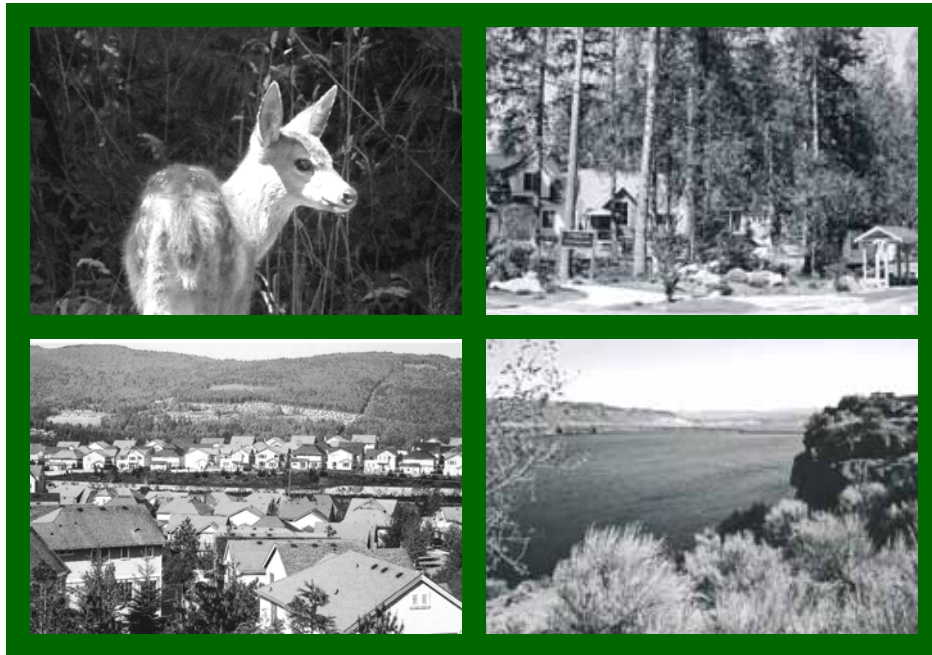


THE GROWTH MANAGEMENT ACT of Washington State: SUCSESSES AND CHALLENGES



A Report by
The League of Women Voters of Washington

Published by the League of Women Voters of Washington Education Fund

August 2006

"The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth."

Growth Management Act, 1990
RCW 36.70A.010

Growth Management Act Vision. " The regional physical form required by the Act is a compact urban landscape, well designed and well furnished with amenities, encompassed by natural resource lands and rural landscape."

Central Puget Sound Growth Management Hearings Board, 1995¹

THE GROWTH MANAGEMENT ACT of Washington State:

SUCSESSES AND CHALLENGES



Skagit County

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PREFACE

This report is the result of the League of Women Voters of Washington's first formal study of the Growth Management Act. League members studied land use issues and adopted statements of positions on land use in 1968 and 1969-73. On the basis of those positions, the League has supported the Growth Management Act since its inception.

At the League's June 2005 state convention, the delegates adopted a study of the Growth Management Act. The topics of the study as adopted are:

- Specific components of the Act, such as goals, planning requirements, enforcement, and so forth.
- An assessment of how it has worked around the state – successes and challenges
- Case studies illustrating key issues
- Current controversies and what is being done about them
- Comparison with other states

This report seeks to provide information on each of these topics, based on interviews with people both in and out of government and on many written sources.

The report is a guide to the Growth Management Act, what it is and how it works, a retrospective look at some of its history, an examination of some current issues, and a look forward.

Respectfully submitted,

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INTRODUCTION

The Growth Management Act celebrates its fifteenth anniversary this year.

In the past, this region—indeed, the whole country—grew almost without plan. As our population increased, we added individual developments generally of a small nature, one bulkhead, one house, one structure after another, and then one road after another that we widened, and widened again. By the 1980s we began to realize that some of our finest agricultural land had been paved over, our salmon streams were no longer healthy, our water supply was compromised in some areas, taxes and housing were going sky-high and we were all in one long line on the highways.

At this point we as a state decided that we needed to better manage our growth, define the areas for growth and protect the rest. In 1990 and 1991 we enacted the Growth Management Act (GMA).

The Act is recognized as "one of the most comprehensive and modern planning statutes in the country" by the American Planning Association.² Since the GMA was adopted, Washington's population has increased by one million people³ to over six million people. Today, ninety-five percent of Washington residents live in jurisdictions fully planning under the GMA.⁴

That the Act has been of value to citizens of Washington seems in no doubt. Even the most skeptical feel that the GMA is the only tool we have to

protect agricultural lands. Others agree and add that the GMA has helped to reduce sprawl; given predictability to landowners, investors and builders; reduced boom and bust building cycles; and revitalized city cores.

The Act has now established that jurisdictions at all levels must plan ahead, and think through the ramifications of their land use decisions. The Act has more carefully protected critical areas with the result that at least some salmon streams are healthier, some wetlands have been saved and restored, and some shorelines have been enhanced for fish spawning and wildlife.

Urban Growth Boundaries have encouraged cities to put new growth within their built-up areas and, as a result, downtowns and infill areas are becoming more interesting, more lively, more sought after.

However, even given all that, there are still problems, still issues that need to be addressed and solved. The Growth Management Act, as anticipated, is a work in progress. After a review of the GMA's history and some of its provisions, this report discusses many of the unresolved issues.

HISTORY OF THE GROWTH MANAGEMENT ACT

The passage of the Growth Management Act (GMA) in 1990 and a second phase in 1991 was the result of a period of explosive growth in Washington, and the growing concern of its citizens that the state was losing its precious natural

landscape to traffic congestion and sprawl.

Between 1960 and 1990 the state experienced a 41% population increase, much of it in the 1980s, and much of it in the unincorporated areas outside cities.⁵ Local governments had neither the funds nor resources to address the problem; growth was to a great extent unplanned and unregulated; and rural lands, wetlands, forests and farms were turning into suburbs overnight.

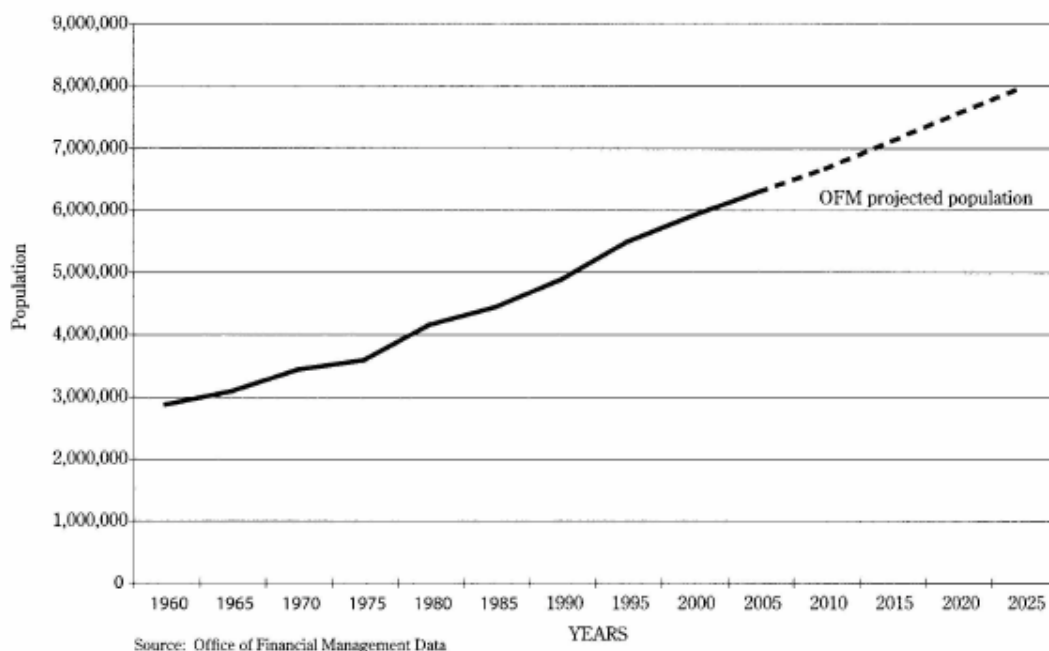
Although the 1970s began a period of environmental protection in the state with the passage of the Shoreline Management Act (SMA, 1971) and the State Environmental Policy Act (SEPA, 1971) under then Governor Daniel Evans, there were no consistent statewide land use planning tools or requirements for cities and counties. In 1987, while stuck in traffic gridlock on I-405 outside Seattle, Joe King, Speaker of the House, decided it was time to explore what other states were doing to develop statewide land use

policies. At that time, only Florida, Oregon, Georgia and New Jersey had growth management acts in place, elements of which were later incorporated into Washington's GMA.⁶

In 1989 Governor Booth Gardner established the Growth Strategies Commission (GSC), headed by Dick Ford (chair) and Mary McCumber (executive director), to research growth strategies based on input from diverse groups across the state. That 20-member commission included stakeholders from the “farm and forest people, cities and counties, environmentalists, the building community, and development community.”⁷

Meanwhile, House Speaker Joe King felt that the political climate was ripe to pass a growth management bill in the 1990 session. He established a committee of six House Committee chairs to draft the act. They included: Jennifer Belcher, Chair of the Natural Resource and Parks Committee; Maria Cantwell, Chair of the Trade and Economic Development

Washington State Population Growth, 1960-2025



Committee; Busse Nutley, Chair of the Housing Committee; Mary Margaret Haugen, Chair of the Local Government Committee; Ruth Fisher, Chair of the Transportation Committee; and Nancy Rust, Chair of the Environmental Affairs Committee. All were women who happened to be in leadership positions. Although not always in agreement, they learned to collaborate and were dubbed the "Steel Magnolias" for their grit and cooperative style. Through their efforts, they produced a landmark piece of legislation.

The Growth Management Act (RESHB 2929) became law in July 1990. It was never intended to be an anti-growth or even a slow growth act, according to Joe

King, but was to be a way to measure the impacts of growth and have the infrastructure in place when it came.⁸

The final section of RESHB 2929 called upon the Growth Strategies Commission to provide the legislature with solutions to areas still incomplete—those growth management areas of enforcement and enticement, protection of resource lands, regional planning and siting of essential public facilities. The GSC report entitled, "A Growth Strategy for Washington State," was published in September 1990 to serve as a foundation for the second phase of the GMA, RESHB 1025, which became law in 1991.

Original Provisions

1990 Growth Management Act (RESHB 2929)

- Designate and protect critical areas
- Designate resource lands

For fast-growing counties and cities:

- Establish urban growth boundaries
- Develop comprehensive plans

1991 Growth Management Act (RESHB 1025)

- Establish growth management hearings boards
- Enact financial sanctions
- Require county-wide planning policies
- Require siting of essential public facilities
- Expand GMA coverage from original 12 urban/urbanizing counties to include 3 eastern urbanizing counties and others that chose to plan under GMA

Since its passage, the Act responds to its ambiguities through hearings board interpretations resulting from citizen or governmental petition. Also, as Washington's population increases and funding priorities change, the Act

responds through new legislative mandates, amendments and locally developed plans. Since passage of the GMA in 1990 and 1991, there have been amendments every year. Some of the most significant are listed below.

Growth Management Act Amendments

- 1995 Local permit process streamlined and the state's separate environment and land use laws consolidated. Growth management planning seen as a fundamental building block of regulatory reform that should serve as the integrating framework for all other land-use related laws.
- 1995 Best available science requirement added to the development of critical areas ordinances (CAO) and requires local governments to give special consideration to preserving or enhancing anadromous fisheries.
- 1995 Goals and policies of the Shoreline Management Act added as the fourteenth goal of the Growth Management Act.
- 1997 Guidance offered to all counties to identify and protect rural character and tools for allowing limited areas of more intense rural development and economic development. Counties required to provide for a variety of rural densities.
- 2002 Update deadlines extended.
- 2005 Update deadlines for critical areas ordinances extended for some local governments.
- 2005 Biking and pedestrian component included in the transportation element.

2006 GMA Amendments

Two amendments were enacted in 2006: the timelines bill and the accessory uses on agricultural lands bill. Three other GMA-related items passed in 2006: an affordable housing incentive bill, a budget line item to fund some agricultural lands-related pilot projects, and a regional transportation governance bill.

Timelines Bill

This bill (ESSB6427) has two central features. First, it grants three-year extensions for cities of fewer than 5,000 people growing by less than 17 percent

or not more than 100 persons in the last ten years and for counties of fewer than 50,000 and growing by less than 17 percent, that are required to update their comprehensive plans and implementing regulations in 2005, 2006 and 2007. The effect is to give these cities and counties ten-year update cycles. The ten-year update cycle would apply to 14 counties; the number of eligible counties may decline by one or two counties if their populations increase. Other counties and cities continue on the seven-year phased cycle.

Second, it clarifies that certain comprehensive plan amendments, known as Planned Actions, may occur more frequently than annually, provided that pursuit of the amendments is consistent with the jurisdiction's adopted public participation program and notification is given to agencies that may comment on the proposed amendments.

Accessory Uses

This bill (SHB2917) provides cities and counties the authority to allow or limit accessory activities on agricultural lands. The bill broadens the accessory uses that can be allowed in agricultural lands of long-term commercial significance. These commercial and retail accessory uses must be compatible with agricultural uses, such as refrigeration and storage of regional agricultural products, sale of agricultural products and locally made arts and crafts, and other sources of income that support agricultural operations. These uses must be compatible in size, scale, and intensity and not interfere with the agricultural use of the property and neighboring properties. The bill limits these conversions of agricultural lands to one acre.

Other 2006 GMA-Related Legislation

Affordable Housing Incentives

In addition to the above GMA amendments, the 2006 Legislature enacted legislation (SHB2984) supported by a coalition of low-income housing advocates. The bill authorizes jurisdictions fully planning under GMA to enact or expand affordable housing incentive programs through development regulations, including density bonuses and other incentives. The intent is to

increase the availability of low-income housing for renter and owner occupancy within largely market rate housing developments throughout the community consistent with local needs and adopted comprehensive plans.

Budget Proviso

A budget proviso of \$200,000 was designated to identify pilot programs using voluntary measures such as Best Management Practices and Transfer of Development Rights to protect critical areas on agricultural lands. The bill addresses the tension that results from farmers being asked to improve their environmental stewardship practices, in general by reducing their arable lands, while they strive to maintain the economic viability of their farming operations.

Regional Transportation Governance

This bill deals with governance of regional transportation planning and funding, as well as allows more flexibility for local funding decisions. It impacts how jurisdictions address transportation on a regional level in their GMA planning.

GOALS OF THE GROWTH MANAGEMENT ACT

To understand the Growth Management Act, it is necessary to know its goals. Knowing these goals enables us to better evaluate how the GMA is working. Here they are in full as set forth in the legislation (underlining is added for ease of reading; it is not in the original legislation). “The following goals are adopted to guide the development and adoption of comprehensive plans and

development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(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, 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.

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

(9) Open space and recreation. 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.

(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.”

(14) Shoreline Management Act.

The Shoreline Management Act (SMA) was adopted in 1971. In 1995, its goals and policies were added to the goals of

the original Growth Management Act. “For shorelines of the state, the goals and policies of the Shoreline Management Act are added as one of the goals of this chapter without creating an order of priority among the fourteen goals.”

THE GROWTH MANAGEMENT ACT: REQUIREMENTS AND PLANNING PROCESS

The GMA has been described by many as a “bottom-up” planning approach because it requires that land use plans be developed by cities and counties, as opposed to state agencies. On the other hand, Joe Tovar, former hearings board member and current planning director for the City of Shoreline, describes Washington’s GMA as a middle path between centralized, top-down planning (e.g. Oregon) and de-centralized, “bottom-up” planning of some other states. This, he says, is due to the framework of state goals and specific requirements in the Act, as well as the mechanism for dispute resolution and enforcement by a state agency.⁹

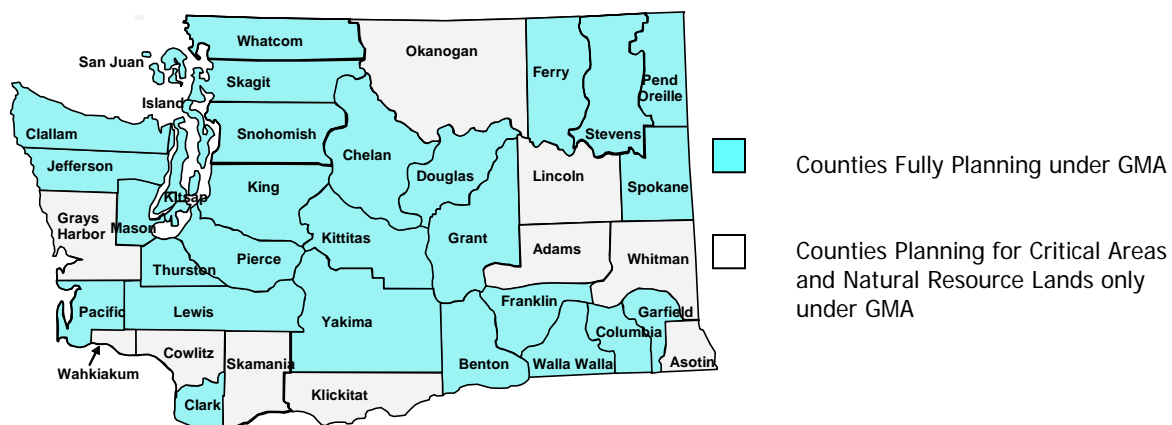
There is no state agency which approves or certifies local comprehensive plans,

but there are three regional hearings boards which hear and rule on petitions of non-compliance. Comprehensive plans must be submitted to the Washington Department of Community Trade and Economic Development (CTED), which may offer comments on these plans. CTED does not have the authority to accept or reject the plans.

What Does the GMA Require of Jurisdictions?

Most counties and cities are required to fully plan under the GMA; others with lower populations or slower growth rates may choose to plan under the GMA. Those jurisdictions which do plan under GMA are eligible for state funding.

**COUNTIES FULLY PLANNING UNDER THE
GROWTH MANAGEMENT ACT**



Local Governments Fully Planning Under the Growth Management Act					
<u>Benton</u> Benton City Kennewick Prosser Richland West Richland <u>Chelan</u> Cashmere Chelan Entiat Leavenworth Wenatchee <u>Clallam</u> Forks Port Angeles Sequim <u>Clark</u> Battle Ground Camas La Center Ridgefield Vancouver Washougal Woodland Yacolt <u>Columbia</u> Dayton Starbuck <u>Douglas</u> Bridgeport East Wenatchee Mansfield Rock Island Waterville <u>Ferry</u> Republic	<u>Franklin</u> Connell Kahlotus Mesa Pasco <u>Garfield</u> Pomeroy <u>Grant</u> Coulee City Coulee Dam Electric City Ephrata George Grand Coulee Hartline Krupp Mattawa Moses Lake Quincy Royal City Soap Lake Warden Wilson Creek <u>Island</u> Coupeville Langley Oak Harbor <u>Jefferson</u> Port Townsend <u>King</u> Algona Auburn Beaux Arts Village Bellevue Black Diamond Bothell Burien Carnation Clyde Hill Covington	<u>King (cont'd)</u> Des Moines Duvall Enumclaw Federal Way Hunts Point Issaquah Kenmore Kent Kirkland Lake Forest Park Maple Valley Medina Mercer Island Newcastle Normandy Park North Bend Pacific Redmond Renton Sammamish Sea Tac Seattle Shoreline Skykomish Snoqualmie Tukwila Woodinville Yarrow Point <u>Kitsap</u> Bainbridge Island Bremerton Port Orchard Poulsbo <u>Kittitas</u> Cle Elum Ellensburg Kittitas Roslyn South Cle Elum <u>Mason</u> Shelton	<u>Lewis</u> Centralia Chehalis Morton Mossyrock Napavine Pe Ell Toledo Vader Winlock <u>Pacific</u> Ilwaco Long Beach Raymond South Bend <u>Pend Oreille</u> Cusick Ione Metaline Metaline Falls Newport <u>Pierce</u> Bonney Lake Buckley Carbonado DuPont Eatonville Edgewood Fife Fircrest Gig Harbor Lakewood Milton Orting Puyallup Roy Ruston South Prairie Steilacoom Sumner Tacoma University Place Wilkeson	<u>San Juan</u> Friday Harbor <u>Skagit</u> Anacortes Burlington Concrete Hamilton La Conner Lyman Mount Vernon Sedro-Woolley <u>Snohomish</u> Arlington Brier Darrington Edmonds Everett Gold Bar Granite Falls Index Lake Stevens Lynnwood Marysville Mill Creek Monroe Mountlake Terrace Mukilteo Snohomish Stanwood Sultan Woodway <u>Spokane</u> Airway Heights Cheney Deer Park Fairfield Latah Liberty Lake Medical Lake Millwood Rockford Spangle Spokane Spokane Valley Waverly	<u>Stevens</u> Chewelah Colville Kettle Falls Marcus Northport Springdale <u>Thurston</u> Bucoda Lacey Olympia Rainier Tenino Tumwater Yelm <u>Walla Walla</u> College Place Prescott Waitsburg Walla Walla <u>Whatcom</u> Bellingham Blaine Everson Ferndale Lynden Nooksack Sumas <u>Yakima</u> Grandview Granger Harrah Mabton Moxee Naches Selah Sunnyside Tieton Toppenish Union Gap Wapato Yakima Zillah

Local Governments Partially Planning Under the Growth Management Act					
<u>Adams</u> Hatton Lind Othello Ritzville Washtucna <u>Asotin</u> Asotin Clarkston <u>Cowlitz County</u> Castle Rock Kalama Kelso Longview	<u>Grays Harbor</u> Aberdeen Cosmopolis Elma Hoquiam McClary Montesano Oakville Westport Ocean Shores <u>Klickitat</u> Bingen Goldendale White Salmon	<u>Lincoln</u> Almira Creston Davenport Harrington Odessa Reardan Sparague Wilbur <u>Okanogan</u> Brewster Conconully Elmer City Nespelem	<u>Okanogan (cont.)</u> Okanogan Omak Oroville Pateros Riverside Tonasket Twisp Winthrop <u>Skamania</u> North Bonneville Stevenson	<u>Wahkiakum</u> Cathlamet <u>Whitman</u> Albion Colfax Colton Endicott Farmington Garfield LaCrosse	<u>Whitman (cont.)</u> Lamont Malden Oakesdale Palouse Pullman Rosalia St. John Tekoa Uniontown

GMA Requirements for All Counties and Cities

- 1) Designate agricultural, forest, and mineral resource lands.
- 2) Designate critical areas (wetlands, aquifer recharge areas, fish and wildlife habitat, flood plains, geologically hazardous areas) and adopt development regulations to protect them, using best available science.
- 3) Review and update critical areas plans every seven years. They must be reviewed and, if necessary, revised for consistency with comprehensive plans and development regulations to ensure compliance with the GMA.
- 4) Determine that all new subdivisions have adequate services for public health, safety and welfare.
- 5) Determine that adequate potable water is available before issuing new building permits.

Additional GMA Requirements for Counties and Cities Required or Choosing to Plan

- 1) All counties or cities with a population of 50,000 or more, or a 17% increase in population within the past ten years, are required to prepare and adopt comprehensive plans for 20 years of growth, and to update those plans every seven years. Other counties may choose to plan under the GMA.

Each comprehensive plan must be internally consistent and include these

elements: land use, housing, capital facilities, utilities, transportation, economic development, s, and parks and recreation, and, for counties only, a rural element. City and county activities and capital budgeting decisions shall conform to the comprehensive plan.

A plan may also include these optional elements: conservation, solar energy, recreation, transit, public facilities and buildings, redevelopment and financing capital improvements.

- 2) All fully planning counties, in cooperation with the cities, must designate the urban growth areas (UGAs) surrounding the cities. Growth is encouraged within the UGAs; it may occur outside of the UGAs if it is not urban in nature. Jurisdictions must review UGAs at least every ten years.
- 3) All county plans must be coordinated and consistent with plans of each city or county sharing a common border.
- 4) The state's six largest counties and cities within these counties must develop a 20-year population projection based on high, medium, or low figures given by the office of Financial Management (OFM) and determine whether they have enough buildable lands available to accommodate projected growth.
- 5) All fully planning counties and cities must adopt development regulations which conserve designated agricultural, forest, and mineral resource lands. Cities and counties must review their critical areas regulations to determine if they are consistent with the adopted comprehensive plan and development regulations. If they are not consistent,

they must be updated to make them consistent.

6) All development regulations must be consistent with each county/city's comprehensive plan.

7) Local governments must specify the kinds of services and facilities to be provided to support additional growth, where they will be sited, and how they

will pay for them. Development and infrastructure must be planned to occur concurrently (the so-called concurrency requirement).

8) Early and continuous public participation is required during the process.

Planning under GMA

Mandatory

Any county and its cities IF

50,000+ population
and
17%+ population increase
in prior 10 years

Any county and its cities IF

>20% population increase
in prior 10 years

Voluntary

Any county that does not meet either of above criteria may opt to plan under GMA. Once a county opts in, it may not later withdraw from the system.

Requirements for Jurisdictions Not Previously Planning Under the GMA

If the Office of Financial Management (OFM) certifies that a county which previously was not required to plan under the GMA (because it had a population under 50,000 or a growth rate under 20% in the previous ten years), has now exceeded those two criteria, it will now be required to enact the

following: 1) development regulations conserving agricultural, forest, and mineral lands; and, in cooperation with its cities, 2) a county-wide planning policy; 3) designation of urban growth areas (UGAs); and 4) a comprehensive land use plan.¹⁰

Planning under the Growth Management Act



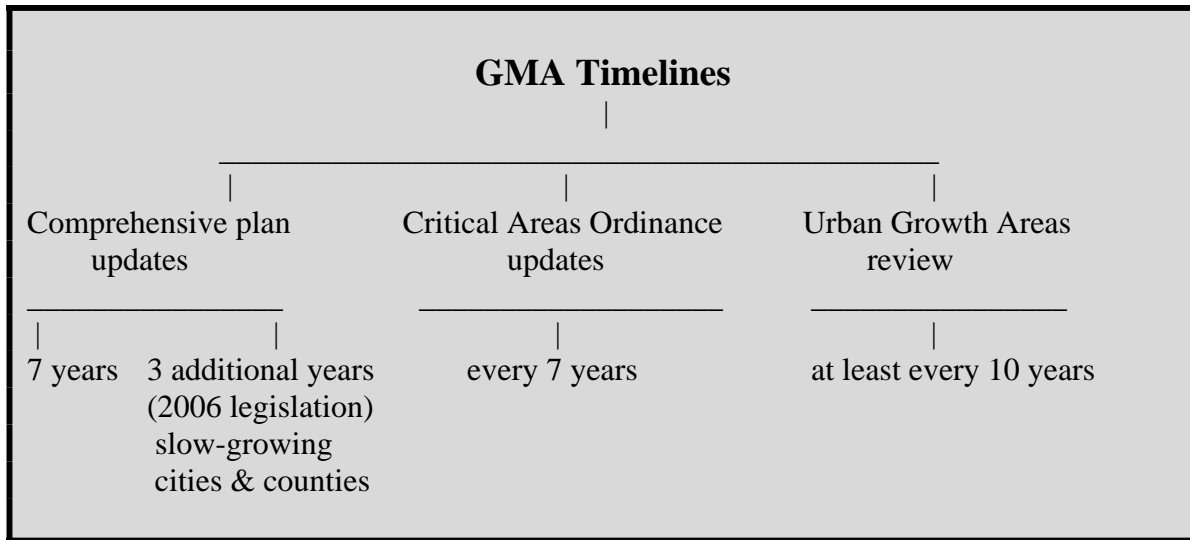
How Does the GMA Planning Process Work?

The Washington State Department of Community, Trade and Economic Development (CTED) administers the GMA and helps jurisdictions with technical assistance and some financing during the development phase of their comprehensive plans and development regulations. Jurisdictions submit their completed plans to CTED for review and CTED may offer comments on plans, but CTED does not have the authority to certify, approve, or reject plans.

Each jurisdiction must notify the public so it can participate in the planning process. During that time, a person or persons can object to any specific part or parts of the comprehensive plan that

is/are under review, but not to any other parts. Once a plan is developed with input from citizens at a public hearing, it goes to its county or city legislative body for formal approval. If approved, the plan is then certified and presumed valid unless, within sixty days, a participating citizen files an appeal to the hearings board. Most difficulties are resolved during the planning and approval process.

The plan is then used by the jurisdiction as a guide for future proposed development projects. It is subject to continuing review and evaluation in the form of updates which occur at regular intervals, generally scheduled every seven years. The plan can be amended annually, and in certain cases, even more frequently.



If a county or city meets its deadlines and the requirements of the Act, it is deemed in compliance, unless within sixty days of adoption a petition is filed with a growth management hearings board.

SOME CURRENT ISSUES & RELATED GMA GOALS

No growth, slow growth, smart growth: these are terms that began to circulate as early as the 1960s as the orange groves of Orange County, California were replaced by housing and the Los Angeles landscape began to be covered by houses and roads. By the 1980s, other parts of the country, concerned that they too would be engulfed by uncoordinated and unplanned growth, began to discuss measures they could take to prevent the problems of uncontrolled growth.

Washington State chose to aim for smart growth, and to plan for the expected increases in population through the Growth Management Act (GMA). Some

of the objectives of the GMA were to systematically plan for that growth in order to protect our environment, to encourage economic development and affordable housing, and to use our tax dollars more efficiently to plan and build the infrastructure necessary to protect our health, safety and high quality of life.

In 1990, the population of Washington State was nearly 5 million people, more than double the number in 1950. By 2000, there were nearly 6 million people in the state. A 21% increase since 1990 put Washington seventh in the nation in population growth in sheer numbers and tenth in percentage increase.¹¹ Within the state, some areas grew even faster between 1990 and 2000. Thurston County, for example, grew over 28%; Snohomish County, more than 30%; and Clark County a whopping 45%.¹²

Should we care? How does growth affect us?

Population growth means an increased need for housing, more revenues in stores, more jobs in the area—the sort of economic activity furnished by the private sector for the most part.

It also means the need, sooner or later, for more schools, libraries, jails, water and sewer lines, police and fire departments—all the services that local governments furnish. In transportation, it means a need for more traffic lanes, more intersections and traffic lights, more pothole repairs, more sidewalks, more freeway access, and, sooner or later more public transportation. Because the public pays for local services, growth affects us all.

GOALS 1 & 2

Encourage development in urban areas. Reduce sprawl.

Sprawl is expensive. It is hard on the environment, hard on human health, hard on people's wallets, and it uses resource lands. Compact development, on the other hand, results in less use of cars, less air pollution, more walking, lower levels of obesity,¹³ and less development pressure on agricultural and forest lands.

Cities and counties began planning under the Growth Management Act in 1990, and by 1994, many had at least preliminary comprehensive plans and related regulations to work from in guiding growth. In the ten years between 1994 and 2003, Washington's population grew by 14%; its incorporated areas grew by 33% and its rural areas lost 7% of their population.¹⁴ In King County, the rate of residential development in rural areas was cut in half, going from 8% to about 4%.¹⁵ At least some of that change in growth patterns was the result of the GMA.

Some helpful GMA tools:

- ***Each county that is required or chooses to plan under the GMA shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.***¹⁶
- ***Based upon the growth management population projection made for the county, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the jurisdiction for the next 20 years.***¹⁷

The Growth Management Act requires the counties to designate Urban Growth Areas (UGAs). Each city in a county must be included in an UGA. Territory outside a city may be included if it is already characterized by urban growth. Each UGA shall include greenbelt and open space areas, and may include a reasonable land market supply factor and permit a range of urban densities and uses based on local circumstances.

Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development. In general, cities provide urban governmental services and in general it is not appropriate that urban governmental services be extended to or expanded in rural areas except when necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

It is important for a county in conjunction with its cities to define its urban growth areas realistically. It is also important for the county to encourage growth and density within those boundaries, and to discourage development outside those boundaries in the rural areas.

Bellingham is adding density to its downtown corridor. Five-story condominiums with first floor commercial properties are selling well and the area is increasingly vibrant. The city's zoning has allowed developers to build what has been described as phenomenally successful developments.¹⁸

Many cities in King County are adding density without expanding their boundaries. For example, Bellevue is in the process of building residential towers in its downtown. According to The Seattle Times, "the demand for housing is so strong that the developer of (a downtown high-rise) decided to hold a lottery after 2,000 people showed up for previews in February."¹⁹ There has been a great deal of interest in other condo towers even before the sales offices have opened. There are now about 4500 people living in downtown Bellevue, and the plan is to nearly triple that population by 2020. About 70% of those 4500 residents moved into downtown within the past three years.

In Seattle, the comprehensive plan of 1994 designated a number of areas as "urban villages" and directed much of the city's expected growth into those areas. The results show a 19% population increase between 1990 and 2000 in the urban villages and only a 5% increase in the non-urban villages. The

highest growth was in Belltown, which more than doubled its population during



Seattle downtown and waterfront

that decade as it changed from parking lots and low buildings to a neighborhood of high-rise housing, street-level retail, and great vitality.²⁰

Mercer Island, an already fully developed residential community on just over six square miles of land in King County, is also adding density. With the passage of the GMA, the County required Mercer Island to set density goals to accommodate future growth and to take its share of the expected population increases.

The Island's first response, according to a former chair of the Planning Commission, was to pass an Accessory Dwelling Unit (ADU) ordinance allowing mother-in-law apartments in residential areas. In 1990, there were no legal ADUs; in 2000 there were 153, and the projected forecast for 2020 is a total of 326.

The City Council next decided to add growth to the Town Center, an area that a decade ago, in the words of former mayor Judy Clibborn, "... (had) almost no traffic, no sidewalks and no storefronts..."²¹ The City revised its development guidelines to promote public-private partnerships, require

public spaces within private development, put in underground parking and encourage increased density by allowing added heights of buildings in specific areas of the downtown in exchange for amenities such as courtyards, plazas, mixed ground-floor retail and living units, and affordable housing. At the same time, the city added water and sewer capacity to accommodate anticipated growth. The average allowed density in the Town Center is now 81 units per acre and the core has a new energy.

In Yakima County, the county and the city of Yakima are working together to plan development of the West Valley area in a way that will encourage density and result in efficient public transit, and more variety in housing types and sizes and affordable housing for low-income households.²²

In some areas of the state, though, the boundaries seem to have been drawn quite loosely, and even expanded well before the original area neared capacity. In Clark County, for example, the Vancouver UGA was considered ample for all expected growth for the next twenty years, according to the 2002 Buildable Lands Report.²³ Yet in 2004, the county proposed adding an additional four square miles to Vancouver's designated growth area. More recently, the county has changed that proposal to instead add twenty square miles to the Vancouver UGA, mostly in zones for low-density residential development.²⁴ Maps of the various city and county current comprehensive plan updates indicate that future plans in the whole northern area of Clark County are mostly for large low-density residential zones that spread

out from town centers throughout the region.

While downtown Vancouver is growing into a higher density residential/commercial area, resulting in what appears to be increased downtown vitality, a tour of some of the outer areas shows that much of the land currently under development in the proposed urban growth area is beyond the built-up urban areas. Rural fields have turned into developments, are under construction, are being cleared for construction, or have survey flags scattered throughout the field. There are sidewalks that go nowhere in particular, roads that are being widened in short segments, intersections that are being widened and stop lights added. Traffic is increasing, and levels of service decreasing.²⁵ (Levels of service, or LOS, are well-defined measurements of how well traffic moves in an area.)

Only one area of current development in the northern section, the Salmon Creek area, seemed to have more than minimum required density. In that area there is a large new hospital that has or will have other medical facilities surrounding it, and there is a large dense development of multi-family and single-family housing as well as some commercial businesses.

GOAL 4

Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

In many areas of Washington, as in many parts of the nation, prices in the housing market have risen to a point out of reach for lower-income people and for many first-time home buyers. In Snohomish County, for example, more than half of low- and moderate-income people are spending more than 30% of their income on housing.²⁶

While some argue that growth management and other zoning practices are the causes, the price increase is also influenced by the major fluctuations in population increases—the “baby boom” and the ensuing echo in the population of their offspring—as well as the population movement from the interior of the nation to the coasts and major cities, all of which have affected housing demand and its relationship to supply. Housing prices are also affected by higher expectations and therefore higher costs of what is considered a basic dwelling unit.

The effect of regulations on housing prices is an old and continuing controversy that stems in large part from the difficulty of distinguishing the impacts of public regulation from private market effects on housing prices. Comprehensive plan policies and

regulations can be expected to raise prices since they tend to confer value on development through improvements in public facilities, conservation of natural lands, development rules predictability, and other aspects of development.

However, most analysts conclude that market demand, not land constraints, is the primary determinant of housing prices. According to the Washington chapter of the American Planning Association, “The most recent House Price Index (HPI), a measure of house price appreciation from same-house resales and refinanced mortgages, indicates that Washington is ranked 20th, at 54.04% over the past five years. The U.S. average was 57.68%. The fact is that housing is expensive, and has rapidly gotten more expensive, everywhere that is attractive to live and work.”²⁷

Whatever combination of factors contributes to high housing prices in Washington, the GMA goal is to address the problem and resolve it wherever possible.

Helpful GMA tools:

- ***Each comprehensive plan must include a housing element, including an inventory and analysis of existing and projected housing needs and must make adequate provisions for existing and projected needs of all economic segments of the community.***²⁸
- ***A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, and planned unit developments.***²⁹

Mercer Island is considered a very desirable place to live—a desirability that translates into high home prices—because of its proximity to two major cities, access to water, mountain views of the Olympics and Cascades, excellent schools and its natural character.

As discussed earlier, the city now allows accessory dwelling units (ADUs) in order to increase density. According to Gabe Snedeker, principle planner for the city, ADUs not only help with residential density; they also are a creative means of providing affordable housing. For low- to moderate-income seniors who have paid off their homes, an accessory unit built into or adjacent to their home provides them additional income as well as provides affordable rents for those with a modest income who work or wish to reside on the Island.³⁰

Mercer Island is now working on other potential innovative affordable housing ideas, including smaller lot housing with higher density and common open space to increase the stock of more broadly affordable housing.

Bellevue, too, is a desirable place to live. As noted earlier, 70% of Bellevue's downtown residents have arrived in the past three years, and about one-third of them work downtown as well. While that helps the traffic congestion, this new housing and the under-construction condos, with a price range from \$400,000 to over \$6 million, are not in the category of "affordable housing" for many economic segments of the population.³¹

Darren Nienaber, assistant city attorney for Olympia, says that "since the

housing crisis in King County and in Pierce County (is) driving up the counties' (housing prices) where you don't have the same wage patterns...no one local government can solve the affordable housing problem." He notes that Seattle's comprehensive plan of 1994 allowed Belltown, a neighborhood in downtown Seattle, to build higher for



Cottage Housing, Port Townsend

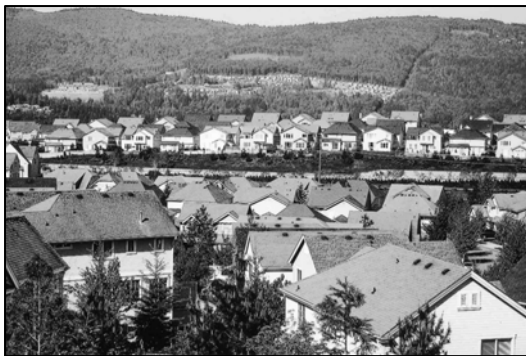
greater density. The result was a building boom, increasing the supply of rental and condo housing, and for a few years, stabilizing housing prices. Once demand caught up with supply though, the prices again began to rise.³²

The recent passage of Seattle Mayor Greg Nickels' Downtown Zoning Ordinance in April 2006 is intended to shape the downtown core area into a livable, urban neighborhood as well as to contribute more than \$100 million for affordable housing over the next 20 years. The ordinance requires, for the first time, that market rate developers who want height bonuses must either include affordable units in their developments or contribute to an affordable housing fund. The goal of the ordinance is to encourage smart growth, concentrating growth in the city center by allowing taller buildings and about 30% more development. As Nickels noted recently, "one 130-unit building

downtown equals 32 acres of suburban sprawl.”³³

Prior to passage of the ordinance, the concern of such groups as Seattle Alliance for Good Jobs and Housing for Everyone (SAGE) was the fear of loss of low-income housing units in downtown Seattle as buildings are converted to high-end condos. They also voiced concern that the promised 84,000 new jobs would primarily be low-wage jobs such as janitors, cleaners, and security officers to support the new buildings. Those workers would have to live outside Seattle and commute.

SAGE and other organizations representing low-income groups lobbied hard for zoning changes that would benefit the community at all income levels by providing for low-income and moderate-income housing, jobs that pay a living wage, reliable worker-oriented transportation, and amenities such as public restrooms, and daycare centers. The new ordinance includes provisions which address many of those requests.



Issaquah Highlands, King County

The South King County areas of Renton, Kent and Auburn are experiencing explosive growth, and with it, reduced affordability. Where in the past the region was an area for young families and immigrants searching for open space

and reasonable housing, the median home price in Renton rose 19% between 2005 and 2006 to \$279,975; in Kent 15% to \$290,975, and in Auburn 35% to \$280,000. ³⁴ Pastures are filling with housing developments and these cities along the Highway 167 corridor between Seattle and Tacoma are finding themselves in transition with more vibrant downtowns, but less affordable residential areas.

Nienaber considers affordable housing to be a major issue. He agrees that there needs to be an increase in the housing supply, and as he puts it, “You can build out or you can ...intensify and build up. Building out doesn’t solve the problems that you are trying to address under growth management. In order to increase your housing supply, you have to make a much more significant provision for intensification and for building up. Cities have been highly reluctant to do that for concerns related to impacts to existing neighborhoods and view impacts for existing neighbors.”

The Puget Sound housing problem probably began in the Seattle area as the baby boomers grew up and new residents arrived to work in the fast-growing high tech companies. Soon what had been an oversupply of housing became a short supply, and the prices rose. As a result, many moved into Pierce, Snohomish and Kitsap Counties and commuted. That soon meant a shortage of houses in those counties, and those prices rose. The problem has now spilled all the way to Lewis and Whatcom Counties as people live farther and farther out in order to find houses they can afford. As Nienaber points out, in fast-growing areas, each county’s problems push into the next county’s

areas as people try to find individual solutions, so regional discussions on growth management need to encompass a large geographic area.

Those housing patterns have contributed to ever- worsening traffic congestion, resulting in increased driving times and related health, economic and environmental problems. The plans and costs to decrease or even maintain current commute times is a major problem in the Puget Sound area.

Affordable housing is a major problem even in Okanogan County, one of the non-GMA planning counties. In parts of that county, there is an influx of money going into expensive housing and related increased need for services, but concurrent decreases in housing for those service workers.

Greg Wilder, Director of Planning and Development of Okanogan County, states that “Okanogan County’s median housing stock selling price advanced 57% in one year.” And he asks, “What are we going to do here to provide housing stock to support this growing economic base? The problem is not only on our radar screen, it’s brightly lit. It’s a flashing light.”³⁵

GOAL 5

Encourage economic growth throughout the state, within the capacities of the state’s natural resources, public services, and public facilities.

Helpful GMA tools:

- ***Each comprehensive plan must include an economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.***³⁶
- ***Because of required planning and coordination between jurisdictions and between the comprehensive plan and each jurisdiction’s regulations, nearly every section of the Growth Management Act can be said to be of help in furthering sustainable economic growth throughout the state.***

A broad way to look at economic growth is in terms of sustainable development. As the World Commission on the Environment and Development described it, “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”³⁷

According to a 2002 article in the Seattle Post Intelligencer, “Seattle is a widely recognized leader in a movement toward more environmentally sensible cities.”³⁸ One reason for this recognition is undoubtedly Sustainable Seattle, an organization founded in 1991. It has assessed sustainability by using forty indicators in five categories: environment, population and resources, economy, youth and education, health and community. The first assessment was made in 1992; updates were made in 1996 and 1998.

Today Sustainable Seattle focuses on indicators that are more actionable. It is

working on a study of neighborhood-level interests and on a four-facet study of how local spending contributes to community sustainability. One of the four linked multiplier-effect studies is the local food economy study, to see if there is an economic case for investment in the development of local food economy linkages.³⁹

It is also interested in collaborative efforts with other organizations now working on sustainability. Some of those collaborative efforts are with Communities Count for social and health indicators and with Northwest Environment Watch, a nonprofit research and communication center. A third collaboration is with King County Benchmarks in the King County Budget Office to evaluate the progress of the county in managing growth and encouraging and measuring the implementation of the goals outlined in the countywide planning policies. Since 1996, King County has reported regularly on land use, economics, affordable housing, transportation and environment indicators. Its most recent economic report was March 2006.⁴⁰

Using the more common definition of economic development, a jurisdiction's comprehensive plan designates areas to be set aside for industrial and commercial zones and development. Often those areas are at risk because of pressures for increased revenues and for residential development.⁴¹ These pressures affect both where the zones are placed, and how long they remain open and available for future industrial or commercial development. In Vancouver, there are no real tools available to either assemble small parcels into a large area for industry

given that old zoning has been grandfathered in, or to even be able to hold on to industrial or commercial lands with all the pressures to build residential developments.⁴²

The GMA Working Group, a diverse group convened by then-Governor Locke in 2003 to review and identify areas of the GMA that needed legislative change, pointed out that it is "unclear at what point in the designation process the existing listed criteria for designating industrial areas must be accomplished" to site them outside the current urban growth area.⁴³

The instability, or at least perception of instability, of commercial zoning affects planning in the business community. Businesses need some level of assurance that the area surrounding their planned commercial investment will retain its current designation before they invest their capital. For example, if a group considers building a shopping mall, they need to know that the nearby zoning won't be changed in a few years to allow a competing mall. The GMA adds certainty to a jurisdiction's zoning, since its actions must remain consistent with its adopted plans.

Throughout the state, perhaps the most important aid to economic development has turned out to be the increases in urban density required under the Growth Management Act. Those higher densities are resulting in increased vitality and economic viability in many of Washington's cities.

While encouraging economic development is an important goal of GMA, the hearings boards and the courts have been clear that jurisdictions

governing both urban and rural areas must protect and designate critical areas and their functions. In attempting to balance GMA goals, particularly the goals of housing, economic development and property rights versus environmental protection and open space, jurisdictions must be mindful of the GMA mandate that designation and protection of critical areas is a requirement, not a goal.

GOAL 6

Protect property rights from arbitrary and discriminatory actions.

Property rights are important and there is a delicate balance in the process of planning in a way that is best for the whole region without violating those rights.

Helpful GMA tools:

- ***The state has established an orderly, consistent process that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property.***
- ***Cities and counties can enact a program authorizing transfer or purchase of development rights.***

The Growth Management Act requires the counties to draw an Urban Growth Boundary (UGB) line. Any property inside that line can be developed in whatever way the zoning allows. Any property outside that line, for the most

part, cannot be highly developed. For urban areas, the UGB is not a problem—the area is recognized as urban. For rural areas in general, the UGB is not a problem—they are recognized as rural.

The problem comes at the interface, where urban meets rural, where the line means major differences in both value and usage for the affected property owners. As Max Albert, a retired dairy farmer in Snohomish County, said, “There are places where you can have one foot on (agricultural) land and another foot on an (adjoining non-agricultural) piece of land, divided by an imaginary line, where one sells for \$4000 an acre and the other for about \$50,000 to \$60,000. This gives a tremendous profit for the land that has been redesignated from agricultural to non-agricultural land.”⁴⁴

The issue is not always redesignation from agricultural to non-agricultural land. Sometimes there is forestry land that is logged with the anticipation that it will be converted to residential development and not maintained as natural resource land. Other areas can be habitat for fish and wildlife, flooded areas, or steep slopes.

Solutions are unclear, although there are several tools that are now being used to some degree to address this problem.

They include:

- Transfer of Development Rights (TDRs)
- Purchase of Development Rights (PDRs)
- King County Four-to-One Program

Transfer of Development Rights is defined as the process by which development rights are transferred from

one lot, parcel or area of land in a sending district to another lot, parcel or area of land in one or more receiving districts. Among other purposes, TDRs are used to protect agricultural lands from development. A jurisdiction can reduce the allowed density of development for the parcel, and, in return, award development rights. The owner of that parcel of land may then sell those rights to a landowner elsewhere who would then be able to develop at a higher density than otherwise allowed.

For the market to work, there must be development pressure in the receiving area resulting in a desire by landowners to purchase development rights from the sending area. Some communities establish development rights “banks” that buy development rights from landowners in sending districts and later sell them to landowners in receiving districts. However the system is set up, sale of a TDR gives the sender a one-time payment for whatever value there is in that parcel beyond its continued agricultural use, and the owner still has full ownership and use of the agricultural land.

The Purchase of Development Rights, on the other hand, allows a landowner to permanently retire development rights rather than transfer them. In a PDR program a landowner voluntarily sells his development rights to a governmental agency or a land trust, either of which pays the farmer the difference between the agricultural value of the land and the land’s potential development value. King County used PDRs in 2005, in conjunction with the Cascade Land Conservancy and the Hancock Timber Resource Group, to

preserve in perpetuity 90,000 acres of prime timberland in the foothills of eastern King County.

In either case, TDR or PDR, the resource landowner retains private ownership of the land and can sell it, hold it or pass it on to heirs. But it cannot be developed and is taxed accordingly. Because the land cannot be developed in the future, it doesn’t have speculative value and the assumption is that other farmers or foresters will more likely be able to afford to buy it and to earn a living from the land.

King County has a program in place at the urban growth boundary that allows some development. Its Four-to-One Program allows property owners of at least twenty acres that are adjacent to the urban growth boundary to develop one acre for every four that they dedicate permanently to open space. A recent example is Issaquah Highlands.

Growth Management Act and Takings Initiatives

The term “taking” comes from the final clause of the Fifth Amendment to the Constitution of the United States, which reads: “nor shall private property be taken for public use without just compensation.” Washington State has a similar clause in Section 16 of Article I of the state Constitution: “No private property shall be taken or damaged for public or private use without just compensation having been first made....”

A takings initiative is based upon the premise that when government action reduces the value of property, the governmental entity that has taken that

action, whether by ordinance, zoning, regulation, legislation, or any other regulatory action, must pay the property owner compensation for the reduced value of the property.

In Washington in 1995, a takings initiative to the legislature, I-164, was passed by the legislature. A coalition of organizations then succeeded in getting that legislation onto the ballot, renamed as Referendum 48. The voters resoundingly defeated that takings initiative, in response to the premise that zoning and other forms of land use regulation provide benefits and protections for the community and for the state and because voters were afraid it would cost them a great deal of increased taxes.

In November 2004 Oregon voters passed Measure 37. It states: "If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation." In lieu of paying compensation, the public entity may waive the applicable regulation as to that affected property owner. As of spring 2006, 3,000 claims had been filed; no Oregon jurisdiction had paid compensation in these claims, but instead had waived every challenged regulation.

Initiative 933

In February 2006 the Washington Farm Bureau filed Initiative 933. Depending on one's point of view, this initiative is called the property fairness initiative (name its supporters give it), the irresponsible developers' initiative (name its opponents give it), or the more neutral takings initiative, a reference to the takings clauses of the U.S. and Washington Constitutions. I-933 collected enough signatures to qualify and will go to the ballot in November 2006.

The essence of the takings initiative can be summed up as: pay or waive. I-933 contains the following provisions: "An agency that decides to enforce or apply any ordinance, regulation or rule to private property that would result in damaging the use or value of private property shall first pay the property owner compensation as defined in Section 2 of this Act. This section shall not be construed to limit agencies' ability to waive, or issue variances from, other legal requirements." Private property is defined broadly as "all real and personal property interests protected by the Fifth Amendment to the United States Constitution or Article I, Section 16 of the Washington Constitution owned by a non-governmental entity, including, but not limited to, any interest in land, buildings, crops, livestock, and mineral and water rights." Compensation is defined in part as "remuneration equal to the amount the fair market value of the affected property has been decreased by the application or enforcement of the ordinance, regulation or rule."

Eminent Domain Revisited

Eminent domain refers to a governmental process embodied in the U.S. and Washington State constitutions. The Fifth Amendment of the U.S. Constitution states: “nor shall private property be taken for public use without just compensation.” The Washington State Constitution also states this principle: “No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner....” (Article I, Section 16. See appendix).

Until 2005 eminent domain law was fairly settled law: when government took, or condemned private property for some public purpose, such as for highways or schools or water storage, government had to pay the property owner the fair market value of that property. In eminent domain situations the property owner was left with zero use of the property because under this law the government was now the owner of that property.

That understanding of eminent domain law changed significantly with the United States Supreme Court case of *Kelo vs. City of New London* in 2005. In *Kelo* a group of property owners challenged the city’s right to condemn their properties for the “public purpose” of redevelopment by private developers and the resulting increased tax base for the city. The Supreme Court affirmed, in a 5-4 decision, that government had the right to condemn private property for public purposes even if the final owners of that property were private property owners.

The furor over that decision spread throughout the country with legislatures seeking to enact new laws attempting to disallow such practices or, in the case of Congress, disallowing any federal funds to be used for such purposes. Many states, including Washington, pointed to provisions of their state Constitutions to assure the public that the *Kelo* situation could not occur in their state.

GOAL 8

Protect natural resource-based industries.

The Growth Management Act defines natural resource industries to include the productive timber, agricultural and fisheries industries. The goal is to maintain and enhance these industries, and to conserve and protect them from incompatible uses. The GMA requires counties and cities to designate agricultural, forest and mineral lands,

and to establish policies and regulations to protect them.

Helpful GMA tools:

- *Each county and each city shall designate where appropriate:*
 - *Agricultural, forest and mineral resource lands that have long-term economic significance.*⁴⁵
 - *Critical areas.*⁴⁶

- *Counties shall include a rural element in their comprehensive plans, permitting rural development, forestry, and agriculture in rural areas and providing services needed to serve the permitted densities and uses. The measures must protect against conflicts with the use of agricultural, forest, and mineral resource lands.*⁴⁷
- *Jurisdictions may use a variety of innovative zoning techniques in areas designated as agricultural lands, designed to conserve agricultural lands and encourage the agricultural economy. They should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.*⁴⁸

Agriculture

In 2002, the total farm and farm-related employment in Washington was nearly 525,000, with about 155,000 either farming or working in farm-related jobs, and the others in agriculture-related businesses. In 2003, the agricultural sector output totaled nearly \$6 billion,⁴⁹ while the food processing industry reported sales of \$12.3 billion. According to CTED, “The total economic impact of the food and agriculture industry is estimated to be more than \$28 billion annually...”⁵⁰

Tristan Klesick, a Stanwood farmer in Snohomish County, feels that Washington needs to develop a vision for its resource lands. Some of the best farmlands are the 70,000 acres of bottomlands in Snohomish County’s fertile valleys. He advocates putting the development and density in the hills, not

in those fertile valleys. How that hillside development takes place is also important. Future development will need to incorporate stricter surface water controls to keep the water up on the hills and not shed it off into the rivers, exacerbating flooding in the valleys and farmlands below.⁵¹

Max Albert, the retired dairy farmer, says that development is pushing out all farmers, not just small farmers. He points out that, to be successful, Washington needs not only the farmers and the farmlands, but also the infrastructure to support them, the



Farmers Market, Wenatchee, Chelan County

processes, and the services. Farming is more productive when there is a whole farming community, farms next to other farms, the sharing of tools and transportation. “If you cannot find the sales market within 100 miles, you don’t start a livestock operation; if there is no place to buy your seed or get your equipment fixed, etc., you cannot farm.” Even the narrow country lanes are becoming fast country roads for commuters, and farmers on slow tractors must still navigate those roads to move produce and equipment from one farm area to another.

He points out that if the bank, the farmer’s source of funds, sees the industry fading away, the funds will

disappear also. He feels that the GMA and the Critical Areas Ordinance create uncertainty for the farmer, and for the farmer's bank, thus creating danger to the farm's continued existence. But he also thinks the GMA is the only tool we have for keeping uncontrolled development from taking over agricultural land.⁵²



Okanogan County has a "Farms Operation Acknowledgement Notification" that is now a required and permanent attachment to all

deeds for property located close to or within agricultural lands. That attachment says, basically, "you should be prepared to accept...inconveniences or discomfort arising from agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector."⁵³ Or, as Greg Wilder paraphrases the requirement, "If you don't like it, don't buy it."⁵⁴

Susie Kyle, an organic farmer in Winlock, Lewis County, also believes that there needs to be a united vision of responsible growth with agriculture in mind. Her concern is that for the first time in our history we are importing more food than we are exporting. She says, like our dependence on foreign oil, we are becoming dependent on foreign food and we are paving over our farmland. She sees the GMA intervening to preserve farmland so that there is land set aside, but that the development pressures are huge, and those lands suddenly have a lot more monetary value than they did as farms.⁵⁵

Marc Boldt, Clark County Commissioner and a former berry farmer, does not think the market for produce is there anymore except for niche markets, and that urban pressures should allow a farmer to decide whether to farm or to develop.⁵⁶

The statistics seem to indicate that the Growth Management Act is helping preserve farmland, at least in some counties. In King County, for example, the conversion of agricultural lands over the years was startling until the statistics showed stabilization in the 1990s.⁵⁷

Acres of Land in Farms, King County

1950	1969	1992	2002
153,301	61,107	42,290	41,769

King County reports that there are 25,000 additional acres of rural lands currently used in agricultural operations, and, overall, King County's agriculture lands total about 65,000 acres.

According to county officials, they have an agricultural policy of "no net loss".⁵⁸ Based on these figures and that policy, it appears that highly populated King County is now having some success in preserving a portion of its lands for agriculture. Also, according to the King County Benchmarks Land Use report, large farms are being split into smaller ones to more efficiently produce higher value direct-market products, so though there are more farms in the county, there is no more farm acreage.⁵⁹

On the other hand, comparison between 1997 and 2002 in Yakima County indicates that the total harvested cropland has decreased by nearly 15%, its farmland has decreased about 2%, and there are 15% fewer farms even

though the acreage in designated agricultural lands has remained relatively steady over the last eight years.⁶⁰ The county has a formal list of criteria for determining agricultural lands of long-term significance, and has used those criteria for many years.⁶¹

Despite this decrease in harvested cropland, Yakima County ranks second in the state in value of agricultural products, and “number one for acres of

apples, grapes, and hops...” as well as tops in sales value for “fruits, tree nuts, and berries; milk and other dairy products from cows; and sheep, goats, and their products.”⁶² Approximately 25% of Yakima County’s lands are designated forest resources.

Employment in the agriculture and forest resource industries contributed nearly \$300 million to the county’s economy.⁶³

Forestry Lands

About half of Washington’s land acres are covered with forests. The forestlands can be divided by ownership (public or private) or by usage (commercial timberlands, private non-commercial, or protected parks and reserves).

<u>Washington Forest Lands</u>	
Federal government	10.1 million acres
Timber industry	4.8 million acres
State government	2.4 million acres
Native American	2.0 million acres
Private non-industry owners	1.7 million acres (estimate)
County and local government	0.2 million (200,000) acres

One of the major threats to the state’s forests is the conversion of forestlands to developed lands such as rural residential, commercial or industrial. Forestlands conversion is happening mostly as the edges of urban growth reach out into the undeveloped lands. It is just this kind of sprawl that the Growth Management Act was intended to curb. Forestlands must be designated by each county as part of the GMA process and thus protected from incompatible uses.

Regarding forests in King County, the County’s 2005 Benchmark Land Use Report states that the total acreage of forest has remained stable since 1995, a

reversal of the trend from 1972 to 1996 when forestlands during that period decreased by 33%.⁶⁴ A very significant development occurred in 2004 when King County, the Cascade Land Conservancy and the Hancock Timber Resource Group reached an agreement, using Purchase of Development Rights (PDRs) to preserve 90,000 acres of prime timberland in the foothills of eastern King County. This area was under pressure from the expanding suburbs for development and conversion out of forested lands. The agreement permanently protects the forests and the ecological benefits flowing from them and it allows timber to continue to be harvested according to agreed-upon sustainable forestry methods.



Forest, King County

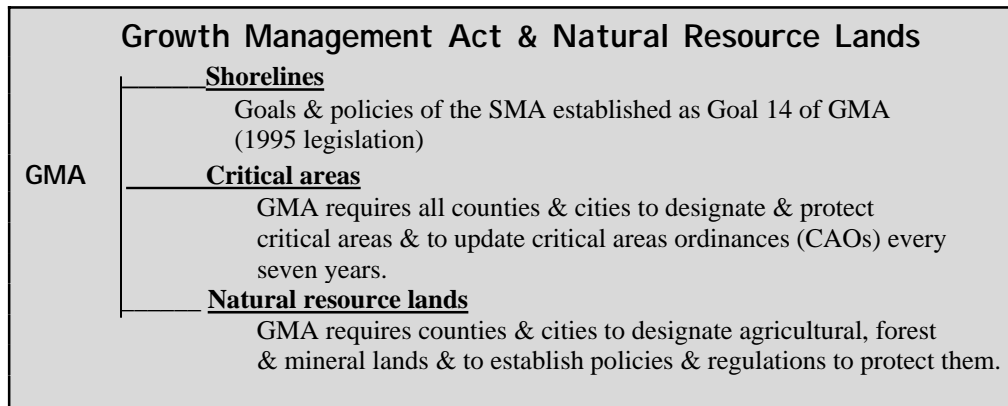
The interface of rural residential lands and natural resource lands poses a major challenge in compatibility for all natural resource industries, including mineral extraction, agricultural, forestry and fisheries operations.

GOAL 10

Environment.

Helpful GMA Tools:

- *The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies and shall review drainage, flooding, and storm water run-off and provide guidance to mitigate or cleanse discharges that pollute waters of the state.*⁶⁵
- *Each county and city shall identify open space corridors within and between urban growth areas, to include lands useful for recreation, wildlife habitat, trails, and connection of critical areas.*⁶⁶
- *In designating and protecting critical areas, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of those areas. Also, they shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.*⁶⁷



The Critical Areas Ordinance (CAO) is the tool for carrying out the GMA requirement that all jurisdictions in the state, whether or not they plan under the GMA, must designate and protect the following areas and ecosystems:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas

Since 1995, jurisdictions are required to use best available science (BAS) in the process of designating and protecting those critical areas and to periodically update their critical areas policies and regulations. Cities and counties are not required to do original scientific research. However, many jurisdictions have not done a good job of designating fish and wildlife habitat, flooded areas, or steep slopes as critical areas, or establishing appropriate buffers for wetlands. These critical areas are also inappropriately subject to urban

development in both urban and rural areas.



Best available science can be described as follows:

Best means that within the evidence contained in the record, a local government must make choices based upon the scientific information presented to it...

Available means not only that evidence must be contained in the record, but also that the science must be practically and economically feasible...

Science is a process involving methods used to understand the workings of the natural world. This process consists of six characteristics: peer review by other qualified experts in that discipline, methodology that can be replicated, logical conclusions and reasonable inferences, quantitative analysis, proper context to frame the assumptions, and references. ”⁶⁸

CTED established these criteria in 2000 as guidelines for BAS to help cities and counties apply science in doing their critical areas work. A problem for various jurisdictions is the cost to meet the requirements. For others, the problem is more about the process, how to know whether there’s any flexibility,

how to decide the trade-offs, and how to tailor the results. Jurisdictions would like to have a “safe harbor” regulation that protects them if they follow state-designated procedures; this would ensure that use of regulations based on and consistent with those procedures would limit appeals of their Critical Areas Ordinance to hearings boards.

Many landowners understand the significance of their critical areas and voluntarily protect them. They have some help in, for example, the 2005 legislation that clarified taxing buffer areas at their current use rather than at highest and best use. There is now state funding available for pilot programs in such areas as Transfers of Development Rights (TDRs); and for research on Best Management Practices (BMPs), which are practices already used by many counties, municipalities, utility companies, and other entities that must maintain infrastructure, but practices for which monitoring protocols have not been established.⁶⁹

The City of Seattle has recently adopted its updated CAO that provides somewhat greater protection for wetland and creek buffers. While the update increases protected areas for specific species with 100-foot shoreline buffers, it allows development within that buffer to 25 feet from the shoreline if the development is mitigated. While the new ordinance appears to be “practically and economically feasible,” there is some question as to whether it meets the best available science requirement for designating and protecting critical areas.

Various counties are employing different models as approaches for GMA/ CAO regulation and agricultural activities. The 2006 budget provision for pilot

programs and monitoring of results of voluntary efforts will provide more insights into this complex issue. Washington Environmental Council supports an approach which would allow farmers to develop a plan that incorporates Best Management Practices (BMPs) that are recognized as protecting critical areas and that also represent BAS, as a possible alternative to compliance with regulatory standards of a Critical Areas Ordinance. Historically, farm BMPs were developed emphasizing soil conservation and water quality issues and tend to address benefits that may be only incidental to fish and wildlife. More evidence and studies are needed to determine those BMPs that provide levels of habitat function—particularly those giving special consideration to conservation or protection necessary to preserve or enhance anadromous fisheries that will meet the requirements of the GMA.⁷⁰

There are, of course, those who have not protected critical areas. As Max Albert noted, it is “a pain to see that while the farmer downstream is asked to plant trees to preserve the land, upstream he could hear the chain saw going, cutting down trees for development.”⁷¹

GOAL 11

Encourage the involvement of citizens in the planning process.

Washington’s Growth Management Act is based on the idea that “it is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.”⁷²

Helpful GMA tools:

- ***Public participation requirements shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals...***⁷³
- ***A petition for hearings board review can be filed by any person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested.***⁷⁴

A recent guide to citizen engagement indicates that there has been an emerging shift in citizen participation methods during government decision-making processes, from information exchange models to information processing models of citizen engagement. In other words, participation is moving from public hearings to more active citizen engagement.⁷⁵



Citizen Participation, City/State Meeting

An early example is the planning work done in the neighborhoods of Seattle to decide the details of the GMA-required citywide comprehensive plan of 1994. That citywide document was a 600-page plan done by planners in a top-down approach and was perceived by many as a threat to Seattle neighborhoods.

In response, the City set up the next stage of planning to be done at the neighborhood level. It asked each neighborhood to first figure out ways to adequately include all community members, then to define its planning area. The City set up a fund so that neighborhoods could hire their own planners and consultants and cover other planning expenses.

The results were remarkable. Although the neighborhood planning process took up to four years, all 37 eligible neighborhoods took part; all plans were completed and approved, and no plan recommended zoning changes that would reduce the neighborhood's density capacity. In fact, some of the plans increased allowable density. The bottom up approach also meant that the citizens of Seattle were then willing to tax themselves for the projects they had requested in their plans.⁷⁶

The process in the City of Spokane was equally impressive. There, a citizen participation group, Spokane Horizons: Shared Directions for Tomorrow, was formed at the very beginning of the GMA planning process before any proposed plan had been written, and this group worked throughout the process to help mold the citizen participation plan. Although it took a great deal of time to work through the issues, in the end, most citizens of the city were comfortable with the results of the planning. The city won several awards for its citizen participation plan, including two national awards from the American Planning Association/Planning Association of Washington.⁷⁷

In other jurisdictions where the process did not go as well, review of the summary of significant hearings board

cases showed that citizens and groups of citizens actively and, in some cases, successfully challenged a variety of comprehensive plan segments in their geographical areas. Since plans can be challenged only by those who have participated in the planning process, it indicates that citizens are active in the planning process in jurisdictions across the state.

Even with good public participation, enforcement of zoning laws and changes continues to be a problem in various parts of the state. Land speculators and developers exert pressure to change urban growth boundaries (UGB) so their properties could be considered for inclusion in the UGB, allowing them to develop. Or pressure may come from long-time landowners who are ready to retire, want to sell, but are on the wrong side of the line for high property values.

GOAL 12

Ensure adequate public facilities and services.

The GMA says that public facilities and services necessary to support development need to be adequate to serve the development at the time the development is available or that a financial commitment is in place to complete the improvements within six years. That is, the facilities and services need to be available concurrently.

Helpful GMA tools:

- ***Each comprehensive plan shall include a capital facilities plan element, including an inventory of publicly owned facilities, a forecast of future needs, proposed locations, and at least a six-year financing plan;***

- *A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities;*
- *A transportation element that implements, and is consistent with, the land use element, and shall include the following sub-elements: land use assumptions used in estimating travel, estimated traffic impacts, facilities and services needs, finance capability, intergovernmental coordination, demand strategies.*

According to Phil Hoge, planner in Yakima County, the six-year capital financing plan that is required in each comprehensive plan tends to be too vague to be useful for justifying expansion of an urban growth area. He says that the county does not get sufficient information from the cities to show that they will be able to provide those future services and CTED has not clarified what information the cities need to provide.⁷⁸

There are no statewide criteria or standards for concurrency. However, jurisdictions are required to have a strategy in place to address situations in which “probable funding” may fall short of meeting identified needs for facilities and services. Such a strategy includes discussion of a) how additional funding is to be raised, b) how level-of-service (LOS) standards will be revisited, and/or c) reassessment of land use assumptions.⁷⁹ No matter how they ultimately choose to define concurrency, many cities and counties have difficulty funding the needed infrastructure.

When asked about the importance of various factors on their revenues and

expenditures, local governments surveyed reported that passage of Initiative 747 in 2001 and Initiative 695 in 1999 have had major impacts on their finances. To quote a city official from Granger: “Initiatives and referenda have by far had the biggest impact on Granger. In the wake of I-695 and I-747 we had to close the municipal swimming pool and cut back on employment and other services. However, the demand for services actually increased. People don’t realize that voting for the initiatives and referenda was going to reduce the funding for things they want.”⁸⁰

After Initiatives 695 and 747 passed, jurisdictions settled primarily on use of impact fees for infrastructure funding. Clark County is comfortable with the level of funding from those fees, according to Marc Boldt.⁸¹ Because Clark County’s growth rate between 1990 and 2000 was 45% and continues high, it receives major amounts of funds from developer impact fees.

Yet, those funds haven’t been sufficient to maintain transportation concurrency and Clark County’s traffic problems already affect its growth. In the Salmon Creek area, despite the density of residential and commercial development, the businesses border a wide, busy street and ample parking, with little or no consideration for potential pedestrian or bicycle traffic so people feel compelled to drive even those short distances, adding to already crowded streets. Because of the close proximity of intersections and traffic lights, there is not sufficient “stacking room” for all the cars at the intersections. As of early 2006, the area had a building moratorium because of the traffic problems.⁸²

That choice of a measurement system is important, and most jurisdictions measure concurrency for automobiles. Others use a variety of other measure, such as design standards, travel times. Some use the concurrency for automobiles but focus their efforts on projects like transit, that don't add automobile capacity.⁸³

Laws passed in 2005 now require communities to "consider urban planning approaches that promote physical activity, and require a bicycle and pedestrian component to be included in the transportation element of a comprehensive plan."⁸⁴ But as Laura Hudson, Long Range Planning Manager of Vancouver, points out, "All of concurrency is based on automobiles or vehicles. It takes no account of other modes of transportation. While the way the transportation element of the law is set up, you have to look at (other means of transportation); the way the actual measurements of concurrency are set up, it's roads. It's vehicles."⁸⁵



Kitsap and Jefferson Counties Transit Location

Commissioner Boldt points out there is a jurisdictional problem in planning roads in the developing areas of Clark County. The problem is that state highways are under state not local planning control, and the state can physically block the county's ability to attain concurrency in those areas.⁸⁶

Both Mike Pattison, of Master Builders Association and Laura Hudson question whether GMA should even require concurrency within an urban area, since doing so may encourage developers to site their projects in the outer areas of the UGAs where impact fees are lower.⁸⁷

At a recent meeting in March 2006 of mayors and city officials from 15 cities east of Seattle, the primary complaint was traffic congestion on inadequate roads at the same time that the cities were being asked to take increased density to realize their housing targets. The announced expansion of Microsoft in Redmond which could add up to 12,000 additional employees all requiring a place to live and a way to get to work, added to the fears of representatives from Woodinville, Kenmore, Duvall, Issaquah, Bellevue, and Redmond. Many expressed the sentiment that the Eastside was prospering with new businesses and residents, but that infrastructure and its funding had not kept pace, and "the growing pains were severe."⁸⁸

Without funding, the concurrency requirement may propel development to rural areas where county roads may have plenty of capacity. As a result, jurisdictions have sometimes crafted inventive levels-of-service measures that allow development, either because of the desire to attract growth or in response to certain financing situations.

When asked what the major challenges were in the South King County cities of Auburn and Kent, Peter von Reichbauer, King County Councilman replied, "transportation, transportation, transportation."⁸⁹ The challenge is to not shut down development in congested, built-up areas where infill

development may be feasible and desirable. In metropolitan urban areas, often the most overcrowded roads are state highways exempted from the concurrency requirement. Futurewise, a smart-growth, anti-sprawl advocacy organization, proposes that transportation mitigation money be shared on a regional basis, rather than being required to be spent within a specific locale.⁹⁰

A major concern of Mason County is not so much the transportation problem as the impact of urban growth and failing septic systems in rural areas along the Hood Canal. One problem: establishing community sewer systems along the Canal runs afoul of the GMA prohibition against extending urban services beyond the urban growth boundaries. Yet failing septic systems all around Puget Sound are contributing to the ever-increasing water quality problems of Hood Canal and Puget Sound.⁹¹

Sewers are now planned for the Belfair Urban Growth Area in Mason County, and the issue is where to put new sewer lines without encouraging growth versus the necessity of reducing and eliminating discharges from failing sewer systems into the Canal. Plans also include development of storm water ordinances for both water pollution and water quantity issues.

Jefferson County also has water problems. A few years ago, the county decided to remove wellhead protection language from its Unified Development Code. Since then, a citizen petition forced the county to put it back in to protect well water from potential septic system failures.⁹² The hearings boards and state courts have now clarified responsibilities and accountability for local governments and state departments

for monitoring critical areas. Potable water safeguards and protection standards for landowners on coastal areas require cooperation and coordination. As population increases, there are now reports of saltwater intrusion on Anderson Island in Pierce County, Whidbey Island in Island County, Lopez Island and San Juan Island in San Juan County, Bainbridge Island in Kitsap County, and Marrowstone Island in Jefferson County.⁹³

The problems on Marrowstone Island are the result of the county's decision not to regulate growth in the past, despite the increasing intrusion problems, according to Michelle Sandoval, former Jefferson County Planning Commissioner.⁹⁴ She thinks that decision may have been because of concerns over property rights. Citizen groups counter that "the county would more likely be subject to a takings claim by property owners whose existing wells (were) being contaminated...since protection standards (were) so inadequate."

In Okanogan County, the major problem is very limited water resources. As Greg Wilder says, "If we were stressing concurrency, it would be water-related concurrency for development rather than transportation-related concurrency."⁹⁵

Sandoval, of Jefferson County, is also concerned about limitations because of water supply, but noted that there is now a process in place to increase awareness within the broader community, including plans to negotiate contentious and complex local issues, and a new rule to limit future surface and groundwater withdrawals.⁹⁶

Paying for the required urban-level infrastructure again brings up the problem of funding and the fact that, as McDonnell says, “funding for roads, schools and things like police and fire services are through reactive funding.”⁹⁷ Because of various ballot initiatives, transportation funding frequently must focus on playing catch-up with past needs.

The GMA Working Group agreed with many in saying, “The Legislature should provide funding for local government in an amount necessary to ensure compliance with the GMA,” and proposed that the state continue “to meet future obligations to fund local government planning and implementation responsibilities.”⁹⁸

GOAL 14 **Shorelines of the State.**

The goals and policies of the Shoreline Management Act, adopted in 1971, are now Goal 14 of the GMA under a 1995 legislative amendment. The goals and policies of a local shoreline master program are added as an element of the local government’s comprehensive plan and all other portions of the shoreline master program as part of the development regulations.

Helpful GMA Tools:

- ***Updates of Shoreline Master Programs are on a phased review and are designed to coordinate with updates under GMA and CAO updates. Shoreline Master Program updates are evaluated under the Shoreline Management Act legislation and the recently adopted Department of Ecology Shoreline Master Program Guidelines.***

In the mid-1990s the state Department of Ecology (DOE) began a process to update the guidelines for implementation of the Shoreline Management Act. These guidelines were then 25 years old. This update process was very lengthy: five years including twenty public hearings and thousands of public comments. When the new guidelines were issued by DOE in November 2000, a coalition of various entities led by the Association of Washington Business challenged the guidelines before the Shorelines Hearings Board. Another lengthy process ensued involving a lawsuit in Superior Court, an intervention process by twenty public interest and conservation organizations, extensive negotiations among all parties, and finally a settlement agreement, and more public hearings. The Department of Ecology issued the final new Shoreline Master Program guidelines in December 2003.



Columbia River, Kittitas County

For cities and counties fully planning under GMA, the growth management hearings boards now have jurisdiction to hear shoreline appeals, including those brought by citizens regarding Shoreline Master Programs and their consistency with the Shoreline Management Act and the Growth Management Act.

GROWTH MANAGEMENT ACT & IMPLEMENTATION ISSUES

In 1990, when the state legislature passed the Growth Management Act, it noted that “uncoordinated and unplanned growth, together with a lack of common goals...pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life...to the residents of the state. It is in the public interest that citizens, communities, local governments and the private sector cooperate and coordinate with one another in comprehensive land use planning...”⁹⁹

For at least some jurisdictions, the process has gone relatively smoothly and the jurisdictions have made whatever adjustments were required in order to quickly come into compliance with the Growth Management Act.

Pierce County, for example, began working on its planning policies immediately after the GMA was passed. It adopted its comprehensive plan and set its urban growth area (UGA) several years later. Since then the County has revised its comprehensive plan in response to various decisions on policy issues decided by hearings boards. It has also done a comprehensive review of its policies for consistency to GMA goals.¹⁰⁰

Mason County, on the other hand, struggled for years against the GMA requirements, particularly those on rural lot size density, before a new Board of Commissioners resolved to do what it

took to come into compliance. Now that the county has achieved it, it should be able to maintain compliance fairly easily, according to Darren Nienaber, former land use attorney for Mason County.¹⁰¹

Jefferson County also fought the GMA requirements. Michelle Sandoval said that rather than implementing the comprehensive plan that had been developed, Jefferson County spent their time amending it in order to change the document. In one year, she thinks “they had 36 amendments, and were using all their funds not to implement the plan but to change the plan...and it’s so costly because you’re spending huge amounts of time with staff, citizen participation, (and) planning commission on basically rewriting the plan. The rules remain the same, but the zoning changes. And it’s lost so many appeals.” She said, for example, that the last plan for development of a particular area did not include the mandatory capital facilities plan. The hearings board remanded it back, telling the county to develop a plan for water and sewer facilities.¹⁰²

San Juan County has also had difficulty with the growth management process.



Lopez Island Shoreline

The county’s first comprehensive plan was enacted in 1978, well before the GMA, although with great bitterness over what was perceived as the then local threat

of government telling people what they could or could not do with their property.¹⁰³ Stephanie Buffum Field, executive director of Friends of the San Juans, said that San Juan County continues to protest the GMA requirements, particularly because of density issues.

The city of Spokane, on the other hand took many years to plan with much citizen participation, and did not finalize its comprehensive plan until 2001. Once finalized, the comprehensive plan was accepted by the community. It then took another five years before the city finished development of the related regulations due in large part to lack of mayoral commitment to the results.¹⁰⁴ Clark County finished its recently required update on schedule but, with a change in composition of the County Board of Commissioners, it then nullified the completed update. Since then it has spent the last several years and some amount of taxpayer money

redoing the update. Not surprisingly, political swings affect planning policies and resulting comprehensive plans.

There continue to be proposals for changes to the Growth Management Act itself, particularly from those who find its regulations burdensome or those who find its implementation difficult. Other observers, however, argue that stable local comprehensive plans and a stable GMA are generally of benefit to all participants. Nienaber says, "After a few years, everybody knows the law and the case law and everybody comes to some basic understanding about how it works. Whenever there is a change to the Act, it can create a fair amount of instability and litigation as everybody tries to adjust to the new law. Thus, amendments ought to be proposed (only) when there's a bona fide need for the change."¹⁰⁵

Washington State Growth Management Hearing Boards RCW 36.70A.250



Growth Management Hearings Boards

If after a jurisdiction's comprehensive plan is approved and certified there are still major disagreements, petitions may be filed with the appropriate regional growth management hearings board. Those who may file include the governor or specific departments within the administration, the county or city that plans under GMA, or any person or persons (including associations, corporations, public or private entity, etc.) who has/have already participated on the petitioned issue during the planning process.

A jurisdiction's plan is only questioned if a petition is filed with a hearings board. Then it takes a strong "clearly erroneous case" to convince the board to declare the jurisdiction to be in non-compliance.

There are three growth management hearings boards: Eastern Washington, Central Puget Sound, and Western Washington. Each board is composed of three members with land use planning experience, all appointed by the Governor. One must be a lawyer; one must have been a city or county elected official; and there may be no more than two from the same political party.

The scope of the board's review is limited to determining whether a jurisdiction has achieved compliance with the GMA with respect to those issues presented in a timely petition for review. In addition to determining invalidity and requiring a local jurisdiction to revise their plan, the boards may also recommend gubernatorial sanctions. A hearings

board may send a plan back to a jurisdiction with recommendations, or in rare cases, invalidate all or parts of a plan.

Actions in Thurston and Mason Counties provide examples of the petition process and results. The Thurston County comprehensive plan was challenged during the planning process. After it was certified and adopted without the changes requested, one of the challengers petitioned the hearings board, arguing that the plan as adopted did not protect sufficient forest, mining and agricultural lands, and had too many rural lands designated as five-acre residential parcels—“martini ranches” as some call them.

The hearings boards have consistently said that a pattern of densities greater than one dwelling unit per five acres in rural areas is an impermissible pattern of growth, that densities more intense than one dwelling unit per five acres are not typically rural in character, and that jurisdictions need a variety of rural densities. The hearings board agreed with the petitioner that the Thurston County rural plan contained an insufficient variety of lot-size designations. The board also agreed that the plan contained insufficient designations for forest, mining and agricultural lands.

Thurston County asked the hearings board to review its ruling. After the hearings board reaffirmed its decision, the county filed its appeal in the Thurston County Superior Court. The county then asked the Washington Supreme Court to hear the appeal directly, bypassing the superior court. As of mid-May 2006, it has not yet been decided, and Thurston County remains out of compliance.

As noted earlier, Mason County’s similar low-density lot size requirements were challenged, and as a result, Mason County has now changed its rural zoning and is in compliance. The county came into compliance because it had a citizen petitioner who was willing to take on that issue, and after fighting the requirements for a time, the county officials decided to do what was needed in order to comply.¹⁰⁶

One issue in the planning process is that if a citizen does not bring up a problem, the problem will remain in the comprehensive plan for some years, until it becomes part of an update review. There is also concern about challenges to previously unchallenged parts of a plan—whether a plan detail should be forever open to challenge, or only the details “on the table” in a reviewed section.

According to the hearings boards, the issues most frequently brought to the boards prior to 2004 were (1) adequacy of public participation (2) appropriate urban densities (3) critical areas as justification for lower urban densities (4) deficiencies in the transportation element, including concurrency and (5) urban growth area expansions.

Regional Planning Issues

The impact of a jurisdiction’s comprehensive plan often affects not only its own citizens but also those of its neighbors. Especially in the Puget Sound area, housing, water and sewer, and transportation infrastructure are intertwined issues in the whole of the region, and need to be addressed regionally. The Growth Management Act allows counties to jointly plan and requires multi-county planning in the

most densely populated counties of King, Pierce and Snohomish in the Puget Sound region. Kitsap County has also chosen to participate.

Regional transportation plans must be tied to growth strategies, and regions are required to certify that the transportation elements of local plans are consistent. Although it is the only certification required by the GMA, the Puget Sound Regional Council has taken the next step and integrated the federal transportation requirements with the state requirements. Jurisdictions are not eligible for federal transportation funds unless they have a certified plan.¹⁰⁷

In a recent decision, the Central Puget Sound Growth Management Hearings Board discussed the virtues of adopting county-wide planning policies in the region to establish a framework for addressing density calculations, including critical area buffers and their role in balancing goals or developing TDR programs. The board suggested that while preserving opportunities for innovation, a consistent definition of terms and methodology among neighboring counties would provide more consistency among all jurisdictions in adjacent counties.¹⁰⁸

Jefferson, Kitsap and Mason Counties also recognize the need for greater regional planning on such matters as transportation issues, and on pollution that affects all of South Sound. Mason County also coordinates its planning with the Skokomish and the Squaxin tribes.¹⁰⁹

Okanogan County is taking a unique approach to regional planning. Because of its size—it is larger than Connecticut and Vermont put together¹¹⁰--and its

wide and increasing social, geographical and economical variation, the county has partitioned its area into six separate planning areas. The county is developing county-wide planning policies and will encourage an area-wide plan in each of those six planning areas.

Funding Issues

Under the Growth Management Act, each fully planning county is responsible for setting its urban growth boundaries. Joe Tovar notes that a countywide planning policy “may provide either general, aspirational direction to city and county plans or specific and prescriptive direction. The most prominent examples of the latter are the allocation of population and employment to cities, and the drawing of the urban growth boundaries, both of which are accomplished through countywide plans.”¹¹¹

In this role, each county in effect acts as the regional land policy board for its area, a responsibility that produces various problems. As Pat McDonnell, City Manager of the City of Vancouver points out, a county has the responsibility to make urban growth boundary and other land use decisions, and it also has the responsibility for its own operating budget. Because these can be conflicting responsibilities, funding can be a real issue.¹¹²

Each county currently gets the bulk of its revenues from property taxes, from sales taxes generated in the unincorporated portion of its jurisdiction, from county road funds and to some extent from developer impact fees.

Property Tax Revenues: Since property taxes are value-based, the

higher the valuation of properties within a county, the higher the property tax revenues. It is in a county's best interest, therefore, to allow development and the resulting increases in property value in the unincorporated areas of a county.

Sales Tax Revenues: Because every county gets sales tax revenues from rural commercial sales, the county may feel it has a vested interest in siting commercial development out in the rural areas rather than within the urban areas.

In the Spokane area, according to Todd Mielke, County Commissioner and to Al French, City of Spokane Councilmember, a Costco store at the edge of the urban growth area is a contentious annexation issue because of its high sales tax revenues and low service costs. The county has a financial interest in keeping it out in the unincorporated area and the city would like to annex it. The city feels it has a strong case because it already furnishes the services to that small area.^{113 114}

Wal-Mart has applied to build either in Spokane or across the street, in the unincorporated county. Al French points out that if the store is built in the county, the county gets the sales tax revenues but the city still must take much of the costs—schools, traffic, and so forth.

In Jefferson County, according to Sandoval, “the cities and the county are cannibalizing each other over sales tax,” and she does not think there is a lot of hope for a working relationship in the future, because, as she puts it, “we’re fighting for the crumbs.” Sandoval points out that in the 1990s, there was enough state and federal help that trickled down to give local jurisdictions

basic funding to cover their requirements, but that Initiative 695 and other funding initiatives in recent years have gutted local ability to pay for those requirements.¹¹⁵

Silverdale in Kitsap County is an unincorporated area, the county's major shopping center and its predominate sales tax revenue source. If Silverdale incorporates, the county would lose a major source of its operating budget revenues.¹¹⁶

Road Funds: Counties and cities both receive a proportion of state-collected funds for roads. As Al French points out, when a city incorporates, the county loses the requirement for responsibility for that area of roads but continues to receive its usual portion of county road funds. The new city now gets its share of the funds that cities get—and the other cities get a smaller portion than before. As French puts it, “the dollars should follow the demand.”¹¹⁷

Impact Fees: Part of the expense of development can be a required payment of some level of impact fees to the local jurisdiction, although there is major disagreement on what the real costs of those impacts are and who should pay them.

The impact of growth includes increased requirements for roads and public transportation, for fire and police protection, for libraries, jails, courts...the list goes on. Only some of the costs of those impacts can be charged to the new growth, since Washington limits both the amount of impact fees that cities can charge, and the services for which they can be charged.¹¹⁸ The fees can be used “to pay for public facilities needed to serve

new growth and development, and that (are) reasonably related to the new development that creates additional demand and need for public facilities, that (are) a proportionate share of the cost of the public facilities, and that (are) used for facilities that reasonably benefit the new development.”¹¹⁹

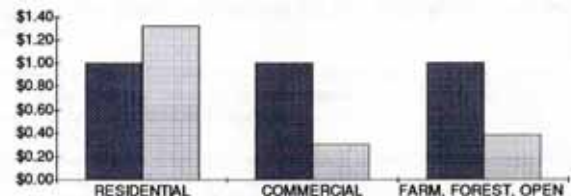
A recent Washington Supreme Court decision allows impact fees to fund the infrastructure in a broader geographical area, for system-wide improvements of transportation problems, rather than being required to fund only within the previously narrowly defined project areas.¹²⁰

If the development is outside an urban area, the required level of service and therefore the costs of impact are generally lower than inside city limits. The affected jurisdiction, whether rural or urban, requires only a portion of those costs to be covered by developer impact fees, and often those costs refer only to requirements for some mitigation for problems created by increased traffic.

San Juan County in 2004 received the results of a county-wide study assessing the costs of providing public services to three types of land: residential, commercial, and open space/agricultural. The costs of providing public services to these lands was compared with the revenues generated from these lands, primarily from property taxes, sales taxes, and various fees. The results of that study are seen in the graph below. “For every \$1.00 of revenue generated by residential property in San Juan County in Fiscal Year 2001, an average of \$1.32 was spent providing public services to the property and its residents. In contrast, for every \$1.00 of farm and open space tax revenue received, only

\$0.38 of public services were provided, while for commercial property the ratio was \$1.00 of revenue for a mere \$0.30 in services.”¹²¹

Ratios of Tax Dollars Spent to Tax Dollars Received by Land Use—FY 2001



Right-hand (lighter shade) bars show tax dollars spent for each dollar of tax revenue. Ratios include both County and school district figures.

The Cost of Community Services

Friends of the San Juans

These results, while on the high end of similar studies, agree with other studies in the comparative ratios among the different types of lands.

Many people assume that developers’ fees cover much of the transportation infrastructure costs of growth, but according to McDonnell, for Vancouver those fees cover only 40-50% of the City’s costs and the public must in one way or another fund the rest. He says “What the public thinks is that you can put all of the growth on the private development and there isn’t this public share of the cost...So if a developer comes in and says here’s my million (in required impact fees), (we) have inherited a public debt with no real assurance...the fees are really setting (our) priorities. And if (we) don’t match it within a certain timeframe, they get it back.”¹²²

Because funding drives development, funding sources are a very important consideration to jurisdictions as they plan under the Growth Management Act. Those sources also strongly affect the resulting comprehensive plan.

Development raises property values and resultant property taxes; location of development is affected. Impact fees can be ample, but dictate spending and the projects can require more funds than the fees bring in. Sales in a jurisdiction bring in tax revenues; location of commercial enterprises is affected.

There are other funding issues as well. For example, a county does not have a strong motivation to contribute its revenues to the development of its unincorporated urban growth areas since sooner or later those areas will be annexed or incorporated and will no longer be part of the county tax base. Darren Nienaber said that Mason County commissioners “were well aware that they could be spending a phenomenal amount of the county road budget to develop their urban growth areas, and then they could turn around and be incorporated and lose all that infrastructure, (and) potentially the tax base, too.”

Laura Hudson, Vancouver’s Manager of Long Range Planning, thinks that efficient growth throughout the region has been stymied by changes in funding and funding initiatives ...and that the change in funding sources available to both cities and counties has affected the whole calculation of benefits of different types of development in a city and in a county region.¹²³

There are various suggestions to solve the funding problems of local jurisdictions, including, for example, proactive funding with gas tax, a real estate excise tax, changes in recipients of sales tax revenues, and tax incremental financing.

In his discussion of proactive funding for infrastructure, McDonnell suggests as one possibility, a gas tax. “That’s a

proactive source and everybody gets a portion based on your comp plan...or give us something that says you’re going to have 500,000 people, you need infrastructure and we’d get some help dealing with it, instead of when it’s broke and we go around begging for funds to help fix it.”¹²⁴

There’s a recent proposal called “streamlined sales taxes,” which suggests that sales tax revenues be paid to the locale where the purchase is received, rather than where it is made. For example, if a person who lives in Port Townsend shops in Seattle, at least a portion of the sales tax collected would go to Port Townsend, rather than all of the tax revenue staying in Seattle. The proposal also addresses internet purchases.¹²⁵

Many consider the fairest way to pay for improvements is through Local Improvement Districts (LIDs), which assess a portion of any improvement to those who benefit from that improvement. But it is quite expensive to administer and therefore not often used. A jurisdiction, when planning the improvement, must hire or have someone on staff who has the expertise to decide, property by property, what proportion of benefit that property would gain before the jurisdiction could calculate each property owner’s assessment.

A good example is a recent decision process in Seattle. The city is planning a new streetcar line in a downtown neighborhood, for which the nearby property owners will be assessed some portion of the total capital costs. An expert made valuation judgments throughout the neighborhood, based on how close to the streetcar line and how

close to each streetcar stop a piece of property is. Based on that work, the city then assessed a portion of the costs of installing the transit system to each beneficially affected property owner in the neighborhood.

Annexations

As unincorporated areas within the urban growth areas (UGAs) develop, sooner or later they should be incorporated or be annexed to an adjoining city in order for those jurisdictions to more efficiently provide public services. The GMA does not differentiate between annexations and incorporations, and there are now a lot of new small cities with financial problems, making countywide and regional agreements more difficult.¹²⁶

There are various political and economic forces that affect incorporation or annexation. Residents of the affected area may feel they will pay higher taxes and/or lose their rural lifestyle. Or, either the county or the city will most likely be better off at the end of the process based on whether the area to be annexed or incorporated requires a high level of services and does not generate a comparable amount of revenue.¹²⁷ Or, people feel a sense of community in their small area and don't want to become part of a larger community.

Despite GMA's clear mandate that communities should provide for adequate public facilities to accommodate growth, local plans and funding programs appear to fall short. One apparent result is that cities are slow to annex urbanizing areas because annexation requires a commitment to provide urban services. While "counties made significant progress in the initial years less than half

of the designated unincorporated UGA has been annexed(as of 2004)."¹²⁸ A major reason has been economic, since it generally costs cities more to provide services to new residential areas than those areas generate in revenues. In 2004, King County set aside \$10 million to help cities annex various unincorporated urban areas, half of which has now been committed to annexation projects.¹²⁹ In 2006, the state created "a new financial incentive for annexation."¹³⁰ The legislation, SSB 6686, allows certain cities in the largest urban areas to impose a sales or use tax, taken as a credit against the state sales tax (so there is no additional tax to the consumer), when the city annexes an area with a large population.¹³¹

King County, with more than 215,000 residents still in its unincorporated areas, expects the new incentive to be of major help in bringing the largest still-unincorporated urban areas into existing cities or becoming cities themselves. Those areas "are receiving \$20 million more in services than they pay in taxes" to the county, according to county officials.¹³²

For annexation, the basic timing decision is generally driven by a petitioner, usually some landowner within that potential annexation area, according to Nienaber. Pointing to the experience in Olympia, he said, "There's a strong motivation to do a massive subdivision first, because they don't have to pay the city of Olympia's impact fees. Then they'll file their petition for annexation. So who funds the infrastructure? The city will eventually have to, but they didn't get funds through the impact fees that would have happened if it was already annexed."¹³³

Michelle Sandoval points out that “people want to develop in the county because it’s cheaper there—(they) don’t have to connect to sewer and water, increase roads. (It’s) not a level playing field...Growth will go like water—to (the) lowest place of affordability.” The pressure, then, is to build out in the rural areas, both for the developer and for the county.¹³⁴

That leads to “leapfrog” development, development scattered throughout the rural areas rather than being clustered in an urban center, says Mike Pattison of Master Builders Association. In Pattison’s opinion, “without the GMA, urban growth would have oozed into areas contiguous with the already developed urban areas. That oozing was



Abandoned Farm, Thurston County

halted by the GMA, but instead, development and growth leapfrogged over the contiguous areas into the rural areas further away.”¹³⁵

The scattered development pattern results in higher costs of services—fire, police, roads, schools—to the taxpayer but also in land speculation. Land may have been set aside for agricultural use in the comprehensive plan but if development is taking place in areas around it, the land “becomes an open invitation to those with resources and

clout to get land rezoned and redesignated,” according to Max Albert, retired dairyman.¹³⁶

Clark County, which had a 45% growth rate in the last decade, has approved a great deal of development outside the Vancouver city limits but for the most part within its ample urban growth area and to some degree within its current urban service areas for one or more of the fire, water and sewer services. The county does not require urban standards of development, so because they are outside city limits, those new developments are not required to have storm water drainage systems, sidewalks, street lights or other amenities considered urban. At the time of annexation, Vancouver must begin to bring those services into the newly annexed sector.

In early 2006, 62% of Vancouver’s designated urban growth area was still outside its city limits, and the county now proposes to add twenty more square miles to that outer area. At some point that whole area will be added to the city of Vancouver. Until then, Vancouver has little say over development patterns, density, or even when the annexation will occur.¹³⁷ As with any growth outside any city, until those areas become part of the city, the county develops and reviews all the development and sets the standards for the area. Sooner or later, though, those areas will be annexed to Vancouver, and the city will have to find the funds to bring the annexation up to urban service levels.

This need for funds brings up another problem, again succinctly stated by Pat McDonnell. He points out that although a city can proactively fund and build some of its utility plants, most

infrastructure is reactively funded. That is, it can't be funded and built until the need is there. While a city can plan ahead for a water or sewer plant and begin to raise rates to fund it—what he terms a utility model of funding—things like roads and schools have funding mechanisms that, in his words, "...are based on a reaction to a negative...roads, for example, are funded based on how many accidents you have, how much you're in crisis..." He emphasizes that schools cannot be forced to "act outside their normal funding (timing) windows to fund new schools." He says "...not only can we not do what we're trying to do here, it's getting worse" because of the increasing expansion of the urban growth area, the new developments in those outer areas at rural levels of service, and the future annexations of those areas.¹³⁸

Recent legislation, which went into effect July 1, 2006, authorizes some cities to impose up to 0.2 percent sales and use tax credited against the state tax to fund services in newly annexed areas. A city with a population of less than 400,000 and which is located in a county with a population greater than 600,000, that annexes an area consistent with its comprehensive plan may impose a sales and use tax. As noted, that tax is credited against current sales tax revenues rather than being an additional tax to the consumer. All revenue must be used to provide, maintain and operate municipal services for the annexation area. If revenues exceed the amount of tax needed to provide these services, the tax is suspended for the remainder of the fiscal year.

In Yakima County, according to Phil Hoge, the county and city of Yakima are currently discussing common urban

standards that would be required of all development in the urban growth area, whether incorporated or not. The city and county have a joint planning commission, joint zoning ordinances and an inter-local agreement calling for common development standards within the urban growth area. Hoge said that the county has adopted such inter-local agreements with all cities in the county.¹³⁹

McDonnell, Hudson and Nienaber all think that there needs to be more teeth in the GMA regarding joint management of the urban growth area prior to annexation as well as major coordination between county and city in planning the necessary development of infrastructure. Nienaber feels strongly that there should at least be consistency in the area's impact fees so the developers cannot play the financial game.¹⁴⁰

IN CONCLUSION, SOME OBSERVATIONS

Indisputably, Washington State has grown significantly since the enactment of the Growth Management Act. Equally indisputably, state and local jurisdictions, citizens and organizations are working hard to guide that growth under the auspices of the Act. As we conclude this study and reflect upon what we have heard and read, we offer some observations from the people we interviewed and the reports we read.

Some Positive Results:

- ➡ Washington State is addressing, planning for and managing current and future growth.
- ➡ Citizens have a greater awareness of the relationships between growth and costs of growth, of development and requirements for services and transportation.
- ➡ Urban areas have increased density, taking development pressure off rural areas and reducing sprawl.
- ➡ Town cores have been revitalized as GMA has brought people back to the cities to live, work and shop.
- ➡ Growth in the urban areas has resulted in more interesting, more sought after, more economically viable downtowns and in less costly services per capita.
- ➡ An increase in experimentation with housing types has resulted in some more affordable housing.
- ➡ The requirement to set boundaries for growth has encouraged density within urban areas (going up rather than out) and reduced sprawl in outlying areas.
- ➡ Landowners, investors and businesses have a new sense of predictability and understanding of what to expect in land use.
- ➡ Many jurisdictions have less cumbersome permitting processes.
- ➡ Jurisdictions now must coordinate and cooperate with each other and think through the regional effects of their decisions.
- ➡ Planning has resulted in stronger levels of infrastructure in many areas.
- ➡ Critical fish habitat and agricultural and forest lands are increasingly well protected in many areas of the state.
- ➡ GMA is an evolutionary process, a work in progress. There are safeguards, reviews and updates of comprehensive plans to adjust to changes and trends in the state.



Kamiak Butte County Park, Whitman County

Continuing Challenges:

- ➡ The GMA allows considerable variation and effectiveness among local jurisdictions, and local decisions are often based on the political make-up of the local governing body at the time rather than on a uniform directive from the top.
- ➡ The GMA has no performance indicators, no assessment tools to measure whether it is working.
- ➡ Some jurisdictions are uncomfortable having to plan twenty years into the future.
- ➡ There has been unprecedented cooperation between cities and counties but there are still communication problems.
- ➡ Property owners, especially in areas designated as rural, continue to press their case that certain provisions of the Act (in particular, provisions dealing with critical areas) place an unfair burden on them and constitute a “taking” of their property rights.
- ➡ The lack of sufficient affordable housing remains a problem.
- ➡ There is a need for better public education about the GMA.
- ➡ Jurisdictions need a broad array of revenue sources to pay for growth.
- ➡ There continues to be much development in rural areas.
- ➡ Agricultural land continues to shrink.
- ➡ The GMA is enforced only when a local entity, organization or citizen brings legal challenge to a local comprehensive plan or update.
- ➡ Many jurisdictions need more financial help from the state to help pay the costs of implementing GMA requirements.



Nisqually National Wildlife Refuge, Thurston County

As observed, the Growth Management Act has accomplished a great deal as indicated in this report. Not surprisingly, though, there are still problems, still issues that need to be addressed and resolved. The Growth Management Act is, after all, only fifteen years old.

Appendix A: GLOSSARY

Accessory Dwelling Unit (ADU)

Accessory dwelling units are additional living units, attached or separate from, a single family residence. They are commonly called mother-in-law apartments. They are frequently allowed as a way of providing low or moderate cost housing.

Best available science

See definition on page 33 of report.

Critical Areas Ordinance (CAO)

All cities and counties, whether or not they are planning under the GMA, are required to adopt development regulations to protect critical areas within their jurisdiction. – RCW 36.70A.060 (2). Critical areas are defined as: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. RCW 36.70A.030 (5).

Concurrency

Concurrency is a requirement of the GMA prohibiting developments that cause the level of service in locally owned transportation facilities to decline below what is set forth in the transportation element of that jurisdiction's comprehensive plan. Local jurisdictions can meet that requirement with alternative transportation strategies and/or by making a financial commitment to make improvements or implement strategies that restore the level of service to be consistent with the comp plan. – RCW 36.70A.070 (6) (b).

Geographic Information Systems (GIS)

A sophisticated computer software tool that enables accurate overlay mapping of information from multiple data bases for planning purposes—residential densities and distance from gravel extraction locations or airport, plus corresponding local road traffic capacities, for example, or overlays in zoning or service areas (school districts, water supply and treatment, commercial...)

Growth Management Act (GMA)

Washington's Growth Management Act was enacted in 1990 and 1991. The legislative findings upon which the GMA is based include: "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety and high quality of life enjoyed by residents of this state;" "citizens, local governments, and the private sector (should) coordinate with one another in comprehensive land use planning;" "economic development programs (should) be shared with communities experiencing insufficient economic growth;" and recognition of "the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences."

Growth management hearings boards

These boards were established by the GMA for administrative resolution of disputes over land use and planning decisions by local jurisdictions, namely the counties and cities. Challenges to local decisions must go first to the board; any appeal from the board decision goes to the Superior Court for judicial decision. There are three boards: Eastern Washington, Central Puget Sound and Western Washington.

Impact fees

Impact fees are fees assessed on a proposed development by a local jurisdiction to offset the costs to that city or county of providing services for the new development. Such fees are allowed under the GMA for the facilities that are needed to serve the new development, such as roads, schools, and parks.

Infrastructure

This term includes three words: internal, framework, and structure. In growth management usage it generally refers to transportation elements (roads, railways, airports, etc.), utilities (water, sewers, electricity, telephone service, etc.) and other services (waste collection, flood and fire protection, etc.)

Level of Service (LOS)

Level of service is a term used by transportation planners and decision makers to determine desired levels of traffic volume, speed, safety, and other factors, in the process of planning and managing growth.

Local jurisdiction

Local jurisdictions, as used in this report, mean cities and counties.

Real Estate Excise Tax (REET)

State law provides for the imposition of an excise tax on all sales and transfers of real property; that tax is 1.28 % of the sales price. In addition, cities and counties are also allowed to impose such taxes for various stated purposes, such as capital facilities associated with growth management and conservation areas. The total local real estate excise tax cannot exceed 2 %.

Shoreline Management Act (SMA)

The Shoreline Management Act, enacted in 1971, provides for the development of management plans by any county, city, or town having shorelines covered by the Act. These plans cover all water areas of the state over a certain size, reservoirs, wetlands, shorelines of state-wide significance, streams over a certain water volume, and associated lands 200' landward from the high water mark.

Shoreline Management Act guidelines

The SMA guidelines were adopted by the state Department of Ecology (DOE) to implement the Shoreline Management Act. After twenty-five years these guidelines were updated, and the new guidelines adopted by DOE in December 2003.

Urban Growth Area (UGA)

In the process of developing the comprehensive plans and their updates, the counties, in cooperation with the cities, decide on the Urban Growth Areas, the areas adjacent to the existing urban areas where future high density urban growth is supposed to occur. Low density rural development is supposed to occur outside of the UGA.

Urban Growth Boundary (UGB)

This is the boundary line that separates the urban growth area from the rural area.

Washington Community Trade & Economic Development (CTED)

CTED, a state agency, has five divisions: economic development, international trade, energy policy, WorkFirst, and community development.

Appendix B: ACRONYMS

ADU: Accessory Dwelling Units

AMIRD: Areas of More Intense Rural Development

BAS: Best Available Science

BMP: Best Management Practice

CAO: Critical Areas Ordinance

CARA: Critical Aquifer Recharge Area

CTED: Community, Trade & Economic Development, Department of

DOE: Department of Ecology

GMA: Growth Management Act

GMHB: Growth Management Hearings Board

LAMIRD: Limited Areas of More Intensive Rural Development

LOS: Level of Service

OFM: Office of Financial Management

PDR: Purchase of Development Rights

PUD: Planned Unit Development

RAID: Rural Areas of Intense Development

SCS: Soil Conservation Service

SMA: Shoreline Management Act

SMP: Shoreline Master Program

TDR: Transfer of Development Rights

UGA: Urban Growth Area

UGB: Urban Growth Boundary

Appendix C: PERSONS INTERVIEWED

November 2005- June 2006

Albert, Max – dairy farmer, Arlington, Snohomish County
Boldt, Marc – Chair, Board of Commissioners, Clark County
Bruton, Peggy – member, League of Women Voters of Thurston County
Clibborn, Judy - Representative 41st District, former mayor of Mercer Island
Field, Stephanie Buffum – Executive Director, Friends of the San Juans
French, Al – City Council Member, Spokane
Harold, Sandra – member, League of Women Voters San Juan County
Hoge, Phil – Planning Department, Yakima County
Hudson, Laura – Long Range Planning Manager, City of Vancouver
Hunt, Bruce – Senior Geographic Information Systems (GIS) Planner, Spokane County
Johnson, Eve – President, League of Women Voters of Thurston County
Kaill, Mike – Planning Commissioner, San Juan County
Klesick, Tristan – Klesick Family Farm and Organic Produce Shoppe, Snohomish County
Kyle, Susie – Winlock Meadows Farm, Winlock, Lewis County
McDonnell, Pat – City Manager, City of Vancouver
Mielke, Todd – County Commissioner, Spokane County
Nienaber, Darren – Assistant City Attorney, Olympia, former land use attorney for Mason County
Ousley, Nancy – Assistant Director, Washington State Department of Community, Trade
& Economic Development
Pattison, Mike – North Snohomish County Manager, Master Builders Association
Sandoval, Michelle – City Council member, City of Port Townsend
Snedeker, Gabe – Principal Planner, City of Mercer Island
Steers, Lucy – Member, 2004 GMA Working Group, 1989 Growth Strategies Commission
Stolz, Alice – Executive Committee Member, Spokane Horizons: Shared Directions for Tomorrow
Schwarz, Bridget – Friends of Clark County
Trainer, Amy – Legal Director, Friends of the San Juans
Trohimovich, Tim – Planning Director, Futurewise
Wilder, Greg – Director of Planning & Development, Okanogan County

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