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7 Ways to Respond to Regulation Rollbacks



Recently, a friend and colleague called me up and asked my advice. My ears perked up when he said that maybe I could help him before he lost his job. He was getting serious pressure from his elected officials to circumvent or roll back land use regulations to help local businesses impacted by the pandemic-induced economic downturn.

My colleague said that a quarter to a third of local businesses were projected to fold, and the local government was losing millions of dollars in revenue every month. Understandably, these were issues of the highest concern to local leaders.

In his efforts to uphold the community's land-use requirements and the importance of public involvement, my colleague was at risk of being viewed as an obstacle to mitigating them.

How then can we offer strategies to be part of the solution, without exceeding our statutory and regulatory authority and while ensuring we do so in a manner consistent with our ethical principles?

Here are seven suggestions to consider:

1. PRIORITIZE MEASURES THAT ARE EASY FOR CUSTOMERS TO ACT ON

Planners can work with elected officials and community leaders in an expeditious manner to modify requirements, while still following procedural rules.

Simpler measures such as expanding the uses allowed in home occupations to enable businesses to work out of the home until social distancing requirements can be relaxed are often easier for businesses to act on and translate into meaningful economic activity that can help them stay afloat. Then, if these strategies yield positive benefits with limited side effects, communities can continue them after the crisis is over.

Planners should consider resisting efforts to waive design and development standards for projects that won't be completed for another 12 to 24 months. Such waivers may have limited value in helping businesses weather the short-term economic crisis. If inconsistent with community goals, such waivers could compromise the quality and functionality of the built environment for years to come.

2. IMPLEMENT IMPACTFUL ADMINISTRATIVE SOLUTIONS

Instead of changing their rules, some communities are taking action administratively wherever they can. For example, the City of Wilson, North Carolina, has [stepped up its customer service](https://www.wilsonnc.org/home/showdocument?id=2761) (<https://www.wilsonnc.org/home/showdocument?id=2761>) with measures such as encouraging clients to schedule one-on-one phone calls with staff, opening a drive-through permitting window, and repurposing on-street parking spaces to facilitate pick-up of restaurant take-out orders.

In addition, planners should consider using appropriate administrative authority to prioritize projects and code revisions needed to protect the health, safety, and welfare of community members.

For example, we might prioritize the review of site plans needed to authorize drive-through testing sites and emergency housing. It may be prudent to work with the city or county manager's office to vet these in an expedited manner with governing boards and key stakeholders to confirm support.

Then, once the new administrative procedures are in place, planners should publicize them broadly to inform community stakeholders of the temporary change in operations. A good example of this is provided by the [City of Portland's Planning and Sustainability Department](https://www.portlandoregon.gov/hds/article/756804) (<https://www.portlandoregon.gov/hds/article/756804>).

3. FIND WAYS TO IMPLEMENT ONLINE PERMITTING

A potentially more complicated project is moving to online permitting. Yet, even if you have not had the time or money to implement such a system in the past (and have even less time or money in the present), there may be simple ways to begin shifting planning functions online.

For example, the City of Wilson, North Carolina, has made online forms "fillable" electronically so that customers don't have to print them out and instead can submit them digitally. In addition, software licenses for other functions such as online plan intake and electronic plan review can cost less than \$1,000 a year and be installed relatively easily, while improving customer convenience and keeping development projects moving forward while social distancing measures are in place.

While lower in cost, such solutions often require good internal project management as well as strong collaboration with the Information Technology Department and may necessitate more trouble-shooting over time to configure and integrate future modules.

The City of Asheville has done a nice job building [its own online permitting system](https://develop.plans.ashevillenc.gov/) (<https://develop.plans.ashevillenc.gov/>), one component at a time and creating a simple interface that guides users through the steps they need to take to make an electronic submittal. The city now handles about 90 percent of its plan reviews electronically.

A full-service software vendor can provide an integrated solution for online permitting, including online plan intake and fee payment, internal workflow management, activity tracking by property, and ready integration with GIS.

While more comprehensive, such solutions can cost tens or hundreds of thousands of dollars and take six to 18 months, depending on whether or not your module is part of a larger organization-wide financial management system.

Even so, now may be the time when your organization is willing to make this investment. With the possibility of future waves of infection and more social distancing until a vaccine is developed, it may be worth the effort.

4. ADJUST PLANS TO RESPOND TO CHANGING NEEDS, BUT RESIST MEASURES THAT WILL UNDERMINE STILL-DESIRABLE LONG-TERM COMMUNITY GOALS

Flexibility is important to respond to changing community needs. Sometimes this can spark a long-needed reevaluation of long-term goals and strategies. However, rushed actions that undermine a still-desirable community vision can set back civic progress in significant ways.

5. MAKE SURE TO EVALUATE PROPOSED MEASURES FROM A DIVERSITY OF STAKEHOLDER PERSPECTIVES

Chances are, if a measure was unpopular before the pandemic, it will still be unpopular afterwards.

Efforts to overturn hard-earned community solutions may bring political consequences once the crisis is over, especially if they leave unpopular and lasting changes to the built environment. If pressure continues for such measures, we might work to implement a multi-channel public involvement strategy to give stakeholders as much opportunity as possible to provide input within the constraints of social distancing.

6. REMIND OTHERS THAT THE RULE OF LAW IS A FUNDAMENTAL ASPECT OF OUR DEMOCRACY

If the governing board is willing to tap emergency powers that it may possess to circumvent current development standards, then it is free to do so. Otherwise, we as planners need to stay within the limits of our authority, carry out our responsibilities, and work to maintain the integrity of local laws, despite the pressure we might experience to circumvent them.

7. ADVANCE EXPERIMENTAL MEASURES THAT COULD HELP DURING THE PANDEMIC AND BEYOND

The disruption to traditional operating procedures caused by the pandemic can also create a window of opportunity to advance new measures you have always wanted to try that are consistent with good planning principles. The best initiatives to advance may be those that help with short-term pandemic-related issues *and* bring lasting community benefits.

Have you always wanted to expand administrative review of proposed development projects, especially for less-controversial decisions, to improve the efficiency of the development review process and free up public resources to handle other community planning needs?

Now might be the time for a pilot project, both to streamline review processes during the pandemic and to test this as a long-term procedural change.

Have you always wanted to allow a demonstration project for package delivery by aerial or terrestrial drones? Now might be a good time to try it, with social distancing measures heightening demand for home delivery, and fewer people on the roads.

Have you always wanted to create more safe places for pedestrians and bicyclists in your community? Now may be your chance. Seattle, for example, has just announced that it is making at least 20 miles of streets in its Stay Healthy Streets pilot initiative [permanently car-free](https://sdothblog.seattle.gov/2020/05/07/2020-bike-investments-to-accelerate-including-20-miles-of-stay-healthy-streets-to-become-permanent-in-seattle/) (<https://sdothblog.seattle.gov/2020/05/07/2020-bike-investments-to-accelerate-including-20-miles-of-stay-healthy-streets-to-become-permanent-in-seattle/>).

Pressure to roll back development standards in times of crisis can trap planners between professional ethics and political efficacy. With luck, these suggestions can help you focus the discussion on solutions that address the challenge at hand without creating lasting harmful impacts on the community or ethical dilemmas for public servants. And maybe the pandemic will even create an opportunity for you to try some thoughtful experiments that bring lasting improvements.

Top image: Getty Images photo.

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