

Methods Legislation Can Use to Encourage or Require Including Uses in Comprehensive Plans and Zoning Regulations

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Connection between certainty and controversy

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- Voluntary approaches provide less certainty and less controversy
- Mandatory approaches increase certainty and increase controversy
- Deciding which approach to take involves:
 - Policy analysis on how much certainty is needed to effectively address the problem
 - Political analysis over how much controversy the approach will generate

How directive do you need to be?

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- Could create incentives for locating uses
 - The State of Washington Department of Commerce will be identifying the amount of greenhouse gases various planning measures will reduce
 - Could include zoning for composting facilities on that list
 - No legislation would be required
 - Other incentives such as bonus points for state grants and loans
 - Least controversial approach
- Could require certain jurisdictions or all jurisdictions to work together to identify composting facility sites in the region
 - These processes can be protracted, but helpful since probably not every jurisdiction in a region needs their own composting business
 - Funding would be helpful, could be funded through general planning support or specific funding

How directive do you need to be? (Cont.)

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- Could require certain jurisdictions or all jurisdictions to consider composting uses in their jurisdiction comprehensive plans and development regulations
 - Funding would be helpful, could be funded through general planning support or specific funding
- Could require certain jurisdictions or all jurisdictions to allow composting uses in their jurisdiction comprehensive plans and development regulations
 - Permitted or conditional uses?
 - Certain zones, such industrial zones, or more zones?
 - Again, funding would help
- Could preempt local regulation of composting uses
 - Most controversial
 - Would create issues for compliance with certain programs
 - If, for example, composting uses were allowed in flood plains without having to comply with the Federal Flood Insurance Program regulations because local regulation is preempted jurisdictions would lose their eligibility for flood insurance and therefore federally regulated mortgages
 - But could have a selective preemption to address this problem
 - Would allow uses to locate in poor locations creating issues for operators and communities

Siting laws providing for various uses typically amend the following planning enabling acts

- Chapter 35.63 RCW, a planning enabling act for cities and towns
- Chapter 35A.63 RCW, a planning enabling act for optional municipal code cities
- Chapter 36.70 RCW, the County and Regional Planning Enabling Act
- Chapter 36.70A RCW, the Growth Management Act
- But the group does not need to sweat this, the Office of the Code Revisor takes care of identifying the provisions to amend