

# The Daily Score

 Email Post

## Talkin' Bout A Resolution

Posted by **Eric de Place**

04/09/2007 12:45 PM

Can property rights make peace with growth management?

In the aftermath of last year's battle royale over property rights, some of Washington's leaders in Olympia have come up with an interesting proposal: an attempt at compromise brokered by the nonpartisan William D. Ruckelshaus Center.

My sense is that a sizeable chunk of those who voted for Initiative 933 might find their concerns addressed by compromise solutions. Many of the strongest objections to property regulations, at least in Washington, seem to be objections to procedure -- opaque bureaucracies, unfair fee systems, unreliable permitting standards, and the like. These sorts of procedural concerns can, I think, be addressed fairly easily without eroding the substance of growth management or other protections for communities.

Indeed, fixing these procedural problems where they exist should be high on Washington's list of priorities. It's a basic question of fairness. Moreover, ensuring that government functions fairly and efficiently should be in pretty much everyone's best interest.

But in addition to those who have procedural objections to growth management, there are also hard core activists who want *drastically* fewer restrictions on what people can do with private property. Whether their motivations are ideological or pragmatic (or both), it's unlikely that the hard core bloc of I-933 supporters can be appeased by a collaborative solution. Then again, this bloc is probably a minority, even within the distinct minority of supporters of I-933 -- so maybe their likely intransigence won't matter too much.

In any case, I'm intrigued by the idea of a brokered solution like this one. Much better to give collaboration an honest shot than end up with the sort of legal-legislative gridlock that Oregon is currently facing in the wake of Measure 37. It'll be interesting to see what comes of Washington's attempt.

- Sprawl & Transportation
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## Comments

Posted by **Dan** 04/09/2007 06:07 PM

This is a good start. They are using an honest broker to get actual affected stakeholders to the table to see how they can make money on their land and society can continue to protect ecosystem services.

What is the likely outcome is increased uses on ag land and maybe some restriction to the CAO (the Private Property Rightists will be left out, shucky darns); I can also see a CA-like outcome where landholders have to plant hedgerows and such in exchange for these increased uses, not a problem if the landholder is sincere in protecting their land. This is not suboptimal at all.

Of course, for example KingCo has some Dept Ecology folk who don't understand ecosystem variation and there are some entrenched mediocrities in KingCo and DOE, but that can be fixed by Sims and a good broker. I think Gregoire will be able to get this done.

It is very important to have people connected to their land and be able to make a living at it, for they will be teaching us soon.

Good news Eric, and thanks for reporting it. BTW, if you haven't already, you should read this one too.

Posted by **Arie v.** 04/10/2007 12:40 PM

Some feedback from the prop rights folks I've received can be summed up in this quote: "Forty years of a reasonable, rational, unemotional, incremental approach such as you advocate has gotten (us) nowhere."

As you say it will be very difficult to get some of these folks on board. Rural KC concerns for the rest of us are as Eric says "opaque bureaucracies, unfair fee systems, unreliable permitting standards..."

I'm not convinced this is 'easy' to solve. These bureaucracies are entrenched, have effective PR, and are supported by groups such as Futurewise.

For example, this winter I spent 3 months waiting on a Critical Areas Designation required by the buyer for my (PBRS enrolled) 3 acre lot next door. The CAD was over \$2000 and the extra financing cost of holding the loan 3+ months extra was a few thousand more. (To be fair DDES is hiring and trying to bring in the queue to 4 weeks.)

I have been writing some big checks for living and building in the woods. Do two people living on 5 acres with ideal drainage topology really need a \$20,000 septic system? :) In neighboring counties we wouldn't.

Don't mistake this for bitterness, I'll put \$10's of thousands into regulatory cost, but I have already gotten even more back in property appreciation - this sale seals that. The losers are those in need of affordable housing and landowners who don't navigate the system well or are simply unlucky.

Complex stuff, I wish the Ruckelshaus center well.

Posted by **Dan** 04/10/2007 08:14 PM

*"Forty years of a reasonable, rational, unemotional, incremental approach such as you advocate has gotten (us) nowhere."*

And you should answer, Arie (if you want to continue to talk to these folk):

"And a mere two years of campaigning for your way has killed any chance of reform for your side, nationwide".

Anyway, for society to act on something (not when a politician gets paid by a donor to act), there has to be an impetus, a reason to act. Then society has to galvanize around that reason.

Society isn't going to galvanize around loosening laws and letting the neighbor they don't trust do what they want. Why? Because they know the neighbor they don't trust thinks like themselves - and they don't care about the impacts on the neighbor but are restrained by laws from acting how they want.

These laws restraining everybody from their natural impulses are advocated to be removed by the Private Property Rightists? Suuure.

It is, simply, a non-starter.

So. The Private Property Rightists can continue to get nowhere, or they can grin and bear it and get a little tiny bit somewhere. They don't have to like it, but they can live with it.

My point? The tiny minority can stay off board. Their views are not the views of most of society. Society is not listening to their views.

But I'm glad to see you are recouping your investment, sir.

D

Posted by **Arie v.** 04/10/2007 11:34 PM

Dan,

You paraphrase not what I answered with, but how I opened this particular discusson. I didn't hold my tongue when I saw them going after corporate sponsors of a land conservation group that I happened to support. I saw it as a bad PR move and symptomatic, as you say, of that movement and its miscues.

They are a more diverse group than what you can see. I have friends and family on that side who are quite rational. Some will support common sense reform if they believe it is real.

As for the "investment" I and others here also gain from property appreciation that out pace even the rest of the local market and I attribute that to regulation, including the CAO. However, I wish it were all more efficient. I'd rather be writing fat checks to conservation groups and letting my employer match.

Posted by **Dan** 04/11/2007 05:35 AM

Thank you Arie.

I moved from a nice bike ride away to the south of you to a verrrry conservative county in CO. I see far more instances of the use of the phrase 'property rights' here in a day than I did there in a month.

But the phrase 'property rights' is similar to the phrase 'environmentalist'; both are commonly-used, convenient phrases that are ill-defined and mean different things to different people. Often in the same day you find a life-long Republican hunter in Pullman calling themselves an environmentalist just as you see a young, hip liberal new homeowner in Ballard talking about their property rights.

I see both phrase-user camps as having adherents along a long continuum, with the distance being the same but the start and endpoints differing.

You may be familiar with the papers of Ed Glaeser. He says land rents rise due to regulation too. He also says the regulations are created by people. Because these people migrate from somewhere as amenity-seekers, purchase a house and then don't want anyone else coming to spoil their quality of life. So they create restricting regulation to slow growth and keep away the sort that will decrease their property value (the major investment for most of them).

It's all very complicated, but places incurring rapid growth create regulation to preserve quality of life. Relentless human population growth is the root of the demand, then amenity-seeking and other microecon factors create demand.

Even when we try to create nice, compact communities to absorb this demand **[\*\*]**, more demand is created, rents are bid up by amenity-seekers, demand outstrips supply, land rents rise and growth problems continue. Nothing changes.

It's unfortunately how it works and our society doesn't know how to change it, let alone talk about the issue.

Regards,

D

**[\*\*]** Surely there's a blog post for the Sightline folks in this NYT arty about the latent demand for quality neighborhoods and how we build our communities.

Posted by **MichaelJ** 04/11/2007 10:41 AM

The Ruckelshaus Center job deserves "eyes-open" optimism; collaborations carry their own risks, and it will take time. The farm lobby has been asking for immediate assurances: in fact, the bill for which this substituted would have simply exempted existing agriculture from CAO, period. Hopefully the working lands measures advanced by the Governor will answer some immediate concerns.

I'd be very curious if some interview study tried to disentangle motives behind 933 Yes votes, and see how they were segmented. I'd guess there were a number of distinct issues and geographies prompting multiple responses. The Ruckelshaus effort is focused on agriculture and won't capture them all. By sending it to that venue the legislature is acknowledging a significant procedural issue exists—i.e., that direct engagement between interest groups may be more effective than political representation at this point.

The point Eric makes about “procedural” (as contrasted with “substantive”) issues behind I-933 support seems to deserve more comment, but procedure is more than problems with bureaucratic service delivery. As you say, those might be addressed without going to the lengths I-933 did: an unending and complete statewide blanket preemption of local land use prerogatives. It took little convincing for a substantial portion of the population to decide local governments should be stripped of those powers. This may illustrate rural disenfranchisement (as Arie mentioned in the July post) as well as general civic distrust/ disengagement, since in several counties rural voters are not poorly represented. Either way, city and county governments should take a cue to explain themselves better and reach out to disaffected populations. Each forum—from watershed to county to PS Partnership—should include rural leaders from the “silent majority” who don't see secession or exemption as the answer to every perceived government slight. And in some of these forums, we may need alternatives to simple majority, direct proportional representation in order for the rural citizenry to be honestly included and incorporated in decision making. The urban-rural divide caters to blame instead of responsibility.

I'm interested to see how King County approaches this, since with annexations it is moving toward a dual mission: the rural and the regional. Perhaps the current charter revision process will tackle representation. It will also be interesting to see whether the Ruckelshaus Center agreement respects the county planning & regional conformance model, or whether it is dictated at the State level.

Posted by **Arie v.** 04/11/2007 12:11 PM

Tackling representation would be a **monumental** move. The irony is not lost that incorporated areas determine the rural agenda, yet are not subject to county regs themselves.

This puts a new twist on Dan's comments about Nimby enabled regulation. As Twain put it, "By trying we can easily learn to endure adversity--another man's I mean."

Posted by **Dan** 04/11/2007 08:47 PM

Representation: PSRC's mission is to distribute Fed transportation funds. No one else has power for representation for the rural fringe. Neither the votes nor the jobs are there for play.

Ask Jan Shabro (but also ask Shaun Bunney how he does it).

When I practiced in Buckley, despite the obvious fact that I had serious transportation issues that, solved, would make a relatively few folk and resource-extraction industries in many square miles happy, I could get no Fed transportation funding to complete my major dysfunction [caused by the railroad and SR410 bisecting my community, as so many others in WA have lamented].

See, there is a scoring process that makes everybody equal. Well, my 35 sq mi of influence with 25,000 people was equal to Tacoma's 35 sq mi of influence with 325k people. Guess who got funding.

Nonetheless, the lesson is the same in our society: Arie's people who may or may not have legitimate claims are a tiny minority compared to the majority. Until the majority is galvanized and seeks action, I don't get my transportation funding to fix the SR165-SR410 dysfunction junction. Oh, wait: that's not my problem anymore.

Whose problem is it, where is their voice, and does it affect society in general?

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