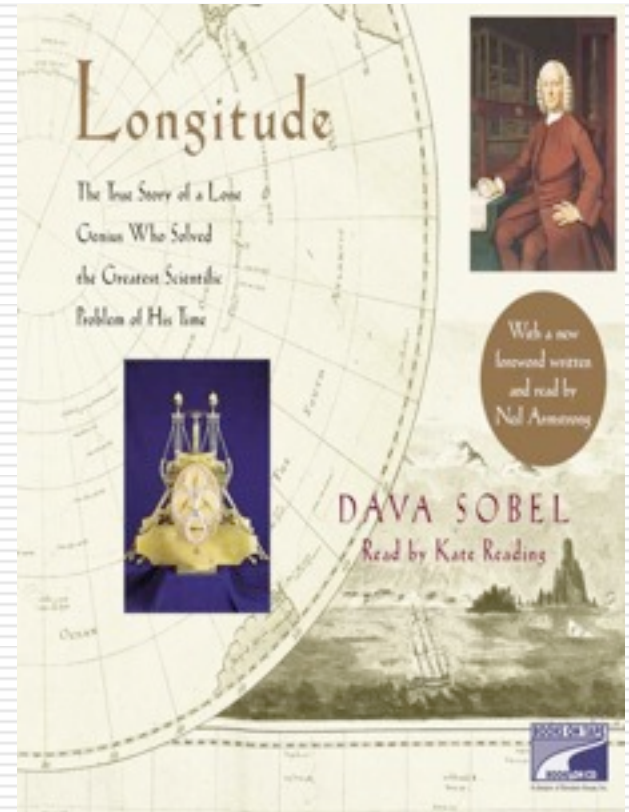
# A Better Way to Zone

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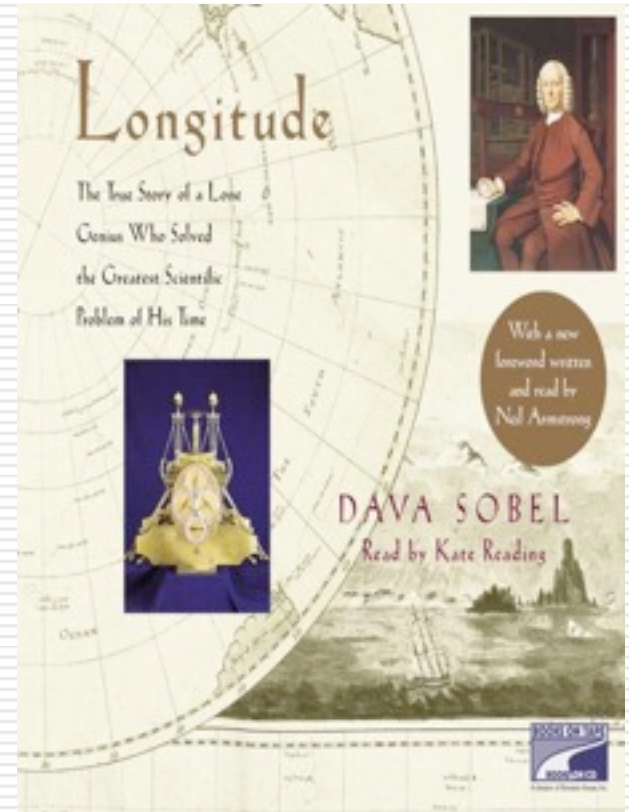
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# A Better Way to Zone

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## Failed Assumptions

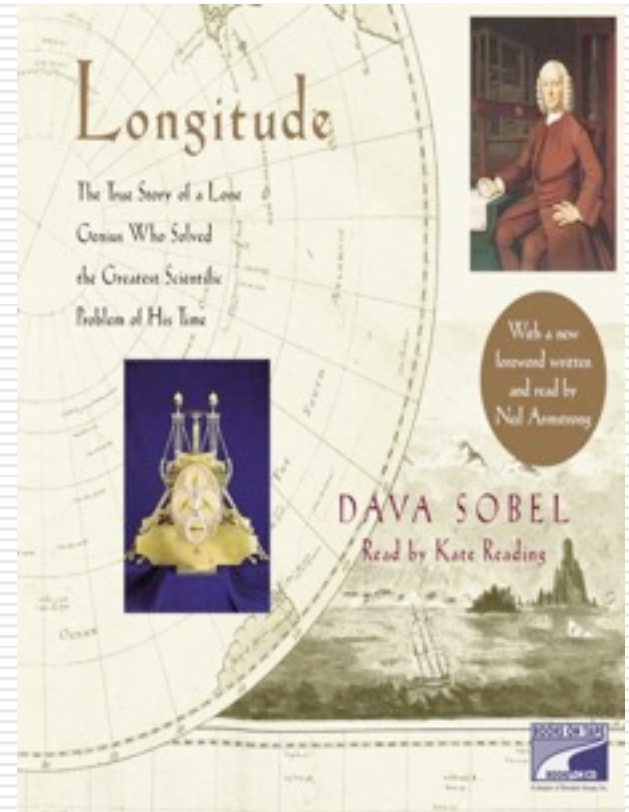


# A Better Way to Zone

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## Failed Assumptions

Every so often . . .

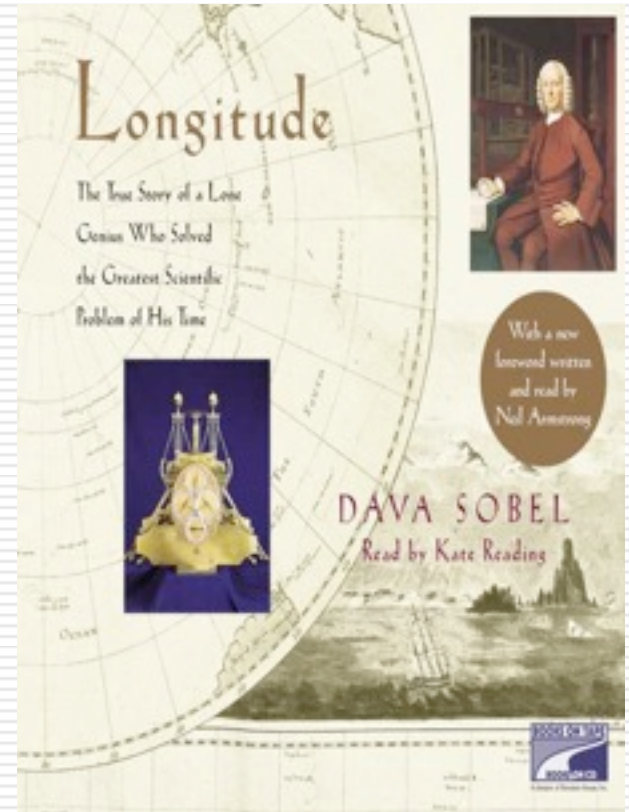


# A Better Way to Zone

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## Failed Assumptions

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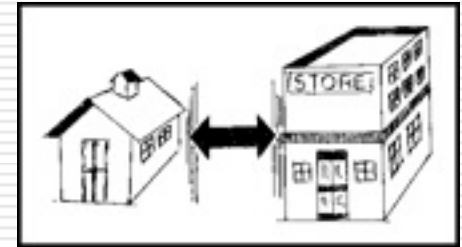
and remember John Harrison

# A Better Way to Zone

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## Failed Assumptions

- We thought we had to separate the uses





# A Better Way to Zone

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# A Better Way to Zone

## Failed Assumptions

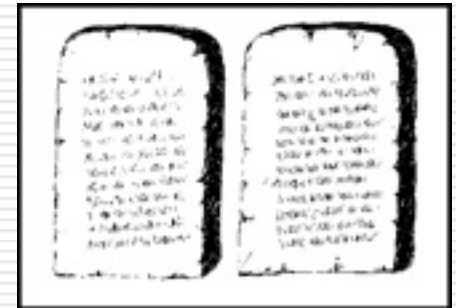
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- We thought exceptions to the rules would be rare



# A Better Way to Zone

## Failed Assumptions

- We thought we had to separate the uses
- We thought exceptions to the rules would be rare
- We thought the rules had to be “static”



# A Better Way to Zone

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## New Land Use Drivers

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# A Better Way to Zone

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## New Land Use Drivers

- Tax limits pushes over-zoning for commercial

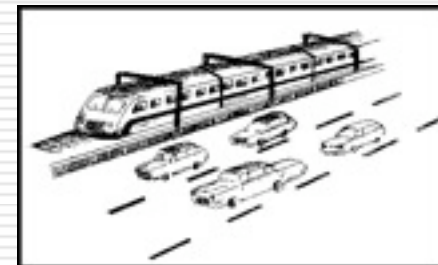


# A Better Way to Zone

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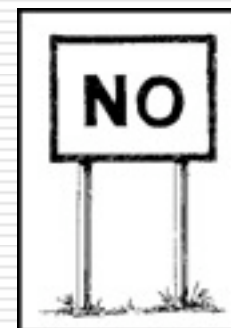
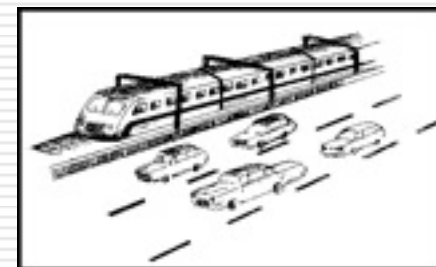
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- Transportation often “drives land use



# A Better Way to Zone

## New Land Use Drivers

- Tax limits pushes over-zoning for commercial
- Transportation often “drives land use
- NIMBYism became a very powerful force



# A Better Way to Zone

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## The Lost Art of Governance

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# A Better Way to Zone

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## The Lost Art of Governance

- Lost the focus on long-term workability

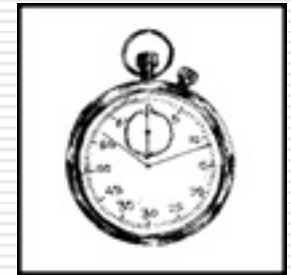


# A Better Way to Zone

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## The Lost Art of Governance

- Lost the focus on long-term workability
- New regulations added but old ones never removed

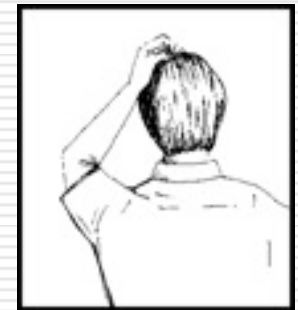
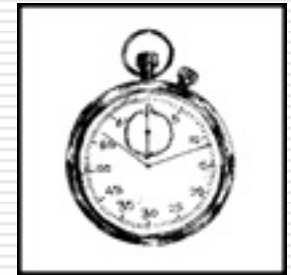


# A Better Way to Zone

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## The Lost Art of Governance

- Lost the focus on long-term workability
- New regulations added but old ones never removed
- “Understandability” got steamrolled



# A Better Way to Zone



# A Better Way to Zone

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## The Lost Art of Governance

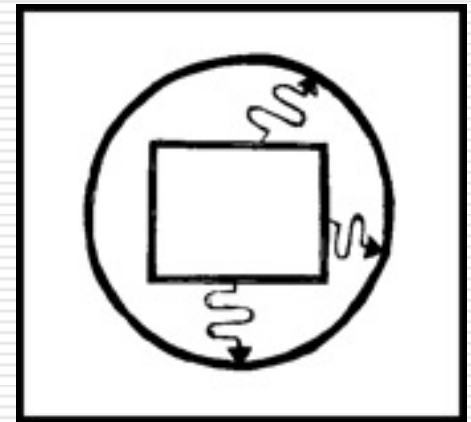
- A word about “predictable flexibility”
    - Sounds like a square circle . . . but
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    - Canadian “tolerance”  
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-

# A Better Way to Zone

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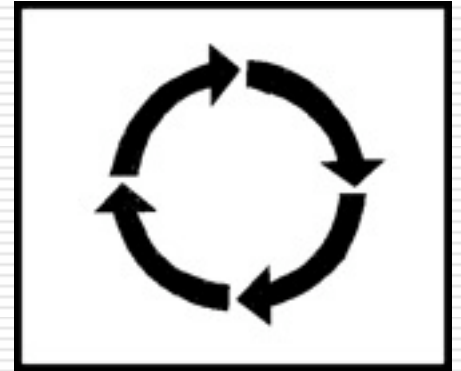
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# A Better Way to Zone

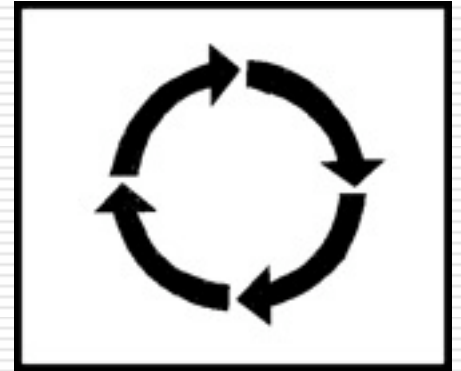
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# A Better Way to Zone

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**How Do We Fix It?**

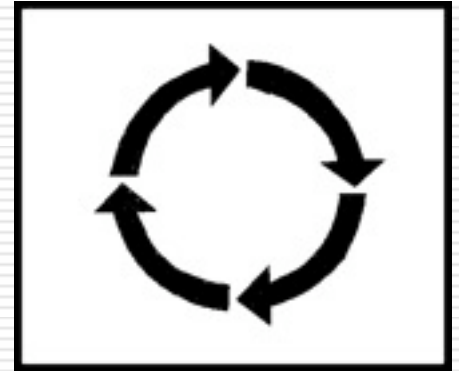




# A Better Way to Zone

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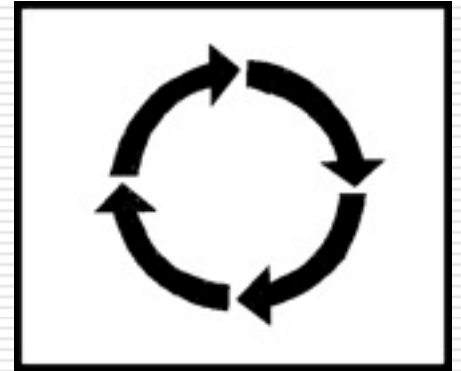


# A Better Way to Zone

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## How Do We Fix It?

- Stop thinking about zoning

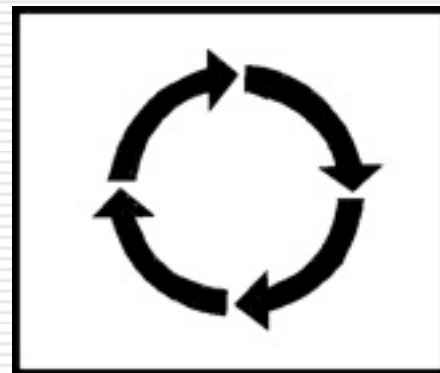


# A Better Way to Zone

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## How Do We Fix It?

- Stop thinking about zoning as a book with set of fixed rules

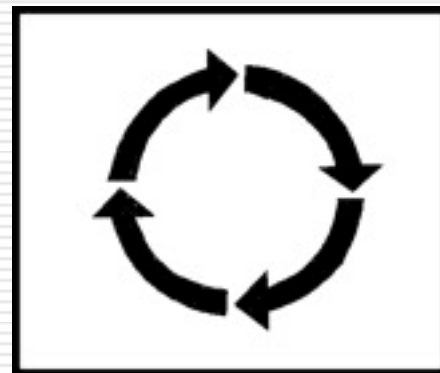


# A Better Way to Zone

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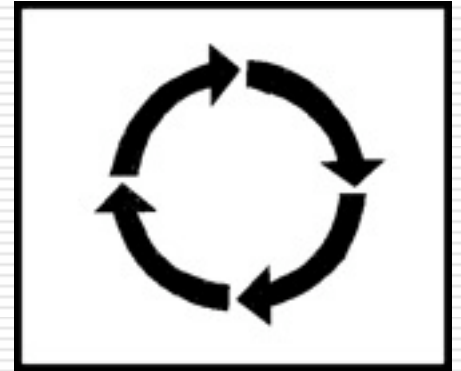


# A Better Way to Zone

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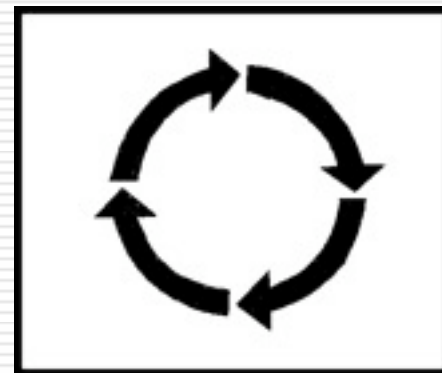


# A Better Way to Zone

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## How Do We Fix It?

- Stop thinking about zoning as a book with set of fixed rules
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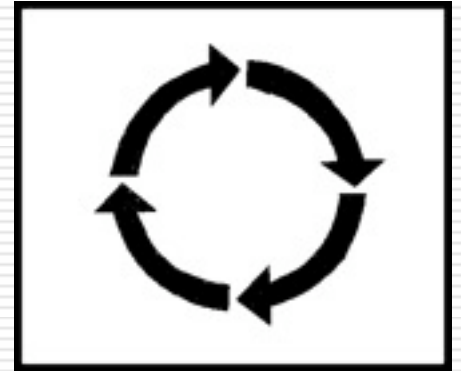


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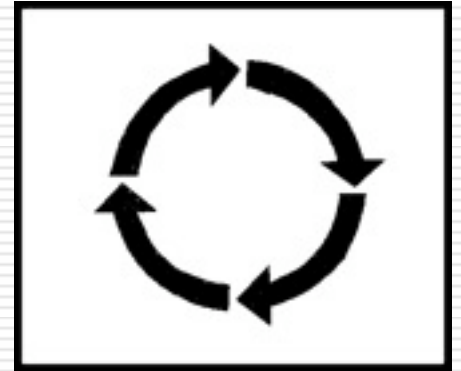


# A Better Way to Zone

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- Start Where You Are



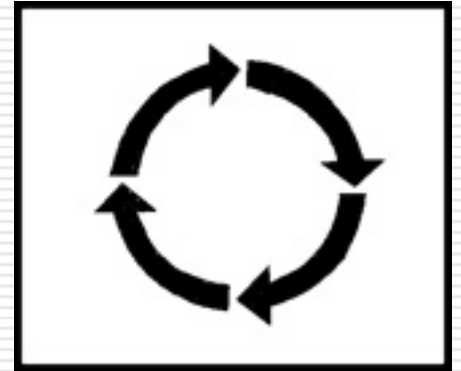


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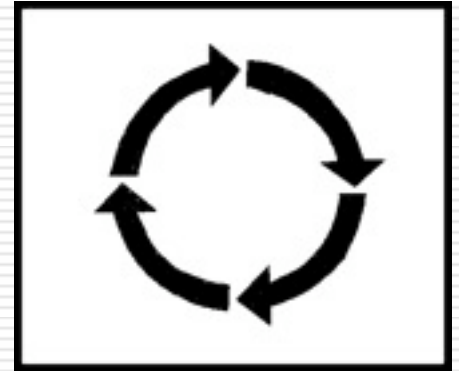


# A Better Way to Zone

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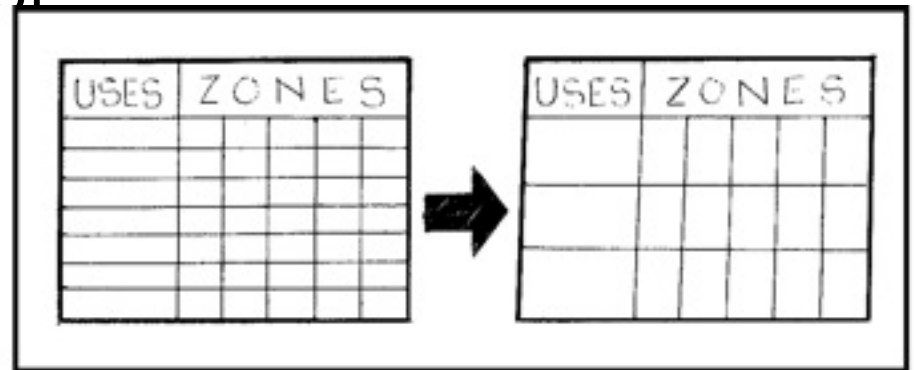
- Stop thinking about zoning as a book with set of fixed rules
- Start thinking it as a land management system that needs to adjust to changing circumstances -- sometimes automatically
- Start Where You Are
- Focus on Ten Key Principles



# A Better Way to Zone

## 1. More Flexible Uses

- Fewer, broader categories
- Less micro line drawing
- Major simplifications of
  - Industrial
  - Retail
  - Personal Services
  - Professional Services



## 1. More Flexible Uses - Examples

- [illegible]

# A Better Way to Zone

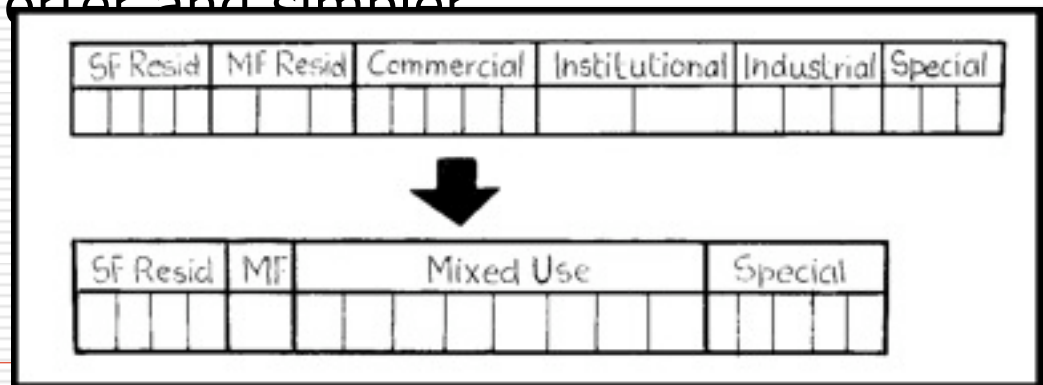
## 2. The Mixed Use Middle

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



- New menu will be shorter and simpler

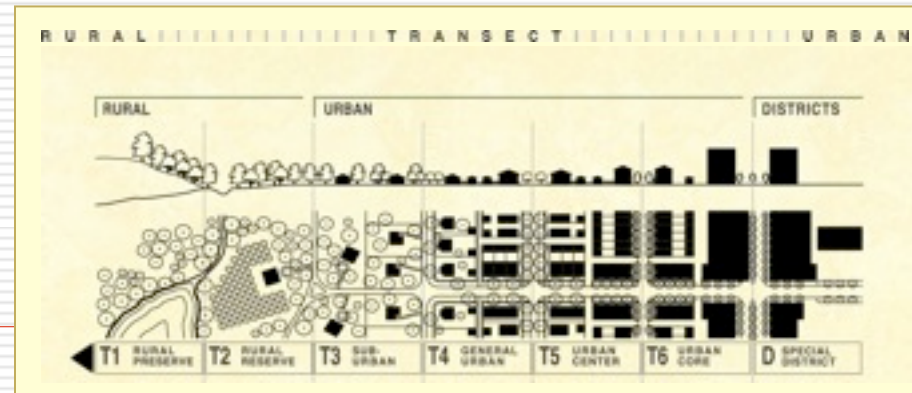
- Residential
- Mixed Use
- Special



# A Better Way to Zone

## 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



# A Better Way to Zone

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# A Better Way to Zone

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## 3. Attainable Housing





# A Better Way to Zone

## 3. Attainable Housing

- A structural problem of the U.S. economy
  - Average renter income spent on housing has risen from 19% to 29%
  - 49% of renters spend more than 30% of income on housing



# A Better Way to Zone

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# A Better Way to Zone

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# A Better Way to Zone

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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
- 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



# A Better Way to Zone

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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

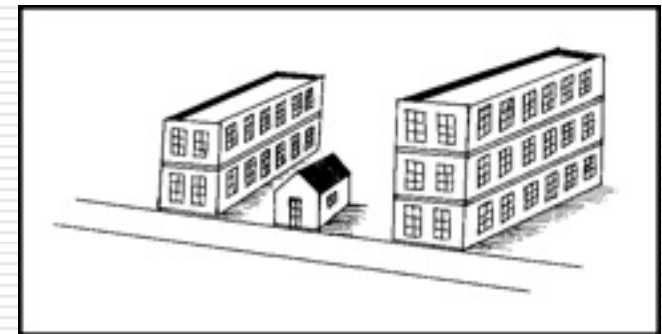




# A Better Way to Zone

## 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



# A Better Way to Zone

## 5. Living With Non-Conformities

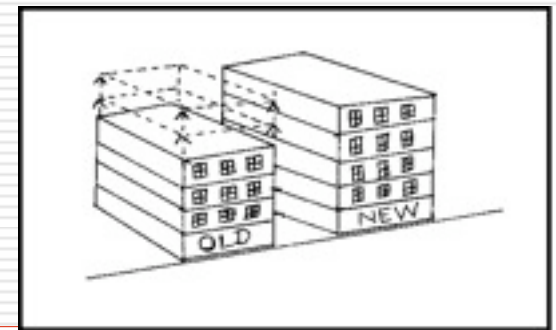
- Move away from a system that says pre-existing buildings are on zoning parole – i.e. technically “legal” but not favored
- Towards one that says pre-existing buildings have the same rights as new buildings unless they involve a public health or safety risk.



# A Better Way to Zone

## 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~~





# A Better Way to Zone

## 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.



# A Better Way to Zone

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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
- 



# A Better Way to Zone

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# A Better Way to Zone

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## What Difference Would it Make?

- Simpler rules



# A Better Way to Zone

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# A Better Way to Zone

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# A Better Way to Zone

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# A Better Way to Zone

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# A Better Way to Zone

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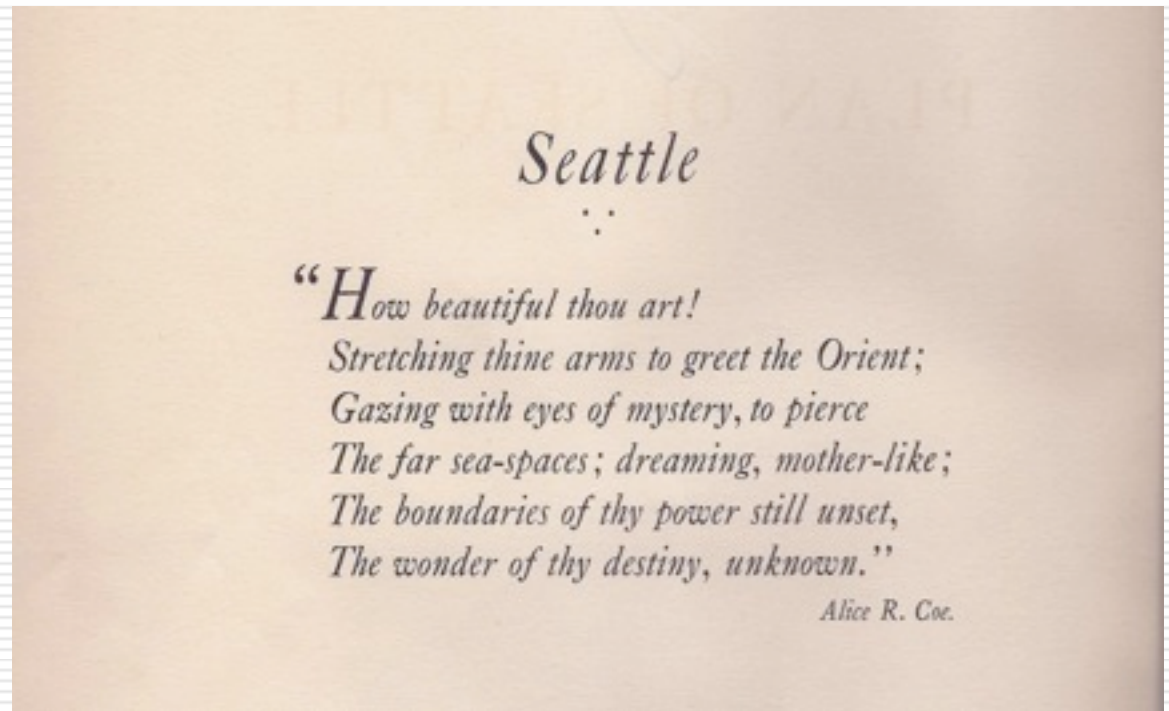
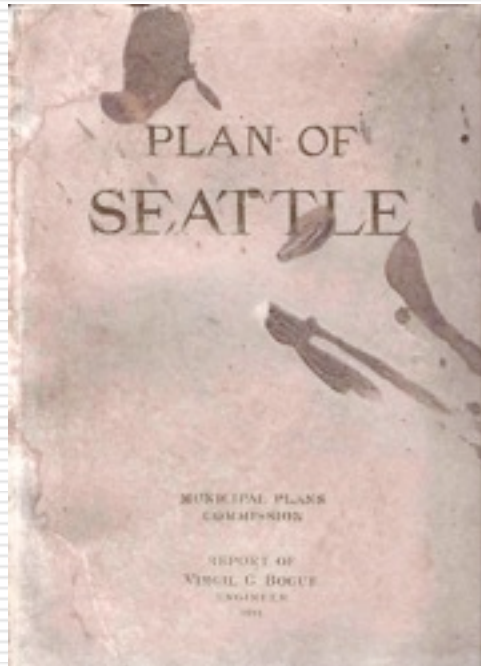
## What Difference Would it Make?

- Simpler rules
  - More diverse cities
  - Easier re-investment
  - Slower sprawl
  - Fewer contentious hearings
  - “Making room for sustainability”  
and other topics that we are  
learning to care about
- 



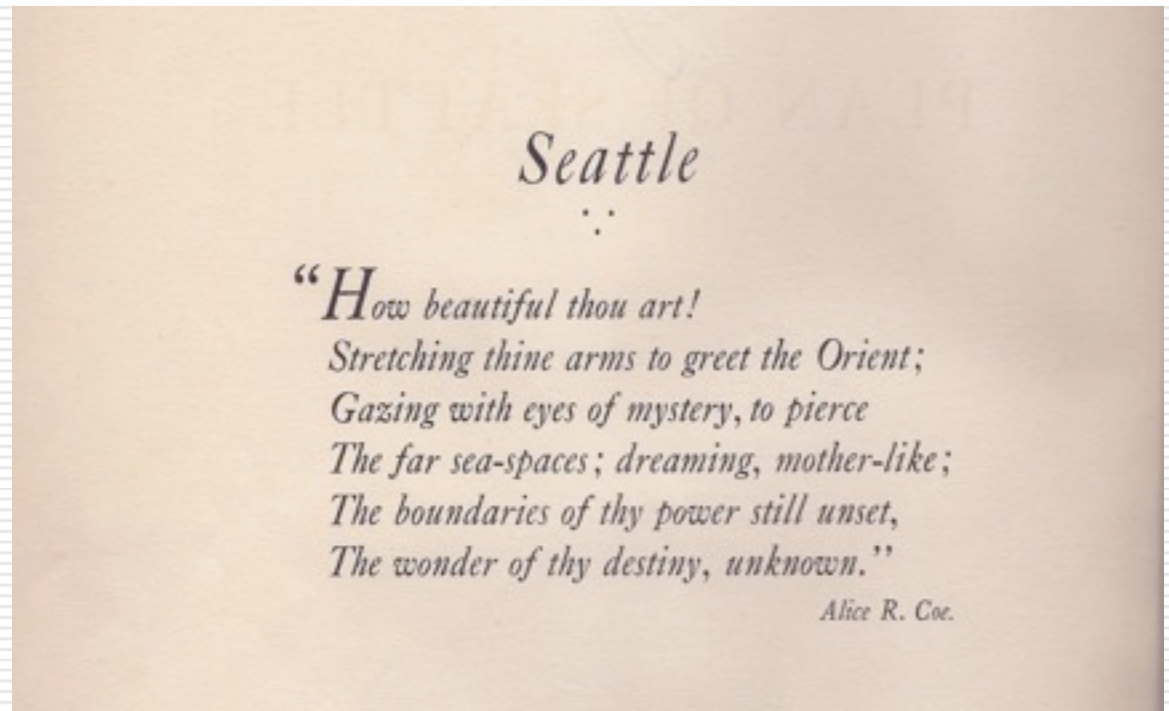
# A Better Way to Zone

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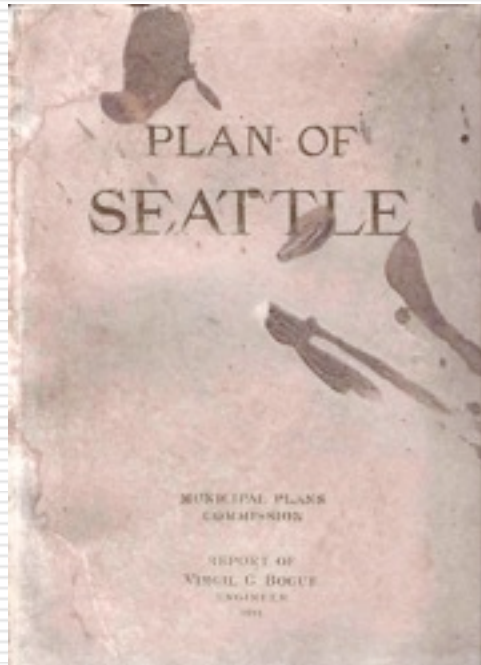


# A Better Way to Zone

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Will a new mayor think boldly about planning?

There are plenty of land-use commissioners to hearten the election. But some cities are jumping beyond these block-by-block skirmishes and proposing sweeping new forms of zoning and urban design. Our hint?

By Chuck Wicks

After Labor Day, we're beyond asking how the national and state elections, now underway, advanced in the Seattle regional primary. The question now is whether the candidates can present such new ideas to change local voters and show the promise of leadership along the way. Recalling the number of the 1911 Seattle municipal plan, the campaign deserves a "Victory 24" agenda.

The first election campaign debate is this Thursday, September 10, before the business community at the University. The debate agenda looks focused on specific issues, including such things as whether to "re-regulate" development that takes capital investment and job creation. "One heart of that 're-regulatory environment' is land-use policy and practice. Seattle deserves an integrated approach to city planning, rather than a piecemeal focus on the mature, elementary, minor centers, high-rise subdivisions, and posturing about reduced carbon footprints.

It would be exciting to have heard a truly comprehensive platform on growth, density, community form, and values. It's happening in some other cities, where land use leadership is emerging in force (discussed below). So let's start with the current agenda of issues. Here would be my list of topics for campaign debates on this issue by the regional candidates.

First, what identifies the real role of the Department of Planning and Development (DPP)? This has long been a blurry Seattle issue. Where does the real planning take place? Is it a code-making administrative agency of municipal belief, with the big policy decisions reserved for the land-use actions to the mayor in the office of policy and management (OPM)? That's been major debate since 01, when, might DPP be allowed to provide a laboratory of innovative techniques for growth management outside the present rules, even with a binding budgetary reality?

In a better way to show (and then defend, because commitment and action too difficult) argue for "the principles to create new creative effort" and offer a range of specific "plans" for particular pieces of the plan. How might the new mayor add a more broadly empowered DPP to its usual library, what role should the Seattle Planning Commission play in the

**Seattle's Young Thomas Building, at Risk**

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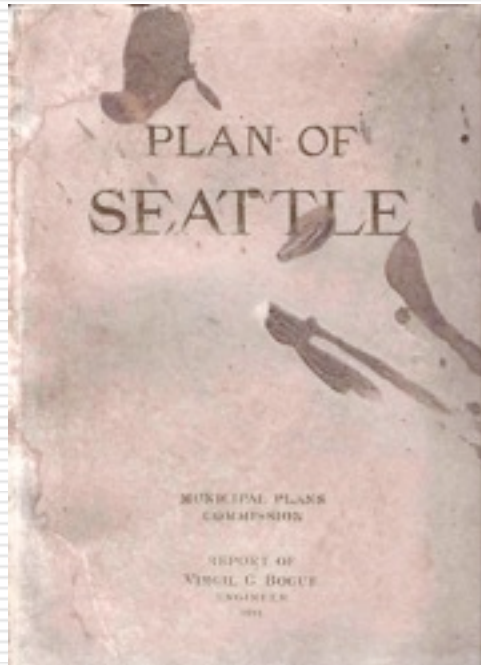
The public's leading age moved on major issues, but we started up with too many unknown challenges. Here's how the political cards might be reshuffled.

**Asia in Focus**

ASIAN AMERICAN ECONOMIC GROWTH  
ASIA IN FOCUS  
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The image is a screenshot of the Crosscut Seattle website. The header includes the Crosscut logo, navigation links like "Home", "About", "Contact", and "Subscribe", and a search bar. The main content area features a large article titled "Will a new mayor think boldly about planning?" with a sub-headline "There are plenty of land-use commissioners to hearten the plan. But some cities are jumping beyond these block-by-block skirmishes and proposing sweeping new forms of zoning and urban design. Can they?". To the right of the article is a photo of a modern building. Below the article is a sidebar with "Most Popular" and "Most Commented" sections. At the bottom right, there is a yellow banner for "ASIA IN FOCUS" with the text "SOUTHERN UNIVERSITY ECONOMIC GROUP" and "SOUTHERN ASIAN AND PACIFIC".

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DECEMBER 2, 2007 | SUNDAY

## QUELLING THE LAND RUSH, A TALE OF THREE COUNTIES



**James F. Vesely**  
Times editorial page editor

**L**OOK 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, foretell the impacts of the next housing boom and the continuation of the rise of the suburban outer crescent of Snohomish, 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 county attempts to control the land rush.

What Pierce County elected 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 farmer and foresters to benefit from a transfer of their 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 to another can have an enormous impact on the way we live in the great sprawl of communities around the Sound.

possibility is that Gig Harbor, the little town I know, will be denser, more compact and maybe taller. The disas-

Bonney Lake, with its combination of commercial strips and community development with growth, has led to new efforts to try to manage the tide. The controversial 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 loses "almost 900 acres of farmland through conversion to other uses — about one Point Defiance Park lost every year."

"Lose" 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's column appears Sunday on editorial pages of The Times. His e-mail address is [jvesely@seattletimes.com](mailto:jvesely@seattletimes.com); for a podcast Q&A with the author, go to [Opinion.seattletimes.com](http://Opinion.seattletimes.com)

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Are we already zoning better?

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- What has evolved: our own mixed-use middle?
- Town centers, transit oriented development
- Local administration/interagency relationships

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    - E.g. planned actions, rural sprawlbusting
    - Where to put 1.7 million people
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    - Where to put 1.7 million people
  - A Seattle example: “backyard cottages”
-

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Questions?  
Comments?  
Discussion?

