

SPECIAL REPORT

July 2016

SR 16-05

The Growth Management Act at 25 Years

Executive Summary

In the early 1990s, the Growth Management Act (GMA) emerged from concerns about lack of consistency and coordination in land-use planning, uncontrolled and inefficient growth, and environmental damage.

Looking back on the 25 years since its full implementation, the GMA has been marked by an ambitious set of goals, often in seeming conflict with each other; unfulfilled promises by the state to financially aid local governments; and perhaps a too-idealistic notion of the potential of centralized planning.

GMA's principal feature was to limit urban growth within defined areas in order to contain development and prevent sprawl. Under the law, the state's population and economic projections determine the amount and type of housing and jobs to be planned for in a 20-year time horizon. Two assumptions became firmly ingrained in this planning process: (1) that increasing population density is good; and (2) that urban growth area (UGA) expansion could lead to "the death of a thousand cuts," where multiplying exceptions and expansions would eventually render the Act meaningless.

Today, more than 60 percent of a growing state populace still choose to live in detached, single-family housing, depleting current land inventories. In urban counties, Buildable Lands reports created to track and ensure adequate land for a mix of housing types are not uniformly distinguishing between single- and multi-family structures. Consumer choice will be limited by plans that may have projected enough units, but not enough land for the percentages of housing types that consumers prefer. GMA's rigid UGA boundaries are heading for a collision with other policy goals that are rising in priority, including housing affordability, economic

disparities, and the need for new schools. GMA planning mandates "concurrency," which means that infrastructure, including roads and bridges, must keep up with growth. But congested roads, principally in Western Washington, threaten to cripple the mobility which is vital to economic progress. The recently passed transportation package will, at best, slow our march toward gridlock.

Another defining feature of GMA was the designation and protection of areas critical to ecological function, water quality or quantity, or hazardous to development. This local complement to federal laws has prevented the development of environmentally sensitive areas, but ecosystems continue to be degraded by habitat loss. The Voluntary Stewardship Program offers a new approach to protecting critical areas through the cooperation of stakeholder groups that are focused on actual outcomes rather than bureaucratic rules and process.

Densified development can be designed rationally and appeal to many in the marketplace, while protecting habitat and resource industries in outlying areas. GMA has been key to the protection of open space in an era of continual population growth.

Trading verifiable improvements in protection of critical areas for needed flexibility in setting urban growth boundaries may be one pathway to successfully reform GMA that will enhance, rather than jeopardize, its effectiveness. Prioritizing state dollars to aid local governments in planning, and giving local governments more help with expensive traffic and utility problems, could foster economic growth and contribute to the high quality of life that has historically defined our region.



Photos courtesy City of Bellevue, Dept. of Natural Resources, City of Seattle

I. Background

In 1990 Washington state was experiencing an accelerating in-migration, particularly from populous California (OFM 2016, Census 2000). New suburban tracts of similar looking homes placed closely together in the midst of clear-cuts provided affordable housing opportunities for new arrivals and upwardly mobile residents. But this new housing pattern, and the growing traffic on freeways and arterial streets, created unease for many long-time residents. Mike McCormick (who directed the state's implementation of the Growth Management Act) said that, at the time, there were

discussions at the legislative level in Washington state about the need and desire to do something about the perceived problems with growth, unplanned growth, transportation demand, and loss of open space—primarily non-public forest land. There was a high demand for private logs in that period of time—there was a lot of harvesting going on. (McCormick 2015)

Many of those long-time residents (near urban areas and in rural areas) dependent on fishing resources or farmlands were suffering significant economic dislocation. A growing national sensitivity to Native American treaty rights occurred alongside the burgeoning movement to protect ecological systems and species from damage by pollution, extraction, and human infrastructure. A 1974 federal court (in the Boldt decision) allocated half the fish harvest from Puget Sound to Native American tribal gov-

ernments who had "usual and accustomed" fishing areas in Puget Sound waters (USA, et al. v. State of Washington, et al. 1974).

Widespread belief that timber resources were being over-harvested in Washington state was followed by the deployment of the federal Endangered Species Act to protect the spotted owl and its habitat in the timber producing lands throughout the region. Meanwhile, farmers and dairy producers who were close to urban markets in Western Washington were being increasingly criticized for their use of chemicals, and for nitrogen-laden runoff. They often saw their land skyrocket in value due to proximity to sprawling suburbia, making it less economical to remain. Some moved to marginal lands in or near the floodplains, and others moved to Eastern Washington. Processing plants and other businesses integral to a local farm economy moved away too.

Accelerating in-migration created unease for many long-time Washington residents.

Urban Planning

Historically, urban planning took place at the municipal level. Later it became the province of counties as concerns grew about utilities, sidewalks, traffic, the loss of farmland and habitat, and quality of life (Abbott 2016).

Reaction to the continued expansion of development around urban centers prompted calls for more consistent and comprehensive planning within a statewide regulatory framework, with state funding to help implement it. Oregon led this evolution to state-controlled planning, passing SB 10 in 1969. Four years later Oregon enacted SB 100, which ratcheted up state requirements and instituted urban growth boundaries as a central feature of local planning. (Abbott 2016).

In 1988, Washington state commissioned a study on local governance that made this observation:

In this context of population growth combined with significant growth in the capacity and roles of both state and federal governments, local governments found themselves with a real dilemma. They needed help, particularly in the area of finances, to meet their needs and fulfill the multiplying state and federal requirements laid upon them.

But the price of such help amounted to significant erosion of the local option and control principle. Pride in diversity had to give way to compliance with standardized state and federal requirements, and local control had to yield to mandates from those higher governments. Only then would the vital financial assistance be available. (LGSC 1988)

In 1990, Washington endeavored to create a statewide growth management system to be implemented at the local level. The goal was to balance interests and effectively deal with land use problems related to urbanization, suburbanization, and rural transitions.

Enactment

The Growth Management Act (GMA) was enacted in two phases in 1990 and 1991. It arose from concerns about sprawl. As Richard Settle (a law professor) and Charles Gavigan (former counsel to the Trade, Economic Development and Housing Committee of the state House of Representatives) wrote in 1993, with rapid population growth, “the middle-class suburban masses . . . sensed escalating degradation of community, environment, and quality of life” (Settle and Gavigan 1993).

Additionally, as Booth Gardner—Washington’s governor from 1985 to 1993—noted, there were budget concerns in the Legislature about the costs of growth. Of then-House Speaker Joe King, Gardner said:

King . . . got tired of the counties coming to him asking for money—there wasn’t that much money at that time because growth comes before revenue—and the counties were just beating up on him for more money to be able to start being ahead of the process by which they can make fresh decisions with regards to siting and management and nature. So, he got very interested in it and he started to lead the charge. (Gardner 2005)

GMA I was enacted in 1990. Among other things it:

- Established 13 growth management planning goals,
- Required 16 counties and cities within those counties to plan under the GMA and allowed other counties to opt in to the GMA (once in, they would not be allowed to opt out),
- Prohibited most development outside, and required growth to occur within, Urban Growth Areas,
- Protected natural resource lands and environmentally critical areas, and
- Called for a commission to recommend additional growth-management legislation in the following session.

An environmental coalition led by the Washington Environmental Council did not think GMA I went far enough. It successfully put Initiative 547 on the November 1990 bal-

GMA Enactment, *cont'd.*

lot. I-547 took a top-down (i.e., state government-centric instead of local government-centric) approach to growth management planning. Viewing I-547 as draconian, “Governor Gardner, legislative leaders, business and labor groups, local governments, and newspaper editorial boards called for the defeat” of the initiative (Settle and Gavigan 1993). Initially winning in polls, it was handily rejected.

GMA II was enacted in 1991. Among other things, it:

- Established three regional Growth Planning Hearings Boards (for Western, Central and Eastern Washington),
- Required counties and cities to cooperate on local planning,
- “[R]equired counties with populations of 450,000 or more, and contiguous urban areas [at that time, King, Pierce and Snohomish], to adopt a Multi-County Planning Policy” (Settle and Gavigan 1993), and
- Required cities and counties to regulate critical areas.

It was recognized at the time that the GMA had serious problems and needed refining and clarification: “[E]ven as he signed [GMA II], Governor Gardner alluded to the need for additional growth management legislation in 1992. However, no significant amendments to the GMA were adopted in the 1992 legislative session” (Settle and Gavigan 1993).

This meant that:

while the general concepts of the GMA are understandable in the abstract, there is much uncertainty about what they will mean in practice. Whether and when such uncertainty will be resolved by additional legislation, Department of Community Development (DCD) guidance, rulings of the new Growth Planning Hearings Boards, and interpretations by the courts remain to be seen (Settle and Gavigan 1993).

The Goals of the GMA

The GMA specifically lists 14 goals to “guide the development and adoption of comprehensive plans and development regulations” (RCW 36.70A.020). It is instructive to look at the original goals written into the GMA.

The original 13 goals as passed in 1990 (Substitute House Bill 2929) were:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural,



Gov. Booth Gardner signs GMA I in 1990

Photo courtesy Washington Oral History Program

GMA Goals, *cont'd.*

and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

- (9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Goal changes since enactment

In 1995 “the goals and policies of the shoreline management act” (RCW 36.70A.480) became the 14th goal of the GMA.

In 2002 two of the goals were amended. The fifth goal was augmented with the underlined section to specifically mention business retention and recruitment:

- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The ninth goal was less substantively amended to read: “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.”

It was recognized at the time that the GMA had serious problems and needed refining and clarification.

The GMA Today

To date, the most substantial attempt to change the GMA was in 1995, when property-rights proponents submitted Initiative 164 to the Legislature. I-164 “restrict[ed] land-use regulation and require[d] government to pay for reduced property values caused by some regulations” (Oldham 2006). The Republican-controlled House and Senate enacted I-164 into law, but pro-GMA groups then gathered enough signatures to prevent I-164 from going into effect unless approved by the voters. I-164, repackaged as Referendum 48, lost resoundingly on the November 1995 ballot.

Legislative changes to the GMA since its enactment include:

- The Buildable Lands Program was created in **1997**. Six counties in Western Washington, and their cities, must “determine if the actual growth and development is consistent with what was planned for.”
- Comprehensive plan review language was amended in **1997** requiring cities and counties to at least review and/or revise their comprehensive plans every five years.
- GMA and Shoreline Management Act provisions were integrated in **2003**. “The goals of the GMA, including the goals and policies of the Shoreline Management Act (SMA), continue to be listed without priority.”
- Deadline for comprehensive plan review was extended in **2010**. Comprehensive plans are henceforward on a “seven-year review and revision schedule.”
- The three Growth Management hearings boards were consolidated into one board of seven members in **2010**.
- The Department of Commerce was created to replace the Department of Community, Trade and Economic Development in **2010**.
- Recommendations of the Ruckelshaus Center process were implemented in **2011**, establishing the Voluntary Stewardship Program “as an alternative to . . . development regulations.”
- Counties with populations of 20,000 or fewer were allowed to withdraw from voluntary planning under GMA in **2014** (Commerce 2015).

II. GMA Implementation

Citizen Involvement

One of the 14 planning goals of the GMA is “citizen participation and coordination.” The goal is to “encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)). Further, cities and counties planning under the GMA must

establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. (RCW 36.70A.140)

There are many local activist groups. At the state level, Futurewise is “the only statewide group in Washington working to ensure that local governments manage growth responsibly” (Futurewise 2016).

Citizens also have an opportunity to participate by appealing local decisions to the Growth Management Hearings Board (GMHB). Indeed, the threshold for standing in such cases is low. One need only have “participated orally or in writing before the county or city regarding the matter on which a review is being requested” (RCW 36.70A.280). Others who have standing are governments, a person who is certified by the governor, and a person who is aggrieved or adversely affected by the action. (“Person” is defined as individuals, partnerships, corporations, associations, agencies, governmental subdivisions or public or private organizations. A glance through the GMHB’s Digest of Decisions shows that Futurewise files many petitions before the GMHB.) Rep. Larry Springer notes that it may be a good idea to consider reducing “the incidence within which any party can bring suit” (Springer 2015).

Local Governments

Planning commissions are appointed by city councils or boards of county commissioners (RCW 35.63); the commissions make planning recommendations to the councils or boards.

Additionally, some jurisdictions work together in planning under the GMA. For example, King County, Seattle, Bellevue and other cities in the county created the Growth Management Planning Council. The council adopted policies to serve “as a framework for each jurisdiction to develop its own comprehensive plan, which must be consistent with the overall vision for the future of King County” (GMPC 2016). The GMA requires a number of planning activities to be performed by local governments:

- Counties and cities must designate critical areas, agricultural lands, forest lands and mineral resource lands and adopt regulations conserving and protecting them (RCW 36.70A.040).
- Counties must adopt countywide planning policies as a framework for city and county comprehensive plans (RCW 36.70A.210).
- Counties must designate urban growth areas in which growth will be encouraged. The areas must be sufficient to allow for the urban growth that is projected by the Office of Financial Management (RCW 36.70A.110).
- Counties and cities must adopt comprehensive plans, and they must adopt development regulations consistent with the plan (RCW 36.70A.040).
- Counties and cities must review and revise (as needed) their comprehensive plans and development regulations every eight years to ensure compliance with the GMA (RCW 36.70A.130).
- They are also required to review and revise critical areas and natural resource lands regulations and designated urban growth areas and their densities (RCW 36.70A.130).
- Certain cities and counties must produce Buildable Lands reports that review and evaluate whether the jurisdictions “have an adequate amount of residential, commercial, and industrial land to meet the growth needs adopted in their GMA comprehensive plans” (Commerce 2016a). This must be done one year before a jurisdiction’s comprehensive plan update (RCW 36.70A.215).
- As part of the update process, jurisdictions must establish a work program, review and revise plans and regulations, conduct a public engagement program, notify the state, and take legislative action (MRSC 2015).

Local government budgets are constrained not only by the willingness of their residents to pay taxes, but also by the state.

According to the Department of Revenue, “The revenue sources of cities, counties, and junior taxing districts are strictly controlled by the Legislature and only specifically authorized taxes can be imposed at the local level (DOR 2010).

Over the past 10 years, counties have spent less than 1 percent of total spending from all funds on planning (including but not limited to planning related to the GMA). For example, in 2013, the counties altogether spent \$37.6 million on planning out of a total \$6.897 billion (SAO 2016).

If the GMA encourages annexations of areas to cities, that would mean that it is contributing to any funding capacity issues the counties may have. This is because a portion of the tax revenues that used to go solely to the county will go to the city instead. (Of course, some costs are also shifted to the cities.)

Tim Trohimovich of Futurewise suggested that it would be helpful for the Legislature to give local governments more taxing authority and flexibility (Trohimovich 2015).

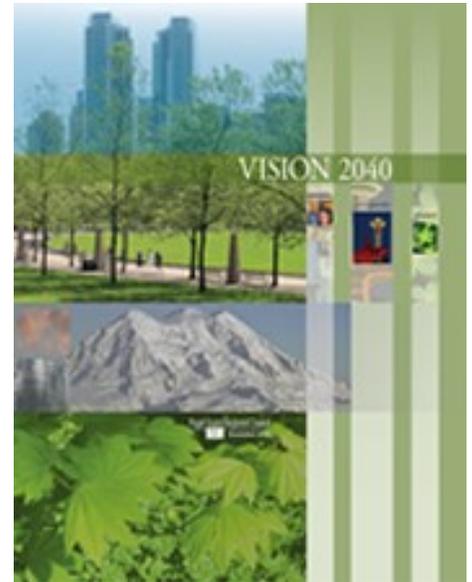
MPOs, RTPOs, The Puget Sound Regional Council and Vision 2040

Local governments participate in two types of coordinating entities that are authorized to do regional scale planning. Metropolitan Planning Organizations (MPOs) prioritize urban transportation needs and are federally designated to receive and disperse federal transportation dollars. In 1990, GMA authorized Regional Transportation Planning Organizations (RTPOs), to create transportation plans covering both urban and rural areas, to assist local governments in conforming to GMA concurrency requirements in transportation (see below). Every county in the state, except San Juan and Okanogan, participates in one of 14 regional entities that act as both an MPO and a RTPO. The power to disperse federal dollars can give these regional agencies considerable leverage over local governments and local land use policy considerations (WSDOT, 2016).

In the heavily populated counties of Western Washington, the Puget Sound Regional Council (PSRC), as a RTPO, has been tasked with the regional planning role GMA envisioned. The PSRC has no direct authority over counties in the land use arena. But in its other role as an MPO, the council is authorized to distribute federal transportation funds in the region.

PSRC, which covers well over half of the population in the state, has moved beyond transportation planning for GMA. As a council of local governments, they play a leadership role in county land use planning overall, developing goals and benchmarks for the counties to follow (PSRC 2009).

In 2008, The PSRC produced a regional planning document called Vision 2040. It outlined growth targets calling for greater densities within the UGAs than appeared in previous county comprehensive plans. King, Pierce, Snohomish, and Kitsap counties have agreed to conform future growth and density targets to the plan, which has been reflected in the recent round of Buildable Lands reports (PSRC 2009).

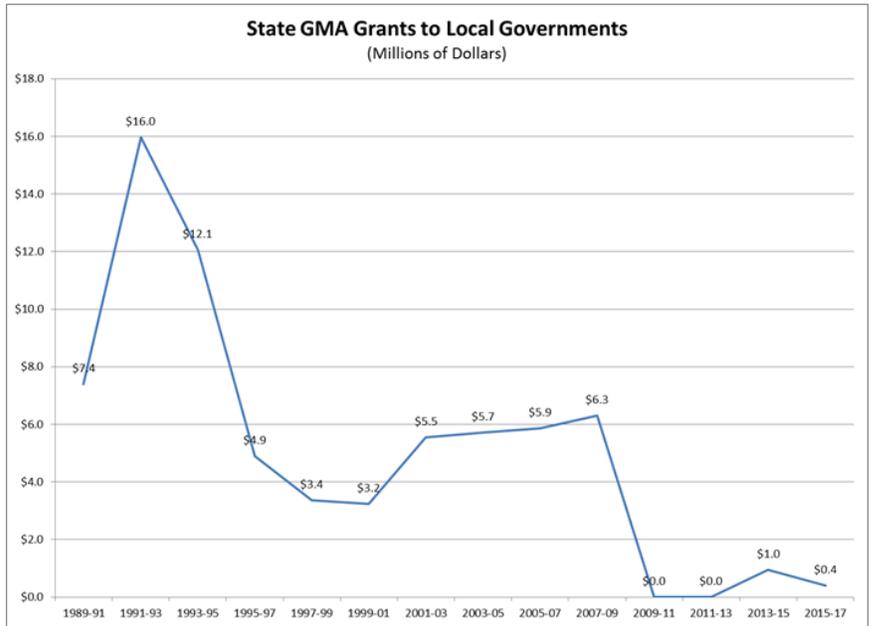


The Puget Sound Regional Council (PSRC) has been tasked with the regional planning role GMA envisioned.

State Government

The state government has legislative, administrative and judicial roles in the implementation of the GMA. First, the Legislature has amended the GMA many times, on issues ranging from creating the Buildable Lands Program to consolidating the three Growth Management Hearings Boards into one during the financial crisis precipitated by the Great Recession.

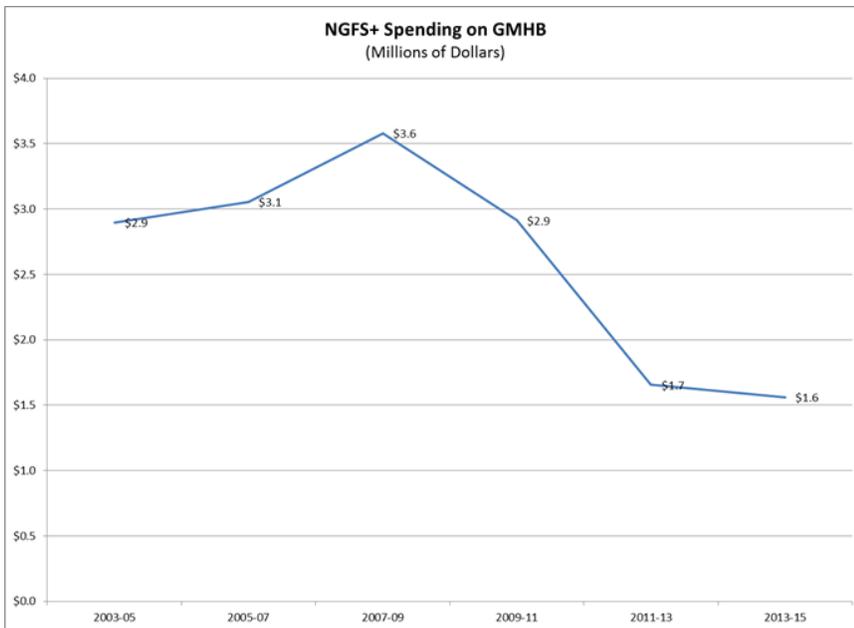
Second, the state Department of Commerce is charged with the administration of the GMA. It ensures compliance on the part of local governments and provides funding and expertise to assist cities and counties in their comprehensive planning responsibilities. Commerce is also in charge of facilitating the activities of the GMHB, including the initial and ongoing training of members of the board, who are appointees of the Governor.



Through the Department of Commerce, the state provides grants to local jurisdictions to help them comply with the GMA. The chart below shows the level of funding provided by biennium. In 2015–17, the funds come from the public works assistance account; previously they were from the general fund–state.

A county planner said, “It’s fair to say, generally speaking, that the resources have not been available to fully achieve the vision of the GMA” (Hall 2015). Similarly, Leonard Bauer, formerly of the Department of Commerce, noted, “programs the

state has had for funding infrastructure to implement comprehensive plans is woefully less than it used to be. . . And that makes it hard to get the planning implemented, which has been one of the biggest issues I think” (Bauer 2015).



If the planning isn’t implemented, that has broader funding implications for local jurisdiction. Several state funds “require compliance with the GMA for access to their funding programs” (Commerce 2016b). These include the Public Works Trust Fund, for example (RCW 43.155.070).

The final role of the state is judicial. The court system is responsible for hearing appeals of decisions made by the Growth Management Hearings Board. The state funds the GMHB.

Growth Management Hearings Board

The Growth Management Hearings Board (GMHB) is made up of seven members “qualified by experience or training in matters pertaining to land use law or land use planning and who have experience in the practical application of these matters” (RCW 36.70A.250). The GMHB consists of three regional panels: central Puget Sound, eastern Washington and western Washington. Only three of the members must be admitted to practice law in Washington (one in each region). Prior to July 1, 2010, there were three Growth Management Hearings Boards. The Legislature consolidated them into one board in 2010 (SSB 6214).

The GMHB is charged with resolving disputes related to the GMA. Its final decisions may be appealed to a Superior Court. According to the state Supreme Court (citations omitted):

The Board is charged with adjudicating GMA compliance and invalidating noncompliant plans and development regulations. The Board “shall find compliance” unless it determines that a county action “is clearly erroneous in view of the entire record before the board and in light of the goals and requirements” of the GMA. To find an action “clearly erroneous,” the Board must have a “firm and definite conviction that a mistake has been committed.”

The legislature intends for the Board “to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of” the GMA. But while the Board must defer to the Lewis County’s choices that are consistent with the GMA, the Board itself is entitled to deference in determining what the GMA requires. This court gives “substantial weight” to the Board’s interpretation of the GMA. (Lewis County v WWGMHB 2006)

So, the GMHB is supposed to defer to the local governments on planning issues, but the courts are deferential to the GMHB. The GMHB and the courts have had an important role in the development of planning under the GMA: While the first decades of planning under the GMA resulted in many appeals and a number of local government decisions were remanded for correction, most of the law has since been clarified and settled by a series of appellate decisions. This has helped local governments better understand what the law does and does not require and consequently the number of GMA appeals and reversals of local decisions has dropped dramatically in recent years. (Tovar 2014)

Indeed, according to the Department of Commerce, 99.4 percent of city and county actions complied with the GMA in 2013 (they were either not appealed to the GMHB or not found out of compliance). In 2005, the number was 97.8 percent. Still, hundreds of cases have been appealed to the GMHB and many of those GMHB decisions have been appealed in the court system.

One land-use attorney said that because not all board members are trained lawyers, they see their main function as being “to ensure protection of resource properties,” rather than taking a more neutral view based on the law (Howsley 2015). Another said, “I think we have—we’ve ended up defining by hearings board decision, a GMA that is way more narrow and way more almost one size fits all, if not at least this one set of rules applies to everybody, than I think many of us 25 years ago expected” (Derr 2015).

Rep. Springer said that he hears from many people who are concerned about “the land-use power and decision-making power” that the GMHB has (Springer 2015).

A former county planning manager said, “I don’t think the structure is flawed; I do think that it’s important for the courts to keep an eye on the hearings board and make sure . . . that they’re deferential to the local solutions” (Hall 2015).

III. Comprehensive Planning

At the heart of the GMA is the county-administered comprehensive planning process, which is coordinated with the cities in each county. The cities adopt their own comprehensive plan based on a countywide policy framework. All land-use policy is contained within the comprehensive plan. As the Municipal Research and Services Center writes,

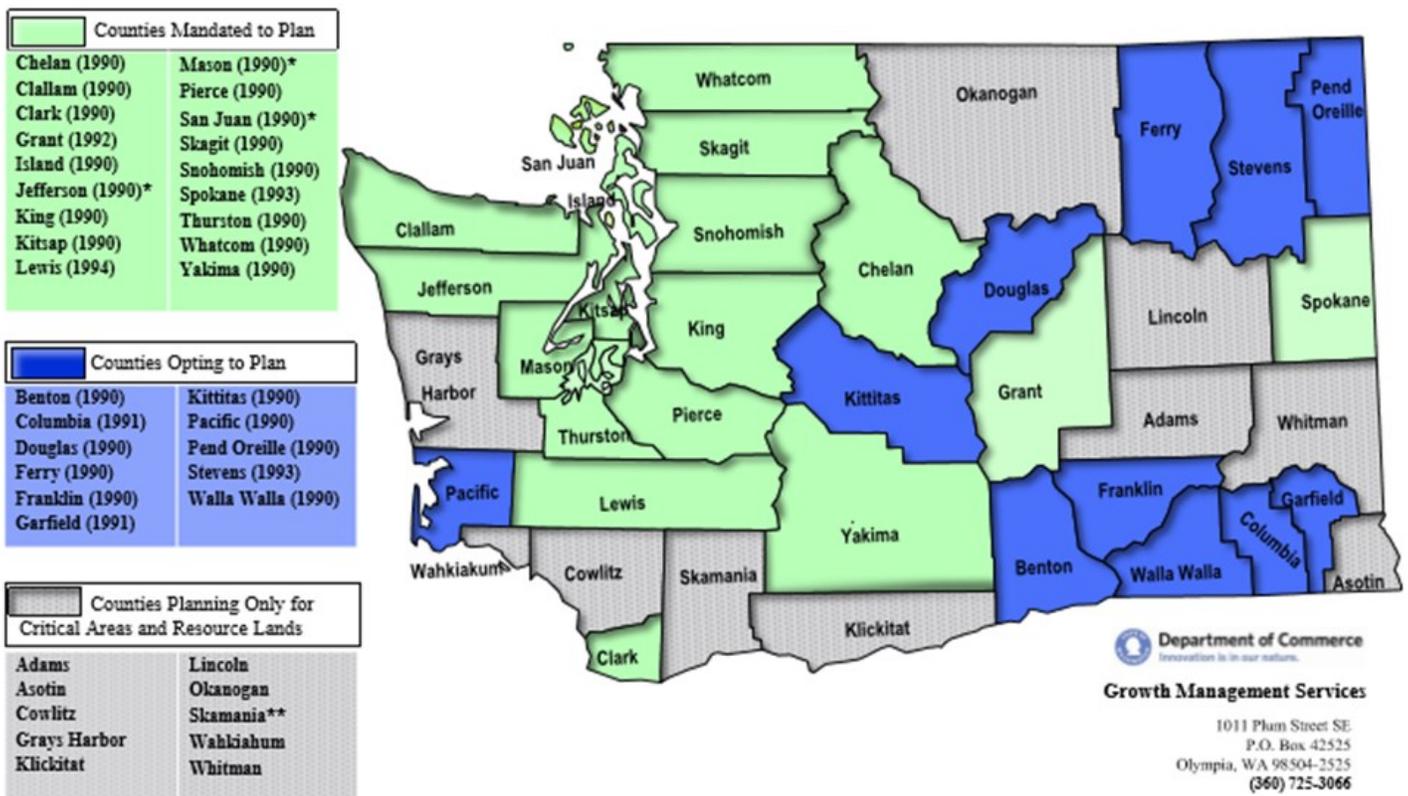
Local comprehensive plans must include the following elements: land use, housing, capital facilities, utilities, transportation, and, for counties, a rural element. Shoreline master program policies are also an element of local comprehensive plans (MRSC 2016).

Included in the comprehensive plan are urban growth areas, critical areas designations, population forecasts, identification of public-purpose lands (land used for utilities, transportation, water, sewer, schools, etc.), housing policies, and more.

The 29 counties planning under GMA must review and, if necessary, revise their comprehensive plans every seven years (the review cycle was expanded from five to seven years in 2010 due to state budget constraints). The counties are on staggered schedules.

Growth Management Act – County Map

Mandated to Plan, Opting to Plan, and Planning Only for Critical Areas and Resource Lands



* Did not exercise ability to opt-out of full GMA planning
 ** Exercised ability to opt-out of full GMA planning

Department of Commerce
 Innovation is in our nature.
Growth Management Services
 1011 Plum Street SE
 P.O. Box 42525
 Olympia, WA 98504-2525
 (360) 725-3066

Critical Areas Ordinances

A significant element of comprehensive planning under GMA, in both urban and rural settings, is the designation of critical areas to be protected from development and other human activities. To quote the GMA:

"Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas (RCW 36.70A.030(5)).

This change in the GMA connects the local planning process to federal legislation with corresponding state laws (including the Clean Water Act and Endangered Species Act) to tribal treaty rights through the federal Stephens Treaty, and recent actions of the Federal Emergency Management Agency (including its recent biological opinion restricting floodplain activities).

Wetland delineations undertaken by the Department of Ecology are beyond the scope of this paper but have impacted the ability to develop lands for urban or rural applications. Both water quality and quantity are issues of growing concern on both sides of the Cascades. Jurisdictions have spent billions of dollars retrofitting stormwater conveyance systems and treatment plants. The Oso landslide of 2014 brought "geologically hazardous areas" to the media forefront and is the subject of a lawsuit in process against planners and other officials in Snohomish County (Futurewise and Pilchuck Audubon Society v. Snohomish County 2015, Tulalip Tribes v. Snohomish County 2015).

Voluntary Stewardship Program

Legislation ([ESHB 1886](#)) passed in 2011 and signed by then-Gov. Chris Gregoire established the Voluntary Stewardship Program (VSP), which was the result of negotiations, refereed by the Ruckelshaus Center, between Futurewise, the Farm Bureau, tribal representatives, the Washington State Association of Counties, and several other organizations. It is an innovative new program based on environmental performance rather than regulations and on collective progress, negotiated by interested parties such as tribes or farm representatives, over a given area rather than site-by-site requirements. The Washington State Conservation Commission (SCC) houses the VSP. The SCC

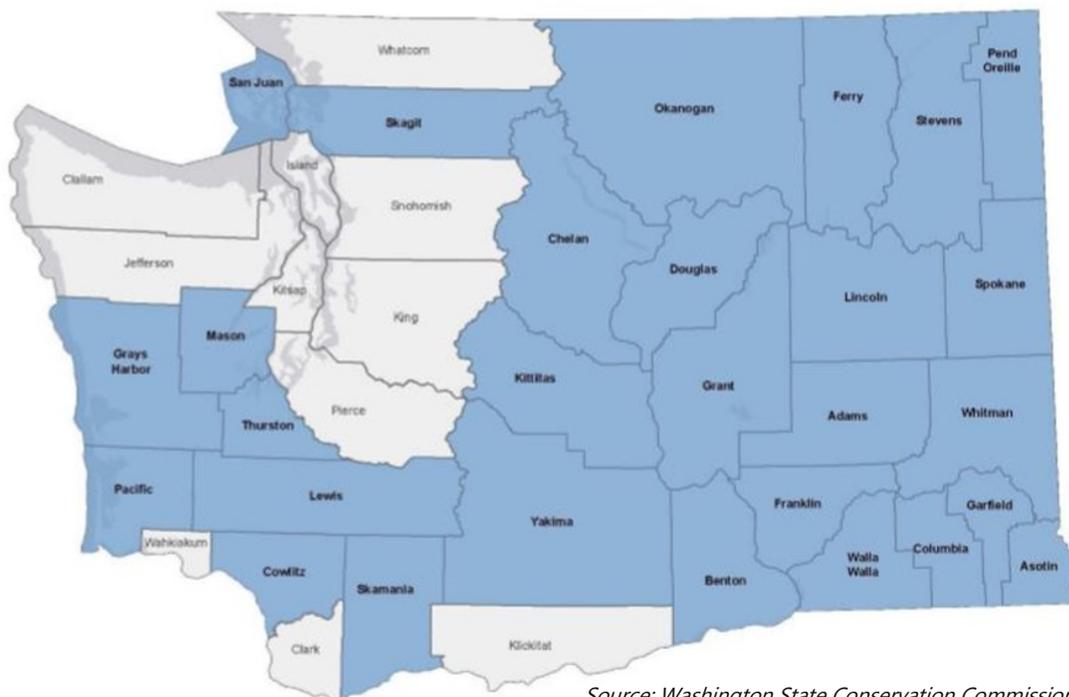
... administers funding for counties to implement the program. Counties then designate a work group to develop a watershed-scale plan that will:

- *Identify critical areas and resource concerns.*
- *Identify agricultural activities in the critical areas.*
- *Create a plan for targeted outreach to assist landowners in developing farm plans that address agricultural impacts to critical areas on their property.*
- *Identify and maintain economically viable agriculture while protecting and restoring critical areas.*
([SCC 2016](#))

Twenty-eight counties have opted in to VSP.

(cont'd on next page)

COUNTIES THAT OPTED-IN TO VSP (in blue):



Source: Washington State Conservation Commission

VSP, cont'd.

Ron Shultz, the SCC's Director of Policy and Intergovernmental Relations, says "VSP focuses on balancing—and this is a key distinction with GMA requirements—it balances protection of the critical areas with maintaining the economic viability of agriculture" (Shultz 2016).

Neither of these principles preclude flexibility. Together they direct attention to environmental and economic needs that must be met in a balanced way, encouraging win-win solutions to issues that arise in or near identified critical areas. These principles resemble instructions given to localities by the state with regard to impacts and mitigation:

Environmental review at the planning stage allows the GMA city or county to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects (Commerce 2012).

The VSP approach—not taking a land-parcel-by-land-parcel focus but an overall resource objective approach, as Shultz notes—presents a challenge for regulators and some stakeholders who are used to, as Shultz calls it, "the standard GMA approach":

[M]y view is, I like [VSP] because we've been spending how many years focusing on parcel by parcel and where has that gotten us, and finally we have an approach where the brass ring here is the resource objective. Is the resource improving? That's the whole point (Shultz 2016).

It remains to be seen if VSPs in the various counties can substitute realistic action with broad buy-in (and attainable, measurable goals), for the standard regulatory milieu of critical areas ordinances.

The VSP calls for no small amount of accountability—monitoring must occur to verify action plans are being executed and their goals are being met. This feature requires a steady, long-term commitment to monitoring and a willingness to change course if a strategy is not bringing measurable results.

Urban Planning: The Goal is Density

Significant population growth has provided the rationale for the march to ever-greater development densities; one that has been slow but unabated since the passage of the GMA. Today, the statement below from the Cascade Agenda, a 100-year visioning exercise undertaken by the conservation group Forterra (then known as the Cascade Land Conservancy), would be considered in the policy mainstream by most elected officials, planners, and citizens concerned about conservation.

The Growth Management Act has been a powerful and a strong force in guiding development and encouraging conservation . . . While the maps show that tremendous growth has occurred during the past 10 years, the vast majority of that growth has stayed within the boundaries set by the Growth Management Act . . .

But if we go out 100 years to 2100 . . . the density within the growth boundaries would be much higher than it is today. Seattle is destined to look more like downtown Vancouver, B.C., with many high-rise apartment and condominium towers . . .

We expect to see infill of our urban neighborhoods . . . in which it is possible to live, work and play without needing a car (Forterra 2005).

Indeed, the impact of maintaining a rigid urban growth boundary is going to change with as many as two million more people projected to live in the Puget Sound lowlands by 2040. What has been a broadly received, relatively benign, and generally successful policy to date (in containing growth), has nonetheless laid the foundation for significant, if not drastic, changes to the way most people currently live in the urban and suburban communities of Washington state.

As the change contemplated by Forterra develops, questions emerge and clashes with other policy imperatives become manifest. How can we make housing more affordable by restricting the inventory of buildable land? How can we manage traffic congestion when we are not slated to build any significant new highways or arterials (and we are removing lane miles of roadway in Seattle, where they use terms like “road diet”)? Will the citizens of tomorrow be able to “work and play without needing a car,” or will they suffer the many consequenc-

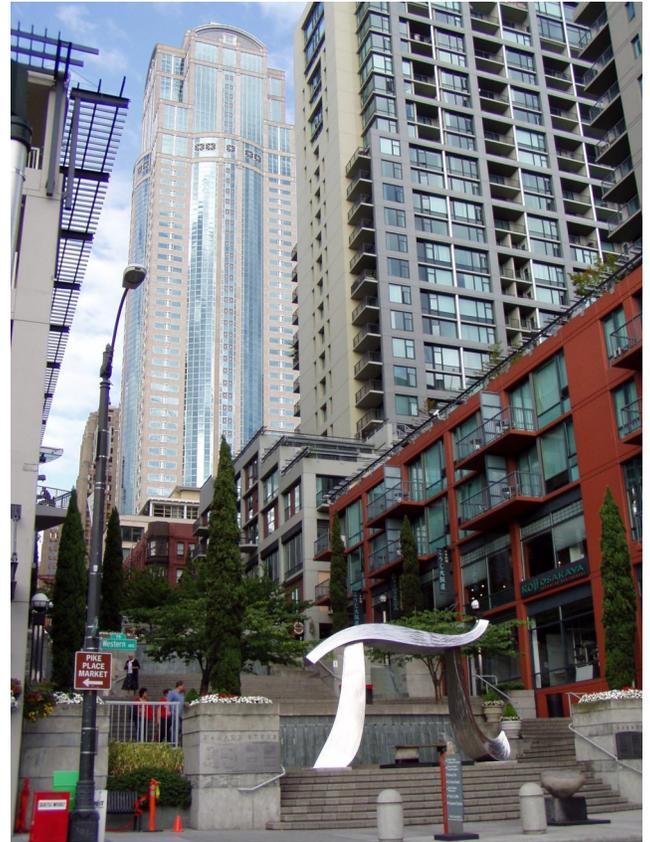


Photo courtesy City of Seattle

es of restricted mobility—stranded or delayed, despite having their own vehicles, by unpredictable congestion (SDOT 2008 and 2016)?

Will families have the option of living in single family housing with manageable commutes? Will skyrocketing prices for increasingly scarce buildable land and traffic gridlock foreclose any chance for the state to grow its manufacturing base? As the state Supreme Court, teachers unions, and concerned citizens demand smaller class sizes, will school districts be able to utilize inexpensive property they may already own outside the urban growth area to build more classrooms and respond to these concerns?

Buildable Lands Reports

The goal of the Urban Growth Area (UGA) boundary is to limit the inventory of land available for development, transforming existing communities into more densely populated enclaves, while protecting resource and wildlands in the outlying areas. In large, fast growing counties, there was a concern after GMA was enacted that the planning process was not robust enough to be counted on to balance needs. Thus, five years after the enactment of GMA, in 1997, the Legislature mandated an additional forecasting exercise for Clark, Thurston, Pierce, Kitsap, King, and Snohomish counties (Commerce 2016a).

The first Buildable Lands reports were released in 2002, to measure the achievement of density goals in comprehensive planning and to determine if enough land existed within UGA boundaries to accommodate future growth. Since 2012, Buildable Lands reports are to be issued every eight years to inform updates of municipal and county comprehensive plans which are required to occur every ten years (Commerce 2016a).

Looking at current densities is a statistical exercise that can be conducted with a degree of certainty. Projecting the housing needs stemming from future growth is not as straightforward. The Research Council published evaluations of the 2002 and 2007 reports. In our studies, we found that the data accumulated by the counties was reliable but insufficient, and it was coupled with weak analysis (WRC 2005, 2008a, 2008b).

Planners, elected officials, and the public are limited in their ability to craft effective and accurate plans in an environment characterized by complex market forces. Resources and expertise vary between the counties. Unexpected national and international events can have large and sudden impacts.

The nature, as well as the size, of the populace is changing. The growing subgroup of immigrants and second generation Americans tend to have larger households (PRC 2013). The Baby Boomers are retiring in large numbers, while Millennials, an even larger co-

Urban Growth Areas (UGAs)

The impact of the GMA has been felt acutely in urban planning, where bright lines are drawn in municipalities and some unincorporated land to create urban growth areas (UGA), which demarcate where the majority of development can occur. This boundary, adjusted in the comprehensive planning process, is meant to:

- (1) reduce public expense and promote efficiency by keeping development near existing infrastructure that provides water, sewer, and electrical services, as well as road access;
- (2) avoid project-by-project political battles and foster predictability for developers;
- (3) minimize disruption of natural systems and habitats and contain pollution (e.g. storm water runoff);
- 4) use population and job growth projections to plan 20 to 50 years out for housing, infrastructure, public facility, and special needs; and
- (5) maintain consistent expectations for long term planning. The point is to prevent low density sprawl. (Bauer 2015, Forterra 2015, Trohimovich 2015)

hort, have up until now shown a preference for urban over suburban living (Stiles 2016).

As stated in Part I of our 2008 report, GMA planning intervenes in rational market processes at several points (WRC 2008a). Planners cannot predict the public's needs with complete accuracy; they must be able to adjust to unexpected conditions. Sudden price hikes are a market signal that supply and demand are out of balance. Although the state does not require it, many communities update their comprehensive plans annually. Every jurisdiction making serious policy decisions on the basis of projections should review their plans' accuracy on a regular basis.

Buildable Lands: Sufficiency

The central question of the Buildable Lands process is whether there is sufficient land available that is legal and practical to develop in order to accommodate projected population growth for 20 years into the future. The state's Office of Financial Management (OFM) is the source of population projections used by the counties in comprehensive planning. Anticipated job growth (the main source of in-migration) and birth and death rates are the primary elements used to predict population growth.

In the last decade, in-migration to Washington state accounted for 54 percent of the population increase (OFM 2013). This wave of newcomers was not predicted by planners a decade earlier.

In Buildable Lands reports, population projections are weighed against land capacity (measured by the demand for developable land at the time) plus an amount added based upon a forecast for future demand.

That calculation does not directly account for speculative activity, which is fueled by the finite supply of land within UGA boundaries. The resulting scarcity gives individuals an incentive to buy and hold land for a higher future return. Thus, more land is taken off the market, accelerating the upward price trend and further increasing housing development costs.

Two reductions are made after raw Buildable Lands data is gathered to better calculate how much land is truly available for development. The re-development threshold is a ratio of improvement value to land value used on land that could be put to additional, or better, economic use. A ratio below a certain number, often two, may indicate a property is a good candidate for new development,

but lot size and location may alter that assessment (WRC 2008a).

The second reduction, called the market factor, attempts to predict what percentage of land will not be available due to the lack of a willing seller. Like the re-development threshold, this calculation varies with local and site conditions.

Planners seeking to densify the urban core and meet projected housing needs must rely on re-development prompted by willing sellers currently underutilizing their properties. Careful scrutiny of these calculations and evaluation of their accuracy in particular is determinative of the success of GMA planning.

There is no requirement for Buildable Lands reports or comprehensive plans to include consideration of the future creation of single-family housing. Recently, the market has called for 60 percent or more of new housing to be of the detached, single family type. The assurance of "plenty of land is available for housing" rings hollow if that evaluation is based on a mix of housing types at great variance from what the public has demonstrated it wants. As policy analyst Randy Bannecker has stated:

The majority of new planned units is multifamily. This makes sense, given diminishing land supply and our goals of compact urban development. But will the majority of the market accept this housing type? And if they don't where do they go and what's our plan? (Bannecker 2015)

In the last decade, in-migration to Washington state accounted for 54 percent of the population increase. This wave of newcomers was not predicted by planners a decade earlier.

Buildable Lands: Concurrency

The Growth Management Act requires that infrastructure be developed concurrent with growth. Planners work with a 20-year time horizon for Buildable Lands within a UGA, but capital improvement programs governing the specific infrastructure planning of local governments are on a six-year cycle. Thus, local governments can calculate the infrastructure numbers needed to accommodate their growth targets over 20 years but not always specifics—including location, which is critical for concrete planning for optimal utilization.

Density advocates tout cost savings that can occur when infrastructure is carefully planned for and not sprawled across the landscape. But a growth plan not linked in specifics with an infrastructure plan is bound to create inefficiencies. It also limits the ability to undertake rational, long-term decision making in the private sector and hinders optimal housing development.

In addition, the Growth Management Hearings Board ruled in *S/K Realtors vs King Co.* that local governments do not have to make specific assurances about the availability of infrastructure (*S/K Realtors* 2005). By placing land within the UGA, access to utilities is implied within the timeframe of the plan. While local governments are responsible for providing utilities, there are no remedies in the law if they do not. The end result is that some acreage within the UGA is currently adding to Buildable Lands statistics but is unlikely to actually add to the housing inventory. Another consequence is higher prices for the reduced amount of land that can be purchased with the certainty that it is, or will be, served by infrastructure (*WRC* 2008a).

Road access and traffic capacity in the immediate area around a building site can be planned and paid for without too much difficulty. Arterials, state highways and freeway capacity has been another story. On northern Snohomish County's Highway 9 traffic congestion runs for miles during rush hour and at other times. In Pierce County, on Steele

Street South and many other streets around Joint Base Lewis-McChord, gridlock is a daily event (*WSDOT* 2015, *PCPWD* 2014).

Both supporters and critics of the GMA have pointed to a lack of funding at the state and federal levels for this infrastructure shortfall. Carl Schroeder of the Association of Washington Cities notes that cities are "broadly supportive" of the GMA, but they "feel like a promise that was not kept was that there would be [financial] resources—for infrastructure particularly—to [help us] accommodate growth" (Schroeder 2015). Schroeder adds that the GMA's push toward incorporation "requires quite a lot of investment—basic infrastructure, roads, water systems, sewer systems, et cetera, to serve those people, and we've seen a retreat in the state's assistance on that front" (Schroeder 2015).

Congestion in Seattle is destined to get much worse as lane capacity is actually being reduced to accommodate other forms of transportation. While public transportation is an important part of the traffic mix, it is not realistic to assume it will replace cars at a high rate. Although Seattle traffic engineers may disagree, risking delays with these experiments could have economic as well as societal consequences, and options for improvement are limited (*SDOT* 2008 and 2016).

Regardless of the choices made at the local level, communities are going to need more funding for transportation to accommodate growth. As Schroeder says,

The amount of money that we're going to need to invest in the transportation system over the next period of years—[the 2015 state revenue] package is a big help but it doesn't cover that whole cost by any stretch. In the past cities and counties would've gotten a lot more direct distribution, so dollars would go directly to the community to support community priorities (Schroeder 2015).

Affordability

Many counties in Washington are experiencing a housing affordability crisis. For example, in Snohomish County, “47% of the occupied housing units in the county are not affordable to their current occupants” (PAC 2014).

“Not affordable” means the occupants are “cost burdened”—they spend more than 30 percent of their gross income per month on their housing. In Snohomish County in 2014, 46 percent of owners and 49 percent of renters were cost burdened (PAC 2014).

According to the Department of Commerce the percentage of renters and owners statewide who spend more than 30 percent of their incomes on housing is 36 percent. This means over 900,000 households are “cost burdened.” Of these households, 390,000 were classified as “severely cost-burdened” in 2015 because they spent more than half of family income for housing. Fifteen percent of all households in the state are in this category (AHAB 2015).

When supply is restricted and demand holds steady or increases, prices increase. A statewide planning exercise that deliberately limits the Buildable Lands inventory will exert upward pressure on the cost of buying and renting housing. All discussions and policy prescriptions can only tinker around the edges of this fact.

There are of course, other factors. Labor, materials, and permitting costs also relate to prices. The availability and cost of financing for purchases plays a central role in affordability for most potential buyers and indirectly affects renters. Government subsidies affect the housing choices of a limited number of low income renters and allow additional renters into that marketplace, while ironically exerting upward pressure overall on rental prices.

Those most at risk for homelessness are in the rental market. And calls are continuous for government to further intervene to facilitate reduced rents and the construction of low-income housing. The appropriate level of government involvement is debatable. The magnitude of the problem is sobering, considering that the average, fair-market rental price for a three bedroom house in Washington state is \$1,337 per month, which requires an annual income of over \$53,000 to afford without becoming cost burdened (AHAB 2015).

In Washington there are only 50 subsidized housing units for every 100 families making 30 percent or less of the state’s median family wage per year (\$21,870), only 40 units for every 100 families making 30 to 50 percent of the family median (\$21,870 to \$36,450), and just five subsidized units per 100 families with income levels from 50 percent to 100 percent of the median (AHAB 2015). In a challenging budgetary environment at the state and federal levels, tax dollars alone will not solve this problem.

As market prices rise, this rental problem will only get worse, and it will also impact homeowners.

Then there are those without homes—just in Seattle, close to 4,000 have been identified as camping out by the city (Ryan 2015). This has prompted officials there to set up three authorized encampments (Beekman 2015). There are many reasons for homelessness, including family dysfunction, addiction and mental health issues. Even for those without these serious challenges, rising housing prices can be the difference between having a roof over their heads or not.

Policymakers who are serious about dealing with affordability should look closely at the role of density policy in this crisis. Ensuring the construction of more housing inventory is the only long-term way to blunt upward pressure on real estate prices.



Jobs, Congestion, and the Single Family Housing Shortfall

Two goals of comprehensive planning are to (1) foster orderly but robust economic development and (2) reduce where possible the elements that create highway congestion and long commute times across a sprawled development landscape. As with housing capacity, job growth is to be shaped by projected needs met by employers, rationally sited on the landscape with adequate utility and transportation infrastructure.

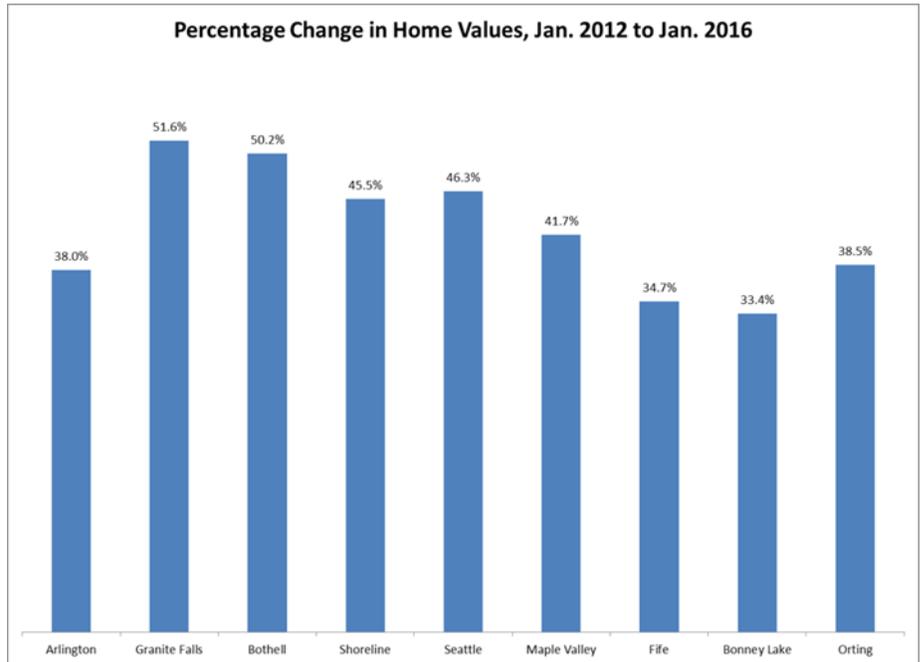
For the purposes of planning, available housing doesn't have to match jobs within a county, but only within a commutable area. The last decade's job growth exposed King County's deficit in detached housing and suitable land inventory, as home buyers

saw prices increase in suburban areas near the urban core. Consequently, home buyers gravitated to peripheral areas with more inventory and lower prices (WRC 2008a and 2008b). The process is occurring again as rising home prices recently hit record levels in King County and ripple outward to the edges of Snohomish and Pierce counties. (NWMLS 2016)

However, the long-term repercussions of the drastic density formulations of the Cascade Agenda and Vision 2040 are unescapable, unless economic and population growth reverses. Only some jurisdictions break out single-family homes in their data and projections. Without stated goals for single-family housing capacity, estimates of Buildable Lands needed for the future are skewed and difficult for the public to evaluate. And despite Buildable Lands formulations to ensure adequate housing inventory, builders on the ground reported in 2013 that they "cannot seem to find adequate land for projects" and "see a lot-supply/buildable land shortage on the horizon" (MBA-KS 2013).

Demand for detached housing continues to be strong, providing opportunity for builders in unincorporated areas and outlying communities like Granite Falls or Bonney Lake where there is still significant inventory at lower prices. And a long, freeway clogging commute awaits many new residents, as their formally rural communities show signs of transforming into suburbia.

The preference for affordable, single family residences among consumers has clashed with the cherished planning goal of increased density. Restricting land inventory for development near the urban core has resulted in more open space, and better protection for the wetlands and streams found there. But in the distance there is the creation of more sprawl and more unbalanced bedroom communities



Since 1990 Commute Times Have Increased										
Metro Area	Commute Mode								Travel Time To Work	
	Drove Alone		Carpooled		Public Transit		Other		1990	2014
	1990	2014	1990	2014	1990	2014	1990	2014	1990	2014
Bellingham	79.0%	75.8%	11.8%	8.3%	1.6%	2.1%	7.7%	13.8%	17.2	19.5
Bremerton	67.7%	68.4%	15.9%	8.3%	8.8%	9.0%	7.6%	14.3%	25.1	30.8
Kennewick-Richland	76.0%	83.1%	16.2%	10.0%	3.2%	0.9%	4.6%	5.9%	19.2	22.3
Olympia	81.6%	80.0%	12.5%	10.6%	1.5%	1.4%	4.4%	8.0%	20.7	24.3
Seattle-Everett	75.4%	66.3%	12.0%	9.8%	7.7%	11.2%	4.9%	12.6%	24.4	29.5
Spokane	80.5%	78.5%	11.3%	9.2%	2.9%	2.6%	5.2%	9.7%	18.6	22.2
Tacoma	78.5%	79.1%	13.6%	9.6%	2.1%	3.3%	5.8%	7.9%	24.0	29.9
Yakima	77.1%	77.4%	16.2%	16.6%	0.8%	0.6%	5.8%	5.5%	16.5	20.5

and outlying communities without enough jobs to prevent many more miles and hours of gridlock on Puget Sound freeways.

Education and the GMA

A recent initiative (I-1351, approved by voters in 2014) and a state Supreme Court case (*McCleary*) each required smaller class sizes (and therefore more classrooms) in the state's K–12 system. In addition, we are coming out of the Great Recession with population growth again accelerating. Cash-strapped school districts that purchased inexpensive land just outside the UGA have been seeking permission to breach that barrier with new sewer hook-ups, and eventually, new school facilities (Merrill 2015, Pederson 2016).

The Tri-City Herald editorialized:

Statewide at least 25 school districts including Kennewick, Richland, and Pasco are struggling to find affordable and suitable land for future schools. Enrollments are climbing, but the acreage available to school districts within their community's urban growth boundaries are diminishing (Tri-City Herald 2016).

The paper suggested school districts “can be the exception” to the GMA, pointing out that new high schools, in particular, require 50 to 60 acres—a tremendous challenge to cash-strapped districts (Tri-City Herald 2016).

In Spokane County, a controversy over expanding UGA boundaries (of which we write in detail below) includes a proposed site for a school that would be brought inside the lines. But GMA proponents worry about the potential for “the death of a thousand cuts” should any exceptions be made to UGA boundaries (Forterra 2005, Hall 2015, Merrill 2015, *Spokane County v. EWGMHB* 2015, Trohimovich 2015).

A 2015 state law established the Legislative Task Force on School Siting

to review school facility challenges created by enrollment increases and recent education reforms, including expansion of full-day kindergarten and smaller class sizes. The Task Force was required to review

the issue of siting schools inside and outside of urban growth areas (LTFSS 2015).

The task force made a number of recommendations, some of which were made into legislation, none of which passed both chambers.

Carl Schroeder of the Association of Washington Cities observes:

. . . there's this challenge to the state for school districts to purchase land inside the urban boundaries to serve urban students and have difficulty finding available or economically feasible land. And in that work there was examples where the city and school district were willing to support expanding the urban growth area around a particular parcel and the county decided not to you know that sort of thing. I don't think that's a failing of the act or anything, just an example of how the cities and counties interact. . . .

But in other areas of the state like Clark County—Clark County has provisions in their code to allow schools outside of UGAs and in fact even allows them to get sewer service. So that would be an example from our perspective where some of these disputes would be better handled if people engaged in the local process and worked out these things rather than trying to change state law (Schroeder 2015).



Photo courtesy Richland School District

Rural Element: Clusters and LAMIRDs

The Rural Element in a comprehensive plan is the area outside of the UGA that is not designated a resource land. Development here must be very limited and almost never includes sewer service. In fact planning for future growth in these areas is completely discouraged by the Vision 2040 guidelines for the urbanized counties on the west side of the Cascades (PSRC 2009).

A facet of the Rural Element are Local Areas of More Intensive Rural Development (LAMIRDs). These are small areas not within the UGA that were to some degree developed before GMA was adopted. They can allow some commercial and industrial activity of “a rural character.” They can be a provider of needed tax revenues for counties and a tool that provides limited flexibility for economic development. At the same time, they are in a sense stranded urban areas with limited potential for growth.

Rural clusters are developments where lot sizes are reduced below five acres, in trade for designated open space around them. This innovation allows for the creation of needed lower cost single-family or even multi-family housing in the rural area without violating the letter of GMA. They have at times been criticized for creating ugly, isolated neighborhoods far from desired services and as a vehicle for developers to get around development limitations.

Urban Agriculture

Urban farmers markets, neighborhood co-ops, and grocery stores are seeking to meet the growing demand for locally-produced food products. Many of these products symbolize the desire for a healthier lifestyle.

Local farms may be part-time and utilize as little as an eighth of an acre to produce their crops. They can be located on the edge of urban areas on floodplain land, or even right in town in a larger backyard, or on a roof. Some of these new farms are utilizing intensive agriculture methods developed by third-world agriculture pioneer John Jeavons. The small size but productive nature of many of these operations calls into question GMA-driven acreage restrictions on rural home sites—usually five acres (Pike 2015).

LAMIRDs can provide tax revenues for counties and limited flexibility for economic development. At the same time, they are in a sense stranded urban areas with limited potential for growth.

Growth Management Seeks to Channel Population Growth To Urban Areas										
	Population			Housing			Land Area			
	Urban	Rural	Urban Percentage	Urban	Rural	Urban Percentage	Urban	Rural	Urban Percentage	
2010	5,651,869	1,072,671	84.0%	2,379,818	505,859	82.5%	2,375	64,081	3.6%	
2000	4,831,106	1,063,015	82.0%	1,993,111	457,964	81.3%	2,118	64,428	3.2%	
1990	3,890,734	975,958	79.9%	1,604,424	427,954	78.9%	na	na	na	

Small Cities, Isolated UGAs, and the GMA

Many small incorporated areas around the state are unique in that they have an urban growth boundary that is isolated from other contiguous growth boundaries found in metropolitan areas. These small cities have to undertake comprehensive planning just as the larger jurisdictions do, but often struggle with capacity and proficiency issues related to GMA compliance, as well as other mandates imposed by the state and the federal government.

These small entities have many challenges: they are not within urban clusters experiencing economic growth that is building upon itself; they have a reliance upon retail sales tax revenues in the era of big box stores and internet sales; and resource based industries or agricultural enterprises that are in their proximity are often struggling.

Western Washington small cities like Stanwood are dealing with the ratcheting up of federal floodplain regulations and flood insurance requirements. These communities were frequently created near waterways. Their UGAs encompass historic business districts located in the floodplain, where GMA-driven plans require dense development, but where federal guidelines have made that cost prohibitive. One solution is to remove floodplain areas from the UGA while expanding the boundary to replace that acreage with higher ground within the jurisdiction. But this exchange requires expanding a growth boundary where density requirements may

The result of rigid planning can be fewer options for economic development in communities where the state has pledged to find ways to bring them prosperity.

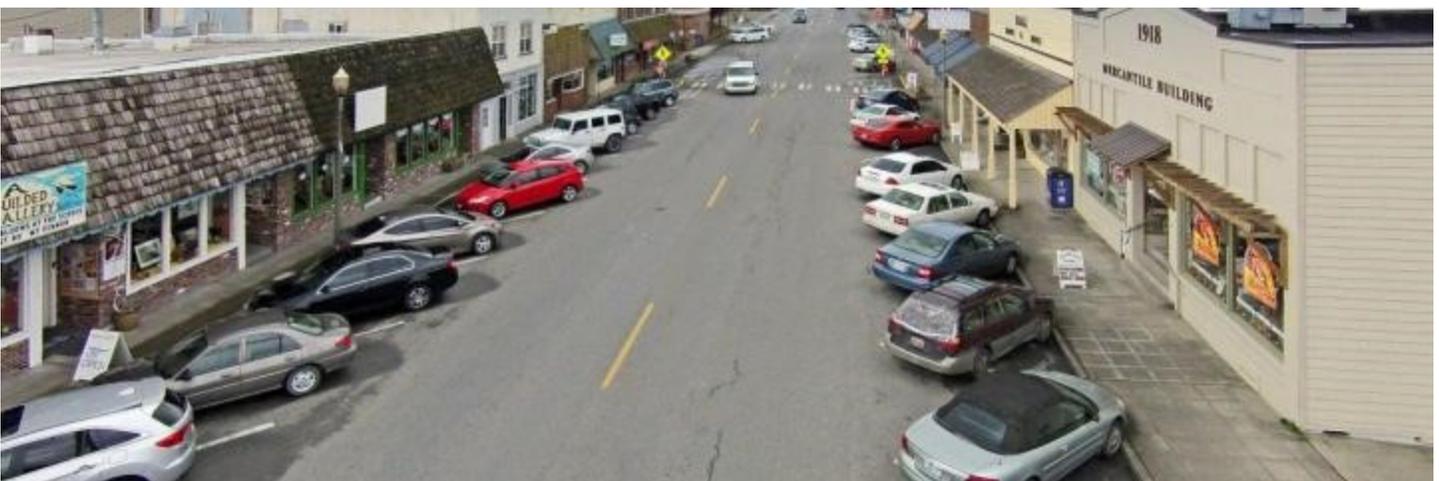


Photo courtesy City of Sultan

Small Cities, *cont'd.*

not have been met. Another option would be to increase allowable densities in an upland area within the UGA.

The cities need the flexibility to address community needs and market realities. The result of rigid planning formulations can be fewer options for economic development in communities where, in many cases, the state has pledged to find more ways to bring them prosperity (Knight, 2016).

Duvall, Carnation, North Bend, Snoqualmie, and Covington - small cities in King County - are looking for that kind of flexibility. They are currently under scrutiny by the Puget Sound Regional Council for seeking to add more population within their growth areas than was allowed for in the 2008 regional growth plans. These cities want to respond to real estate market conditions unforeseen by planners several years ago. They hope to expand their tax base by offering more affordable housing alternatives in a regional housing market beset by skyrocketing prices (Thompson, 2016).

Issues involving growth limitations or protecting critical area often have a disproportionately large impact on a small community. Some of these small cities are close enough to the growing economy in urban areas to see benefits. But state policy makers voice determination to bring economic growth to that large part of the state that is not benefitting from the post-recession boom along the I-5 corridor, including many of Washington's small cities. The plight of small cities, targeted for transformation into thriving job centers, needs to be carefully considered.



Photo courtesy City of Carnation

Small cities want to respond to real estate market conditions unforeseen by planners. They hope to expand their tax base by offering more affordable housing in a regional market beset by skyrocketing prices.

IV. Case Studies

Snohomish County: Critical Areas Ordinances and Agriculture



Since World War II agricultural acreage in Snohomish County has been reduced by more than half, from 195,000 acres in production in 1945 to 77,000 (Snohomish 2005). The spread of urbanization from Seattle's core has transformed much of the county, particularly along the I-5 corridor, into suburbia. Everett now has a population of over 125,000. Many of Everett's residents live in incorporated areas miles south of its small urban core. Open space between Everett and Lynnwood, the next community along I-5 heading south, is now almost non-existent. Abandoned dairies and other former farm operations dot the landscape on the eastern edge of Everett and in other parts of the county, as once thriving agriculturally-based industries have moved, in many cases to cheaper land and a less rigorous regulatory culture over the Cascades to the east (DHNS 2011).

One result of the urban growth pattern sprawling across the landscape was the relegation of much of the agricultural activity remaining in Snohomish County to the floodplains, where federal flood insurance requirements alone have permanently prevented future industrial or residential development. The land is cheap, its soil is fertile, water is abundant, and the distance to local markets is ideal. But floodplain agriculture has suffered new challenges, most of them related to government intervention, including GMA-driven regulation of agricultural operations there (SLSEC 2011, T. Williams 2016).

The GMA requires agricultural lands be designated and protected as a resource, and over 50,000 acres of the land where farming activity occurs in the county now has this protection. But with that protection comes other government interventions, with goals to protect wetlands, water quality and quantity, and other critical habitat vital for endangered and treaty-related species like Chinook salmon and the bull trout. Pesticide usage has been restricted, the result of new science and public outcry. Many hundreds of acres of farmland near rivers and streams have been

GMA Controversies in Snohomish and Spokane Counties

We'll now look at potentially conflicting imperatives of the GMA: enhancing agriculture and protection of critical areas and maintaining growth boundaries while increasing housing inventories and providing services to those on the edge of those boundaries.

In Snohomish and Spokane counties prominent players have recently taken actions to the Growth Management Hearings Board challenging GMA-related laws and/or policies. In Snohomish County, we'll examine the GMA in a place where demand for housing has spread out across the landscape and agriculture is struggling, relegated primarily to ecologically sensitive floodplains. In Spokane County, we'll look at a battle over urban growth boundaries and the ability for local governments to enhance Buildable Lands inventories and provide school sites and services in urbanized areas outside the UGA.

Snohomish County Case Study, *cont'd.*

taken out of production, an expensive consequence of buffers that have been put in place near these sensitive areas (Postema v Snohomish County 2016, Snohomish County 2015, T. Williams 2016).

In recent years, low-lying farms, many of them long fallow, have been purchased through government environmental programs. They are then flooded to provide habitat for endangered salmon. In addition, floodplain agriculture is dependent on a diking system that is aging, increasingly prone to damage from more frequent floods, and much more highly regulated when it comes to maintenance or repair activity (Marti 2016, SLSEC 2011).

Much like the ecosystems which conservationists and tribal advocates seek to protect or restore, once agricultural activity falls below a certain threshold in a given area, the support system around farming begins to collapse, speeding the demise of agriculture in a community. This system can consist of such things as processing plants, large animal veterinarians, equipment dealers, local government consideration that protects farm activity from the encroaching suburbs, and local farm organizations (SLSEC 2011).

Many observers have argued that this process is irreversible in the Snohomish valley, east of Everett. The farming community there now consists primarily of hobby or part-time farms, "tourist" farms which specialize in events like weddings, small specialty farms (with items like organic vegetables or grass-fed beef), and vegetable truck farms and stands (see urban agriculture section above). One exception to this has been a combined effort of the tribes, conservationists, and farmers east of Monroe: the Qualco Digester project. By processing waste on-site, and by using satellite-linked water quality monitoring, dairy farmer Andy Werkhoeven has been able to double the herd size of his dairy, co-located with the digester (Bartley 2012, Marti 2016, SLSEC 2011, T. Williams 2016).

In contrast, a collapse of the agricultural support system

has not occurred in the Stillaguamish Valley, west of Arlington, because of the linkage of the farm economy there to the more robust one in the neighboring Skagit Valley. The Stillaguamish Valley along the shore is also blessed with a unique marine microclimate. It is an ideal locale for the production of expensive specialty crops like cabbage seeds, which are exported around the world (Thomas et al. 1997).

Spokane and most other counties in the state have adopted the Voluntary Stewardship Program to find a way to accomplish the critical areas goals of GMA with fewer restrictions on agricultural activity. Snohomish has not chosen to take part in VSP but has sponsored another effort that similarly emphasizes voluntary performance, rather than rule-based environmental protection.

The Sustainable Lands Strategy (SLS) is not tasked to lead the county's compliance with GMA-required critical areas ordinances. This initiative has a more ambitious, overall goal to provide a "net-gain" in habitat, water quality, and other tribal cultural concerns, all while increasing agricultural production and vitality on the same landscape. Wholly advisory and voluntary, SLS has garnered the attention and support of federal, state, and local agencies and Indian tribes. It has also captured the imagination of some national officials who are looking for solutions to divisive rural environmental issues across the country (Evans 2015, Marti 2016, Postema v Snohomish County 2016, SLSEC 2011, T. Williams 2016).

This cooperative effort is the backdrop to a pair of recent Growth Management Hearings Board actions. One was filed by the Tulalip tribes and the second by Futurewise and the local Pilchuck Audubon Society. Both petitions voice objections to the county's most recent revisions to their critical areas ordinances. Another complaint against the county, this one with agricultural concerns, was initiated by the president of the Snohomish Growers Alliance, John Postema. Representatives from each of these entities have participated at the SLS table (Futurewise and Pilchuck Audubon Society v. Snohomish County 2015, Tulalip Tribes v. Snohomish County 2015).

Snohomish County Case Study, *cont'd.*

The tribes' action was filed as a continuance of an effort that began in 2011 with the issuance of a white paper by western Washington tribes who were a party to the Stephens Treaty and participate together in the Northwest Indian Fisheries Commission (NWIFC 2011). The document and its signatories seek to make the case that the federal, state, and local governments have not been doing enough to protect critical areas. They strongly assert that the federal government is once again in violation of treaty rights. These rights, as interpreted by the federal Boldt Decision, guarantee acceptable harvest levels of wild salmon and other species and the habitat to support them.

The Treaty Rights At Risk document, touted by the late Billy Frank among others, received attention at the highest levels of the federal government. In outlining a case for treaty violation, the tribes cite habitat loss, plummeting harvest figures for wild salmon stocks, blocked fish passages, lack of buffers to protect water quality, and a general lack of enforcement of environmental laws or the application of "best available science" to protect resources. The successful tribal record in federal court is sobering for those who are responsible for environmental and natural resource agencies. The result has been a tougher stance taken by tribal officials and their allies at every level (NWIFC 2011, D. Williams 2016, T. Williams 2016).

Both the Futurewise/Pilchuck Audubon and Tulalip Tribes' actions before the Growth Management Hearings Board stem from issues related to the treaty initiative. The tribes stated the county's critical areas ordinance No. 15-034 was inconsistent with GMA, and did not apply "the best available science." In their view, the result is

A porous county code that provides inadequate critical area buffers, continued expansion of impervious surfaces, insufficient mitigation ratios, outdated critical area designations, and a lack of clear protection for shoreline areas, among other concerns (Tulalip Tribes v. Snohomish County 2015).

The tribes also point out that the GMA requires counties to pay particular attention to salmon fisheries (RCW 36.70A.172(1)).

Futurewise and Pilchuck Audubon also fault the county's lack of clarity between critical areas concerns under GMA and their Shoreline Master Program (SMP), which creates gaps in protection. Ironically, an ongoing concern of the development community has been duplication, overlaps, and confusion between GMA and Shoreline Management Act roles. Growth Management Hearings Boards are often involved with specific land use issues, while the Shorelines Hearings Boards are generally concerned with county policies (Futurewise and Pilchuck Audubon Society v. Snohomish County 2015, Mackie 2015, Stockdale 2016).

The Futurewise/Pilchuck Audubon petition faults in sweeping fashion many regulations and enforcement patterns related to buffers, land uses, impervious surfaces, and mitigation. It states that this constellation of regulations as currently enforced "fail to protect the functions and values of critical areas and are not based on best available science," echoing the concerns of the tribes. Futurewise and Pilchuck Audubon also call out what they view as threats to water quality and quantity, including land use activities deemed to interfere with functions related to aquifer recharge. In the county where the cataclysmic Oso landslide occurred, they assert that "the designation of landslide hazards and the protections authorized . . . are discretionary, lack sufficient standards, and fail to protect people and property" (Futurewise and Pilchuck Audubon Society v. Snohomish County 2015).

These two ongoing actions (which have subsequently been merged into one) that emerged from the tribal and environmental communities provide a revealing contrast with an appeal filed by farmer John Postema.

Snohomish County did not update its critical areas ordinances in 2007 for agriculture, abiding by a new state law that placed a moratorium on new CAOs for farmers

Snohomish County Case Study, *cont'd.*

(pending the conclusion of the Ruckelshaus study which resulted in the GMA amendment that created the Voluntary Stewardship Program). VSP, the alternative path to CAO regulations for agriculture, was launched, but the county chose not to opt in. Therefore Snohomish County had to add agriculture to its regular CAO update in 2011. In 2015, the county moved to update all CAOs, and made new amendments applicable to agriculture. One of them was a repeal of exemptions for farming activities in “aquifer recharge areas” (Postema v Snohomish County 2016).

Another amendment was new county oversight and accountability requirements for “farm plans” administered by the local conservation district. This is a voluntary exercise encouraged, and at times subsidized, by the National Resource Conservation Service and the state Conservation Commission. Farmers promise to undertake “best management practices” to stave off regulatory restrictions. These plans have become controversial among environmentalists because their requirements and agreements are considered proprietary and are not public information (Marti 2016, Postema v Snohomish County 2016).

Mr. Postema, in the same fashion as those who would want *economic* impact reviews to accompany *environmental* impact statements, claimed Snohomish County did not use “best available science” in crafting their critical areas ordinances—but he means the science of agricultural success. He also claimed the county’s updated regulations thwarted the GMA goal of enhancing agriculture, including that farmers had to deal with inconsistencies in buffer requirements and legal definitions of agricultural land and agriculture (Postema v Snohomish County 2016).

Postema also sought redress for what he sees as contradictions between shoreline and growth management planning, specifically in the areas of buffer requirements and definitions of agriculture that are based on activity in the CAOs and on agricultural land in Snohomish County’s SMP. A successful nursery owner and vegetable truck farmer, Postema sees these new restrictions and regulations as detrimental to the “science” of successful agriculture.

Commentary

Without analyzing the legal merits of Postema’s unsuccessful case, it raises several topics of concern for western Washington farmers who feel they are barely making it as it is.

The explosive topic of buffers has reemerged with new conditions on federal funds, which are a direct response to the Treaty Rights at Risk effort (Marti 2016). A “dumb” buffer, one that is based solely on the number of feet from a water source or other critical areas, e.g. a 250-foot buffer, can take a lot of productive land out of production with one sweep of the regulatory pen. “Smart” buffers, on the other hand, rely on science to determine the width of buffer needed for every running foot along a channel, a creek, or a wetland, and are likely to take far fewer acres out of production.

As science and monitoring technology advance, there should be more opportunities to deploy the latter as a habitat and water quality protection strategy (Marti 2016, T. Williams 2016).

There should be more opportunities to deploy “smart” buffers as a habitat and water-quality protection strategy.

Spokane County: The Fight To Expand Urban Growth Boundaries

Spokane County in recent years has been the site of a protracted conflict about the ability of local governments to increase the size of their urban growth areas. The region has experienced steady, if unspectacular economic and population growth since World War II (Scranton 2016). But the pressure to convert farmland to suburban development was lessened due to a continuously viable agricultural sector, a vocal sector of the community who favored land use restrictions, and a relatively low residential land price baseline (even today with significantly rising prices, the average price of a home in Spokane is \$100,000 less than one in Everett) (Pederson 2016, Zillow 2016).

These factors allowed the creation of relatively tight urban growth boundaries where sprawl was primarily limited to the rolling hills east of the city of Spokane toward the Idaho border and later west of the Spokane UGA in the city of Airway Heights, where infrastructure necessary for development had been built years earlier.

As in other parts of the state, the business of farming was affected by restrictions that came with the growth of environmental legislation in the 1970s and '80s, culminating with the GMA and the requirement of critical areas ordinances in the early

'90s. While it would not be accurate to say that the imposition of wetlands restrictions, buffers and other regulatory requirements were without opposition, the CAO has not been the ongoing flashpoint in the Spokane region that it continues to be in Snohomish County.

In addition, Spokane is one of the first counties to move forward in implementing the Voluntary Stewardship Program. The county's conservation district

(CD) is facilitating what is hoped to be an ongoing dialogue between agriculture and conservationists about how to institute voluntary measures that can be more effective in protecting critical areas than merely enforcing the regulations on



Photo courtesy City of Spokane

the books. But unlike the advisory role the SLS collaborative group plays in Snohomish County over a broad array of issues, Spokane's VSP participants are specifically authorized under state law to participate in the formal process of modifying the county's critical areas ordinances required under GMA.

The local CD has a good track record in eliciting the cooperation of farmers as evidenced by the success of their "no-till" agriculture program. Cultivating and planting in soil without plowing reduces labor time and costs, but also protects the critical, fragile

Spokane County Case Study, *cont'd.*

layer of topsoil and keeps it from being blown into streams and other habitat areas—a win-win for farmers and those concerned about ecosystem health (Carter 2016, Shultz 2015).

The county's first UGA was approved in 2001, and an update was scheduled for 2011. Several alternatives were presented and went through a public process. An initial population allocation of 113,541 was considered a starting point by the county, but was considered the only number eligible for consideration by Futurewise and community activists. That number resulted in a "population capacity surplus" for each alternative, which precluded a UGA expansion. But according to county commissioners, public meetings included discussions of population scenarios that ranged as high as 122,000 (Spokane County 2013). The GMA says the size of a UGA must be determined by 20-year OFM population projections, plus a land supply market factor. On July 13, 2013, desiring to add urbanized rural areas (including a school) and to accommodate future growth on a slightly larger land base, county commissioners added 4,125 new acres to the UGA in the comprehensive plan update that had been scheduled for 2011, using a new growth projection of 121,112 (Spokane County v EWGMHB 2015).

The new growth projections precipitated an appeal from local citizen activists and Futurewise, the statewide advocacy group for the GMA and greater housing densities. The county soon found its attempt to expand the UGA before the Growth Management Hearings Board. In ruling against the county, the GMHB determined that it did not adequately inform the public that population projections had been increased (Spokane County v EWGMHB 2015).

The last public hearing to discuss the planning up-

date was February 2013. This adjustment had lent credence to the idea that more developable land was needed, justifying the plan to expand the UGA. The county defended their action, claiming correctly their later projection was in the upper end of a population prediction range that had been produced by OFM, which was not presented as an alternative, but was discussed in earlier public hearings. The findings produced by the county commissioners state that each alternative went through the public process and yielded a different population projection. These numbers derived from the alternative plans were in each case more than the projection the court ruled was allowable (Spokane County 2013, Spokane County v EWGMHB 2015).

In addition, the county pointed out that previous OFM growth projections had undershot the actual increases in population that had occurred, necessitating this upward flexibility to more accurately predict the future population. According to the GMHB ruling, the county also maintained it was exempt from specific elements of GMA's public participation requirement related to the initial allocation number because an extensive environmental impact statement process had occurred with consideration of the alternative numbers (Pederson 2016, Spokane County v EWGMHB 2015).

The Court of Appeals ruled against the county, upholding the decision of the Growth Management Hearings Board. The Court of Appeals called the county's action "a retrofit driven by the desire to expand the UGA," and suggested that the county drew the UGA expansion map and then increased the projection "to fit the chosen area" (Spokane County v EWGMHB 2015). In its decision the Court cited lack of public notice and hearings and the possibility of vesting of development rights in an urban growth boundary that was not properly cre-

Spokane County Case Study, *cont'd.*

ated and subject to challenge. The issue of vesting (i.e., whether a property owner should have certainty and be vested with legal rights at one time, even if those rights would not be available later due to regulatory changes) is itself controversial (Spokane County v. EWGMHB 2015).

Today Spokane, like many urban and suburban areas in the state, is suffering from a housing inventory problem. Home prices rose 8.2 percent in the past year in the city of Spokane and 7.6 percent county wide (Zillow 2016), despite the fact that Spokane's foreclosure rate is almost three times the national average. Home price increases can have many contributing factors, but supply is always an underlying determinant.



V. Improving the Act

There are many ways the GMA could be improved. Such improvements would require political viability, which would in turn require, in most cases, a new consensus about growth boundaries. There are two impediments to such a change.

First, many people believe that any chipping at the integrity of a UGA line would result in a chorus of voices looking for exceptions, resulting in sprawl. As Forterra's Cascade Agenda notes,

Yet, urban growth boundaries and residential densities are set by elected officials, and they are subject to many pressures. Even a slight change in the policies they choose could unleash a huge surge of development in the rural areas and foothills forests of the region (Forterra 2005).

Commentary

Today the public advocacy groups that used GMA to take action against the new urban growth boundaries are locked into mediation with the county to reshape the comprehensive plan. Questions about a relatively small discrepancy in a population projection and public process rules have brought Spokane County's planning and any hope of adding to the Buildable Lands inventory to a halt.

If another round of public meetings had occurred, what would have been the difference in the outcome? No or slow growth, and density advocates would not be likely to change their positions, nor would elected officials. The county's actions received regular coverage in the Spokesman-Review and a considerable amount of activist attention at every juncture.

Public hearings imply transparency, which is without question a benefit to a free society. But when the outcomes of the planning process hang on technicalities, it is fair to ask whether the public is truly informed by them.

To address this concern, would-be reformers of the GMA should insist on rules guaranteeing that adding exceptions or regulatory flexibility to GMA will not result in gaming the system or rendering the act impotent (e.g., via changing population projections). There are a growing number of people who would like to create such sideboards. Targeted modifications to GMA today could, in certain instances, save school districts money, encourage growth of family wage jobs, reduce commute times, and make more affordable housing available.

Second, many believe there are no forms of mitigation ecologically valuable enough to compensate

Improving the Act, *cont'd.*

for the loss of pervious surface and contiguous habitat, increased storm water pollution, and other maladies blamed on sprawl. It needs to be demonstrated that there are credible ways of spending mitigation dollars and other funds to get their highest and best use, and posting measureable, significant environmental gains as a result. Showing credible evidence of increased biological function or protection from environmental harm opens the possibility of modifying the act to attain other societal goals (like affordable housing, farmland preservation, and rural job creation) without threatening the purposes of the act itself. The development community could be an economic engine to help achieve these gains.

The following recommendations are the result of analysis of input from a variety of sources. They are prefaced with the disclaimer that the Research Council is solely responsible for the compilation of this list. These suggested improvements to the Act are put forth for further discussion, development, and vetting in the public discourse and processes related to GMA.

Recommendations

1. Allow counties to trade unbuildable acres within UGAs (e.g., those that are wetlands, steep, expensively distant from infrastructure hook-ups) for truly buildable lands (e.g., with soils, topography, proximity to infrastructure) outside UGAs.
2. Allow increased, systematic verification of land designations (ground-truthing).
3. Allow cities within a UGA in the floodplain trade it acre-for-acre for new UGA acreage on higher-elevation buildable land, restoring the floodplain land to functional habitat.
4. Grant 50-year zoning to developers on certain designated lands close to light rail lines to encourage high density mixed development, where such a pattern of development is not occurring now.
5. Allow counties to add to UGA acreage in trade for financing and development of high-value habitat sites to be enhanced for increased biological productivity.
6. Require the state to conduct a detailed review and analysis of the fiscal elements of Gov. Gregoire's affordable housing panel's 2007 report and reevaluate the funding of the Public Works Trust Fund, which is a perennial target of budget cuts.
7. Send more training and funds from the state to: (1) localities to do more robust market analysis and better planning, (2) the Department of Commerce to hire and train more staff to assist localities with state compliance in planning, and (3) the Conservation Commission and/or counties implementing the Voluntary Stewardship Program to comply with GMA critical areas ordinance requirements.

Recommendations, *cont'd.*

8. Join and foster efforts for performance-based permitting, which emphasizes area-wide environmental gains over individual rule-following. Look at the concept of pollution trading (similar to carbon trading), in which funds from entities (i.e. point source polluters such as factories) that are currently paying high dollars for less environmental gain can move to underfunded entities (i.e. non-point polluters such as farmers) in order to make bigger environmental gains (See VSP, Snohomish County Sustainable Lands Strategy, EPA: Effluent trading).
9. Allow new taxing authority to be used only for the following items if they are instituted simultaneously: (1) consultation with regional science panel convened to identify highest and best use of mitigation dollars and best locations for projects to increase biological value, thus bringing more value and credibility to mitigation dollar spending; (2) augment comprehensive planning processes to (a) evaluate all density effects in relation to the size and configuration of UGAs, (b) augment current studies of future housing needs and affordability, and (c) determine how to create new developments from subdivision to planned community scale that will lower housing costs and mesh with regional habitat plans in conjunction with science panel analysis above, in or out of current UGAs; (3) provide seed money to create pilot projects with multi-benefit objectives and regulatory flexibility related to housing and commercial construction, farming, forestry, habitat, water quality and tribal culture, accomplished through formal partnerships between the tribal, conservation and business communities (Qualco digester model, in Monroe); and (4) augment county/city planning staff with qualified personnel who are also trained in multi-benefit facilitation, win-win and multi-use permitting through the Ruckelshaus Center at the UW or similar education facility. The special funding authority would sunset in five years.
10. Expand categorical exemptions for SEPA reviews or eliminate them inside the UGA, as recommended by Gov. Gregoire's 2007 GMA task force.
11. Allow for smaller lot sizes and infrastructure (where overall environmental gain can be demonstrated) outside the UGAs for demonstrated agricultural uses and create sideboards to prevent abuses of this variance.
12. Allow construction or infrastructure projects (even at variance with GMA strictures) in rural, economically depressed areas where demonstrable gains in affordable housing or job creation can be achieved. The construction could be mitigated by targeted environmental projects whose ecological value can be measured as a net gain.
13. Allow industrial uses in areas with obvious value to create manufacturing jobs (e.g. short line rail corridors) in exchange for high-value mitigation expenditures.
14. Allow school sitings outside UGAs where it can be shown that alternatives (short of eminent domain) would create an undue financial burden on school districts, undue length of travel for a significant number of students, or both.
15. Create statewide permitting templates to reduce process friction and guarantee certainty, reducing public costs and drawing private investment into areas where there is reticence to invest.
16. Require future planning for single-family housing be clearly stated in Buildable Lands reports and comprehensive planning. This would promote transparent governance and accountability to the public.

In Conclusion

Since the GMA was enacted, sprawl has slowed, planning has become more professional and uniform, and resource lands have been carved out. These are results proponents justifiably point to as successes when evaluating the GMA. Density can create livable, wonderful neighborhood areas and efficient infrastructure. More of our citizens who want to live in already densely-populated urban neighborhoods can be accommodated—a victory for freedom of choice and efficiency.

But the centralized planning and the rigidity of growth boundaries and land designations geared toward “smart growth” and high densities can be problematic because not everyone wants to live that way. Those in the urban Puget Sound area seeking single-family homes are finding their options increasingly limited. Cost is pushing them to the periphery of urban areas in various parts of the state, effectively negating the goal to reduce sprawl.

Compact infrastructure designed and sited in a detailed, long-range plan can provide savings to taxpayers and to the planet. But it can also be more expensive and difficult to undertake when a densely packed number of users require costly new physical plant or higher capacity transmission lines that disrupt established neighborhoods, require ripping into other infrastructure, and sometimes require major investments not attributable to any one development.

Modern farmers using the biointensive methods of John Jeavons and many others can make a living (or supplement their income) on two- or three-acre parcels. But GMA restricts the availability of affordable parcels of this size.

The GMA provides for extensive public involvement, but the process is often taken over by professionally interested parties. The general public may be better served if it understands how the GMA calls for ever-greater density.

Small communities hoping to expand their tax bases can be stifled by the rigidity of the GMA. And school districts needing new facilities as they seek to lower class sizes, decrease busing distances and foster neighborhood schools are having trouble doing so in a cost-effective way.

The GMA provides for extensive public involvement, but the process is often taken over by professionally interested parties. The general public may be better served if it understands how the GMA calls for ever-greater density.

If we continue on the current path, the ability to purchase a single-family detached home may be greatly reduced for all but the wealthy. Additionally, the market evolution into a more beneficial pattern of agriculture may be thwarted. Enhancing the GMA will require protecting growth boundaries from continual assault while increasing their flexibility and utility for all of our citizens, particularly those hardest hit by rising prices.

References

- Abbott, Carl. 2016. "Land Use Planning." The Oregon Encyclopedia. Accessed April 13, 2016. http://www.oregonencyclopedia.org/articles/land_use_planning/#.Vw5KK0cWKf0
- Affordable Housing Advisory Board Growth Management/Housing Task Force (AHAB). 2006. "The Task Force's Report to the Affordable Housing Advisory Board." October 18. <http://www.commerce.wa.gov/Documents/AHAB-GMA-Housing-Task-force-Final-Report.pdf>
- . 2015. "2015 Washington State Housing Needs Assessment." <http://www.commerce.wa.gov/Documents/Washington%20State%20Wa%20Housing%20Needs%20Assess%20Geo%20Profile.pdf>
- Amster, Glenn. 2015. Interview with WRC. November 20.
- Bannecker, Randy. 2015. Interview with WRC. December 23.
- Bartley, Nancy. 2012. "Longtime Monroe dairy farm now turns manure into money." Seattle Times. January 26. <http://www.seattletimes.com/seattle-news/longtime-monroe-dairy-farm-now-turns-manure-into-money/>
- Bauer, Leonard. 2015. Interview with WRC. November 20 and December 2.
- Beaver, Ty. 2016. "Tri-City officials say state growth act limiting future school sites." Tri-City Herald. January 30. <http://www.tri-cityherald.com/news/local/education/article57571413.html>
- Beekman, Daniel. 2015. "Seattle mayor selects three sites for homeless encampments." Seattle Times. July 29. <http://www.seattletimes.com/seattle-news/politics/encampments-locations/>
- Carter, Nina. 2015. Interview with WRC. December 21.
- Carter, Vicki. 2016. Interview with WRC. March 1.
- Clark County. 2015. "Buildable Lands Report." June. <https://www.clark.wa.gov/sites/default/files/2015BUILDABLELANDSREPORT.pdf>
- Dairy Herd News Source (DHNS). 2011. "Washington dairies moving to eastern part of state." January 17. <http://www.dairyherd.com/dairy-news/latest/washington-dairies-moving-to-eastern-part-of-state-113939604.html>
- Davenport, Steve. 2016. Interview with WRC. May 6.
- Davis, Tom and Evan Sheffels. 2015. Interview with WRC. November 24.
- Department of Commerce (Commerce). 2012. "Urban Growth Area Guidebook." November. <http://www.commerce.wa.gov/Documents/GMS-UGA-Guidebook-Final-2012.pdf>
- . 2015. "Growth Management Act Amendments 1995–2015." <http://www.commerce.wa.gov/Documents/GMA-amendment-changes-1995-2015.pdf>
- . 2016a. "Buildable Lands." Accessed March 14, 2016. <http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Buildable-Lands.aspx>

- . 2016b. "Growth Management Act Compliance." Accessed March 14, 2016. <http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Pages/GMACompliance.aspx>
- Derr, Jay and Tadas Kisielius. 2010. "Growth Management Act at 20 Years: A Counterpoint." *Environmental & Land Use Law Newsletter*. Vol. 37, No. 2. Environmental and Land Use Law Section of the Washington State Bar Association. <http://www.wsba.org/~media/Files/Legal%20Community/Sections/ELUL/Newsletters/ELUL%20%20September%202010%20%20Vol%2037%20No%202.ashx>
- Derr, Jay. 2015. Interview with WRC. November 19 and January 20, 2016.
- Evans, Dan. 2015. "Consensus-Building." *Policy Today*, Washington Research Council. August 5. <http://researchcouncil.org/2015/08/05/policy-today-common-ground-edition-consensus-building>
- Forterra. 2005. "The Cascade Agenda: A 100 Year Vision for Pierce, King, Kittitas, and Snohomish Counties." <https://forterra.org/wp-content/uploads/2015/05/Cascade-Agenda-Full-Report-Forterra.pdf>
- Futurewise. 2016. "About." Accessed March 10, 2016. <http://futurewise.org/about>
- Futurewise and Pilchuck Audubon Society v. Snohomish County. 2015. "Petition for Review." Growth Management Hearings Board, Central Puget Sound Region. Case No. 15-3-0009. November 6. <http://www.gmhb.wa.gov/LoadDocument.aspx?did=3912>
- Gardner, Booth. 2005. Interview with Diane Wiatr. Washington State Legislature Oral History Program: Voices of Recent Decades 1980-2000. August 17. <http://app.leg.wa.gov/oralhistory/pdf/OH819.pdf>
- Growth Management Planning Council (GMPC). 2016. "Growth Management Planning Council." Accessed March 10. <http://www.kingcounty.gov/depts/executive/psb/regional-planning/Growth-Management/GMPC.aspx>
- Hall, Will. 2015. Interview with WRC. December 15.
- Housing Affordability and Livability Committee (HALA). 2015. "Seattle Housing Affordability and Livability Agenda: Final Advisory Committee Recommendations To Mayor Edward B. Murray and the Seattle City Council." July 13. http://murray.seattle.gov/wp-content/uploads/2015/07/HALA_Report_2015.pdf
- Howsley, Jamie. 2015. Interview with WRC. November 25.
- Jewell, Mark. 1998. "Dramatic Urban-Rural Prosperity Gap in Washington State." Associated Press. March 15. <http://articles.latimes.com/1998/mar/15/local/me-29057>
- Kelly, Kristin. 2015. Interview with WRC. December 23.
- King County Growth Management Planning Council. 2014. "The King County Buildable Lands Report 2014." July 23. <http://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/buildable-lands-report/king-county-buildable-lands-report-2014.ashx?la=en>

References, *cont'd.*

- Kitsap County. 2015. "2014 Buildable Lands Report." January 31. http://www.kitsapgov.com/dcd/community_plan/blr%202014/BLR_2014.htm
- Knight, Deborah. 2016. Interview with WRC. February 26.
- Legislative Task Force on School Siting (LTFSS). 2015. "Final Report." December. <https://app.leg.wa.gov/CMD/Handler.ashx?MethodName=getdocumentcontent&documentId=IFp9y94yko8&att=false>
- Lewis County v. W. Wash. Growth Mgmt. Hearings Bd. 2006. State Supreme Court No. 76553–7. 157 Wn.2d 488. August 10. <http://courts.mrsc.org/mc/courts/zsupreme/157wn2d/157Wn2d0488.htm>
- Local Governance Study Commission (LGSC). 1988. "A History of Washington's Local Governments: Final Report, Volume I." January. <http://mrsc.org/getmedia/776D508D-95F1-46DF-8635-938D2D858308/W3LGSC1.aspx>
- Mackie, Sandy. 2015. Interview with WRC. December 16 and January 21, 2016.
- Marti, Monte. 2016. Interview with WRC. March 1.
- Master Builders Association of King and Snohomish Counties (MBA-KS). 2013. "Buildable Land Supply Shortage: Finding a Path Forward for Housing." http://www.mba-ks.com/library/docs/member/Issues/Homing-In/2013_0201_LandSupply2013_final.pdf
- McCormick, Mike. 2015. Interview with WRC. December 18.
- Merrill, Laura. 2015. Interview with WRC. November 24.
- Moody's Analytics. 2016. "Historical: U.S. NAR: Monthly Supply of Homes." Accessed May. <https://www.economy.com/products/data/nar-monthly-supply-of-homes>
- Mullin & Lonergan Associates Incorporated. 2015. "State of Washington Housing Needs Assessment." Washington State Affordable Housing Advisory Board, Department of Commerce. January. <http://www.commerce.wa.gov/Documents/Wa%20Housing%20Needs%20Assessment.pdf>
- Municipal Research and Services Center (MRSC). 2015. "Periodic Update Process for Comprehensive Plans and Development Regulations." November 24. Accessed March 14, 2016. <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/GMA-Plan-Development-Regulations-Updates.aspx>
- . 2016. "Comprehensive Planning/Growth Management." January 8. <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Comprehensive-Planning-Growth-Management.aspx>
- Northwest Indian Fisheries Commission (NWIFC). 2011. "Treaty Rights at Risk: Ongoing Habitat Loss, the Decline of the Salmon Resource, and Recommendations for Change." July 14. <http://nwifc.org/w/wp-content/uploads/downloads/2011/08/whitepaper628finalpdf.pdf>
- Northwest Multiple Listing Service (NWMLS). 2016. "Statistical Summary by Counties: Market Activity Summary." April. http://www.northwestmls.com/library/content/statistics/PRTables_Apr16.pdf

- Office of Financial Management (OFM). 2013. "Washington population growth accelerates." June 27. <http://www.ofm.wa.gov/news/release/2013/130627.asp>
- . 2016. "Population, population change, births, deaths, and residual migration by state and county, 1960 to present." Accessed May 10, 2016. <http://www.ofm.wa.gov/pop/components/default.asp>
- Oldham, Kit. 2006. "Opponents of property-rights measure force public vote on Referendum 48 by submitting a record number of signatures on July 21, 1995." HistoryLink.org. September 11. http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=7915
- Pace, Sam. 2015. Interview with WRC. December 16.
- Pederson, John. 2016. Interview with WRC. February 4 and May 9.
- Pew Research Center (PRC). 2013. "Second-Generation Americans: A Portrait of the Adult Children of Immigrants." February 7. http://www.pewsocialtrends.org/files/2013/02/FINAL_immigrant_generations_report_2-7-13.pdf
- Pierce County Planning and Land Services (PCPLS). 2014. "Pierce County Buildable Lands Report." June 30. <http://www.co.pierce.wa.us/DocumentCenter/View/30444>
- Pierce County Public Works Department (PCPWD). 2014. "Traffic Volume Report." <http://www.co.pierce.wa.us/DocumentCenter/View/34963>
- Pike, Liz. 2015. Interview with WRC. December 21.
- Planning Advisory Committee (PAC). 2014. "Housing Characteristics and Needs in Snohomish County." Snohomish County Tomorrow. January. <http://wa-snohomishcounty.civicplus.com/DocumentCenter/View/13067>
- Postema v. Snohomish County. 2016. "Final Decision and Order." Growth Management Hearings Board, Central Puget Sound Region. Case No. 15-3-0011. April 8. <http://www.gmhba.wa.gov/LoadDocument.aspx?did=4995>
- Puget Sound Regional Council (PSRC). 2009. "Vision 2040." December. <http://www.psrc.org/assets/366/7293-V2040.pdf?processed=true>
- Puget Sound Regional Council (PSRC). 2009. "Vision 2040." December. <http://www.psrc.org/assets/366/7293-V2040.pdf?processed=true>
- Purcell, Paul. 2015. Interview with WRC. December 23.
- Roberg, Jarrod. 2016. Interview with WRC. April 12.
- Ryan, John. 2015. "After 10-Year Plan, Why Does Seattle Have More Homeless Than Ever?" KUOW.org. March 3. <http://kuow.org/post/after-10-year-plan-why-does-seattle-have-more-homeless-ever>
- Schroeder, Carl. 2015. Interview with WRC. December 18.

References, *cont'd.*

- Scranton, Steve. 2016. "Two Regions, One State." Presentation before Association of Washington Business. January 19.
- Seattle Department of Transportation (SDOT). 2008. "Seattle Urban Mobility Plan: Case Studies in Urban Freeway Removals." January. <http://www.seattle.gov/transportation/docs/ump/06%20SEATTLE%20Case%20studies%20in%20urban%20freeway%20removal.pdf>
- . 2016. "Greenwood Ave N Facts and Answers." Accessed May 11. <http://www.seattle.gov/transportation/docs/GreenwoodResponseFAQs.pdf>
- Seattle Times. 1990. "Comparison of Initiative 547 With Growth Management Act." October 28. <http://community.seattletimes.nwsourc.com/archive/?date=19901028&slug=1100881>
- Settle, Richard L. and Charles G. Gavigan. 1993. "The Growth Management Revolution in Washington: Past, Present, and Future." *University of Puget Sound Law Review*. Vol. 16:867. <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1392&context=sulr>
- Shultz, Ron. 2016. Interview with WRC. January 22.
- S/K Realtors v. King County. 2005. "Final Decision and Order." Central Puget Sound Growth Management Hearings Board. Case No. 04-3-0028. May 31. <http://www.gmhb.wa.gov/searchdocuments/cpsgmhb/2005/cpsgmhb%2004328%205-31-2005%20skrealtorsfdo.pdf>
- Smart Growth America (SGA). 2014. "Measuring Sprawl 2014." April. <http://www.smartgrowthamerica.org/documents/measuring-sprawl-2014.pdf>
- Snohomish County. 2005. "Agricultural Land Economic Information Appendix II-C: Agricultural Production and Protection in Snohomish County." May 13. <http://snohomishcountywa.gov/DocumentCenter/View/8706>
- . 2012. "2012 Buildable Lands Report." June 12. <http://snohomishcountywa.gov/DocumentCenter/View/7662>
- . 2015. "2035 Comprehensive Plan." <http://snohomishcountywa.gov/2139/Comprehensive-Plan>
- Spokane County. 2012. "Comprehensive Plan." <http://www.spokanecounty.org/data/buildingandplanning/lrp/documents/Comprehensive%20Plan%201012.pdf>
- Spokane County Commissioners. 2013. "Findings and Decision." No. 13-0689. http://www.spokanecounty.org/data/buildingandplanning/lrp/uga_update/071813%20UGA%20Findings.pdf
- Spokane County v. Eastern Washington Growth Management Hearings Board, et al. (Spokane County v. EWGMHB). 2015. Court of Appeals of Washington, Division 3. No. 32240-8-III. June 18. <http://caselaw.findlaw.com/wa-court-of-appeals/1705241.html>
- Springer, Larry. 2015. Interview with WRC. December 30.
- State Auditor's Office (SAO). 2016. "Local Government Financial Reporting System." Accessed March 10, 2016. <http://www.sao.wa.gov/local/Pages/LGFRS.aspx#.VucD6OZZdNI>

- Stiles, Marc. 2016. "Millennials are shaking up Seattle's suburbs." Puget Sound Business Journal. February 19. <http://www.bizjournals.com/seattle/print-edition/2016/02/19/millennials-are-shaking-up-seattles-suburbs.html>
- Stockdale, Erik. 2016. Interview with WRC. January 15.
- Sustainable Lands Strategy Executive Committee (SLSEC). 2011. "Snohomish County Sustainable Lands Strategy: Phase 1 Framework Report." March 14. http://www.kingcounty.gov/~media/environment/waterland/agriculture/Ag-Summit/strategic-plans/Snohomish_County_Sustainable_Land_Strategy.ashx?la=en
- Takko, Dean. 2015. Interview with WRC. December 5.
- Thomas, Jane, Alan Schreiber, and Gary Pelter. 1997. "Washington's Small-Seeded Vegetable Seed Industry." Victory Horticultural Library. April. Accessed May 11, 2016. http://www.saveseed.org/company_history/washington_seed_history/eb1829.html
- Thompson, Lynn. 2016. "Regional Council Warns Five King County Towns They're Growing Too Fast." Seattle Times. June 22. <http://www.seattletimes.com/seattle-news/eastside/regional-council-warns-5-king-county-towns-theyre-growing-too-fast/>
- Thurston Regional Planning Council. 2014. "Buildable Lands Report 2014: For Thurston County." March. <http://www.trpc.org/DocumentCenter/Home/View/104>
- Tovar, Joseph W. 2014. "GMA at 25: Looking Back, Looking Forward." Municipal Research and Services Center. December 12. <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/December-2014/GMA-at-25-Looking-Back,-Looking-Forward.aspx>
- Tri-City Herald. 2016. "Our Voice: Exception from GMA for schools needed." Editorial. February 8. <http://www.tricityherald.com/opinion/editorials/article59201028.html>
- Trohimovich, Tim. 2010. "The Growth Management Act at 20: What Reforms Are Needed to Get Ready for the Next 20 Years?" Environmental & Land Use Law Newsletter. Vol. 37, No. 2. Environmental and Land Use Law Section of the Washington State Bar Association. <http://www.wsba.org/~media/Files/Legal%20Community/Sections/ELUL/Newsletters/ELUL%20%20September%202010%20%20Vol%2037%20No%202.ashx>
- . 2015. Interview with WRC. December 5.
- Tulalip Tribes v. Snohomish County. 2015. "Petition for Review." Growth Management Hearings Board, Central Puget Sound Region. Case No. 15-3-0012. November 23. <http://www.gmhba.gov/LoadDocument.aspx?did=3885>
- U.S. Census Bureau (Census). 2000. "1990 Census, Selected Place of Birth and Migration Statistics for States." Table 4. October 12. <http://www.census.gov/hhes/migration/files/decennial/90mig.txt>
- United States of America, Quinault Tribe of Indians, et al. v. State of Washington, et al. 1974. United States District Court, 384 F. Supp. 312. <http://wdfw.wa.gov/fishing/salmon/BoldtDecision8.5x11layoutforweb.pdf>

References, *cont'd.*

- Washington Research Council (WRC). 2005. "Buildable Lands Process Flawed." PB 05–13. November 29. <http://researchcouncil.org/files/docs/2013/08/buildablelandsprocessflawed.pdf>
- . 2008a. "2007 Buildable Lands Process Part I: An Improving But Still Imprecise Tool." SR 08–01. January 15. <http://researchcouncil.org/files/docs/2013/08/buildablelandsprocess011508pt1.pdf>
- . 2008b. "2007 Buildable Lands Process Part II: County Results." SR 08–02. January 16. <http://researchcouncil.org/files/docs/2013/08/buildablelandsprocess011608pt2.pdf>
- Washington State Conservation Commission (SCC). 2016. "Voluntary Stewardship Program." Accessed April 13, 2016. <http://scc.wa.gov/voluntary-stewardship-program/>
- Washington State Department of Revenue (DOR). 2010. "Tax Reference Manual 2010." January. http://www.dor.wa.gov/Content/AboutUs/StatisticsAndReports/2010/Tax_Reference_2010/default.aspx
- Washington State Department of Transportation (WSDOT). 2016. "Regional Transportation Planning." <http://www.wsdot.wa.gov/planning/Regional/Default.htm>
- . 2015. "The 2015 Corridor Capacity Report." October. <http://wsdot.wa.gov/publications/fulltext/graynotebook/CCR15.pdf>
- Williams, Darryl. 2016. Interview with WRC. April 12.
- Williams, Terry. 2016. Interview with WRC. April 12.
- Williams, Terry and Brian Bookey. 2014. "Cooperative work will meet needs of farms, fish." HeraldNet. December 14. <http://www.heraldnet.com/article/20141214/OPINION03/141219614>
- Zillow. 2016. "Local Market Reports." March. <http://www.zillow.com/research/local-market-reports/>

