Modernizing Rural Development
Codes: Top 10 Quick Fixes

Presented By:
Christopher Duerksen
cduerksen@clarionassociates.com
303-830-2890

March 2010

Rocky Mountain Land Use Institute

CLARION
Rural Smart Growth Challenges

- Urban smart growth well-defined...not so with rural

- Fewer financial, technical, staff resources in rural areas

- Different development types and pressures vs. urban areas

- Urban smart growth tools (e.g., high-density mixed use) may not be appropriate
TOP TEN QUICK FIXES

1. AVOID THE DEVIL’S DENSITY
2. USE CLUSTER OPTION CAREFULLY
3. REIN IN RURAL PUDS
4. DESIGNATE TOWN GROWTH AREAS
5. DEVELOP SMART ANNEXATION POLICIES
6. USE FISCAL IMPACT ANALYSIS
7. APPLY TOWN DEVELOPMENT STANDARDS IN GROWTH AREAS
8. PROTECT SENSITIVE NATURAL AREAS
9. REGULATE RURAL COMMERCIAL
10. CONSIDER PDR/TDR PROGRAMS
WHAT IS RURAL SMART GROWTH?

- **CITY/TOWN INFLUENCE AREAS**
  - Focus most growth here
  - Central water/sewer
  - 4 units/acre minimum

- **TRANSITIONAL TOWN INFLUENCE AREAS**
  - Larger lots in clusters

- **TRUE RURAL**
  - Limited urban services
  - Future urbanizing standards
  - 1 unit/40+ acres minimum
REPORT ORGANIZATION

For Each Priority Action:

- Discussion of issue/challenge
- Overview of potential responses
- Expected community benefits
- Implementation steps
  - Minor adjustments
  - Major modifications
  - Wholesale changes
- Practice pointers
- Examples and references (plans, codes, etc.)
1. AVOID THE “DEVIL’S DENSITY”

**Challenge:** Low-density rural growth not dense enough to service efficiently; fragments ag land and habitat

**Responses:**
- Designated plan growth areas
- Regulatory reform (e.g., no rural PUDs)

**Benefits:**
- Lower govt. infrastructure costs
- Open space preservation
- Support town business districts
- Reduce VMTs
- Increased predictability
1. AVOID THE “DEVIL’S DENSITY”

Implementation steps
- Allow cluster subdivisions at town’s edge
- Establish town service boundaries
- Adopt true agricultural zoning
- Joint town/county planning and regulations

Practice pointers
- Support regulations with land acquisition
- Address family lot splits
- Support land trusts
2. USE CLUSTER SUBDIVISIONS .....CAREFULLY

**Challenge:** Cluster subdivisions in wrong place can hamper farming and lead to cluster sprawl

**Responses:**
- Allow, but utilize in appropriate locations

**Benefits:**
- Appropriate town/rural transitions
- More cost effective service provision
- Avoid ag interference
- Avoid cluster sprawl
2. USE CLUSTER SUBDIVISIONS ......CAREFULLY

Implementation steps
- Allow cluster subdivisions at town’s edge
- **Require** use of clusters at town’s edge
- Prohibit or limit cluster use outside town growth areas

Practice pointers
- Require open space contiguity in clusters
- Allow reduced lot sizes and community septic
3. REIN IN RURAL PUDS

**Challenge:** Large rural PUDs undermine comp plans growth policies and lead to costly rural sprawl

**Responses:**
- Limit PUDs to town growth areas
- Limit waiver of open space and environmental standards

**Benefits:**
- Increased certainty in review process
- Avoid fragmentation of rural landscape
- More cost-efficient services and administration
3. REIN IN RURAL PUDS

Implementation steps
- Designate rural growth areas in comp plans
- Establish maximum PUD size in rural areas
- Ban PUDs outside town growth areas

Practice pointers
- Establish baseline of compensating public benefits
- Avoid creating mini-zone districts with multiple PUDs
4. DESIGNATE TOWN GROWTH AREAS

**Challenge:** Rural planning is reactive—developers often dictate growth location

**Responses:**
- Designate preferred growth areas based on fiscal impacts, impacts on natural areas, etc.

**Benefits:**
- Greater predictability for landowners
- Cost-effective infrastructure provision
- Preservation of open space and ag lands
4. DESIGNATE TOWN GROWTH AREAS

Implementation steps
- Identify and map preferred growth areas
- Adopt adequate public facilities ordinance
- Purchase key development sites and land bank

Practice pointers
- Coordinate CIPs with plans
- Take regional approach
5. DEVELOP SMART ANNEXATION POLICY

**Challenge:** Many rural communities do not coordinate annexations with growth management policies

**Responses:**
- Adopt annexation policy and coordinate with plans

**Benefits:**
- Annexations support plan goals
- Secure community benefits
- Avoid local annexation wars
- Preserve rural areas
5. DEVELOP SMART ANNEXATION POLICY

Implementation steps

- Require annexations to be in accord with comp plan
- Require detailed fiscal impact analysis and mitigation
- Require minimum contiguity

Practice pointers

- Adopt local service standards and apply to annexations
- Adopt town/county annexation IGA
6. USE FISCAL IMPACT ANALYSIS

**Challenge:** Many rural communities approve development without true picture of long-term costs/benefits

**Responses:**
- Require basic fiscal impact analysis

**Benefits:**
- Real understanding of costs/benefits
- Foundation for mitigation
- Projects with clear benefits gain citizen support
- Reduces unproductive intergovernmental competition
6. USE FISCAL IMPACT ANALYSIS

Implementation steps
- Adopt simple fiscal impact statement requirement--require developer to pay
- Identify fiscal thresholds for acceptable projects
- Require analysis of impacts on other jurisdictions and service providers

Practice pointers
- Look at cumulative impacts of multiple developments
- Consider environmental and social impacts also
7. APPLY TOWN DEVELOPMENT STDS. IN GROWTH AREAS

**Challenge:** Towns hemmed in by low-density unincorporated development that don’t meet town standards

**Responses:**
- Intergovernmental agreement to apply town infrastructure standards

**Benefits:**
- Properties easier to annex in future
- Uniform standards prevent forum shopping
- Rational settlement patterns
7. APPLY TOWN DEVELOPMENT STDS. IN GROWTH AREAS

Implementation steps

- County adopts town subdivision stds in town influence areas
- Town/county adopt join plans and standards in growth areas
- Town/county form joint planning commission in growth areas

Practice pointers

- Joint planning efforts require ambitious political effort and public involvement
8. PROTECTIVE SENSITIVE NATURAL AREAS

**Challenge:** Many rural ecosystems and species at risk due to habitat loss

**Responses:**
- Adopt plans that identify critical habitat and natural resources
- Enact protective regulations

**Benefits:**
- Significant contribution to local economies
- Protection of rural character
- Green infrastructure value
8. PROTECTIVE SENSITIVE NATURAL AREAS

Implementation steps
- Identify sensitive natural areas in plans
- Adopt protective zone districts and sensitive area protection regulations
- Require restoration of degraded habitats

Practice pointers
- Use incentives like TDRs and cost-sharing for restoration
- Limit use of cluster subdivisions
9. REGULATE RURAL COMMERCIAL

**Challenge:** Scattershot rural commercial development fragments landscape and undermines town business districts

**Responses:**
- Target most commercial to towns
- Adopt commercial design standards

**Benefits:**
- Avoid sprawl-inducing scattershot commercial
- Protection of rural character
- Increased town tax base
- Avoid strip commercial outside towns
9. REGULATE RURAL COMMERCIAL

Implementation steps
- Adopt county plan policy to target most commercial to towns
- Prohibit rural commercial in most county zone districts
- Sign IGA to share commercial tax revenues

Practice pointers
- Joint town/county planning for rural commercial
10. CONSIDER PDR OR TDR PROGRAM

**Challenge:** Potential opposition to restrictive land use regulations

**Responses:**
- Adopt PDR or TDR program to take “sting” out of regulations and provide method to recoup land values

**Benefits:**
- Reduced opposition to land protection regulations
- Preserve significant amounts of open space
- Less expensive than full-fee land acquisition
10. CONSIDER A PDR OR TDR PROGRAM

Implementation steps
- Adopt voluntary TDR program. Grant density bonus to participants
- Create PDR program with reliable funding source
- Adopt mandatory TDR program in targeted areas

Practice pointers
- Tie PDR/TDR program to local plan open space element
- Carefully balance sending/receiving areas