



Housing America's Residents

# Land Use, Zoning, Infrastructure and Community Planning

## About the National Association of Counties

The National Association of Counties (NACo) strengthens America's counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo unites county officials to:

- Advocate county priorities in federal policymaking
- Promote exemplary county policies and practice
- Nurture leadership skills and expand knowledge network
- Optimize county and taxpayer resources and cost savings, and
- Enrich the public understanding of county government.

## NACo's Mission

Strengthen America's Counties.

## NACo's Vision

Healthy, safe and vibrant counties across America.

## Acknowledgments

This report draws on information and expertise from members of NACo's task force on housing affordability. NACo thanks the task force members and co-chairs for their time and contributions to this initiative. This brief was written and compiled by Jonathan Harris and Jesse Priddy with support from Kevin Shrawder, Stacy Nakintu and Ricardo Aguilar.

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# The Basics of Planning and Zoning for Housing

Depending on the particular state and local context, county leaders have a wide variety of levers and mechanisms within local planning and zoning to impact housing affordability. These solutions fall into five major buckets, though the best approaches will leverage a combination of these strategies:

- **Planning Mechanisms:** Planning refers to the process in which a governing body – in consultation with residents, property owners, community and business groups – determines the best way to use land (e.g., residential neighborhood versus commercial district). Planning may involve making investigations, maps, reports and recommendations. Some counties also work with neighboring jurisdictions to create regional plans, alongside their own individual county plans. Planning takes place at the broadest level and helps guide the resulting zoning regulations.
- **Broad Zoning Mechanisms:** Zoning refers to the legal process by which the government divides and regulates parcels of land by setting restrictions on building use and construction. Typical zoning designations include industrial, commercial, single-family residential, multi-family residential and agriculture.
- **Specific Zoning Mechanisms:** Each zoning designation has specific regulations regarding the type and form, including setback allowances, height limits and parking requirements.
- **Public Land Use Considerations:** Many counties own tracts of undeveloped land, underutilized buildings and structures and/or aging facilities – all of which local leaders may wish to consider utilizing for expanded housing options.
- **Infrastructure Considerations:** As housing expands and population levels increase, counties may also need to expand the corresponding infrastructure. For example, some counties may need to build water, sewer or other utility lines, while others may need to improve roads or expand transit options. Having the infrastructure ready for new housing units can help developers build homes more quickly and efficiently, ultimately contributing to lower prices.



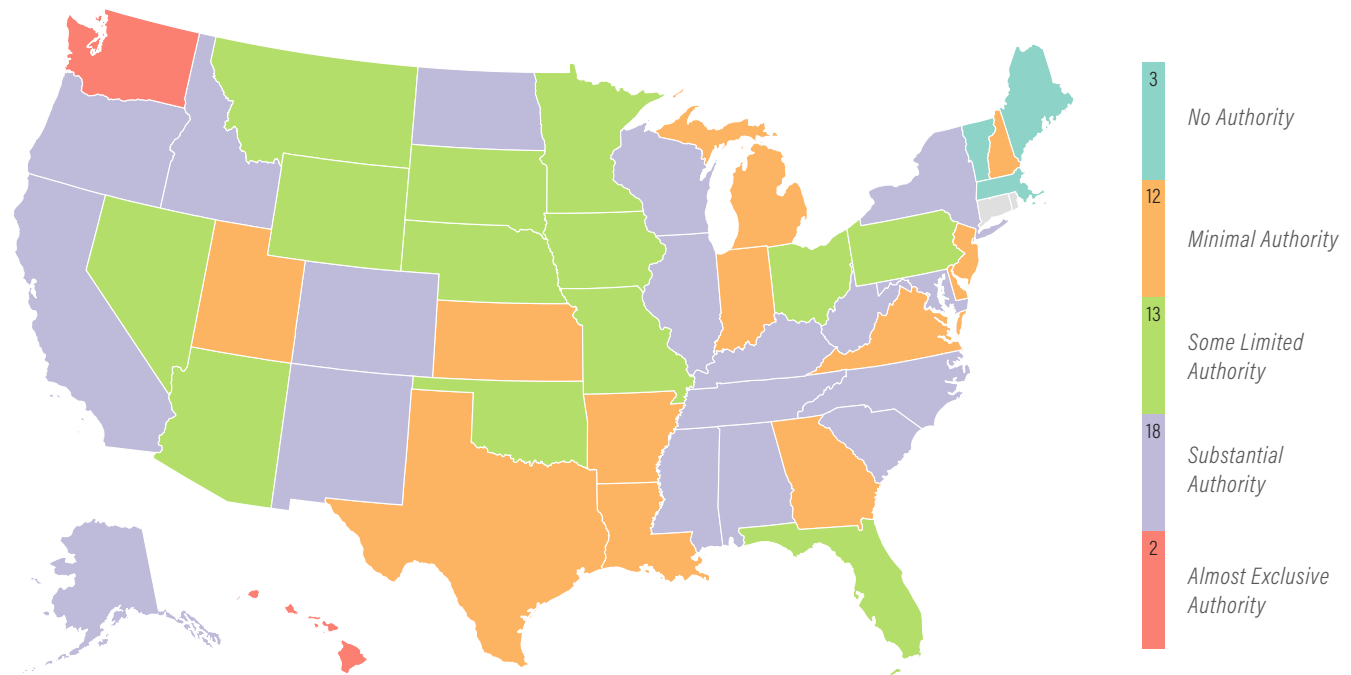
## The Importance of Counties in Planning and Zoning

Most counties have some authority over planning and zoning, but this authority varies greatly throughout the U.S. The specific strategies that a county will implement from each of the five buckets mentioned above will depend in part on the authority granted the county government through state statutes.

### **Twenty (20) states grant counties broad authority over planning and zoning with very few restrictions.**

Kentucky and Oregon counties, for example, have no explicit statutory restrictions to their planning and zoning authority, which extends over unincorporated and incorporated land by default unless a municipality has its own planning authority. Another 13 states grant some limited authority to counties with a variety of restrictions. In South Dakota, for example, counties must put zoning decisions up for public debate. Twelve (12) states give counties minimal land use authority. Texas counties are not granted broad zoning powers over the location, form and/or purpose of buildings; rather, they are granted a very limited set of powers over land use, including subdivision review, water and wastewater requirements and review of environmental concerns. Only three (3) states (Maine, Massachusetts and Vermont) do not permit counties any authority over planning and zoning, though Maine counties may join a regional planning commission. In states that limit county land use authority, municipalities typically have broader land use authority.

### COUNTIES IN ALL BUT THREE STATES HAVE SOME AUTHORITY OVER PLANNING AND ZONING<sup>1</sup>



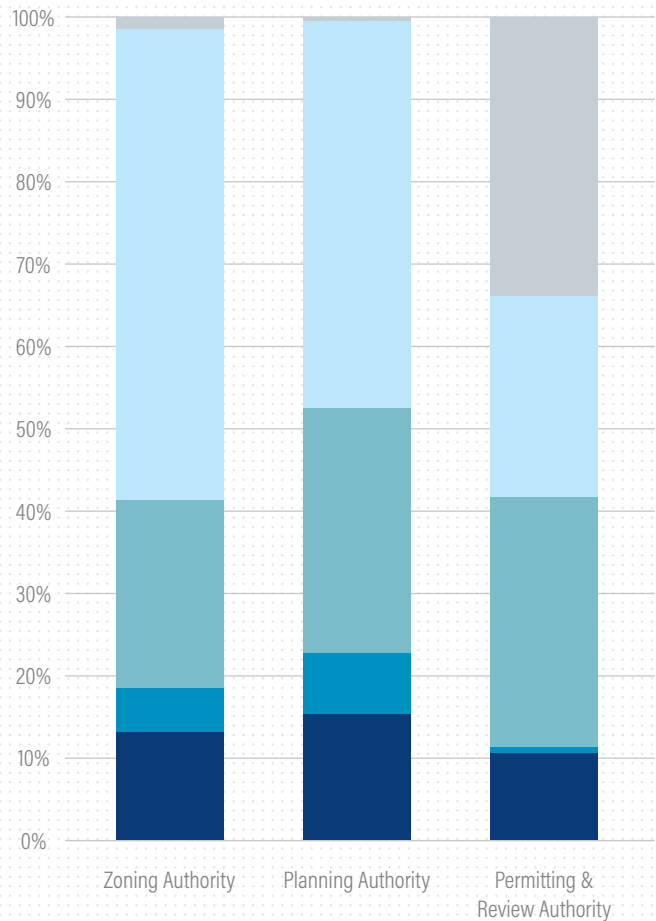
*Source: NACo Analysis of State Statutes Related to Planning and Zoning, from the County Governance Project, 2022*



Although most counties have some form of local planning and zoning authority, the specific role counties play in regulating land use can vary greatly. In some states, like Maine, Nebraska and Utah, planning generally happens at the regional level and counties may participate. In other states, especially in the Northeast, counties play a less prominent role, because most land in these states is incorporated, so municipalities tend to hold land use authority. In New Jersey, for example, zoning power lies with municipalities rather than with counties; however, counties may form a planning board to put forth a guiding master plan and so influence the decisions made by municipalities.

**Thirty-three (33) states place some kind of restriction on county planning authority and, 34 states restrict county zoning authority.** Some restrictions center around the planning and zoning process, such as in Montana, where counties are required to develop a plan before enacting any zoning ordinances, or in New Mexico, where each county must have its own oversight board. Other restrictions deal with environmental factors, like in South Carolina, where county zoning regulations must be free from flood risks. As another example, Utah counties must comply with state environmental regulations and cannot regulate oil and gas activity. Other states restrict the county planning and zoning process through requirements for public input, like in Virginia, where counties must establish zoning boards to hear any public objections. Though many of these restrictions may seem innocuous, they can impact counties' flexibility in addressing housing affordability – an important consideration since many housing issues are best addressed at the local level.

## THIRTY-SEVEN (37) STATES RESTRICT COUNTY PLANNING AND/OR ZONING AUTHORITY



- Y - UNRESTRICTED, INCORPORATED AND UNINCORPORATED AREAS
- Y - UNRESTRICTED, UNINCORPORATED ONLY
- Y - RESTRICTED, INCORPORATED AND UNINCORPORATED AREAS
- Y - RESTRICTED, UNINCORPORATED ONLY
- N - NO AUTHORITY

*Notes: The above chart depicts the total percent of all counties that fall into each subcategory. The total number of counties was calculated based on overall state authority in these areas, with the understanding that there may be some slight discrepancies due to variations within in the states themselves.*

*Source: NACo Research, 2022*



# Planning Strategies for Prioritizing Housing

Before altering zoning regulations or building new infrastructure to support housing, the first steps toward increasing housing affordability take place at the planning level. Even when counties do not have direct authority over zoning, most counties can still be involved in the planning process. This involvement might look like regional planning efforts with neighboring counties, or a county-level comprehensive plan to help direct municipal zoning in incorporated areas and county zoning in unincorporated areas. Some counties may also develop plans for certain targeted portions of the county, or just for unincorporated areas. County leaders can use this planning authority at any of these levels to influence housing affordability – often by simply recognizing housing as a key element in the planning process and by assessing the county’s housing needs. These plans can then impact zoning, land use and infrastructure considerations.

## Regional Planning

Housing issues cross the borders between counties and even states. One county’s planning and zoning choices may impact surrounding counties. Similarly, municipal planning and zoning laws in a certain incorporated area can impact other municipalities, as well as unincorporated areas within the county.

**Regional planning alongside municipalities and other counties can help mitigate these impacts** and ensure that together, all local governments are working to increase housing affordability for the region. To that end, counties can work regionally to develop several comprehensive plans – one for unincorporated areas (over which the county may have direct authority), a countywide plan with municipalities and a regional plan consisting of the county plus two or three neighboring counties, especially if the counties are all located in the same metropolitan region.

## Partnerships with Municipalities

While city and county jurisdictions have geographic bounds, housing issues impacting one spill over and impact the other. As such, counties and municipalities that work together will more successfully tackle similar challenges and achieve their respective housing goals. For example, counties can try to pair resources with municipalities for housing development. By contributing to a larger pool of resources, counties and municipalities can invest in projects that require a larger number of resources.<sup>ii</sup> Furthermore, cooperation between the two levels of government can result in a more comprehensive planning process and more effective zoning regulations, as well as more a cohesive overall strategy to increase housing affordability across both unincorporated and incorporated areas.

## Housing Component in Comprehensive Plans

Comprehensive plans provide a vision for a community's future and outline goals and steps needed to make this vision a reality. These plans outline a long-term plan for a locality's future development. Housing should be a key component of any county's comprehensive plan. This may include a plan for a full housing needs assessment to set priorities.

## Housing Needs Assessment

A housing needs assessment is a great way for local leaders to understand the current situation and opportunities for impactful change. For counties to determine the current housing situation and what actions are most likely to have the greatest impact, local leaders can begin by conducting a housing needs assessment. A housing needs assessment contains an evaluation of various factors such as demographic data, economic characteristics, housing inventory and conditions and government policies and incentives. Counties can start this process by assessing data and trends about the current housing inventory (such as costs, demographic characteristics and population growth projections) alongside data and trends about the local workforce (such as income levels and household sizes). **With a thorough understanding of the current housing inventory and workforce**

**dynamic, counties can then develop strategies for addressing current and future needs.** When developing these strategies, counties can engage the community to identify housing solutions that address needs while preserving neighborhood character. Additionally, counties can engage local nonprofit and for-profit residential developers to understand the barriers they face in building housing. Based on this needs assessment, counties can develop an action plan with short- and medium-term initiatives to address housing needs.<sup>iii</sup>

## Housing Impact Statements

**A housing impact statement is an analysis of the potential effects a development project might have on the availability and affordability of housing in a particular community.** These statements are typically used by local governments, planning agencies and developers to evaluate how proposed projects or policies might impact the housing market in terms of affordability for low- and moderate-income individuals and families, similar to the way an environmental impact statement analyzes the impact of a development on the natural environment. Some key features of a housing impact statement include an inventory of all existing house units the area and an assessment of how the proposed development might impact market factors such as rent and property values.





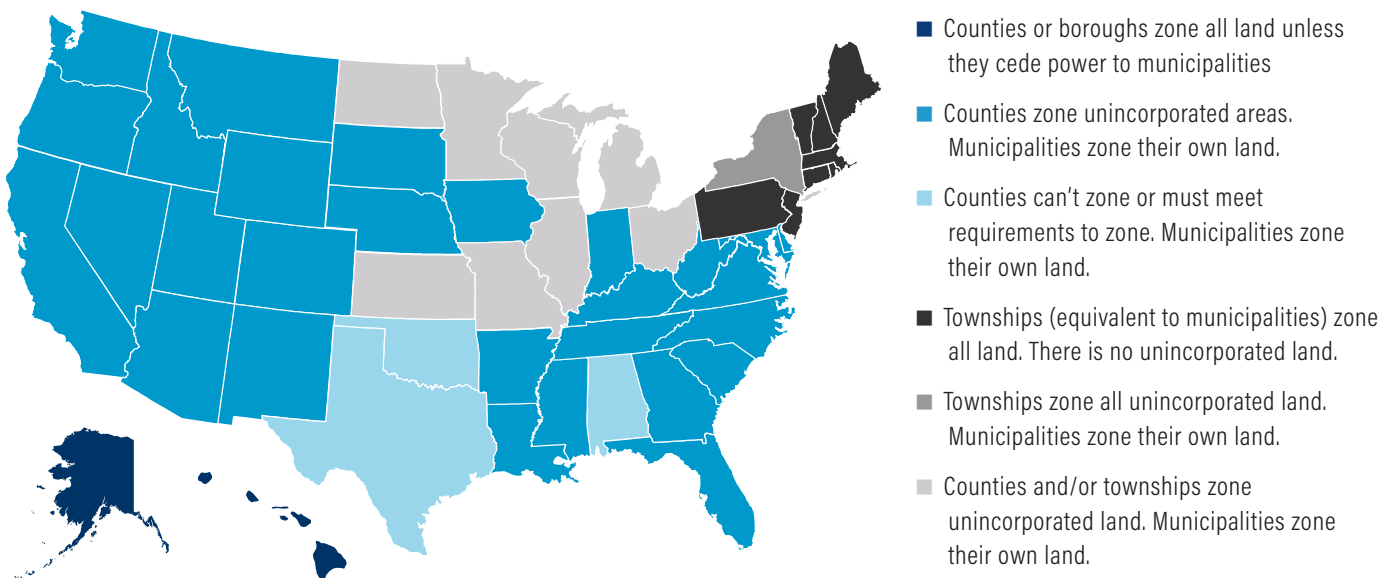
## County vs. Municipal Zoning Authority

Often, counties must work with municipalities to enact comprehensive land use regulations, because municipal governments tend to have their own planning commissions to regulate land use within their municipal boundaries (i.e., within incorporated areas), leaving county governments authority only over the rest of the land outside those municipal boundaries (i.e., within unincorporated areas). In 23 states, county authority over planning extends over both incorporated and unincorporated areas in some way; though, for most states, this means county governments hold land use authority over all areas until a municipality establishes its own planning commission.

North Dakota counties, for example, have broad zoning authority over incorporated and unincorporated areas, but may not supersede municipal zoning commissions where they exist. Pennsylvania counties are required to provide a plan which covers the entire county but can only enact zoning ordinances in an incorporated area with consent from the municipal government. Similarly, in Ohio and West Virginia, county zoning codes only apply to municipalities that vote to approve them or those which grant the county zoning authority in the incorporated areas.

**An effective land use strategy to promote housing affordability, therefore, will take into consideration both county and municipal authority and be supported by both types of local government together.**

### MOST COUNTIES SHARE ZONING AUTHORITY

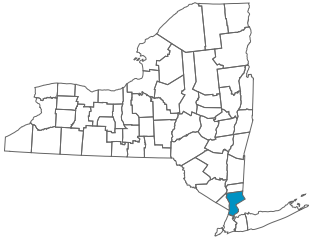


**Source:** Lydia Lo, "Who Zones? Mapping Land-Use Authority across the U.S.," Urban Institute (Dec. 2019), available at: <https://www.urban.org/urban-wire/who-zones-mapping-land-use-authority-across-us>

**Note:** Townships are referred to as towns in New York and New England. A township is a jurisdiction smaller than a county that provides general government services for a defined area.



# County Solutions Spotlight: Planning Mechanisms

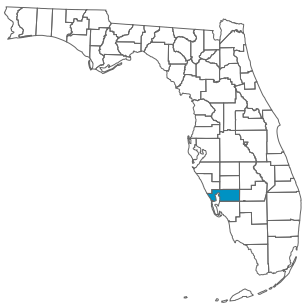


## WESTCHESTER COUNTY, N.Y.

### HOUSING NEEDS ASSESSMENT

Westchester County performed a housing needs assessment to establish a **data-driven foundation for the creation of affordable housing in the county**. In the assessment, housing cost burden, housing conditions and a projection of current housing need are provided both at the county level and for each municipality. The assessment examined the county's housing policy history, provided findings on housing supply and affordability issues and provided several recommendations to help the county meet housing goals. Some of these recommendations include the creation of an affordable housing education workshop series, the creation of a community land trust and the establishment of an inventory of existing affordable housing.<sup>iv</sup>

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## CHARLOTTE COUNTY, FLA.

### CHARLOTTE 2050 COMPREHENSIVE PLAN

The Charlotte 2050 Comprehensive Plan centers housing affordability as a key component. The county analyzed housing conditions and needs considering factors like rising insurance rates due to hurricanes, fluctuating construction costs and property tax code changes affecting property values and tax revenue.

The housing element of the Charlotte 2050 Plan emphasizes sustainable development, including energy-efficient housing and green building practices, to meet current and future housing demands. It also addresses the needs of vulnerable populations such as the homeless, low and moderate-income households, those with physical and mental challenges and the elderly. The goal is to **enhance residential areas and housing affordability while addressing substandard housing through rehabilitation or elimination as needed.**<sup>v</sup>



## FOURTEEN CAROLINA COUNTIES

### CONNECT OUR FUTURE

CONNECT Our Future is a consortium of 14 counties across North and South Carolina in the Greater Charlotte area. **Over a three-year period, policymakers, planners and residents from all 14 counties worked together to develop a Regional Growth Framework.** The framework identifies 10 key priorities for growth across the region, such as preserving housing choices, reducing commute times and protecting natural environments and farmland. To support this endeavor, CONNECT created several policy and planning tools such as technical assistance. Additionally, this consortium led to the development of a Comprehensive Regional Housing Study that includes a regional needs assessment and a fair housing assessment.<sup>vi</sup>









# Leveraging Broad Zoning Divisions to Encourage Affordable Development

At a broad level, zoning regulations divide up parcels of land by regulating use and designating residential, industrial, commercial and agricultural zones. These regulations also often separate single-family from multi-family residential zones, essentially dictating where residents or developers can build certain types of homes and other buildings, as well as the quantity they are able to build. Local leaders can review current zoning practices to examine where these regulations are restricting needed housing growth or density and what changes could encourage developers to build more affordable units.

## Inclusionary Zoning

One method to support the development of more affordable housing units is for counties to enact inclusionary zoning (IZ) policies. **These policies help create affordable housing units by encouraging or requiring developers to include a specified share of affordable, below-market units as part of their market-rate developments.** The inclusionary zoning method sees the most success in markets with a robust level of construction activity or in an area forecasted to be high development.

Counties can enact either mandatory or voluntary inclusionary zoning policies. Mandatory IZ policies require affordable units to be included in all proposed projects covered by the policy. These policies often include compensation to developers for the lost revenue associated with the affordable units. Voluntary IZ policies are less common and need to provide more compensation to developers to incentivize their construction of affordable units.

Counties interested in adopting inclusionary zoning policies must clearly specify which developments are covered by these policies. By doing so, county leaders are presented with a unique opportunity to shift the discussion surrounding IZ policies. They can focus on the policies' impact, such as enabling the creation of housing that is affordable for middle-income renters, including teachers and other valuable

community members, rather than getting bogged down in technical specifics. IZ policies may apply to rental properties, homes to purchase or both. Counties will also need to determine the minimum project size, as it is difficult to make sure that small developments remain economically viable for developers.

Inclusionary zoning policies typically include some compensation to developers to make up for their profit loss of developing affordable units. One of the most common forms of this cost offset is density bonuses.

## Density Bonuses

By its very nature, building luxury homes tends to be a more lucrative investment than building homes which are affordable to the average worker. In certain areas, the profit margin may be very small or even nonexistent for building anything less expensive than a luxury home, so developers often need an incentive to develop housing units which are more affordable. One typical incentive comes in the form of a density bonus, which is **a policy or tax incentive that allows developers to build more units than what would normally be allowed under the zoning code, in exchange for a commitment that developers include a certain number of below-market units in the development.** Though density bonuses have most often been applied



to large multi-family developments, like apartment buildings, opportunities exist for counties to consider using density bonuses in less dense zones, such as in single-family neighborhoods to encourage duplexes, townhouses or other “missing middle” housing.

Counties that are interested in allowing density bonuses for eligible developments can consider the way that the policy is structured and check the respective state laws, since some states have already enacted statewide density bonuses. There are several ways that the density bonus can be structured, such as permitting a larger number of units in a building or development site or providing flexibility in design standards and site requirements, such as the number of parking spaces.

## “Missing Middle” Zoning

Another broad zoning mechanism counties can undertake is known as “missing middle” zoning. Missing middle refers to housing that falls somewhere between a single-family home and mid-rise apartment buildings. Some examples include townhomes, duplexes, triplexes and courtyard clusters. **By enacting zoning policies that encourage missing middle housing development, counties can increase the availability of more housing typologies and increase housing availability without needing to build high-rise, high-density buildings.** Missing middle housing provides more options for those not wishing to purchase a large single-family home, which are often the most expensive housing typology. These housing options can also provide an easier avenue to homeownership for younger, first-time homebuyers. Seniors may wish to leave larger homes as they grow older— missing middle zoning can benefit these residents too, and make room for the next generation of homeowners.

## High Density Overlay Zones

Currently, around 75 percent of land that is zoned for housing in major U.S. cities is zoned exclusively for single-family housing.<sup>vii</sup> These zoning ordinances make it illegal to build any typology of housing other than single-family detached homes on these lots. In some counties where buildable land is at a premium, county leaders can enact high density overlay zones. Overlay zones are zoning ordinances which are added to existing zoning regulations to achieve a specific purpose. **In the case of high density overlay zones, counties can allow the construction of denser housing units, such as apartment buildings, duplexes or townhomes, in areas that were previously more restrictive.<sup>viii</sup>** In contrast to traditional zoning, high-density can be applied to single parcels or a group of parcels – such as a downtown urban core – without the need to rezone an entire tract of land.

## Mixed Use Zoning

Most Americans prefer walkable communities; when asked to decide where they want to live, 79 percent said that living within an easy walk of businesses, recreation space and other venues is very/somewhat important. Of those, 78 percent said that they would be willing to pay more to live in such a community.<sup>ix</sup>

Mixed use zoning makes developing walkable communities a much easier feat. **Mixed use zoning allows the development of residential, commercial and retail components,** providing shops and other resources near residential areas. Mixed use zoning can also increase the potential supply of housing by opening areas for new housing units that were previously restricted.

## Form-Based Code

Conventional zoning code generally divides parcels of land by regulating the use of buildings in certain zones, thereby separating single-family residential, multi-family residential and commercial buildings. One alternative to conventional zoning's approach to regulating use is form-based code, which focuses on regulating form – i.e., how buildings look. **Form-based code decides first how a specific zone should look and feel, then enacts regulations to ensure all buildings conform to this exterior look, while leaving their interior use up to developers**

**and property owners.** Instead of mandating how residents can use buildings in each zone, these regulations focus on creating attractive and cohesive environments by providing guidelines for building design, architecture, setbacks and landscaping. This type of code can integrate single-family homes, multi-family homes, restaurants and shops into a single neighborhood without changing the physical appearance and feeling of that neighborhood. Form-based codes tend to have as their aim increased walkability and increased housing density – especially “missing middle” housing.<sup>x</sup>

### TYPES OF “MISSING MIDDLE” HOUSING

#### SMALL SCALE

House-scale duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts and accessory dwelling units

**2-2.5 stories**

#### MEDIUM SCALE

Stacked flats apartment buildings (three stories), townhouses

**3-4 stories**

#### LARGE SCALE

Mixed-use live/work buildings, stacked flats apartment buildings (four stories)

**4-5 stories**



*Source:* Montgomery County, Md., "Attainable Housing Strategies Initiative," available at: <https://montgomeryplanning.org/planning/housing/attainable-housing-strategies-initiative/>

# County Solutions Spotlight: Broad Zoning Mechanisms



## MONTGOMERY COUNTY, MD.

### MODERATELY PRICED DWELLING UNIT PROGRAM

Montgomery County's Moderately Priced Dwelling Unit (MPDU) Program is a **mandatory, inclusionary zoning law that provides a density bonus to developers for providing affordable housing.** One key part of the MPDU includes a requirement that between 12.5 and 15 percent of the total number of units in every subdivision or high-rise building of 20 or more units must be moderately priced. Another key part of the MPDU is a density increase up to 22 percent above the normal allowed density.

The program is made possible by both public and private sectors. Montgomery County handles regulatory and administrative functions and the private building industry produces the housing. Developers must coordinate with the MPDU office before applying for building permits and constructing the units. As for funding, the Housing Opportunities Commission (HOC) receives funding to acquire MPDUs. This funding comes from federal acquisition-without-rehabilitation program funds, local tax-exempt bonds, private sector investment in federal low-income housing tax credit partnerships and funding through the Maryland Housing Finance agency.<sup>xi</sup>



## SHELBY COUNTY, TENN.

### EXPANDING BUILDING CODE TO ADDRESS MISSING MIDDLE HOUSING

In 2021, Shelby County expanded the building code to allow for 3- to 6-unit buildings to be integrated into the International Residential Code. By doing so, **the county now allows for the construction of triplexes and fourplexes without some restrictions typically found in commercial development.** Commercial buildings typically have provisions such as sprinkler requirements for certain structures, more comprehensive architectural drawings and different seismic provisions than traditional, smaller residential developments. These changes reduce costs and construction timelines, in hopes of encouraging the development of more diverse and affordable housing options.<sup>xii</sup>





## SAN MATEO COUNTY, CALIF.

### HOUSING OVERLAY ZONES

San Mateo County has several jurisdictions that use **housing overlay zones (HOZs) which provide developers with incentives to build affordable housing within specific districts.** Some examples of incentives include increased density bonuses, lower parking requirements and impact fee waivers. HOZs also allow housing in locations that are not zoned for residential uses. HOZs offer several key benefits, such as encouraging affordable housing development without burdening jurisdictions with additional costs and providing jurisdictions with a tool to make enough land available for housing without having to rezone large amounts of land for residential uses.<sup>xiii</sup>

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## CHESTER COUNTY, PA.

### FORM-BASED CODE

Although Chester County has limited authority over planning and zoning in its incorporated areas, **the county provides guidance and a list of resources to encourage its municipalities to implement form-based codes.** The county's planning commission has an area of its website dedicated to municipal planning tools, including a section on form-based codes with an explanation of how form-based code works, key elements and considerations for implementing form-based code and various examples of successful form-based zoning ordinances. These codes are designed to reflect and complement the existing design fabric of a neighborhood and encourage a less vehicle-dependent infrastructure in favor of prioritizing pedestrian and bike infrastructure. The county's form-based codes consider the interaction, form and mass of buildings with each other, as well as the scale and types of streets and blocks.

One of the municipalities, the Phoenixville Borough, adopted a form-based zoning ordinance, which places a greater emphasis on the physical form and design of buildings in relation to public spaces like sidewalks and streets, so the county provides a link directly to that ordinance.<sup>xiv</sup>







# Adjusting Specific Zoning Regulations to Alleviate Home Prices

Alongside changes to broader zoning regulations, county leaders can examine land use regulations that apply to specific zones, buildings and other pieces of property. Certain regulations, like lot size or setback requirements, can pose significant barriers to developers or residents trying to build homes as the population becomes increasingly dense. Even small changes to these laws may help ease the regulatory burden on homebuilders, thereby also lowering the building cost and final selling price.

## Adjusting Setback Requirements

One requirement that new homes must abide by is the setback requirement, which is the required distance that a housing unit must be from the front, sides and back of the property lines. This regulation can result in large properties, which drives up housing prices and reduces the amount of remaining buildable land for other new homes. **By adjusting setback requirements, counties can decrease the amount of space a new home takes up and lower housing prices.**

## Reduced Lot Size

Similar to adjusting setback requirements, counties can reduce the required lot size to decrease the amount of land a new home takes up. **By building homes on smaller lots, more land is available for other homes and prices are driven down.**

## Subdivision Regulations

Similar to reducing lot sizes, **counties can alter their subdivision regulations to decrease the amount of land required for a new home.** Adjusting these regulations can permit developers to purchase large lots of land and divide the land up for multiple homes. Counties can also adjust these regulations to allow for one or two small subdivisions on each larger lot if the community wishes to preserve a more rural or agricultural feel to an area while still meeting the need for more homes.

## Accessory Dwelling Unit Regulations

Another avenue for increasing the potential housing stock is for counties to modify regulations that regulate accessory dwelling units (ADUs). **ADUs can be a relatively inexpensive way to create lower cost housing units and increase density in areas that are zoned for single family housing units.** Default zoning regulations in many localities limit the number of housing units that are allowed to be on a single lot. By changing codes regarding the number of housing units per lot, counties can allow the construction of ADUs.



# County Solutions Spotlight: Specific Zoning Mechanisms



## SHOSHONE COUNTY, IDAHO

### ADJUSTING SETBACK REQUIREMENTS

In 2022, the Shoshone County Board of County Commissioners **voted to amend setback requirements.** Previously, homes were required to be 25 feet from the front of the house to the property line, 20 feet from the rear, 5 feet from any side yard and 20 feet from any street-side yard. The new amendment maintains the 25-foot setback distance in the front and the 5-foot setback distance from the side yard but reduces the rear setback distance from 20 feet to 10 feet and reduces the side-street setback distance from 20 feet to 10 feet.<sup>xv</sup> Even small adjustments like this can increase affordability and allow developers to build more homes in a smaller area.

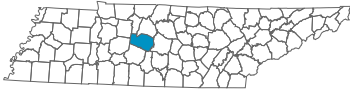
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## WHATCOM COUNTY, WASH.

### REDUCING LOT SIZES

In June 2023, the Whatcom County Council approved a change to their zoning code regulations to increase residential density in the unincorporated Birch Bay area. These changes included **allowing reduced lot sizes and reducing setback requirements.** This change comes after the Whatcom County Comprehensive Plan found that current density regulations would not support future growth in that area. Between 2016 and 2021, the Birch Bay area had a density of 4.5 units per acre. The Comprehensive Plan, however, predicts an increase to 5-10 units per acre, which its zoning regulations would not support without some necessary changes to allow for this growth.<sup>xvi</sup>



## WILLIAMSON COUNTY, TENN.

### FAMILY SUBDIVISIONS

The Williamson County Board of Commissioners passed zoning regulations that allow for residents who own family properties to divide the parcel into lots smaller than 5 acres within a one-unit-per-5-acre zone if the lots are for immediate family members. **These subdivisions can help keep families living close to each other and family farms in operation.**<sup>xvii</sup>

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## SAN DIEGO COUNTY, CALIF.

### PRE-APPROVED ADU TEMPLATE

While modifying regulations to allow for the construction of ADUs can certainly help increase the supply of housing opportunities, oftentimes there is a lack of information regarding what these ADUs should look like. To remedy this, San Diego County provides **free, pre-approved ADU template design plans**. These plans have been designed and reviewed to ensure compliance with relevant codes in the unincorporated areas of San Diego County. Each plan includes an instructional letter, plan checklist and floorplans in PDF and computer-aided design formats. Six types of plans are available, ranging in size from 600 to 1,200 square feet. These plans will also help expedite the permitting and review process, further reducing the cost.<sup>xviii</sup>

# Maximizing the Impact of Public Buildings and Land

County leaders can examine any land, buildings and other assets the local government owns to see whether the county can leverage any underutilized assets to help increase housing affordability. Some counties with excess land may want to donate or lease a portion of this land to developers or nonprofits organizations for housing purposes, while others may want to repurpose existing structures for housing.

## Identifying Underused County Land

In order to donate underused county land to developers, **counties first need a way to identify what land would be eligible and worthwhile to donate to housing developers.** Different agencies within county government (such as a school district or transit agency) may use large amounts of land and as a community's needs change or a project is completed, these agencies can be active participants in identifying land and buildings that are no longer used.<sup>xix</sup>

## Donating County Land to Developers

Some county governments own properties with buildings that are vacant, underutilized or no longer useful for their original purpose. **These properties can be donated to developers that commit to specific affordability requirements.** Counties can identify county land to be repurposed for residential use.

Counties have a few ways to donate land to developers. Some counties adopt a policy that requires county agencies to first make surplus or underutilized public land available to developers who commit to creating affordable or mixed-income housing. Once a pre-designated time has passed with no buyers who have purchased the property for affordable housing, the property can be sold or leased for other purposes.

Counties could also determine if these underutilized lands are best used for affordable housing or for another purpose. Some criteria that may shape these decisions are proximity to schools, jobs or public transit.

Counties can also lease vacant land to housing developers. If the land is leased, the county still retains some control and keeps options open in the future should the county need the land back. These leases last from anywhere between 35 and 99 years and all responsibilities and associated costs related to the land such as taxes, insurance, development permits and maintenance fall on the developer. This option provides the county with another, albeit small, source of income. For counties do not necessarily need the income but want to retain some control of the land in the future, a middle-ground option is to lease the land for 99 years at \$1 per year.<sup>xx</sup>

## Repurposing Existing Buildings

Another approach to increase the supply of eligible areas where housing may be built is to repurpose existing buildings. Doing so is often less expensive, but **for this strategy to be a viable option, counties need to consider other policies such as zoning changes** that would allow buildings to be repurposed for residential. For instance, a vacant office building could be repurposed into apartment units, but only if the office is located in a residential zone.



## Community Land Trust

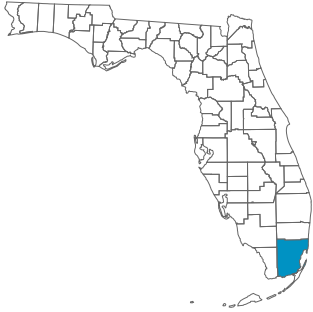
Community Land Trusts (CLTs) are private or non-profit organizations that own land on behalf of a community and so allow for the creation of affordable housing units and the maintenance of their affordable status in the future. The community land trust owns the land and sells the housing units to a buyer, along with a ground lease that specifies the terms under which the home may be sold to the next purchaser. **Under a community land trust, the purchaser owns the building - and therefore may be able to build some wealth as the value of the house increases - but leases the land from the community land trust.**

Different community land trusts have different eligibility requirements. CLTs typically place limits on the incomes of homebuyers and define an affordable home for their communities based on local conditions. Some CLTs give preference to families who work in the community. Other CLTs target first-time homebuyers, and most require them to attend a homebuyer education course.

Counties can be instrumental in the creation of CLTs. Counties can also allocate HOME and CDBG funds to CLTs and help fund homeownership education courses.<sup>xxi</sup>



# County Solutions Spotlight: Public Land Use Considerations



## MIAMI-DADE COUNTY, FLA.

### ONLINE MAPPING TOOL FOR UNDERUSED COUNTY LAND

The University of Miami, in partnership with Citi, **developed an online mapping tool that shows the location, size and ownership of underused parcels of public land** (generally, vacant land, or land with a vacant building) across Miami-Dade County. This tool allows for Miami-Dade County leaders to visualize where lots are available near transit that could become affordable housing developments.<sup>xxii</sup>

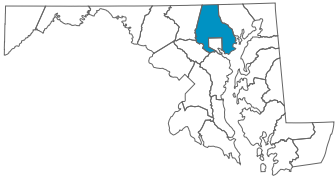
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## KING COUNTY, WASH.

### LEASING SURPLUS LAND TO HOUSING DEVELOPERS

In 1996, King County issued **an ordinance that requires that all surplus, unused land that has been determined to be suitable for residential development be sold or leased to affordable housing developers.** Additionally, the county also maintains an inventory of all county-owned sites, including information about the estimated value and potential uses of this land.<sup>xxiii</sup>

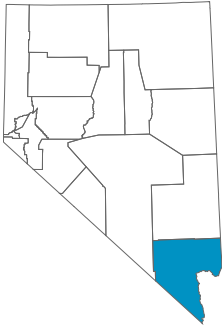


## BALTIMORE COUNTY, MD.

### VACANT PROPERTY DESIGNATION

To create new housing opportunities and eliminate the number of blighted properties, the Baltimore County Executive proposed, and the County Council approved, **legislation that would grant them the authority to officially designate a property as vacant.** By doing so, it allowed Baltimore County to provide incentives such as financial investment from the Housing Opportunities Fund to convert vacant properties to possible housing opportunities. The county's Annual Action Plan outlines this process that designates properties as vacant and creates an inventory where these vacant properties will be listed.<sup>xxiv</sup>

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## CLARK COUNTY, NEV.

### WELCOME HOME COMMUNITY LAND TRUST

Clark County is in the process of creating the Welcome Home Community Land Trust, as part of its Welcome Home Program and Community Housing Fund (CHF). Since 2022, the Board of Commissioners has approved over \$170 million of CHF funds for 36 housing developments, both new construction and rehab. In total, developers are using these funds as gap financing to build and maintain 3,700 units of low-income rental housing. **The community land trust is a future phase of this project that will provide affordable homes for low- to moderate-income first-time homebuyers in the county.** Clark County expects to open applications for homebuyers in 2025. This land trust could be used to secure deed restrictions on affordable single-family homes that would require them to remain affordable into the future.<sup>xxv</sup>



# Improving Infrastructure to Meet Housing Needs

Alongside efforts to increase housing affordability through various land use, planning and zoning strategies, county leaders can also consider how to build out physical infrastructure in such a way that makes building homes easier and so contributes to affordability. Homebuilders must be able to connect new homes to utility systems and to road and transit networks. Counties can help ensure that local infrastructure is ready to add homes and residents.

## Utility and Transportation Infrastructure

Counties can encourage or incentivize developers to construct new homes where water, sewer and other utility lines are already set up. Counties can also **plan for new developments by expanding these utility lines to developable areas**. By doing so, the developer will not need to factor in time for the infrastructure to be connected to these new housing developments. These considerations can lessen the cost of development for the developer, in turn decreasing the price of the home for potential new residents.

Similarly, counties can encourage or incentive developers to construct new housing developments in areas where roads already exist. Counties can also expand road infrastructure to areas of new development to decrease construction time and make homes more affordable.

## Pedestrian, Bicycle and Recreation Infrastructure

For policies aimed at increasing density and mixed-use zoning, counties can consider other policies that go hand in hand. Since mixed-use zoning allows for residential, commercial and retail zoning types to be built in the same area, oftentimes residents may not need to have access to a personal vehicle. **Counties can, therefore, consider pedestrian and bicycle infrastructure improvements as integral to these developments**. Pedestrian infrastructure includes items such as sidewalks and crosswalks, while bicycle infrastructure includes protected bicycle lanes and paved trails. In areas with ample pedestrian and bicycle infrastructure, alongside public transit, residents may not require a car and thus are not responsible for all the additional fees they incur such as insurance or maintenance. By forgoing this cost, residents are less cost-burdened and have more spending money.

Counties may also consider encouraging developers to build new housing units in areas with existing pedestrian and bicycle infrastructure, as more and more Americans are in favor of walkable communities.



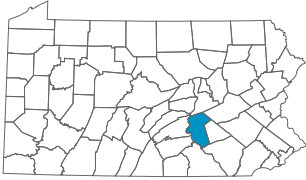
## Public Transit Considerations

More and more Americans who live in urban communities prefer having access to reliable public transportation over driving. For some, this makes proximity to public transportation a deciding factor on where they choose to live. This is even more prevalent in counties that border major cities, with many preferring not to commute by vehicle into cities. However, this preference for housing closer to public transport can make these units more expensive. To remedy this, counties can **incentivize or require the inclusion of affordable housing units within new development near transit stations**, often known as Transit-Oriented Development (TOD).

## Parks and Recreation Facilities

Easy access to parks and other recreational facilities tends to have a positive impact on residents' mental health and quality of life. Counties can **encourage housing developers to construct housing units in areas that are in close proximity to parks or other recreational facilities** or include requirements for developers to expand parks or other recreational opportunities when building housing, especially in new areas of development.<sup>xxvi</sup>

# County Solutions Spotlight: Infrastructure Considerations



## DAUPHIN COUNTY, PA.

### INFRASTRUCTURE BANK-GENERAL PROGRAM

Dauphin County offers the Dauphin County Infrastructure Bank-General (DCIB-G) program that provides **reduced interest loan financing up to 100 percent of eligible costs for projects that support infrastructure and economic development.** These projects – which include water, stormwater, sewer and transportation projects – help address some of the county’s critical infrastructure barriers to new housing development.<sup>xxvii</sup>

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## PLACER COUNTY, CALIF.

### COMPACT DEVELOPMENT TO LOWER COST OF SEWER SERVICES

Placer County offered models of various plans for infrastructure, depicting different scenarios for the county’s future. Throughout these models, the county consistently found that the cost of sewer services was much lower in areas of compact infrastructure. **This discovery helped the county decide to develop more compactly, in areas where infrastructure was already well-connected.**<sup>xxviii</sup>







## HOWARD COUNTY, MD.

### FUNDING FOR PEDESTRIAN AND BICYCLE INFRASTRUCTURE

For FY2023, Howard County approved **\$8.2 million in funding for pedestrian and bicycle infrastructure.** Some possible uses of these funds will be for bikeways, sidewalks, curb ramps and other projects to help implement the county's Pedestrian Master Plan, its Bicycle Master Plan and its Complete Streets policy. The countywide pedestrian master plan, WalkHoward, was adopted in 2020 and outlines 43 projects and 17 "priority connections" where a "direct pathway could facilitate walking to schools, libraries, shopping centers and parks."<sup>xxix</sup>

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## FAIRFAX COUNTY, VA.

### REZONING AROUND METRO TRANSIT STATIONS

In 2016, Fairfax County's Board of Supervisors **approved zoning changes that would allow for denser housing in areas near stations of the Washington Metrorail system,** a rapid-transit system that serves Washington, D.C. and several jurisdictions in Maryland and Virginia, including Fairfax County. By doing so, the county increased the supply of housing that is available near these high demand locations.<sup>xxx</sup>







# Endnotes

<sup>i</sup> Notes: This map shows overall county authority level by state, referring to the level of authority given to counties under state law to develop comprehensive plans, enact zoning regulations and oversee land use. The following categories are used, with categories 4 and 5 combined to simplify the map:

- 1 - No Authority: Planning and zoning are a function of another level of government (i.e., municipalities).
- 2 - Minimal Authority: Counties play some role in planning and zoning, but are highly restricted by the state.
- 3 - Some Limited Authority: Counties play a moderate role in planning and zoning, with some state limitations placed on their authority.
- 4 - Substantial Authority: Counties have substantial authority over planning and zoning, with very few limits.
- 5 - Almost Exclusive Authority: Planning and zoning are (almost) exclusively the function of counties and counties hold (almost) complete authority over providing these services.

<sup>ii</sup> Local Housing Solutions, "Facilitating collaborations between cities and counties," available at: <https://localhousingsolutions.org/plan/facilitating-collaborations-between-cities-and-counties/>

<sup>iii</sup> For more information, see: Kevin Ramsey, "Why do a housing needs assessment?," BERK Consulting (2018), available at: <https://www.berkconsulting.com/berk-blog/2018/8/7/why-do-a-housing-needs-assessment>

<sup>iv</sup> Westchester County, N.Y., "Housing Needs Assessment," available at: <https://homes.westchestergov.com/resources/housing-needs-assessment>

<sup>v</sup> See: Charlotte County, Fla., "Housing," available at: <https://www.charlottecountyfl.gov/departments/community-development/planning-zoning/comprehensive-planning/charlotte-2050/housing.stml>; and Charlotte County, Fla., "Charlotte 2050 Comprehensive Plan," available at: <https://www.charlottecountyfl.gov/departments/community-development/planning-zoning/comprehensive-planning/charlotte-2050/>

<sup>vi</sup> CONNECT Our Future (February 2015), available at: [https://connectourfuture.org/wp-content/uploads/2015/02/CONNECT\\_Magazine\\_web.pdf](https://connectourfuture.org/wp-content/uploads/2015/02/CONNECT_Magazine_web.pdf); and Local Housing Solutions, "Addressing housing challenges on a regional basis," available at: <https://localhousingsolutions.org/plan/addressing-housing-challenges-on-a-regional-basis/>. The counties included in CONNECT are: Anson, Cabarrus, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly and Union counties in North Carolina; along with Chester, Lancaster, Union and York counties in South Carolina.

<sup>vii</sup> Planetizen, "What is Single-Family Zoning?" available at: <https://www.planetizen.com/definition/single-family-zoning>

<sup>viii</sup> Local Housing Solutions, "Targeted efforts to expand the supply of rental housing and lower-cost housing types in resource-rich areas," available at: <https://localhousingsolutions.org/housing-policy-library/targeted-efforts-to-expand-the-supply-of-rental-housing-and-lower-cost-housing-types-in-resource-rich-areas/>

<sup>ix</sup> National Association of Realtors, "New NAR Survey Finds Americans Prefer Walkable Communities," available at: <https://www.nar.realtor/newsroom/new-nar-survey-finds-americans-prefer-walkable-communities>

<sup>x</sup> Planetizen, "What Is a Form-Based Code?," available at: <https://www.planetizen.com/definition/form-based-codes>

<sup>xi</sup> Montgomery County, Md., "Moderately Priced Dwelling Units (MPDUs)," available at: <https://www.montgomerycountymd.gov/DHCA/MPDU/index.html>

<sup>xii</sup> Adriane Harris, "The 'Missing Middle' in Tennessee," ThinkTennessee (June 2023), available at: <https://www.thinktennessee.org/press/the-missing-middle-in-tennessee/>

<sup>xiii</sup> San Mateo County, Cali., Department of Housing, available at: <https://www.smcgov.org/housing>



- <sup>xiv</sup> Chester County (Pa.) Planning Commission, "Form-based Codes," available at: <https://www.chescoplanning.org/MuniCorner/eTools/38-Form-BasedCodes.cfm>
- <sup>xv</sup> Josh McDonald, "No setbacks for these setbacks," Shoshone News Press (January 2022), available at: <https://shoshonenewspress.com/news/2022/jan/17/no-setbacks-these-setbacks/>
- <sup>xvi</sup> Grace McCarthy, "Whatcom County Council approves increased Birch Bay density," The Northern Light (June 2023), available at: <https://www.thenorthernlight.com/stories/county-council-approves-increased-birch-bay-density,26248>
- <sup>xvii</sup> Williamson County, Tenn., "Subdivision Regulations," (November 2023), available at: [https://www.williamsoncounty-tn.gov/DocumentCenter/View/14037/SubRegs\\_Amended-2022?bidId=](https://www.williamsoncounty-tn.gov/DocumentCenter/View/14037/SubRegs_Amended-2022?bidId=)
- <sup>xviii</sup> Local Housing Solutions, "Accessory dwelling units," available at: <https://localhousingsolutions.org/housing-policy-library/accessory-dwelling-units/>
- <sup>xix</sup> Local Housing Solutions, "Use of publicly owned property for affordable housing," available at: <https://localhousingsolutions.org/housing-policy-library/use-of-publicly-owned-property-for-affordable-housing/>
- <sup>xx</sup> Commercial Real Estate Online Publisher, "What is a ground lease (pros and cons)," available at: <https://creop.com/what-is-a-ground-lease/>
- <sup>xxi</sup> Local Housing Solutions, "Community land trusts," available at: <https://localhousingsolutions.org/housing-policy-library/community-land-trusts/>
- <sup>xxii</sup> "New Online Mapping Tool Reveals 500 Million Square Feet of Public Land Potentially Usable for Affordable Housing," BusinessWire (May 2019), available at: <https://www.businesswire.com/news/home/20190314005515/en/New-Online-Mapping-Tool-Reveals-500-Million-Square-Feet-of-Public-Land-Potentially-Usable-for-Affordable-Housing>
- <sup>xxiii</sup> Local Housing Solutions, "Use of publicly owned property for affordable housing," available at: <https://localhousingsolutions.org/housing-policy-library/use-of-publicly-owned-property-for-affordable-housing/>
- <sup>xxiv</sup> Baltimore County, Md., "Olszewski announces foundational housing reform legislative package," (January 2023), available at: <https://www.baltimorecountymd.gov/county-news/2023/01/12/olszewski-announces-foundational-housing-reform-legislative-package>
- <sup>xxv</sup> Clark County, Nev., "Welcome Home Community Housing Fund Projects," available at: [https://www.clarkcountynv.gov/residents/community\\_housing\\_fund/index.php](https://www.clarkcountynv.gov/residents/community_housing_fund/index.php)
- <sup>xxvi</sup> National Recreation and Park Association, "Parks and Improved Mental Health and Quality of Life," available at: <https://www.nrpa.org/our-work/Three-Pillars/health-wellness/ParksandHealth/fact-sheets/parks-improved-mental-health-quality-life/>
- <sup>xxvii</sup> Dauphin County, Pa., "Infrastructure Bank - General Program (DCIB-G)," available at: <https://www.dauphincounty.gov/government/support-services/community-and-economic-development/industrial-development-authority/infrastructure-bank>
- <sup>xxviii</sup> Utah County, Utah, "Develop Compact Infrastructure to Encourage Land Development Where Services Already Exist Rather than in Outlying Areas," available at: [http://www.utahagriculture.org/goal-2-list/2016/9/21/develop-compact-infrastructure-to-encourage-land-development-where-services-already-exist-rather-than-in-outlying-areas#\\_ftn3](http://www.utahagriculture.org/goal-2-list/2016/9/21/develop-compact-infrastructure-to-encourage-land-development-where-services-already-exist-rather-than-in-outlying-areas#_ftn3)
- <sup>xxix</sup> Howard County, Md., "County Executive Ball Announces Historic Funding for Pedestrian and Bicycling Infrastructure in FY23," (April 2022), available at: <https://www.howardcountymd.gov/News040522>
- <sup>xxx</sup> Local Housing Solutions, "Expanding access to public transit," available at: <https://localhousingsolutions.org/policy-objectives/expanding-access-to-public-transit/>












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