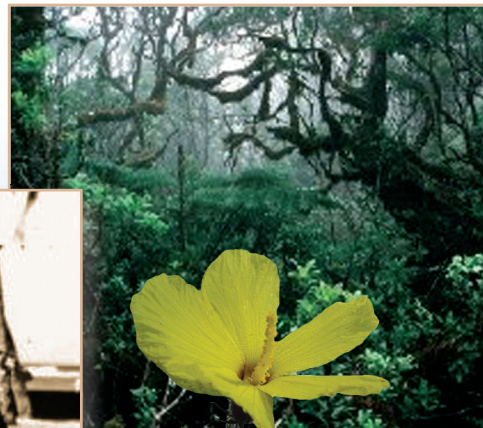


RURAL PLANNING

Principles & Techniques

June 2006



HAWAII

AGENDA



HAWAII - June 13 & 14, MAUI - June 15, KAUAI - June 19

12:30 PM **Registration**

1:00 PM **Welcome**

- County Planning Director
- Laura Thielen, Director, State Office of Planning

1:15 PM **Rural Policy Workshop Revisited**

Tom Dinell or Scott Horsley

- Summary of Prior Workshops
- Highlights of Best Practices: Montgomery County, MD

1:30 PM **Context/Framework for Rural Planning**

Tom Dinell or Scott Horsley

- Assumptions about “Rural” in Hawaii
- Rural Planning Principles Revisited

1:45 PM **Rural Planning Toolkit**

Nick Cracknell, Scott Horsley, or Mark Nelson

- Survey of Workbook Rural Planning Tools
- Introduction to Selected Tools
 1. Zoning Options
 2. Form-Based Codes/Design Guidelines
 3. Conservation Subdivision Design (CSD)
 4. Village Center Service Area Boundaries & Rural Town Infill
 5. Infrastructure Standards
 6. Rural Service Levels
 7. Land Preservation Tools
 8. Rural Economic Development Supports

3:00 PM **BREAK**

3:15 PM **Case study of applying rural tools (& Q&A)**

Josh Peters, Jefferson County, Washington

4:10 PM **Interactive Exercise: “How would you apply these tools?”**

Tom Dinell, Nick Cracknell, Josh Peters

5:00 PM **Wrap-up / Next Steps**

Laura Thielen

5:15 PM **Pau**

AGENDA



OAHU - June 16

9:30 AM **Registration**

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12:00 PM **BREAK**

12:30 PM **Case study of applying rural tools (& Q&A)**

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1:30 PM **Interactive Exercise: “How would you apply these tools?”**

Tom Dinell, Nick Cracknell, Josh Peters

2:30 PM **Wrap-up / Next Steps**

Laura Thielen

2:45 PM **Pau**

Rural Planning Principles



The following Rural Planning Principles will serve to frame discussions of specific planning techniques that are successfully applied to other rural communities and regions throughout the country. These principles are designed to address the preservation and development of important rural elements that will ultimately create a unique sense of place through a variety of landscapes. The underlined text in each principle is used later in a matrix that is designed to couple these broader principles with specific planning techniques that are introduced in the following section of this workbook.

1. Plan for both rural preservation and development.

It is important to plan for both development and the preservation of land and natural resources concurrently in order to minimize or avoid alteration of ecologic and hydrologic functions.

This approach also ensures that a more holistic community planning process occurs and a positive community vision is realized. Focusing on both aspects of land use generates support for both regulatory and non-regulatory planning techniques that may be necessary for land preservation to occur. Low impact development recognizes that watershed wide “no-build” scenario may not be realistic, and looks to incorporate preservation techniques into continued economic development on a community and regional scale.



2. Integrate cultural and historic values and features into rural areas.

Maintaining the cultural connections between individuals, the land they cultivate, their gathering places and their history should be a fundamental consideration in fostering and maintaining rural communities. Physical features of the natural and built environment should be maintained or designed in a way that fosters relationships, connects with the history of the land and creates a lasting sense of place. In Hawaii, this cultural relationship between residents and the landscape begins with the traditional ahupua`a system and working to foster a mauka-makai system of environmental and economic sustainability.



3. Minimize or avoid alteration of natural systems.

It is critical to preserve the integrity of local watersheds by maintaining the natural, pre-developed hydrology of an area. These areas include wildlife habitats, wetlands, floodplains, and steep slopes, now and in the future. Low impact development techniques allow for a functional hydrologic landscape by maintaining natural drainages, such as streams, and by using small-scale stormwater controls distributed evenly throughout the development. The goal is to work with the site characteristics to maintain hydrologic functions and processes and to mitigate impacts that have already occurred. For example, avoiding the disturbance and grading of vegetated areas can significantly reduce the need for stormwater controls and will help to recharge groundwater. Reducing impervious surfaces by reducing road widths, clustering buildings and using permeable surfaces for parking reduces surface runoff and improves infiltration.



4. Encourage compact development with a clear edge between villages and the surrounding countryside.

Maintaining a clear edge between villages and the countryside and natural resource areas minimizes impacts to natural resources and the potential for the siting of incompatible land uses. It also helps to curb residential sprawl into outlying areas and encourage infill opportunities by preventing urban and suburban intrusions into rural areas and prohibiting land developments designed to accommodate expansive and expensive residential structures. A wide variety of planning tools can be used to establish clearly defined edges between the countryside and more densely developed districts. For example, establishing zoning districts with distinct use intensity and design guidelines will help to create breaks in the landscape that establish different but complimentary rural elements. Growth boundaries can also play an integral role in using comprehensive plans and infrastructure service boundaries to delineate areas of varied densities. Local planners can also implement tools such as Conservation Subdivision Design, Low Impact Development and many others to achieve more compact development patterns.



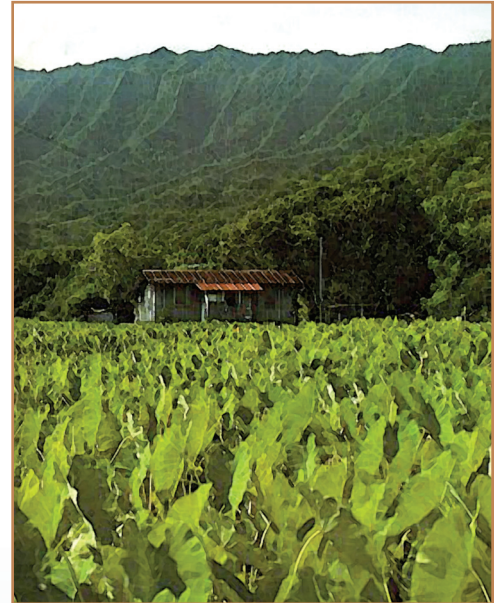
5. Regulate to preserve rural character and form.

It is often challenging to foster a rural style of development from conventional zoning codes that deal exclusively with allowable uses and dimensional requirements. A lack of guidance on issues of design and massing leaves aspects of community character at the discretion of the development community. Recent trends in code development are integrating more specific design guidelines in the form of “pattern books” or “form based zoning”. These documents incorporate illustrative codes that incorporate principles of traditional neighborhood design specifically targeted at the challenge of maintaining a particular character of development.



6. Separate lands used for farming, forestry or ranching from rural residential areas.

Separate farm, forestry, and ranching operations from rural residential areas. Avoid the “impermanence syndrome” – when resource-based landowners (farmers, mine owners, etc.) believe that there is very little future for resource activities in their field due to market demands for their land. These areas are vulnerable to sprawl and piecemeal development that can drastically alter community character. Using preservation tools such as acquisition of development rights, taxation policies, and right-to-farm ordinances can help create a more coordinated approach to managing farmland areas.



7. Establish distinct rural infrastructure standards that protect health, the environment and rural character.

It is important to minimize the amount of paved surfaces and to clearly define other infrastructure standards in the rural setting to protect the hydrologic balance and community character. This process must be balanced with the need to ensure public health safety and welfare within the rural setting. Maintaining permeable areas allow for natural drainage and decrease chances of flooding. Developing a distinct set of rural roadway and parking lot standards will help to achieve both aesthetic and environmental objectives. When pavement for parking areas and roads become a necessity, techniques for reducing impervious cover and reducing impacts include: providing compact car spaces, utilizing alternative paving in overflow parking, and treating stormwater with the use of alternative, on-site treatment facilities such as bioretention units, and grassed and vegetated swales. Developing standards and guidelines for community water supply and small neighborhood wastewater treatment will provide opportunities for more environmentally sound approaches to these essential services.



8. Set rural service levels lower than those in urban areas.

Service levels that will differ between rural and urban areas include those for trash removal, traffic control, telecommunication, emergency response, access, utilities and others. It is important for local authorities to provide outreach materials and information explaining that rural living conditions directly imply lower service levels than those provided in more urbanized areas. These ideas should be framed by an in-depth understanding of a community's fiscal capacity. Allocating funds in accordance with population density (i.e., dollars per capita) provides an framework for reducing service levels in more sparsely populated areas that is easy to understand and enforce.



9. Preserve and maintain working landscapes, natural areas and open space.

Open space areas are an integral component of rural lands and community character. There are several different types of open space areas that emerge from land uses associated with the lifestyle choices of rural residents.

Working landscapes, such as farms and ranches, establish a relationship with the land that is different from urban or conservation areas by virtue of the direct physical connection with natural systems.

Natural undeveloped areas provide enormous environmental benefit, scenic vistas, opportunities for passive recreation and indirect economic value to rural districts. Other open space areas, such as privately maintained or civic park areas, serve to provide recreational amenities and low impact land uses that help define lower density rural communities. All of these open space areas are often subjected to enormous market pressure as they can be developed into higher value uses such as residential or commercial use. Specific planning tools can be used to conserve these areas while allowing property owners to enjoy a reasonable economic return. Transfer of Development Rights, Purchase of Development Rights, Special Tax Assessments, and public acquisition are several examples within a larger suite of tools that can help preserve these open spaces in rural areas.



10. Promote viability of rural industry.

Rural industries, generally based in a variety of agricultural products and ranching, are threatened by a more streamlined global economy and development pressures associated with “higher value” uses. Faced with these pressures, the challenge to rural communities is to provide tools that help agricultural operations remain profitable. Right-to-farm laws, agricultural incentives, special tax assessments, agricultural easements, and Transfer of Development Rights are several examples within a larger suite of agricultural-oriented tools that can enhance farm land viability. Communities should also look to foster markets for farm products that increase the farmer’s share of profits.



11. Employ a variety of planning tools to protect rural areas.

Although successful rural planning programs will be unique to the needs of a specific community, it is essential that local authorities employ a variety of tools in seeking to realize the preceding ten principles. Many of the tools described above are enhanced when combined with other techniques in an integrated approach. The matrix provided in this workbook illustrates how multiple techniques can be applied to assure that rural areas will remain rural now and in the future.



Rural Planning Techniques



ZONING/LAND USE REGULATORY TOOLS

1. Zoning Options

One of the fundamental steps in preserving rural character is examining the basic dimensional and density regulations that govern site development within a Zoning Ordinance. Innovative measures regarding building placement, property yield, setbacks and buildable envelopes can accomplish several basic rural design and or density objectives. With regard to building placement, provisions in rural districts can be incorporated to move buildings toward the front of a lot in order to connect better with the street or to the back of a lot in order to preserve vistas across large open space tracts. Property yield provisions in agricultural areas can be incorporated that depart from the standard “minimum” lot size approach and focus more flexibly on total development rights. For example, a fixed area ratio zoning code assigns a fixed amount of development rights to a certain acreage (e.g., one development right per 25 acres). Another approach uses a sliding scale where the vested development rights increase in small increments even as agricultural holdings become much larger. For example:



Size of Parcel	# of Development Rights
0-5 acres	1
5-15 acres	2
15–30 acres	3
30–60 acres	4
60-90 acres	5

In either a sliding scale or fixed area ratio approach, the location of the building can be determined by criteria other than standard setback specifications. Placing buildings outside of prime agricultural lands, for example, will help to preserve both rural character through density and agricultural opportunities through building placement.

2. Exclusive Agricultural Zoning

An agricultural protection zoning ordinance is used to designate areas where farming will be encouraged and other land uses discouraged. Ordinances restrict residential density, promote right-to-farm provisions, and authorize commercial agricultural activities, such as farm stands, that add to farm profitability. Agricultural protection zoning can stabilize the agricultural land base by keeping large tracts of land free of non-farm development, enabling the conservation of contiguous agricultural land. Agricultural zoning can complement the growth boundary technique by ensuring that large residential and commercial developments do not “leapfrog” over the growth boundary into agricultural areas. It also provides a buffer to farms preserved by TDR, PDR and through the donation of development rights.

3. Performance Zoning

There are several ways in which Performance Zoning (PZ) can be used as a growth management tool. First, it has been used to develop districts for rural growth areas – especially in areas directly adjacent urban areas. The performance districts offer more flexibility in rural areas providing land owners more development options than is the case with traditional agricultural zoning (10+ acre minimum lot size). This includes clustering and special home uses that are compatible with farming. It also integrates non-contiguous development in cluster developments which can be used to create small villages or permit development around existing hamlets or rural cross roads. A second approach deals more with the ability of the community to supply services or provide adequate roads. Under this approach performance ordinances use a capacity analysis (traffic sheds for roads), water, sewer, soil types for septic systems, geology or well yields for wells. These factors are used to modify the zoning district density. For example, a zoning district might permit two-acre lots (50 homes per 100 acres). An analysis of road capacity on rural roads might yield a capacity of one home per 22 acres. The capacity analysis would control until a threshold figure (one house per 40 acres) was reached. The developer can buy development rights or make improvements to improve the density. The developer is thus given many options that force him/her to value the costs of providing services. The rural service center growth limit or capacity approaches may be used separately, or they may be combined.

4. Planned Unit Development

Planned Unit Developments (PUDs) are areas that are planned and developed as one entity, by a single group. PUDs usually include a variety of uses such as different housing types of varying densities, open space, civic and commercial uses. In larger areas, these developments can emerge as self-sufficient communities with their own infrastructure and civic amenities. PUD standards or ordinances can be developed through public/private partnerships to ensure the construction of well-designed developments that protect existing resources and provide features that mitigate potential impacts. These developments can take place on a variety of scales but are most effective on large tracts under single ownership. Due to their scale and the level of initial private investment, PUDs offer a unique opportunity to implement a variety of planning tools including Conservation Subdivision Design, Traditional Neighborhood Design (TND) and Low Impact Design (LID).



Cluster development, Conservation Subdivision Design and Planned Unit Development offer an innovative alternative to conventional zoning and promote compact development.

5. Inclusionary Zoning

Inclusionary Zoning (IZ) provides incentives to create a diversity of housing types and costs in a rural center or community, and particularly, to encourage the development of housing units affordable by households of low and moderate income. Typically, this tool requires a developer to set aside a fixed percentage of a residential proposal as “affordable to low and moderate income households”. While some programs should offer developers alternatives such as fees in lieu of development or off-site construction, on-site development best develops mixed-income development. Developers may benefit from IZ through non-monetary cost off-sets such as density bonuses and fast track permitting. IZ can also be structured to provide affordable housing across a wide variety of income levels. A well-designed IZ program must include long term affordability protection. It is also critical that the enabling legislation for this technique should be clear about the obligations of the developer as well as those of the local administrative agency.

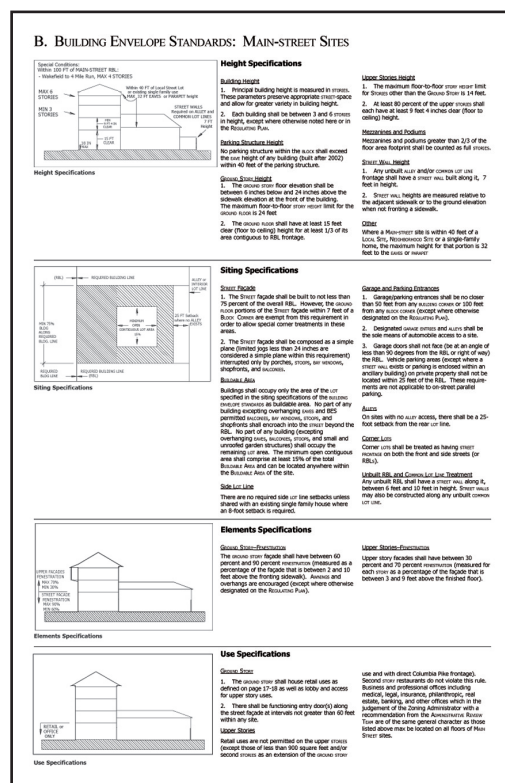


Inclusionary Zoning is one of many tools that can help preserve workforce housing opportunities in developing communities.

RURAL DESIGN/CHARACTER TOOLS

6. Form-Based Zoning

While traditional zoning focuses on the use of the land and standard dimensional controls (setbacks, etc.), form-based zoning places more emphasis on the design of development. Form-based codes can focus both on individual building types as well as neighborhood features and the relationship of buildings to roads and sidewalks. These codes go further than overlay zoning by actually integrating specific design considerations in land use regulations. Design aspects are generally provided in a palette of imagery within the actual code or as part of a referenced guidance piece known as a “pattern book”. Using imagery in this manner is a uniquely effective way to communicate to developers how a community’s sense of place will be fostered through design and materials. Aspects of design typically addressed in form based codes include height, massing, scale, vistas, parking, streetscape, signs and the relationship between these elements.



Form-based codes focus on the features of buildings and their relationship to the street to create well-designed walkable communities.

7. Site Plan Review

The impact on natural resources and the existing character of the surrounding neighborhoods are issues frequently raised by communities confronted with new development. As a direct response, the impacts of new development can be minimized through careful site design and analysis. Site Plan Review is an administrative process that recognizes that certain developments of land are, because of their nature, size, complexity or other reasons of probable impact, capable of adversely affecting the ecological, cultural or historic impacts to the property unless careful consideration is given to certain critical design elements and performance standards. Typical development and performance standards focus on five main topical areas: environmental impacts, engineering issues (specifically grading, stormwater, and utilities), habitat changes and landscape impacts, traffic, parking and circulation, and overall context and community impacts. Plans are reviewed by an interagency and or interdisciplinary group against a submission checklist for general completeness and for suitability with regard to the performance standards. Administrative Elements that can streamline the Site Plan Review process include pre-application conferences with the applicant, mandatory comment format from committee members and

8. Cluster Zoning/Conservation Subdivision Design

The terms cluster zoning and conservation subdivision are often used interchangeably as they both refer to alternative approaches to regulating the subdivision process. In contrast to traditional land subdivision regulations where most of the land is substantially altered or paved, cluster zoning and conservation subdivision design promote protection of working lands and open space preservation based on environmental and social priorities. These techniques feature partnership in development design between municipal officials and developers, which provide innovative flexible incentives for clustering density and minimal disturbance to the natural terrain. The most effective way to implement these techniques is to require a detailed assessment of a site's natural and cultural resources before the site design begins. These resources are then preserved through flexible alignments of buildings, lots and roads. A well designed ordinance will: (1) create contiguous open space with adjoining lands, (2) have a plan for open space or working land management, and (3) be as attractive to a developer as the conventional subdivision process.

Preserved areas are generally held in perpetuity through the use of easements. Communities using Conservation Design will need to carefully consider appropriate uses for the preserved area.

Uses to consider are conservation only, utilities (stormwater, wastewater wind power, etc.), or leasing areas for farmland. please add: reference to leasing protected land for farming, and to be effective open space should be:



Conservation easements can be integrated into development agreements or purchased by non-profit organizations to ensure the long-term health of natural systems.

9. Growth Boundaries/Service Boundaries

A Rural Village Center typically defines the center of a rural community and is comprised of a cohesive core of residential, civic, institutional, and commercial buildings. Buildings are “human-scale” and arranged along a main street and where applicable, public green space. Development is generally more compact and arranged in a way that facilitates access to a range of commercial and civic uses designed to provide for everyday needs. Higher density housing is integrated into the village center, often above commercial uses and public transportation options provide residents with alternative means of transport to and from their neighborhood.

A growth or service boundary can be delineated for an existing rural center or village or a new one to designate areas where higher intensity development is appropriate and outside of which rural working lands and conservation lands should be maintained. These boundaries are often linked to infrastructure planning and delineate the outward extent of utilities such as centralized sewer or water supply networks. These boundaries can be used to leverage more sophisticated planning techniques such as Performance Based Zoning or Transfer of Development Rights. Instituting a growth or service boundary should follow a careful consideration of the social, environmental and economic impacts that will result from the eventual build-out of a rural town or village core and the potential preservation of wide tracts of open space. Village Center Zoning or Overlay Districts can be used to complement service boundaries by adding design guidelines and flexibility in areas intended for higher density.



Clear boundaries between rural, urban and large-scale agriculture help to define communities and prevent sprawl.

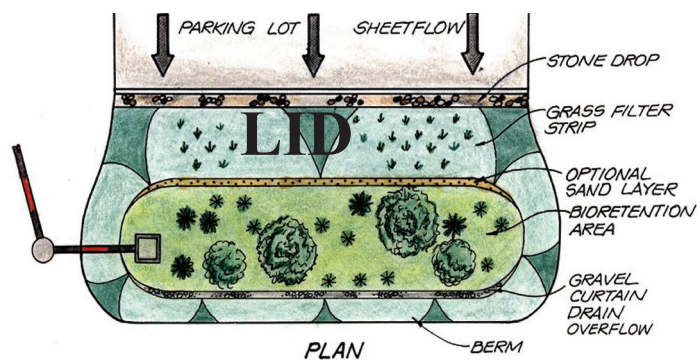
RURAL INFRASTRUCTURE & SERVICE LEVEL TOOLS

10. Health, Highway and Subdivision Regulations

Local regulations have evolved in a manner that often encourages unnecessary fiscal impacts, creates significant environmental damage and significantly increases the cost of development. Standards for roadways and utilities, particularly in rural areas, often require a much higher impact design than what is necessary. Road widths, curb specifications, curve radii, wastewater techniques and stormwater management design are all examples of areas within these regulations that should be closely examined in rural settings. These standards can create unnecessary expanses of impervious cover that are managed by insufficient subsurface drainage systems. Subdivision standards not only result in environmental damage, but can significantly erode the community character in a rural setting in a brief period of time.

11. Low Impact Development Techniques

Low Impact Development (LID) strategies encourage a significant reduction in the land disturbance associated with development. Coupled with innovative stormwater and wastewater management techniques, this approach to site development seeks to replicate the hydrologic conditions of a site as they were in natural conditions. Simple changes to the local land use regulations can allow developers and property owners to implement LID techniques such as rain gardens, swales and neighborhood scale wastewater disposal systems. LID techniques work best with other innovative land use regulations such as Conservation Subdivision Design and Planned Unit Development projects where lot size, shape and building placement can better respond to local land use patterns and the physical conditions at the site. In rural, low density areas, consideration should be made to establish limits on impervious lot coverage as well as lawn coverage and tree removal. Road and driveway width should be minimized and pervious material should be encouraged for single family driveways.



Innovative stormwater techniques can lower development and maintenance costs while creating significant environmental benefit.

12. Rural Service Level Standards

The level of services provided to rural areas outside of village centers can be lower than those provided within the village. The key is to provide clear information to new rural residents so they know the support they can expect from county government. Rural counties in the western US mainland have adopted a “Code of the West” describing to residents what the county will provide, and, more importantly, what they will not provide. Two examples are Larimar County, Colorado and Chelan County, Washington. They have adopted codes that provides specific descriptions of the services provided to warn new residents that, if they build in rural areas, they should expect to be more self sufficient than if they live in a village center.

Hawaii Counties can adopt a similar code and provide specific standards for remote rural areas including details on:

- Road construction and access issues;
- Support during emergencies or natural disasters;
- Limits on where school buses will travel;
- Warnings that development may occur on neighboring lands
- Limitations on the level of utilities provided, including permitting requirements for private wells and septic system, and;
- Issues on conflicts between rural development and agricultural operations.

13. Historic and Archaeological Preservation

Identifying important historical or archaeological features within a community is an essential planning exercise if cultural values are to remain integrated into the physical landscape. Once features are identified, communities can employ a myriad of incentive-based regulatory techniques such as Transfer Development Rights (TDR), Conservation Subdivision Design (CSD), or Overlay Districts that encourage long term protection of these resources in the development review process. In contrast to these incentive-based approaches, many communities also adopt a Local Historic Districts overlays which protect historically significant resources by regulating changes to historic structures or features. Non-regulatory techniques such as Purchase of Development Rights, Use Easements and Conservation Restrictions could also be used to secure public ownership or access to these resources or offer protection through deed restrictions which limit future development or subdivision of these resource areas.



Historic features in the landscape speak to the spirit and history of a place and should be preserved wherever possible.

14. Preserving Public Access

Encouraging deeded public access to conservation areas, trails, parks, or coastal areas is best achieved by employing a multifaceted approach. Various regulatory techniques such as Conservation Subdivision Design (CSD), Transfer of Development Rights, Form-Based Zoning Districts or Overlays can be used within the development review process to secure long term public access between recreational or conservation areas. However, in order to minimize land use conflicts and permitting delays it is also imperative that communities comprehensively study and map these public conservation areas and identify appropriate greenway corridors in advance of reviewing formal development plans. As a supplement to these regulatory tools, this integrated approach will also prove essential to local decision-makers when evaluating non-regulatory techniques such as Purchase of Development Rights, Use Easements and Conservation Restrictions.



15. Deed Restrictions

In general terms, deed restrictions are clauses within a deed (the method of transferring title to real estate), limiting the future uses or the conditions of transfer of the property. Deed restrictions “run” with the land, so future owners are required to comply with the restrictions upon purchase of the land. Deed restrictions are an effective means to ensure the protection of valuable resources and are often an integral component of Transfer of Development Rights, Purchase of Development Rights, Conservation Subdivision Design, and Inclusionary Zoning. Areas that implement Right-to-Farm bylaws have also developed deed riders that preclude home owners from filing nuisance complaints against agricultural operations for typical activities.

16. Special Property Tax Assessments

To help preserve specific “low impact” land uses in the face of increasing market demands, communities around the country use special tax assessments to provide property owners with an incentive to maintain a current use. These assessments are often applied to agricultural lands, forest areas, or for recreational lands that are zoned for “higher value” uses such as residential use. Under these tax-based programs, owners of these lands apply for reduced assessments based on the current use of their land as opposed to potential future use. These tax assessments continue at this rate as long as the property remains in its current use. Programs typically feature recapture clauses where the difference in back taxes are due if dedication is terminated early and can provide counties with the right to make an offer when a property goes on the market. Programs can also be constructed to allow local agencies the right to offer to purchase the land should the owner decide to eventually sell his or her property. This provision ensures that local governments will have the opportunity to permanently preserve the land.

17. Agricultural/Conservation Easements

Agricultural or conservation easements are placed on tracts of privately owned land to specify where these activities are the sole allowable use. These easements are often sold or donated to public or non-profit agencies who serve as stewards of the easement. The land owner retains ownership and management of the land, and the entity receiving the easement is bound by a legally binding restriction upon the land, which does not affect the rights to sell or pass along the land. An agricultural easement may allow farming, grazing, and nursery activities, as well as construction of new farm buildings and housing for farm employees and family members. A conservation easement is similar in that it typically limits the development and subdivision of property. Private landowners can be encouraged to sell or donate agricultural/conservation easements to a government agency or private conservation organization. In return, the owner receives payment equivalent to the difference between the use value and its market value (use value meaning the value of the land as restricted, and market value meaning the value of the land for its “highest and best use,” generally residential or commercial development). Land owners can also receive significant tax relief on both their estate and income from the federal government depending on the value of the easement.



18. Transfer of Development Rights

Transfer of Development Rights (TDR) refers to a method for protecting land by transferring the “rights to develop” land in one area to another area. TDR represents an innovative way to direct growth away from lands that should be preserved (sending areas) to areas well suited to higher density development (receiving areas). Areas that may be suited to higher density development include pre-existing village centers or urban centers? that have adequate infrastructure to service larger amounts of development. TDR is often used for agricultural and/or open space protection, although it can be used to protect any important resource (e.g., aquifers, watersheds to sensitive embayments, etc.). The administration of TDR programs is typically done through either the establishment of overlay districts, where specific districts are designated as “sending” or “receiving” areas, or by identifying sending and receiving areas in a zoning ordinance. TDR is a complex planning tool that requires a careful consideration of appropriate sending and receiving areas, a detailed examination of how development rights should be valued, and potentially the creation of a TDR bank where development rights can be stored for future development.



Transferring and/or purchasing development rights can help to preserve natural or agricultural areas while protecting property investment in these areas.

19. Purchase of Development Rights

Purchase of Development Rights (PDR) allows owners to sell the rights to develop their properties (versus transfer), while retaining their property ownership. Typically, after development rights are purchased, a conservation easement (described below) is placed on the land, limiting its future use for agriculture, open space and prohibiting development. Often times, land trusts and local governments purchase development rights through this method, and dedicate the land through conservation easements, protecting it as open space or for agricultural use or conservation purposes.



20. Right to Farm Ordinance

State level legislation in many areas of the country enables local jurisdictions to adopt Right to Farm ordinances. These ordinances establish a community as one that places a unique importance on agricultural activities. As a result of adopting the ordinance, Right to Farm communities afford certain protections to farmers in case of routine land use conflicts such as noise or odor. These nuisance complaints are kept from litigation and run through a non-punitive hearing process by which consensus can be reached between all parties. Right to farm community residents are generally informed of a community's status upon their purchase of property.

21. Agricultural Commissions

Agricultural Commissions are generally formed by passing a local ordinance and serve as advocates for local farms. These commissions are being created in many areas of the country in an attempt to balance growth and quality of life issues in rural communities. Responsibilities can include protecting farmland, providing assistance for natural resource management, affording visibility to local farmers, and assisting local boards with community development decisions. Agricultural Commissions can serve as mediating agents between local farmers and residents and also as liaisons between farmers and larger state and federal agencies that may be able to provide technical or financial support.

22. Farm Viability Enhancement Programs

The purpose of a Farm Viability Enhancement Program (FVEP) is to improve the economic bottom line and environmental integrity of participating farms through the development and implementation of Farm Viability Plans. These comprehensive, yet focused farm plans, which are developed by teams comprised of farmers and other agricultural, economic and environmental professionals, suggest ways for farmers to increase their on-farm income through improved management practices, diversification, direct marketing, value-added initiatives and agritourism. In addition, Farm Viability Plans make recommendations concerning environmental and resource conservation concerns on participating farms.



Rural Planning Matrix



PLANNING PRINCIPLES											
	Rural Preservation and Development	Cultural and Historical Values	Natural Systems	Compact Development	Rural Character and Form	Separate Lands	Rural Infrastructure Standards	Rural Service Levels	Maintain Working Landscapes	Rural Industry	Variety of Tools
PLANNING TECHNIQUES	Zoning Options	X	X	X	X	X			X	X	X
	Exclusive Agricultural Zoning	X	X			X			X	X	X
	Performance Zoning	X	X		X		X				X
	Planned Unit Development	X	X	X	X	X	X	X	X	X	X
	Inclusionary Zoning				X					X	X
	Form-Based Zoning	X	X		X						X
	Site Plan Review	X	X	X	X	X	X	X	X	X	X
	Conservation Subdivision Design	X	X	X	X				X		X
	Growth or Service Boundaries	X	X	X	X	X	X	X	X	X	X
	Subdivision Regulations	X	X	X	X		X	X	X		X
	Low Impact Development	X	X	X	X	X	X		X		X
	Rural Services Levels Standards	X		X	X		X	X	X		X
	Historic Preservation	X	X								X
	Public Access	X	X	X		X			X		X
	Deed Restrictions	X	X	X	X	X			X		X
	Special Tax Assessments	X	X	X		X	X		X	X	X
	Agriculture/Conservation Easements	X	X	X	X	X			X	X	X
	Transfer of Development Rights	X	X	X	X	X			X	X	X
	Purchase of Development Rights	X	X	X	X	X			X	X	X
	Agricultural Protection Ordinance	X	X			X	X			X	X
	Agriculture/Commissions	X	X			X	X		X	X	X
	Farm Viability Enhancement Programs	X	X			X			X	X	X

Biographies



Ton Dinell

Dinell is Emeritus Professor of Urban and Regional Planning at the University of Hawaii at Manoa. He is the founder of the Department, where he currently teaches an introductory planning course. He is also a planning consultant, working currently with E Noa Corporation and the State of Hawaii Office of Planning. He is a member of the College of Fellows of the American Institute of Certified Planners (FAICP).

Currently Dinell is a member of the American Planning Association, Hawaii Chapter, co-chairing its Ad Hoc Committee of Land Use Reform, the Urban Land Institute District Council, chairing its Program Committee, the Oahu Metropolitan Planning Organization's Citizen Advisory Committee, and the Planning Committee of the Waikiki Improvement Association. He is an active member of Sacred Heart Parish.

Dinell retired from Catholic Charities in October 1995, after seven years as Diocesan Director. He played a key role in building Catholic Charities into one of Hawaii's largest, most diverse and most effective non-profit, human service agencies. Dinell has been a trustee of Catholic Charities USA and a member of its Social Policy Committee. He was principal writer of the Catholic Charities USA policy paper, *Transforming the Welfare System* (1993).

Dinell taught full-time at the University of Hawaii before taking over the helm at Catholic Charities in 1988. He was the first chair of the Urban and Regional Planning Department, serving in that position for many years. While at the University, he also served as: (1) Director of the Program on Conflict Resolution (funded principally by the Hewlett Foundation), (2) Principal Investigator for the Coastal Zone Project (funded by the Hawaii State Department of Planning and Economic Development and U.S. Department of Commerce), (3) Director of Community Interaction for the Hawaii Environmental Simulation Laboratory (funded by the Ford Foundation and the National Science Foundation), and (4) Director of the Model Cities Resident Research and Planning Centers (funded by the City and County of Honolulu and the U.S. Department of Housing and Urban Development).

Among his writings are: *Pursuing the American Dream: The Paradox of Working Poor*; *Living in Waikiki: a Report on Interviews with 48 Waikiki Resident*; "Planning in Hawaii: 1959 to 1995 - A Breathtaking Journey," *Transforming the Welfare System*; and *Participation: the Impossible Dream*.

Dinell received his Master of Public Administration degree from the University of Michigan (1950). He was granted the Bachelor of Arts degree by Brown University where he majored in political science, graduating magna cum laude. He is a member of Phi Beta Kappa. He also attended the Graduate School of Public Administration (now the Kennedy School) at Harvard University (1965-66) as a National Institute of Public Affairs Fellow.

He is married and the father of eight adult children.

Nick Cracknell

Nicholas Cracknell is a senior land use planner at the Horsley Witten Group. Nick has over ten years of professional experience in land use planning and has served as a municipal planner and planning director in several small coastal village communities in Eastern Massachusetts.

As a municipal planner, Nick has actively promoted and implemented many smart growth land use ordinances such as a transfer development rights program, open space residential developments and a number of innovative village overlay districts. Nick has also assertively coordinated rural protection strategies through partnerships with local, regional and national land trusts such as the Trust for Public Land to secure local, state and federal funding for permanent protection of over 500 acres of active and passive open space. As Planning Director for the City of Newburyport he also provided guidance to other small urban villages through the Essex County Forum for Smart Growth, the Congress for New Urbanism and the New England Chapter of the American Planning Association.

Nick holds a Master's of Regional Planning from the University of Massachusetts in Amherst Massachusetts, and a Bachelor's of Arts in Political Science from Carleton University in Ottawa, Canada.

Scott Horsley

Scott Horsley is the President of the Horsley Witten Group, Inc. Scott has twenty-five years of professional experience in the field of water resources management, and has worked as a consultant to federal, state, and local jurisdictions, and private industry throughout the United States, Central America, the Caribbean, the Pacific Islands, and China.

Scott has taught numerous seminars in water resource protection, and is an Adjunct Professor at Tufts University where he teaches courses in Water Resources Policy and Wetlands Management. He also serves as an instructor for a nationwide series of U.S. Environmental Protection Agency (EPA) workshops on water resources management, and has authored numerous publications on water resources mapping and protection.

Scott is a recipient of the 1999 Environmental Technology Innovator Award from the U.S. Environmental Protection Agency for designing constructed wetlands for stormwater and wastewater treatment.

Mark Nelson

Mark Nelson, P.G. is a Principal with the Horsley Witten Group with twenty years of experience in water resource planning, wastewater planning and low impact development techniques. He has worked with rural and native communities across the country in developing water resource protection and wastewater facilities plans. He has also been an instructor for the US Environmental Protection Agency on local opportunities for watershed planning and water resource protection, focusing on regulatory and non-regulatory techniques that can be adopted at the town or county level.

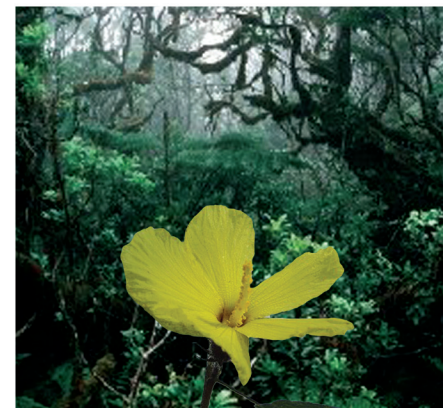
Laura Thielen

Laura Thielen is the Director of the State Office of Planning, having been appointed to the position in 2005. The Office of Planning is charged with providing statewide strategic and policy planning, coordination between government agencies and facilitate implementation of state policies and goals.

Laura is trained as an attorney, and practiced law on the mainland with an early focus on litigation and environmental law. In 1990, she returned to Hawaii where she was raised, and pursued an environmental, land use, and administrative practice representing both small developer/landowners and community groups in plaintiff and defense actions. Laura left private practice to become a Managing Attorney at the Legal Aid Society for almost three years. She ran her own consulting business for twelve years working with non-profits and state agencies. In 2000, Laura returned to school to obtain her Masters in Public Policy. She ran for and was elected to the Hawaii State Board of Education in 2002. Laura currently lives in Kailua with her husband and two daughters. Prior to her appointment, she was an avid outdoor enthusiast, and enjoyed paddling, boogie-boarding and running.



Presentation Slides



RURAL PLANNING TOOLKIT

Zoning for Rural Density

Zoning for Rural Density



Density Alternatives to Minimum Lot Size

- Fixed Area Ratio prescribes fixed number of development rights per acre.
 - 1 DR per 10, 15, 20, 30 acres
- Lancaster County Pennsylvania



State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Density Alternatives to Minimum Lot Size

- Sliding Scale adjusts development rights with a matrix
- York County Pennsylvania

0-2 acres	1 DR
2-15 acres	2 DR
15-30	3 DR
30-60	4 DR

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Building Placement Resource Considerations

- Identify areas where DR's are not permitted
- Prime Agricultural Lands often used as a Criteria



State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Building Placement Design Considerations

- Avoid Placing Buildings in the Middle of the Lot
- Place in the Front to Connect with the Street; or
- Place in the Back to Preserve Vistas from the Road

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Building Placement Lower the Impact

- Limit different development activities to Lower the Impact on the Landscape.
 - Impervious Cover Threshold
 - Maximum Lawn Development
 - Maximum "Disturbed" or "Cleared" Area

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Village Center

Public Parks and Greenways:

- Active Recreation
- Public Access
- Views & Vista Protection
- Trailhead Connections to Rural Areas



Planning for Growth

- Infrastructure Capacity
- Service Delivery Costs
- Environmental Impacts
- Clear Delineation of the Village Edge

Infrastructure Capacity:

- Wastewater & Water Systems
- Transportation System
- Municipal Services
- Other...



Service Delivery Costs:

- Public Works
- Public Transportation
- Schools
- Other...



Environmental Impacts:

- Wetlands & Habitat Areas
- Riparian Corridors
- Agricultural Land Uses
- Scenic Vistas & other Open Space Areas



Clear Delineation of the Village Edge:

- Low Impact Land Use Patterns
- Limited Infrastructure Services
- Agricultural Protection Zones
- Natural Resource Protection



Village Center Zoning Techniques:

- Growth Boundaries
- Incentive-Based Overlay Districts
- Transfer Development Rights
- Adequate Public Facilities Requirement
- Conservation Subdivision Design



Growth Boundaries:

- Primary Factors for Setting the Boundary
- Secondary Factors to Consider
- Institutional Capacity
- Need for Flexibility



Incentive-Based Overlay Districts:

- Neighborhood Scale & Density
- Mixed-Use
- Public Benefits



Transfer Development Rights:

- Sending & Receiving Zones
- Establish Transfer Ratios
- Development Rights Bank



Adequate Public Facilities Requirement:

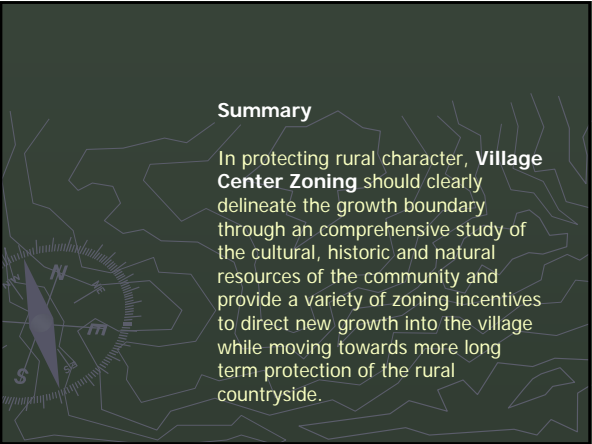
- Availability of Municipal Services
- Impact Fees
- ...



Conservation Subdivision Design:

- Developing the Village Edge
- Public Access to Rural Areas
- ...





Summary

In protecting rural character, **Village Center Zoning** should clearly delineate the growth boundary through an comprehensive study of the cultural, historic and natural resources of the community and provide a variety of zoning incentives to direct new growth into the village while moving towards more long term protection of the rural countryside.

Village Center Service Area Boundaries & Rural Town Infill



Village Center Zoning involves ...

- Defining the Rural Village
- Planning for Growth
- Village Center Zoning Techniques

Defining the Rural Village

- Compact Development Pattern
- Pedestrian-Oriented
- Mixed-Use
- Public Parks and Greenways

Compact Development Pattern:

- Small Lot Sizes and Setbacks
- Multi-story Buildings
- Pedestrian Scale
- Urban Infrastructure & Transportation Systems



Pedestrian Oriented:

- Walkable Neighborhoods
- Sidewalks / Alleys / Bikelanes / Trails
- On-Street & Shared Parking
- Other Traffic Calming Measures




Mixed-Use:

- Residential / Commercial / Civic
- Active Ground Floor Uses
- ...



Form Based Codes/Design Guidelines

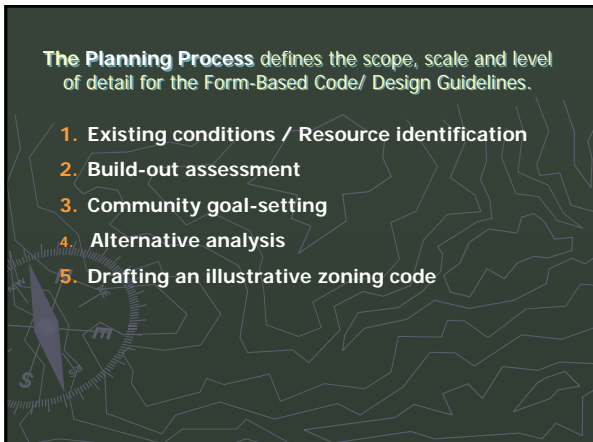
Form-Based Codes / Design Guidelines

A photograph of a small town street scene. In the foreground, a paved road with a yellow center line runs horizontally. To the right of the road is a row of single-story buildings. The building on the far right is light green with a dark green gabled roof and large glass windows. Next to it is a building with a red roof and white walls. To the left is a yellow building with a white gabled roof. A dark pickup truck is parked on the street in front of the yellow building. In the background, a steep, green hill rises, covered in trees and some flowering plants. The sky is not visible. The overall scene is bright and sunny.

Loss of Rural Character through Conventional Site Planning & Design

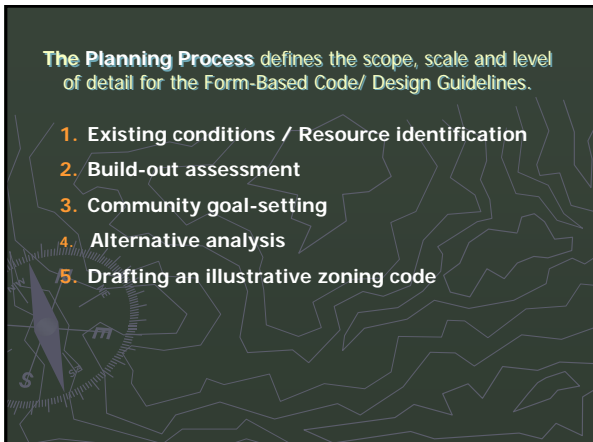


The image consists of two side-by-side aerial photographs. The left photograph shows a rural landscape with a large green field, a road, and a small building. The right photograph shows the same area after development, with a large parking lot, a large building, and a road, illustrating the loss of rural character.

The background of the slide is a dark green map with white contour lines. In the lower-left corner, there is a compass rose with a needle pointing towards the top-left. A dollar sign (\$) is also visible on the map, near the compass rose.

The Planning Process defines the scope, scale and level of detail for the Form-Based Code/ Design Guidelines.

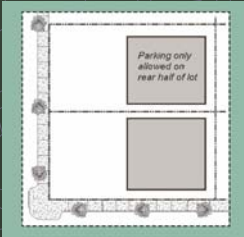
1. Existing conditions / Resource identification
2. Build-out assessment
3. Community goal-setting
4. Alternative analysis
5. Drafting an illustrative zoning code

- 
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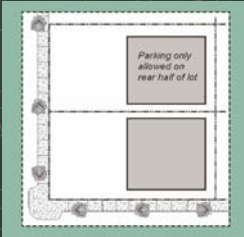
Illustrative Zoning Code:

Basic Design Elements

- Use, dimensional & density controls
- Vehicular & pedestrian circulation
- Building & landscape design
- Long-term resource protection



The diagram illustrates a rectangular lot with a dashed white border. Inside the lot, there is a large white rectangular area on the left and a smaller white rectangular area on the right. The smaller area is labeled "Parking only allowed on rear half of lot". The lot is surrounded by a green dashed line, and there are small circular icons at the corners of the lot, possibly representing trees or landscaping.

- # Illustrative Zoning Code:
- ## Basic Design Elements
- Use, dimensional & density controls
 - Vehicular & pedestrian circulation
 - Building & landscape design
 - Long-term resource protection
- 
- The diagram illustrates a rectangular lot with a dashed white border. A solid black rectangle represents the building footprint, positioned in the lower-left portion of the lot. To the right of the building is a larger, shaded gray rectangle representing the parking area. Text within this parking area reads: "Parking only allowed on rear half of lot". The lot is divided into four quadrants by a dashed white line. The background of the slide features a faint, stylized map of a city grid with various street names and landmarks.

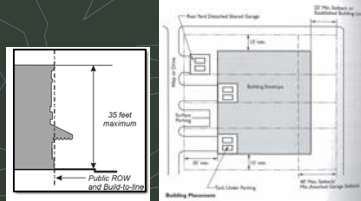


Use, Dimensional & Density Controls should reflect traditional neighborhood land use patterns.

- Land use types
- Lot size, shape and frontage
- Building height, lot coverage & setbacks
- Open space

The collage includes a compass rose with a star, a photograph of a street scene with historic buildings and a streetcar, a diagram of a lot with a 35-foot maximum building height and a 10-foot public right-of-way, and a detailed site plan of a building footprint with setbacks and parking spaces.

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Vehicular & Pedestrian Circulation should be pedestrian-oriented while accommodating the automobile.

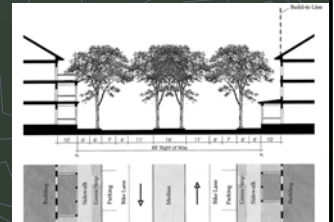
- Traffic circulation
- Driveways, parking & garage placement
- Stormwater management
- Streetscape

The diagram illustrates a street cross-section with various transportation modes and their widths. The modes and their widths are:

- Building (10' - 15')
- Tree (10' - 15')
- Planting (10' - 15')
- Walkway (10' - 15')
- Vehicle (10' - 15')
- Planting (10' - 15')
- Walkway (10' - 15')
- Tree (10' - 15')
- Building (10' - 15')

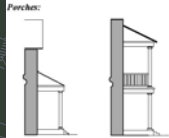
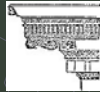
The total width of the street is 100'.

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 - Walkway (10' - 15')
 - Tree (10' - 15')
 - Building (10' - 15')
- The total width of the street is 100'.



Building & Landscape Design should be consistent and compatible with the traditional neighborhood vernacular.

- Building orientation
- Building design & style
- Streetscape, sideyards and open space



Long-Term Resource Protection should be encouraged for cultural, historic and environmental resources.

- Affordable housing
- Preservation restrictions
- Public access easements
- Open space & view easements
- Other public improvements



Summary

In protecting rural character, **Form-Based Zoning** should clearly state the goals and priorities of the community relative to resource protection and design guidelines while maintaining flexibility to the development community that approvals will be obtained and minor changes can be accommodated without restarting the review process.

Conservation Design

Cluster Development or Conservation Subdivision Design



Convention Patterns of Residential Development: SPRAWL



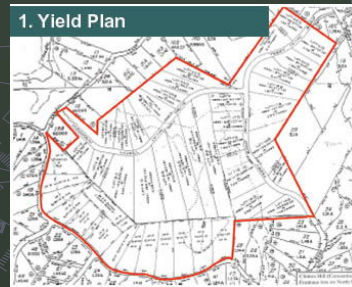
Cluster Development and Conservation Subdivision Design

Retain the Value of the Land while Enhancing Environmental Quality and Access to Amenities

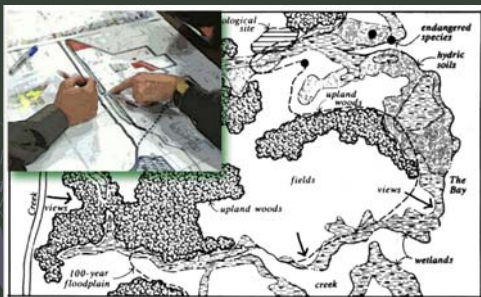
1. Establish Property Yield
2. Create Compact Design BASED ON EXISTING FEATURES

THE YIELD PLAN: The maximum number of lots achievable under conventional Zoning Ordinance provisions and Subdivision Regulations.

1. Yield Plan



AFTER THE YIELD IS CALCULATED, THE FOUR-STEP OSRD DESIGN PROCESS FOLLOWS:



1. Identify Conservation Value Areas on the site such as wetlands, significant trees or tracts of forest, steep slopes habitat, cultural resources or buffer zones. Remove these from the "developable area".



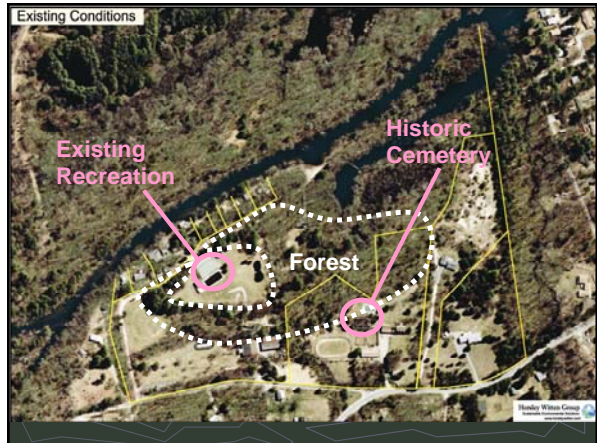
2. Place houses in the remaining area in a way that would maximize residents enjoyment of these areas by providing access to open space and preserving views.



3. Align roads and trails on the site to provide pedestrian and vehicle access.



4. Draw lot lines around the homes.





Land Preservation Tools

Land Preservation Tools



Loss of Agricultural Lands to Development of "Higher Value Use"



Land Preservation Tools

- Conservation Subdivision Design
- Transfer of Development Rights
- Purchase of Development Rights
- Agricultural or Conservation Easements
- Local Land Trust or Other Third Party
- Dedicated Acquisition Funding

Special Tax Assessment Programs provide a tax break to owners of agricultural lands as long as the land remains in the specified use.

Properties are taxed according to **EXISTING USE** rather than **HIGHEST USE**



Agricultural Commissions

These commissions are formed by passing a local ordinance and serve as advocates for local farms.

Responsibilities can include:

- protecting farmland
- providing assistance for natural resource management
- providing visibility for local farmers
- assisting local boards with community development decisions.



Agricultural Preservation Easements

This program is designed to protect the most productive agricultural lands and establishes permanent deed restrictions on agricultural lands protecting them from any use that might diminish the area's agricultural potential.



Farm Viability Enhancement Programs

Comprehensive plans developed by farmers and other agricultural, economic and environmental consultants used to increase on-farm income through improved management practices, diversification, direct marketing, value-added initiatives and agritourism.



Right to Farm Ordinance

Clearly states the priorities of the community relative to fostering agricultural activities and allowing farms to operate with minimal conflict with abutters and Town agencies.

Establishes the notification procedure for informing all residents of the Town of the community's status as a Right to Farm entity.

Transfer of Developments Rights The Concept

Owner of "sending" parcel sells development rights in exchange for permanent conservation easement.

preservation area



Owner of "receiving" parcel buys development rights to build at densities higher than allowed under base zoning.

Agricultural Preservation Tools

Other Zoning Protections used in the U.S.

Mandatory Cluster Design or Open Space Residential Design for agricultural lands being converted to residential use.

True large-lot zoning with a range of 10-acre to 25-acre minimum lot size

Transfer of Development Rights program can establish a higher "transfer density" than what is allowed for development. Example...

Developable Density	1 unit per 20 acres
Transferable Density	1 unit per 5 acres

Infrastructure Standards

Opportunities to Improve Infrastructure Standards



WHAT IS LID?

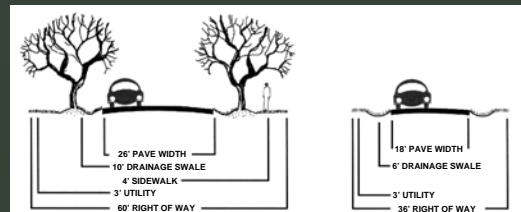


LID IS A COMBINATION OF:

- Better Site Design Practices
- BMP Selection

Encouraged in County Plans

Can Be Incorporated Into Design Codes



Better Site Design Process

- Identify critical natural features;
- Delineate building envelopes that minimize environmental impacts and maximize views of natural features;
- Design road layout, sidewalks and lot lines to minimize impervious cover and create opportunities for dispersal of runoff.



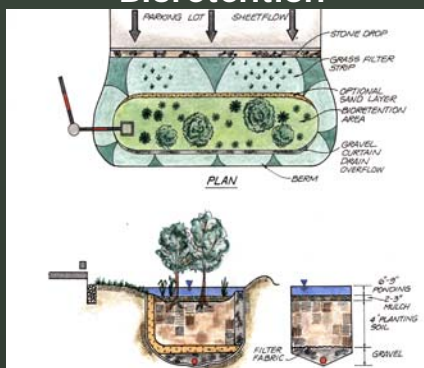
LID Best Management Practices

- Site planning techniques (e.g., narrower roads, conserved natural areas, preserved natural depressions/topography);
- Dry wells for rooftop runoff;
- Grassed (vegetated) swales;
- Filter buffer strips;
- Bioretention areas
- Sand/organic filters;
- Permeable pavers;
- Green roofs;
- Rain barrels and cisterns; and
- Stormwater planters.

Open Vegetated Channels



Bioretention



Copyright 2000, Center for Watershed Protection



Critical Wastewater Disposal Areas

- ▶ High Water Table
- ▶ Impermeable Soil or Rock
- ▶ Steep Terrain
- ▶ Flood Zone
- ▶ Protection of Coastal Waters
- ▶ Cesspool Failures
- ▶ Protection of Groundwater



Rural Service Levels

Rural Service Levels



Can Counties Provide Less Services to Rural Areas?

- Roads
- Police/Fire
- EMS
- Water/Sewer
- Community Facilities

Code of the West

- Recognizes Historical Self-Reliance of Settlers in Rural Areas
- Helps Set Limits on Expectations for New Rural Residents

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

What Hawaii Counties Can Do

- Set Specific, Limited Service Standards for Rural Areas Outside of Village Boundaries
- Provide Information and Outreach on Service Levels to Alert New Residents on What to Expect From the County

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Outreach Should Focus on:

- Level of Road Construction
 - Construction Access, School Buses
- Provisions For Public Safety Support
 - Police, Fire EMS
- Support (or Lack of) During Natural Disasters
- Availability of Water/Sewer Services
- Availability of Community Facilities

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Larimer County, Colorado

- "It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land."
- [\[Access\]](#) [\[Utility Services\]](#) [\[The Property\]](#) [\[Mother Nature\]](#) [\[Agriculture\]](#) [\[In Conclusion\]](#)

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Access Disclaimer

- "The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times."



State of Hawaii, Office of Planning

Planning

Chelan County, Washington

- "Agriculture is an important business in Chelan County. If you choose to live among the orchards, farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agribusiness neighbors."

State of Hawaii, Office of Planning

Planning for Rural Areas June, 2006

Rural Economic Development Supports

Rural Service Levels



Can Counties Provide Less Services to Rural Areas?

- Roads
- Police/Fire
- EMS
- Water/Sewer
- Community Facilities

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State of Hawaii, Office of Planning


Planning for Rural Areas June, 2006

Rural Lands Planning

Josh Peters, Jefferson County, WA

Rural Lands Planning

Implementation in



PRESENTED BY JOSH D. PETERS, AICP

JUNE 2006

Puget Sound – urban & rural

On a satellite image of the Puget Sound in Western Washington, the cities of Olympia, Tacoma, Seattle and Everett are visible on the eastern shores.

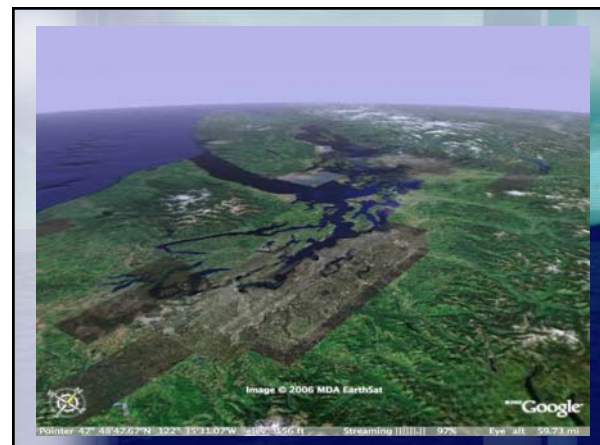



Puget Sound forms the southern end of an inland sea shared by the US & Canada.

Olympic Peninsula

Jefferson County





Jefferson County Geography

- **AREA** (acres, rounded to nearest thousand)

– Total	1,400,000
– Land Only	1,163,000
– Olympic National Park	539,000
– Olympic National Forest	166,000
– State	195,000
- **SHORELINE** (miles, rounded)

– Total	253
– East Jefferson County	199
– West Jefferson County	54
- **RIVERS** (miles, rounded)

	588
--	-----


Land – Ownership & Resources

- 1,808 square miles
- Olympic National Park & National Forest = ~65% of county's 1.16 million acres of land
- State DNR forest lands & parks
- Timber companies control large tracts on east and west ends
- Valuable gravel deposits left from glaciation

Lots of space...how many people?

- ...only about 28,000
 - ~96% in east end
- Only one incorporated area = City of Port Townsend, population 8,500
- Still, population growth was concern in early & mid-1990s
- Pop. growth has slowed, but not construction – many second homes
- Real estate values tripled in last 2-3 years – working folks challenged

WASHINGTON STATE
DEPARTMENT OF COMMUNITY, TRADE & ECONOMIC DEVELOPMENT



Growth Management Planning Basics

*Presentation for the
Washington State Environmental Health Association
2006 Conference
April 26, 2006*

Theodore M. Gage, Ph.D., AICP


8

WASHINGTON STATE
DEPARTMENT OF COMMUNITY, TRADE & ECONOMIC DEVELOPMENT

Why the GMA ?

Because

- Land is a vital, fragile and limited resource;
- Rapid population growth is fueling sprawl;
- Unplanned land use has unacceptable costs; and
- Public concern was increasingly evident.




WASHINGTON STATE
DEPARTMENT OF COMMUNITY, TRADE & ECONOMIC DEVELOPMENT

Why the GMA ?

The state legislature responded with



- RCW 36.70A, the Growth Management Act (GMA) – 1990-91 w/ amendments;
- A requirement to plan locally for growth;
- A framework for land use planning; and
- State assistance in carrying it out.



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GMA Planning Goals ~ 14

- Urban Growth
- Reduce Sprawl



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GMA Planning Goals

- Transportation
- Housing
- Economic Development



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GMA Planning Goals

- Property Rights
- Permits
- Natural Resource Industries
- Open Space and Recreation
- Environment




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GMA Planning Goals

- Citizen Participation
- Public Facilities and Services
- Historic Preservation
- Shoreline Management
 - from 1971 Act




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Balancing the Goals: Community-based Planning

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GMA Planning Requirements:


- Critical areas & resource lands ordinances
- Countywide Planning Policies (CPPs)
- Comprehensive Plan
- Development Regulations
- Review and Update
 - 7-year schedule




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Critical Areas & Resource Lands

- wetlands
- fish & wildlife habitat conservation areas
- aquifer recharge areas
- frequently flooded areas
- geologically hazardous areas
- forest lands
- agricultural lands
- mineral lands





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Countywide Planning Policies

A framework for local plans:


- To designate urban growth areas
- To site countywide or statewide essential public facilities
- To consider affordable housing needs
- To jointly plan within urban growth areas
- To plan for economic development



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Designation of UGAs

- A collaborative process
- Population projections & allocations
- Designate sufficient land for 20 years
- Is supported by financially realistic plans to provide adequate public facilities



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Components of a Comprehensive Plan:

- Comprehensive Plan Elements
- Consistency
- Compatibility
- Concurrency




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Comprehensive Plan Elements

- Land Use
- Housing
- Capital Facilities
- Transportation
- Utilities
- Rural (counties only)
- Shoreline Master Program (policies)




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Comprehensive Plan Elements


Examples of Optional Elements:

- Economic Development
- Historic Preservation
- Parks and Recreation
- Urban Design
- Human Services
- Sub-area plans





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Internal Consistency



- Land uses and densities must accommodate the forecasted population
- Land use map must be consistent with goals and policies
- Transportation plans must support the Land Use Element
- Infrastructure capacity must be adequate to serve the future population




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Compatibility




- Countywide planning policies are the framework
- Address impacts on adjacent jurisdictions
 - Stormwater loads
 - Traffic impact
 - Jobs/housing balance
- Joint Planning in Urban Growth Areas




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Concurrency




As defined by state law:
"...improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years."
 (RCW 36.70A.070(6)(b))






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Concurrency can apply to



- Transportation (required)
- Sewer
- Water
- Utilities
- Parks
- Fire
- Police







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CTED can help

Guidebooks, bulletins, examples, short course on local planning, and consultation with staff.

Web site:
www.cted.wa.gov/growth
 (see "Update Information")

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They forgot to mention...

- Local jurisdictions can get in trouble
 - non-compliance
 - invalidity
- Three regional Growth Management Hearings Boards
 - easy for anyone to get 'standing'
 - in theory, burden of proof is on petitioner to prove local gov't is 'clearly erroneous'
 - next step is court system



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Jefferson County Comprehensive Plan


- Adopted 1998
 - including Land Use & Rural Element
- Unified Development Code 2001
 - combines land use regulations, site plan and permit review procedures, critical areas protection, SEPA review, use tables, land division, stormwater management, enforcement, etc.



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Urban v. Rural in GMA

- Urban service begins with sewer service, basically
- Plan to accommodate anticipated population growth in urban areas
- Unincorporated UGA planning is County responsibility
 - Can later become cities
 - Counties would have footed bill



What's outside of UGAs?

- Resources Lands
 - Forest Lands
 - Agricultural Lands
 - Mineral Lands
- Rural Residential
 - RR one dwelling unit per 20 acres
 - RR 1:10
 - RR 1:5
 - many pre-existing “lots of record”

What can we do in rural areas?

- Restricted relative to UGAs
 - especially new commercial development
- Services must be ‘rural’
 - public water OK
 - community drainfields for septic OK
 - sewer service only for environmental reasons, like along Hood Canal
 - ‘membrane,’ other new systems ‘rural’?
- Must maintain “rural character”
 - defined in GMA: RCW 36.70A.030(15)

Rural Character defined

- “Rural character” refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;

Rural Character (cont.)

- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife for fish and wildlife habitat;

Rural Character (cont., still)

- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

More Intensive Rural

- What about existing pockets?
- Amendments to GMA in late 1990s to recognize hamlets, etc.
- Designation of LAMIRDs
 - “Limited Areas of More Intensive Rural Development” – GMA term of art
 - “Logical Outer Boundary” (LOB)
 - Defined predominantly by the “built environment” on July 1, 1990

LAMIRDS (cont.)

- Limited infill – mixed use
 - Light industrial
 - Commercial
 - Single-Family & Multi-Family Residential

Rural Opportunities - Small

- Cottage Industry
- Home Business
- Small-Scale Recreation & Tourist
- Accessory Uses to Agriculture
 - all of these must be secondary to primary use of property, whether residential or agricultural

Rural Opportunities - Big

- Master Planned Resorts
 - intended for visiting public, recreation amenities
- Major Industrial Development
 - too big to fit in UGAs or require location adjacent to natural resources
- Industrial Land Bank
 - Jefferson one of handful of counties able to designate up to two master planned locations

Conservation Vision & Tools

- 100-year visioning
 - e.g., “Cascade Agenda” – Cascade Land Conservancy
- TDR/PDR
 - King County (Seattle = seat) has the largest program in U.S., by acreage
- “Conservation Conversation”
 - Plan with partners
 - Generate interest and support
 - Coordinate use of broad set of tools

Conservation Partners

- Jefferson Land Trust
 - Conservation easements to protect habitat functions & values and working lands in forestry & agriculture
- Conservation District
 - Local NRCS arm
 - Works in non-regulatory role with farmers to implement BMPs & proactive riparian area management
 - CREP program

Conservation Partners (cont.)

- Tribes
- State agencies - WDFW, DNR, State Parks
- Fish Enhancement Boards
 - North Olympic Salmon Coalition
 - Hood Canal Salmon Enhancement Group
 - Hoh River Trust
- Hood Canal Coordinating Council
 - ‘Council of Governments’ role, dealing with low dissolved oxygen & other challenges

Conservation Assessment

- Landscape Analysis
 - Watershed assessment guidance from State Dept. of Ecology and other agencies
 - Begins with hydrology
- Mapped wildlife habitat core areas and corridors
 - Aerial photo interpretation
 - Incentives and education
 - Regulatory nexus through mandatory cluster subdivision and more conditions for forest practices conversions

Planned Rural Residential Developments (PRRDs)

- Cluster subdivision provisions of development code
- GMA explicitly allows and encourages clusters
 - particularly for designated Agricultural Lands of Long-Term Commercial Significance
- Density bonuses for worthy components considered to be in the public interest

PRRD Density Bonuses for:

- preservation of natural, historical and cultural features
- public service and facility availability
- energy efficiency
- public recreation facilities
- environmental design
- affordable housing
- innovative design

Low Impact Development

- Model Clearing & Grading Ordinance
 - Developed by State agency
 - To be considered along with...
- LID code provisions
 - “PLID” subdivisions
 - Other incentives, like faster permitting process & lower cost
 - Puget Sound Action Team pilot program

Conservation (cont.)

- Conservation Futures dedicated tax
 - Includes review of proposals by Board-appointed committee
- Open Space Taxation Act
 - Timber, Agriculture, and Open Space
- Floodplain acquisition
 - Funding sources through salmon recovery & natural hazard mitigation

Water

- Watershed Planning
 - 62 designated “Water Resource Inventory Areas” in state
 - Planning Units composed of government officials & stakeholders
 - Water resources & “instream flow” rulemaking

More Water

- Surface Water Management Plan
 - 2005 Dept. of Ecology *Stormwater Management Manual*
 - Coordination of programs, generation of funds
- Seawater intrusion
 - High chloride readings in well water
 - Saline intrusion into aquifers
 - State or County issue?

Supporting Agriculture

- 'Right-to-Farm' provisions included in development code
- Resource Lands protected from incompatible development
- Exemptions for 'existing & ongoing agriculture' from standard stream & wetland buffers
 - voluntary program to implement BMPs
- Additional opportunities in Rural Lands

Accessory Uses to Agriculture

- New set of regulations for agricultural activities and accessory uses
 - Adopted spring 2004 right after GMA amendments
- Flexibility for farmers to do things like:
 - Sell Ag products on-site
 - Have "agritourism" attractions
 - Do Ag processing on-site
 - Provide temporary farmworker housing, if appropriate

Agricultural support programs

Washington State University
Jefferson County





JEFFERSON COUNTY
Department of Community Development

621 Sheridan Street • Port Townsend • Washington 98368
360/379-4450 • 360/379-4451 Fax
www.co.jefferson.wa.us/commdevelopment



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