

# Whither the Wilderness County?

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# Wilderness City?

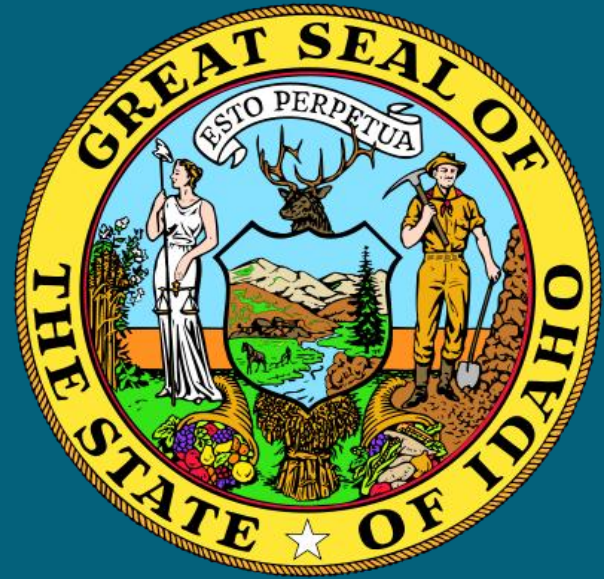
- Wilderness City is an oxymoron.
  - Urban City cannot be a wilderness.
  - Wilderness will be in counties.
- Wilderness is a catch all for rural.
  - Agriculture – ranches and farms.
  - Forestry.
  - Natural areas.
  - Wilderness – federal land not under county control.

# Rural Counties

- Rural Counties are unprepared for growth.
  - Rural residents expect few services.
  - No departments for sewer or water.
  - Think growth is good.
  - Low tax base.
  - Reluctant to adopt regulations to control growth.
- Fall behind demand for roads and other services.

# Legislation

- Scott is going to talk about existing legislation in Idaho and Washington.
- Experience with urban growth areas.
- I will suggest new legislation based on my 40 years experience in planning for counties.



# EXPERIENCES WITH RURAL COUNTY PLANNING IN WASHINGTON & IDAHO



# Washington State Planning

- Growth Management state
- Pursuant to RCW 36.70.A., all Cities and Counties meeting the state threshold are required to engage in land use Planning

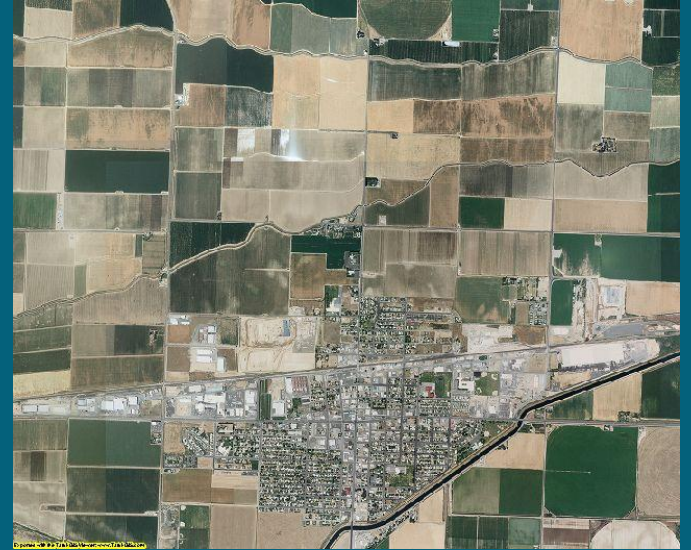
# Washington State County Comp Plan Elements

1. Land Use
2. Housing
3. Capital Facilities
4. Utilities
5. Rural
6. Transportation
7. Consistency

# WA Comp Plan Elements *Continued*

8. Public Participation

9. Essential Public  
Facilities



Only one the “Rural” element really focuses on rural planning. Although all elements may be applicable to rural planning they would be very different if purely written from a rural perspective.



# Washington Implementation

- Development regulations “*must be consistent with and implement*” comprehensive plans adopted pursuant to the act
- Promotes the use of innovative land use management techniques, including density bonuses, clustering, PUDs, and TDRs
- Municipal growth areas are required, and are considered joint planning areas

# WA Implementation *continued*

- Counties and cities must permit urban densities and provide sufficient land capacity within municipal growth areas
- Zoning districts within the county controlled municipal growth areas are often very similar to city districts, including a range urban density residential zones, commercial, industrial zones, public facilities and open space designations, etc



# Idaho State Planning

- Non-Growth Management state
- Pursuant to Title 67, Chapter 65, Local Land Use Planning, cities and counties are required to engage in land use planning

# Idaho

## Comp Plan Elements

1. Property Rights
2. Population
3. School Facilities and Transportation
4. Economic Development
5. Land Use
6. Natural Resources
7. Hazardous Areas
8. Public Services, Facilities, & Utilities
9. Transportation
10. Recreation

# ID Comp Plan Elements *Continued*:

11. Special Areas or Sites

12. Housing

13. Community Design

14. Agriculture

15. Implementation

16. National Interest Electric Transmission Corridors



Only three elements “Natural Resources”, “Agriculture” and “Hazardous Areas” really focuses on rural planning. Although all elements may be applicable to rural planning they would be very different if purely written from a rural perspective.

# Idaho Implementation

- Implementing regulations are required to be developed “*in accordance*” with the Comprehensive Plan
- PUDs and TDR programs are optional implementation tools
- Municipal growth areas are required, and are considered joint planning areas
- State law does not give specific direction regarding how to zone municipal growth areas

# Municipal Growth Area “Implementation Challenges”

*Rural Washington and Idaho counties often struggle with:*

1. Implementing an “urban” legislative land use framework in a rural setting
2. Administrative complexities of multiple Municipal Growth Areas
3. Playing in the “Sand Box”

# Implementing an “urban” legislative land use framework



1. Perception or reality?
2. Rural counties are often simply not functionally set-up to operate like cities
3. Counties are required to plan, but find it impossible to implement without city buy-in and policy integration



# Administrative complexities of multiple Municipal Growth Areas



Idaho.....12

Washington..15

1. Too many MGA land use regulations
2. Discord regarding the purpose of MGAs
3. 20-years –v- 350-years of MGA capacity
4. Landowner & community expectations

# Playing in the “Sand Box”

1. Rural communities have limited access to professional assistance; “good –or- bad”?
2. Municipal growth areas are often contentious with community leaders
3. \$\$\$; who’s going to get it, and who’s not



# Legislative Failure

- County planning and zoning legislation similar to municipal.
- No mandate to protect rural economy.
- Counties compete with municipalities for growth.
- “Dumb Growth”?
- Planning horizon for growth not to protect the rural economy.

# Planning Horizon

- Standard 20 year plan 5 year update cycle.
- Inadequate for rural investment.
- Rural landowners look for rezoning and big bucks.
- At the end of 20 years, most have no relationship to original rural preservation goal.



Mostly rural.

Plans show some  
increment of growth  
and rural preservation.

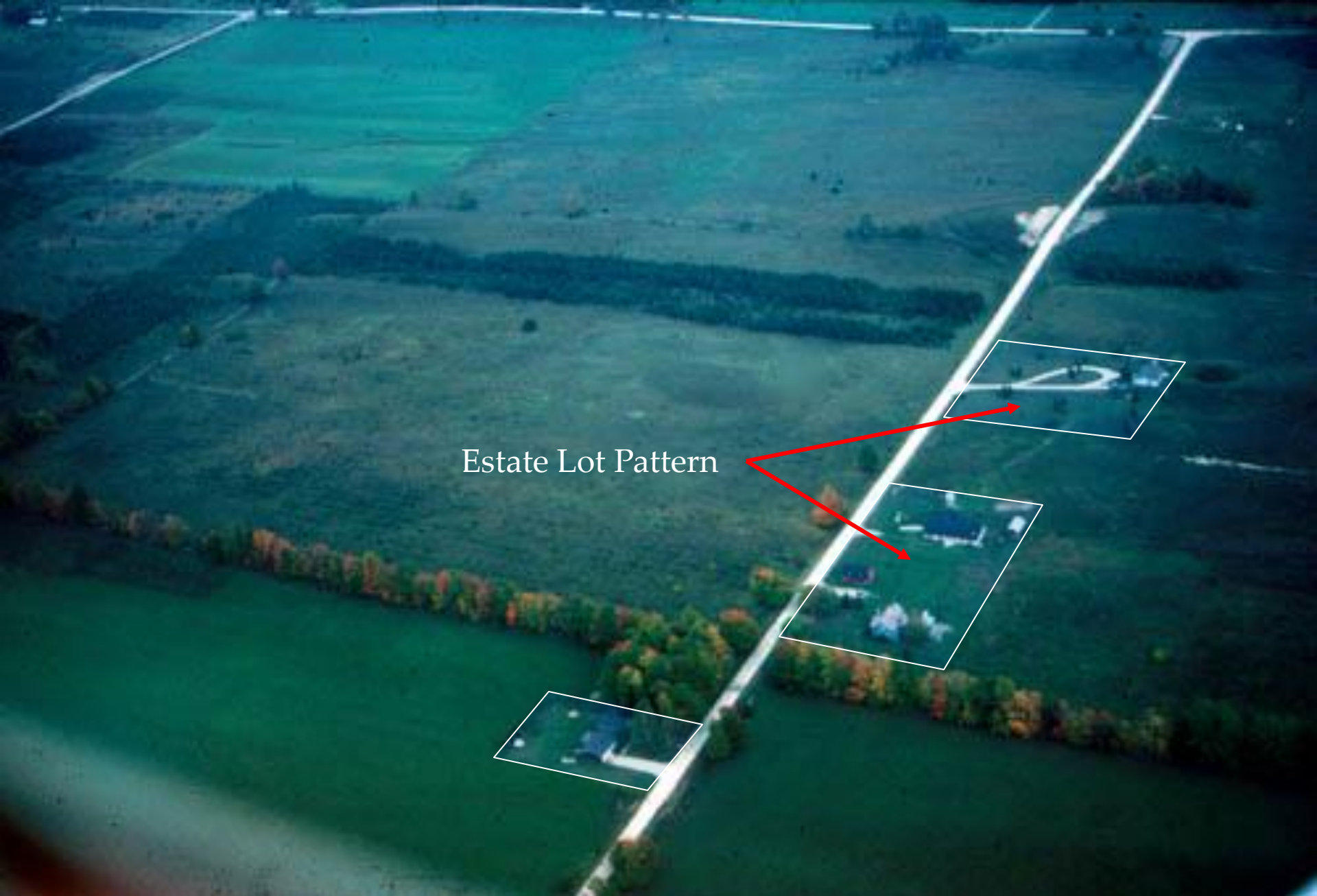
Each increment of  
growth consumes  
rural land.



Growth over time shows the loss of rural land  
and freestanding communities.

# County Zoning

- It is little different from municipal zoning.
  - Many residential, commercial, industrial districts.
  - Agricultural district often large lot residential.
- Rural zoning produces sprawl around municipalities.
- Even well designed codes breakdown over time.



Estate Lot Pattern

**Ag zoning is residential.**



# Zoning Failure

- Since the mid-1960's we have known the answer.
  - Exclusive agriculture.
  - Extremely low density – 50,100, 300 acre lots.
- Planners tried growth management, smart growth, sustainability – nothing new there. Success rare.
- TDR largely fails.



# McHenry County, IL

- 1977 Adopts 160 acre agricultural district.
- Zoning upheld by Illinois Courts.
- Within decade, up zoned to 40 acre minimum.
- Rezoning to residential districts from 5 acre to  $\frac{1}{4}$  acre and PUD approvals every year.
- Annexation further reduces rural land.
- Rural today is just what is not developed.

# Proposed Legislation for Rural Counties

- Counties mandated to protect rural economy, environment and character.
- Growth only in Municipalities.
- County zoning for rural and existing uses only.
- Long planning horizon – 100 year.
- Mandatory county wide TDR program.

# Rural Planning

- Protect rural economy and character.
  - Agriculture.
  - Forestry.
  - Natural, wilderness, or scenic resources.
- Municipal growth areas – 100 years.
- Unincorporated places.
- Existing development that is outside growth areas.
- Mining.
- Environmental planning
  - Water.
  - Carbon.



# Farms





Ranch land.





**Natural - Wilderness**





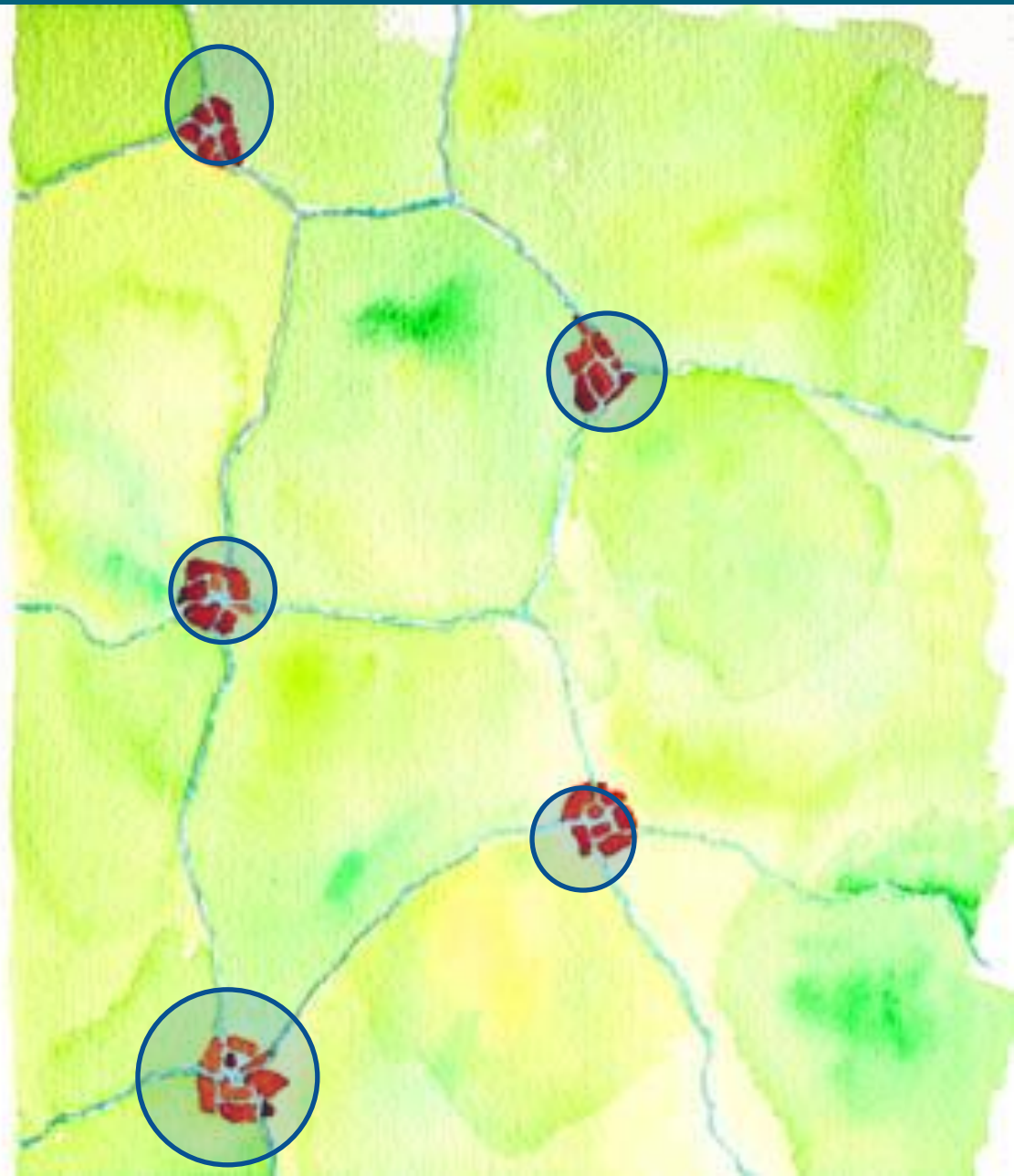
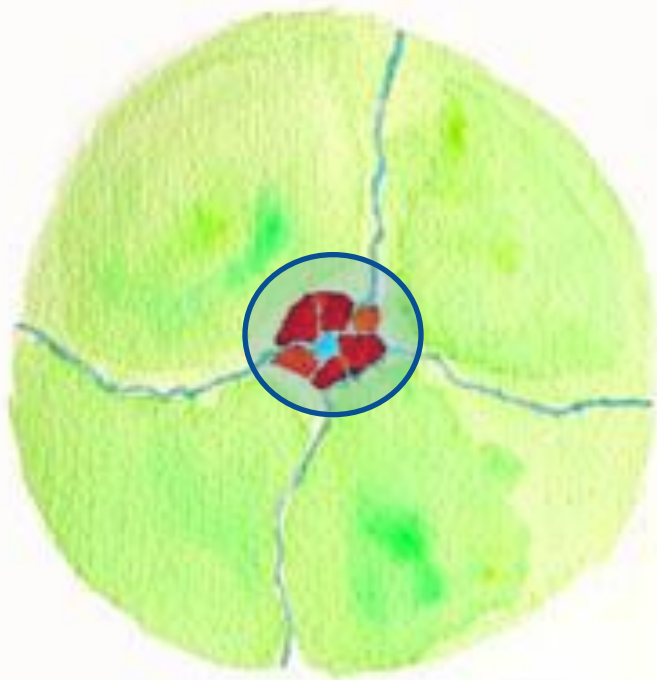
**Forestry**





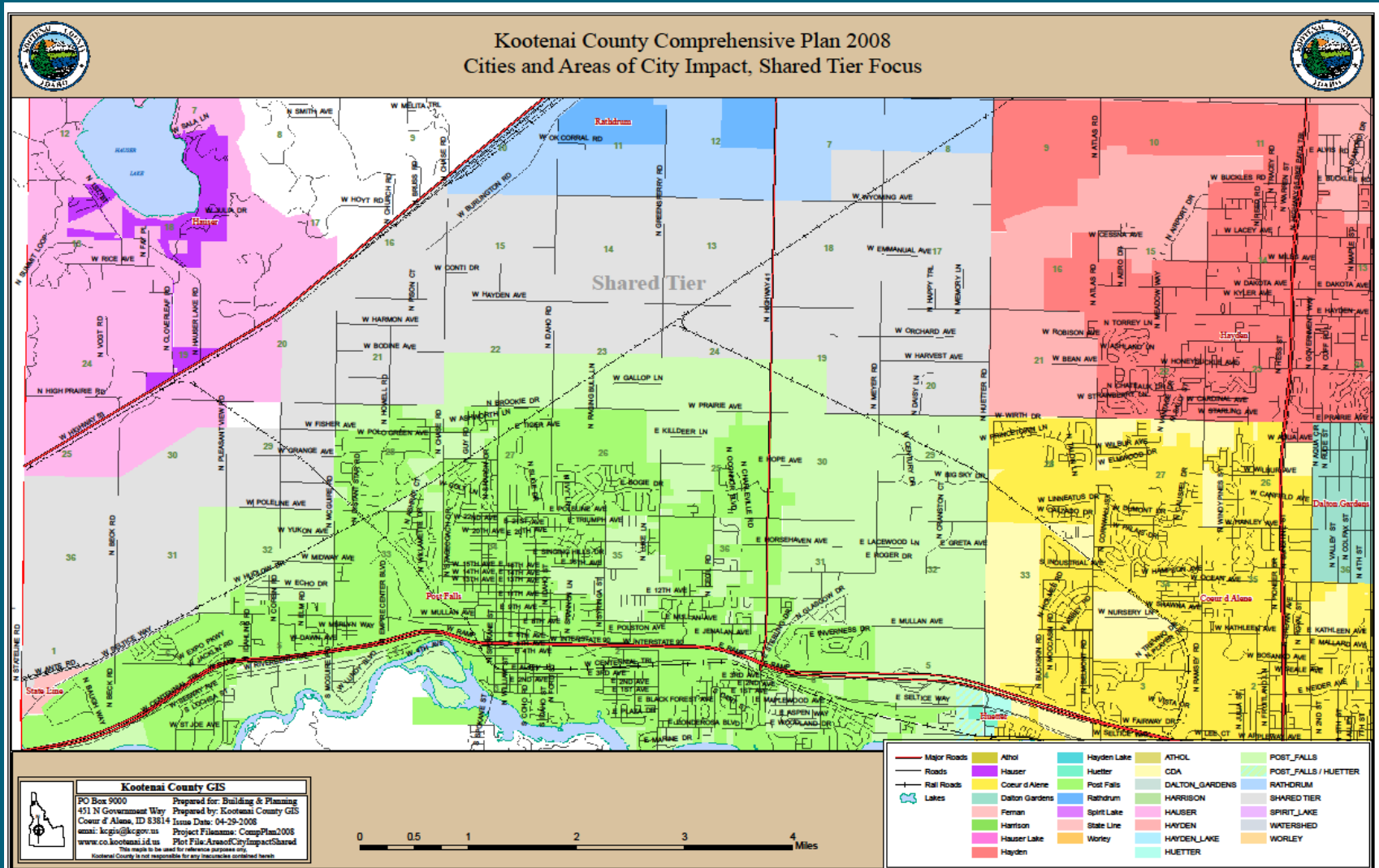
Freestanding community – unincorporated places.





Municipal growth areas – 100 year.

# Kootenai County Growth Areas



# Can't Plan for 100 Years!

- Not as difficult as one would think except in metropolitan areas.
- In most rural areas one can be very optimistic.
  - Lots of land and low growth rates.
  - Over estimate means 200 year plan.
  - Long lead time if growth is more rapid.
- Municipal planning becomes more logical.

# Proposed Rural Zoning

- Two levels.
  - Minimum single rural zone.
    - For non-zoning believers.
    - With one district everyone treated equally.
  - Multiple zones optional as needed.
    - Gives ability to address specific conditions.
    - More flexible for rural to metropolitan regions.
- Both have TDR and municipal growth areas.

# Rural Districts

- Rural.
  - Agriculture, Ranching, Forestry, Natural, Wilderness.
  - Mining.
  - Rural service.
- Residential.
  - Neighborhood Conservation, Unincorporated Places.
  - Countryside for metropolitan areas.
- Other.
  - Highway service for interstate.
  - Regional industrial.

# Agriculture

- Farming and Ranches.
- Exclusive agricultural zoning.
- Minimum lot area.
  - Grain 160-640 ac.
  - Ranches 1 – 50 square miles.
  - Orchards 40-100 acres.
- Worker housing.
- Ownership transition housing.
- Other businesses on farm.

# Forestry and Wilderness

- Management housing only.
- Minimum Lot Area.
  - Forestry 160-640 acres.
  - Wilderness 5-100 square miles.
- Small mills.
- Fire towers or facilities.
- Wilderness management and trailheads.





Rural Service. Uses needed to serve rural economy.





Mining. A use that has many nuisances.





Mega Mining – Mountain removal.





Landfill. Not a good urban neighbor.

# Neighborhood Conservation

- Existing subdivisions.
  - Where possible include in municipal growth areas.
  - Address existing subdivided land.
- Match existing lot sizes and setbacks.
- Very little vacant land within district.
- Not expandable.





Neighborhood Conservation. Existing 5 acre lots need recognition without permitting more units.





Unincorporated Places. Freestanding rural communities.

# Countryside

- Limited to metropolitan areas or areas of heavy tourism.
- Rural landscape and economy.
- Residential use.
- Agriculture or forestry continued with very high open space requirements – 85% or more.



# Countryside



Land Treatment

Density 0.57 du's/ac.

Open Space Ratio 0.80.

# Resistance

- Rural landowners conservative and want a share of growth.
- A major problem for rural preservation.
- Landowners in the same breath;
  - I want to farm keep development away.
  - When I retire let me sell for development.

# RESOURCE

# COMMODITY



# \$

## VIEWS OF LAND

### Conventional Zoning

640+ ac

40 ac

20 ac

10 ac

5 ac

1 ac.

½ ac.

¼ ac

### Performance Zoning

Preservation Cluster – min 80% open space

Conservation Cluster - min 50% open space

Cluster - 20-40% open space

### RURAL ZONING

ag

TDR

# Strategy

- Instead of seeking to find a zoning balance.
- Protect resource and use TDR to improve value.
  - Exclusive rural zoning.
  - Provide TDR to provide some value.
  - Municipalities have to participate as receiving zones.

# TDR Success?

- Reviewed 67 programs.
- First adopted in 1972.
- Three (4%) preserved 81 percent of acres.
  - King County, WA 91,000 acres.
  - Montgomery County, MD 48,584 acres.
  - New Jersey Pinelands 44,000 acres.
- 3% Counties preserving more than 400 acres per year.

# TDR a Failure

- 30% of the programs have no transfers.
- 4% revoked with no transfers.
- 10% no reported transfers.
- 18% are counties preserving less than 100 acres per year.
- 15% are small jurisdictions preserving less than 20 acres per year.
- 77% failure.



# TDR - What Goes Wrong?

- Governments fail to design workable programs.
- A major fault is the programs are not Willing Buyer – Willing Seller.
- Attempt to force it to work.
- Procedural failures.
- Landowner distrust.

# Difference in Land Value



Agriculture Value

Development Value

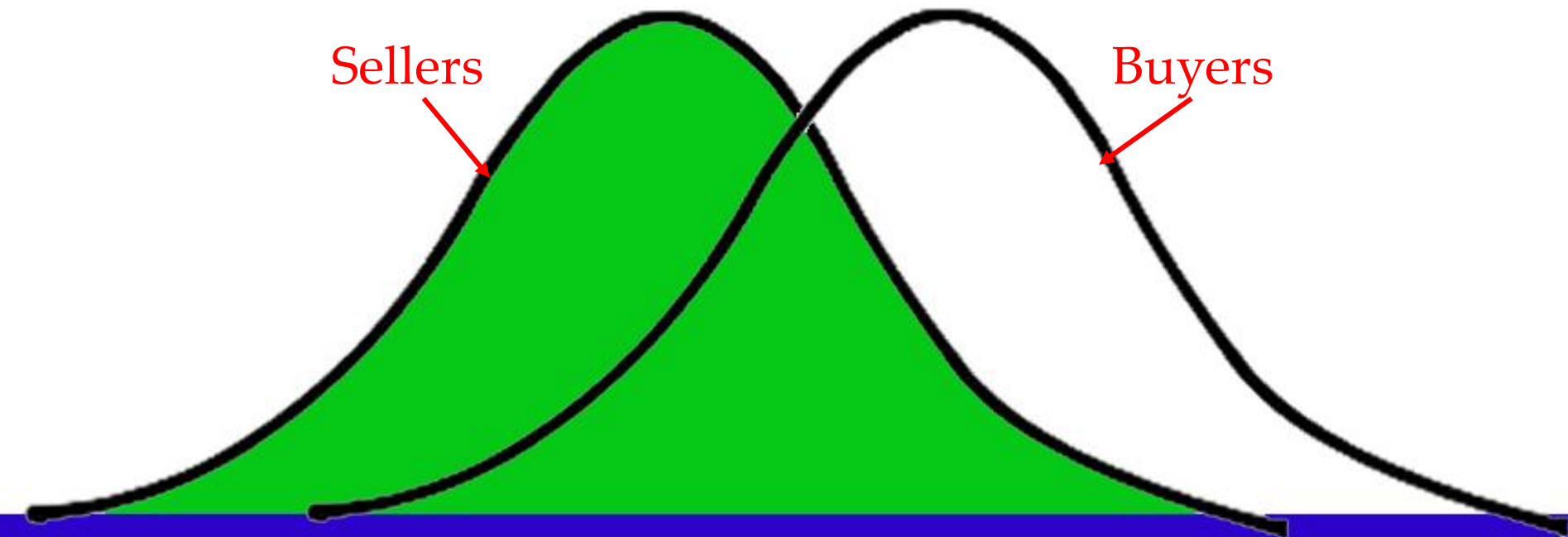
# TDR Addresses Inequities



Agriculture Value

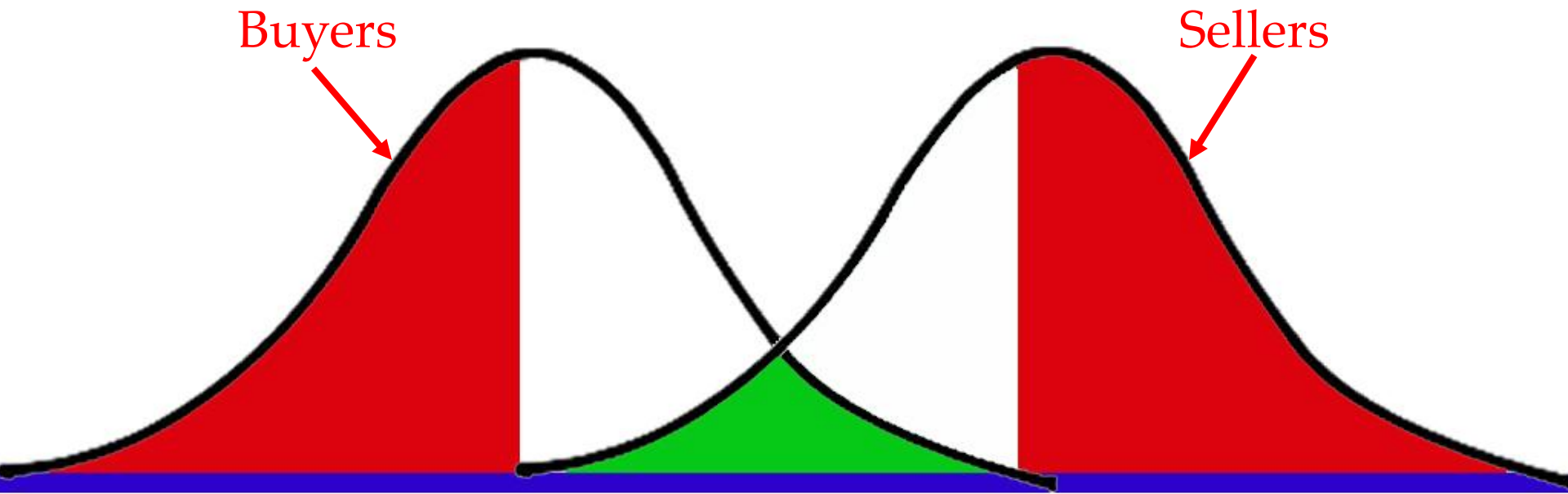
Development Value

# Ideal Market



**Seller expectations are lower than what buyers can pay.**

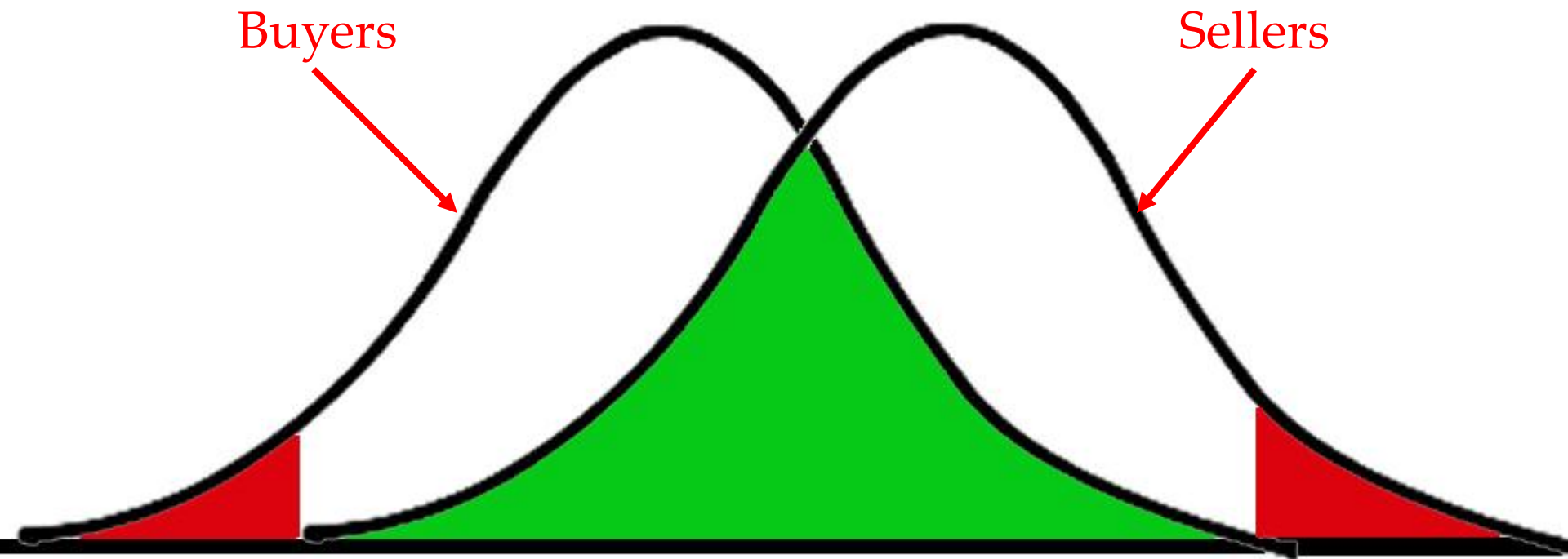
# Poor Market



Sellers want more than buyers are willing to pay. Out come failure.



# Better Market



**Viable: Many buyers can find willing seller.**

# Rural TDR Value

- Land value and development value are similar.
- Force a viable market.
  - All municipal rezonings have to purchase TDRs.
  - Municipalities required to provide for 100 year growth.
  - Rural landowner then shares in development value.

# Rural TDR

- All county landowners receive TDR.
- In municipalities all landowners receive TDR allocation based on existing zoning.
- All zoning changes in municipalities must pay for 80% of density increase.
- Long term 100 year horizon provides large potential market.

# Rural TDR continued

- County run system allocates sales annually on pro rata basis.
- Annexation no longer reduces pool of purchasers.
- State legislation makes all counties equal (no escape to adjoining jurisdiction).
- Market based allocation of rights and determination of value to developers.

# Government TDR

- Government TDR insures that all landowners share in the value.
- Private TDR far more complicated.
  - Tight allocation to rural landowners 20 year supply.
  - Potential for only a few landowners benefitting.
  - Very careful valuation to insure market.
  - Worry more about distrust preventing sales.



# Benefits of New Legislation

- Commits counties to protect rural area.
- Provides for long term growth in municipalities.
- Competition between county and municipalities eliminated.
- Municipalities cannot undercut neighbors.
- Rural landowners share in development values.
- Rural land owners can plan for rural use.

Questions