

Context for Discussion of Pierce County’s Comprehensive Plan

Effective January 1, 2010 all land use decisions made by a Town, Village, City, or County must be consistent with its Comprehensive Plan. This following information is intended to help define Pierce County’s approach to land use and to provide guidance as to how this plan frames interaction with the units of government located within it.

Goal, Objective, and Policy Language

Throughout the comprehensive plan the terms “encourage” and “discourage” are utilized frequently. The meaning will vary depending upon context.

- The County will consider goal, objective and policy statements that “discourage” a given condition or use – as not prohibiting the specific action - but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones (map amendments), language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town’s plan. (*Management Policies for the Entire County*)
- The county will strive to create processes and a fee structure that provides incentives to produce the activities or outcomes that the County wants to “encourage” and disincentives for activities or outcomes that the County wants to “discourage.” (*Management Policies for the Entire County*)

To elaborate, in cases where the county plan “discourages” an activity - that activity should not be viewed as prohibited, but recognized as something that Pierce County wants to discourage county wide and for which a strategy to discourage that activity will be pursued. For example, the objective; “Discourage residential subdivision development on productive agriculture land” doesn’t mean that residential subdivision development is prohibited on productive agriculture land – but that Pierce County will pursue strategies to discourage the subdivision of productive agriculture land throughout the county through the establishment of a process and/or fee intended to make initiating that activity less attractive (i.e. fee could reflect full cost of service). Conversely, an activity that is to be “encouraged” might be subject to a simplified process with lesser fees.

Goals, Objectives, and Policies Relating to Cities and Villages

Pierce County generally has no jurisdiction over land use decisions within Villages and Cities. In theory, if a Village or City does not adopt a comprehensive plan the document guiding land use decisions would be, by default, the County Plan. It is for this reason that “urban” goals, objectives, and policies are identified.

- The county acknowledges that the primary responsibility for achieving plan objectives within urbanized communities remains with the municipalities. The county further acknowledges that it shares responsibility with the municipalities for achieving the plan objectives within the one and one-half to three mile area of shared jurisdiction.

Role of Town Plans in Pierce County Zoning Decisions

It is anticipated that most towns within Pierce County will adopt a comprehensive plan either prior to the January 1, 2010 deadline or shortly thereafter. The following text describes how town plans will provide guidance to land use decisions occurring within that towns borders.

- Ensure that towns subject to county zoning understand the role of town plans and ordinances in county land use processes, including implications of statutory authority and land use case law (i.e. responsibility for decisions regarding conditional use permits, lack of town plan authority over permitted uses, etc.) (*Intergovernmental Cooperation*)

Zoning decisions involving Towns that HAVE NOT adopted a comprehensive plan:

- The county acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The county further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. **In cases where a town has not adopted a comprehensive plan, the county will continue to solicit a non-binding town recommendation regarding the proposed use.** (*Management Policies for the Entire County*)
- The county will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. **In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.** (*Management Policies for the Entire County*)
- The County will consider goal, objective and policy statements that "discourage" a given condition or use – as not prohibiting the specific action - but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). (*Management Policies for the Entire County*)

The relationship between towns without a comprehensive plan and Pierce County will remain much the same as it has been in the past. The main difference being that the town will, after January 1, 2010, no longer have veto authority over rezones within their borders and a determination of the appropriateness of a proposed rezone will be based on consistency with the Pierce County Plan. The submission of a Town Recommendation regarding a proposed rezone or conditional use permit will continue to be required at the time of application. Town Recommendations will be advisory and non-binding.

Zoning decisions involving Towns that HAVE adopted a comprehensive plan:

- **The county acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The county further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses.** In cases where a town has not adopted a

comprehensive plan, the county will continue to solicit a non-binding town recommendation regarding the proposed use.

- **The county will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan.** In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.
- Pierce County will consider adherence to the goals, objectives, and policies of an adopted or amended comprehensive plan to be consistent with the “public interest” for decisions relating to that governmental unit or municipality.

The relationship between towns with an adopted comprehensive plan and Pierce County will become somewhat more formal than in the past. Applications for rezones can not be approved by Pierce County unless the request is consistent with that town’s comprehensive plan. The submission of a Town Recommendation regarding a proposed rezone will continue to be required at the time of application. Reference to the pertinent section of the Town’s plan supporting the proposed rezone or text amendment must be provided to demonstrate consistency with the Town’s plan.

A Town Recommendation regarding a proposed conditional use permit will continue to be required at the time of application. If a proposed conditionally permitted use is not consistent with a given Town’s comprehensive plan, the code/plan provision with which it is incompatible must be specifically referenced. Pierce County will not approve conditionally permitted uses that are inconsistent with an adopted town plan. It should be noted that consistency with a town plan does not guarantee Pierce County approval of a proposed conditional use if the Land Management Committee determines that the proposed use at the proposed location will be detrimental or injurious to the public health or to public safety. In cases where a Town’s comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall continue to be advisory and non-binding.

It should be noted that permitted uses, uses which are allowable by right in a given district by the Pierce County Zoning Code (Chapter 240), are not impacted or restricted by a Town’s Comprehensive Plan.