

Column: Legislation Seeks to Undermine Local Authority on Development

BY MICK MCCUE Special to The Pilot

The state legislature thinks very little of local government and local control of our communities. This year's legislative proposals aggressively renew the attack on local county and municipal governments' ability to control growth and development within their own communities.

The proposals — most surely written by development and big business interest lobbyists — read as if local governments are the root of all evil and only exist to frustrate the values of development, tourism and the pursuit of happiness.

What happened to governing at the lowest appropriate level? Local elected officials are the most responsive to the needs and desires of their constituents and are rarely influenced by big business lobbyists.

Senate Bill 667 takes away virtually all meaningful local regulation of short-term rentals. Local governments, given the chance, can and will protect their own tourism trade while simultaneously protecting the interests of local residents.

Likewise, Senate Bill 675 seeks to extinguish the extra-territorial jurisdiction (ETJ) of local municipalities. The ETJ provides local governments with limited authority to regulate zoning within defined areas outside their incorporated jurisdiction to ensure compatible land use.

Meanwhile, Senate Bill 317 mandates local governments allow workforce housing developments that are wholly regulated by state statute and not subject to local planning and zoning regulations, and prohibits fees for utilities connections. No vegetation requirements may be imposed on the developer including removal, preservation, or use of trees and shrubs.

Affordable housing is a laudable goal but this legislation isn't the answer. Only 20 percent of the development needs to meet the workforce housing requirement. Hypocritically, the proposed legislation specifically provides that the developer may

impose restrictive covenants or other restrictions upon lots in the development — but local elected officials may not. The message: Developers, do what you please.

On the other side of the legislature, House Bill 332 requires local governments to review development plans faster, and permits developers to bypass local review and hire engineers or architects to review and certify their own plans that must be accepted by the local government, and requires waiver or refund of plan review and application fees to the developer.

It is bad enough to allow developers to hire the people reviewing the plans, but without these fees, local governments may have to look at tax increases to provide continued services.

House Bill 409 forces local governments to permit at least one accessory dwelling unit for each single-family dwelling in areas zoned for residential use, essentially ending single-family dwelling zoning. Local governments may regulate setbacks for these accessory dwelling units, so long as it is no greater than 5 feet.

House Bill 537 forces local governments to permit multi-family housing in business and similar zoning districts and prohibits local governments from regulating building design elements or other design standards on such developments.

The assault on local government has been a trend for a number of years. Lobbyists for development and business interests are the front-line soldiers, but they are just doing their job.

The real culprits are the state legislators and their parties who are taking the side of development and big business, and their money, and paying little to no heed to local elected officials.

Ask your state legislator when they last sought the input of a local official before introducing and supporting these legislative measures. Not once in my 10 years serving a local government did this occur.

The solution to this and government stalemate is term limits. “VITL” stands for Voter Imposed Term Limits. Let’s apply VITL to all levels of government until our elected officials impose statutory term limits and stop governing through moneyed influence. It’s VITaL that we act now.

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