

NAN HENRIKSEN

Nan Henriksen graduated Magna Cum Laude from the University of Washington in 1965. Nan was a business owner in Camas, Washington, for many years and was mayor of Camas from 1983 to 1992.

Nan represented all the cities of the state on the Washington State Growth Strategies Commission. In May of 1992 she resigned her position as mayor of Camas and accepted a gubernatorial appointment to the Western Washington Growth Management Hearings Board. Nan served on the board for 12 years.

Throughout her years in public office, and when Nan was president of the Association of Washington Cities, she worked hard to increase intergovernmental cooperation, alternative dispute resolution, and effective long-term planning for all local governments. She also served as chair of the Municipal Research Council and as president of the Planning Association of Washington.



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Tape 1, Side 1

Diane Wiatr: This interview with Nan Henriksen is about the history of Washington State's Growth Management Act (GMA). The date is August 9, 2005, and the interview is taking place at her home in Camas. My name is Diane Wiatr, and I will be interviewing Nan Henriksen today.

Diane: So Nan, can you tell us what interest did you have in land use planning and growth management before the GMA's passage?

Nan Henriksen: Way back in the late 1970s I decided to run for city council in Camas and I was very disturbed by the way development was rampantly occurring in our county with little to no planning. It just seemed like wiggledy-piggledy all over the landscape, development, and annexations happening to protect land from the county or for all sorts of financial reasons, but had very little to do with grid planning and good land use. And so, when I became mayor, one of the things that I was working the hardest was for us to create a 20-year vision before a lot of people were creating 20-year visions.

I felt so strongly that we needed to create our own future and make it happen rather than to look at ourselves 20 years later and say, "Oh, look what's happened to us." I wanted us to be very proactive. And that had naysayers in the fact that a lot of people, if you said that you were planning for growth then felt that you were encouraging growth. And so it was not a real popular thing to be doing, but that's how I really became interested in good land use planning.

Diane: And so what year was that happening in Camas?

Nan: We were doing that in about 1980.

Diane: Wow. So, you were one of the leaders in Washington State in terms of planning for a small town.

Nan: Right.

Diane: And what's the population of Camas?

Nan: Back then it was around 5,200. Now it's probably closer to three times that.

Diane: What role, if any, did you play in the passage of the GMA?

Nan: Well, when I was mayor of Camas I was also president of the Association of Washington Cities (AWC), and so I represented the cities on the Growth Strategies Commission. So, I played a pretty active role in those many, many discussions of how a bill should look.

Diane: So you were representing AWC when you were on the Growth Strategies Commission.

Nan: Right.

Diane: What's your most interesting memory of the dynamics of the events leading to the enactment of the GMA?

Nan: Well, I think one of the things that was—that had local governments concerned is—yes, we thought planning was important, but we were all extremely independent. And an initiative came up due to some real growth crises in Central Puget Sound before, I think, that a lot of other areas realized that they too, in a different way, had growth crises also. But this was very much in the pattern of what Oregon State had adopted earlier and it was very much top-down. A local government could adopt a comprehensive plan—you had to adopt a comprehensive plan—but that plan was not considered legal or in effect until the state approved it and so local government had to do it over and over until they “had it right” according to a state board.

We in local government wanted very much to have a more bottom-up approach and so that a comprehensive plan—we wanted to encourage good planning, but the comprehensive plan would be considered valid until and if someone successfully challenged those provisions before a board or the court.

Diane: So, I think you answered this pretty much, but the question is, when did you start thinking about growth management and what really put it on your radar screen? In relationship to Camas, what were the events or what was going on...?

Nan: What was going on was we were looking at a large amount of growth coming up. We were a small city that for the last 100 years had gleaned approximately 80 percent of our property taxes from one citizen and that was the large paper mill in Camas that a few years earlier had almost closed. And so we were quite a well-to-do community in services and all because of our wonderful tax base, but it was based on one citizen.

And so it was extremely important to us that we figure out our future and how we could balance—spread out our industrial base so that we could count on that for the long term and maintain our high level of standards.

At that time the commissioners of Clark County had basically defined themselves as a bedroom community. And we were arrogant enough [laughs] to feel that we would not go along with that image, that we had never been a bedroom community—the Multnomah County area, across the bridge—and that we never would be. And so that's what really instigated an intense planning process for the City of Camas and that's why today you see north of town our industrial park which are Underwriters' Laboratories and many other fine citizens.

Diane: And are you a bedroom community?

Nan: And we are not. We are still trying to make sure that our job growth stays up with our bedroom growth.

Diane: And so in your work with AWC did you start thinking, “Oh, this is what needs to be happening in all the

jurisdictions...?”

Nan: Well, what I saw was a huge dogfight going on statewide between counties and cities, and cities and cities, on getting ahold of land. Not because they really needed that much land to develop, but because they didn't want the other people to develop it, or it was for financial reasons. And we could see that there needed desperately to be better planning to be able to figure out how to make sure that these cities and counties could actually afford in the future the development they were allowing to occur. And there's tons of that that you see in the Growth Management Act.

One of the key features of the act is to try to make sure that we are not severely indebting our grandchildren for the rampant develop that we allow for short-term gain.

Diane: I think I'm going to ask you about the Growth Strategies Commission. Why did Governor Gardner first assemble all of you and how effective do think the Growth Strategies Commission was?

Nan: Well, all of the local governments—the key players in local government—and the state were very nervous about the initiative. They thought it was overkill.

Diane: Initiative 547.

Nan: Yes. And the Governor and others promised the environmental community that if they wouldn't push too hard for this initiative that the state would get its act together— that legislation would be passed that would protect critical areas, that would conserve agriculture, that would intensify urban growth and lessen sprawl.

I think that that's one of the key reasons that Joe King [Speaker of the House of Representatives], the Governor, and others felt it so important that this think tank would be assembled to try to develop for the Legislature what they thought made sense in a growth management package. And we fought it out for months.

Diane: And what were the bones of contention there? What were you fighting about within the Growth Strategies Commission?

Nan: Well, there were folks there from the environmental community, from the business community, from the developer community with all very different viewpoints on growth and what was responsible growth and what needed to be done. So that all had to be hammered out.

Diane: And what was AWC hoping to have happen?

Nan: AWC, as I said, was fighting for more local control. So we were trying to figure out how to balance local control with the definite need of the state to set parameters within which that local control could be facilitated.

Diane: So you would say you got what you wanted.

Nan: Yes, yes, on the whole. Of course, there were lots of counties, in particular, that were upset with the Growth Management Act, but not so much with the cities.

Diane: What was the original intent of the Growth Management Act and why do you think it became law?

Nan: I think that our farmland was under intense pressure of development. The farmers wanted very much to be allowed to continue to farm and not to have others making it impossible for them to farm, neighbors and so forth. But at the same time, when they got tired of farming, they wanted to be able to develop their land. So there definitely was need to come up with parameters of how we could conserve farmland.

The same was true with critical areas. With all the rampant development that was going on, critical areas were in dire danger and so that needed to happen. We just looked around ourselves and saw the huge transportation bills and what was happening in the infrastructure area with the kind of development that had been going on—with people not really paying the true price of development. And with then local governments, cities in

particular, having to fit—retrofit—development with infrastructure that was extremely expensive.

So, there were all sorts of pressures going on. I can see why the initiative folks came to the fore and why it was so important for us to face what needed to happen, and I think that was particularly true with the growth pressures in Central Puget Sound and the surrounding areas. But a lot of what I would call more rural counties that were under the Western Washington (Growth Management Hearings) Board's jurisdiction where I served for 12 years—a lot of those counties had similar pressures and had allowed very incompatible development for rural character and for agricultural sustainability. So there were lots of needs.

Diane: And what in the political climate led to the passage of the GMA?

Nan: I believe that particularly in Central Puget Sound the citizenry were saying, "Enough is enough." I think the Governor and many others were afraid that that initiative might pass and that in major parts of our state it might be overkill. It was very much one size fits all and they wanted a controlled legislation that was more—that kept more in mind local character, local needs. I know a lot of local governments don't feel that we pay enough attention to that, but we certainly do more than the Oregon model would have provided.

Diane: What models were used in drafting the Washington GMA?

Nan: Well, that was very difficult because Oregon was really the only state that had developed a model and was sticking to it. We looked at Florida and a very few other states, but they were more trial and error and so what ended up our model was a hodgepodge of other models, the best parts of anything we could find.

Diane: And what did you take away from the Oregon model?

Nan: Well, that they were having some success in controlling where growth occurred and how it occurred and that Washington State was kind of a mess in that regard.

Diane: How do you think the public in your county viewed the Oregon model?

Nan: Oh, they didn't like it at all. I guess that's the problem when you come out west. The majority of your citizens, especially outer urban areas, are quite independent and really didn't like the idea of big government telling them what they could do with their land. So it was, in many counties, very unpopular.

And then I think that you may have been told that the Department of Community Development was able to offer funds to counties who did plan under the act. And that may have complicated our early years because I think that quite a few counties, who did not really meet the profile of those who had to plan under the act, opted in and then found that they didn't really like the fit, but then really couldn't get out again. And so that caused major grief for quite a few years.

Diane: So you started to talk about the opposition a little bit. So why don't you give the other side for context. We understand why people would want planning and growth management, but who was opposed to it?

Nan: Well, of course, private property folks—developers, builders were very afraid—the Oregon model they felt too much restricted urban growth areas. They didn't like—they thought it would push prices of land and development way up. That it would actually make it more difficult for people to own their own homes, or to live the way they wanted to live. There were lots of opponents.

Diane: And how were they accommodated?

Nan: Well, I think one thing was their strong bias towards local governments being found to be valid—their plans would be valid unless someone successfully petitioned the board and were found that the action taken did not comply with the act. So I think that they also feared an initiative process that would provide a much stricter model, and so they really did want to come up with a model that they thought they might be able to live with

that would avoid such an initiative.

Diane: We're going to talk a little about the hearings boards.

Nan: Okay.

Diane: You were selected to serve on a hearings board.

Nan: Right, on the Western Washington Growth Management Hearings Board.

Diane: And what were your thoughts when you were selected to be a member?

Nan: Oh, I was very excited. I was excited about the Growth Management Act. I had been a truly gung-ho, small town mayor for \$500 a month [laughter], but what was basically a full-time job. And I was trying to make a living in my own business and basically going broke in the process because I found government much more exciting than small business. So when Booth Gardner appointed me, I was absolutely delighted. I wasn't as excited that I only got the two-year term, but at that time they needed staggered terms when they first set the boards up—one six-year, one four-year, and one two-year—so that we would come up for reappointment at different times, but I was a very excited person.

Diane: And what were the highlights and challenges of that job?

Nan: For me personally, the first year in particular was very difficult. I did like the steady income, but coming from a make-it-happen, doing-exciting-things mayor to sitting and waiting to tell a local government if they'd done a good job or not in a very isolated court-type environment—I couldn't be involved in most any kind of local activities because it might later come up to be seen as a conflict of interest. So it was very, very limiting to my previous life, but I was also, over the years, very excited about actually trying to make a positive difference in the implementation of the act.

I always felt strongly that there had to be a wider parameter for local conditions—that the implementation, if it was not seen to be reasonable by the local citizens, it would not end up being implemented because no local governments have the police force required to ensure that people do the right thing, particularly when it comes to critical areas.

So I saw my tenure on the board as making sure the other board members understood the implications for local government and the implications for Joe Q. Citizen. And at the same time, making sure that critical areas and farmlands were protected and conserved. That was not an easy feat.

Diane: What did you think of there being three hearings boards instead of just one for Washington State?

Nan: Well, that was a practical matter. I knew that there would be no hearings boards if the Eastern Washington folks didn't get their own and so as busy as we were and the Central Puget Sound board was, one board never could have done it all. The only thing I felt badly about is that they've never made a provision in the act so that boards who are not as busy could help out those who were going crazy at the moment—because it did seem to be at different times, often, but that never was allowed to happen. So you often had the Eastern Board not that busy and the other two boards just working like crazy.

Diane: And how well do you think the hearings boards are doing in carrying out their duties, as set out in the GMA?

Nan: I think on the whole, they've done a good job. I think certainly more so than if it had been everyone goes to court. We've noticed, in the early days, if you wanted to appeal one of our decisions you appealed in Thurston County Court so that the court that dealt with it got used to the kinds of growth management issues, knew the act very well, and came out with quite consistent decisions. When that was changed to—you can

go to your own local court or the court next door or Thurston court, we started to get a much wider range of decisions, many contradictory from county to county, which made it quite difficult. And also the courts' systems were already backed up and local governments and citizens really wanted timely decisions. That's why I think there's a 180-day provision in the act that no matter how busy a board is, from the day that a filing happens, 180 days from then, you're going to have a final decision out no matter what. I don't think that would ever happen in courts.

Diane: Just for the record, will you tell us what years you served on the board?

Nan: Well, let's see. I think it was—I should have looked this up before you came, but I think we really set up shop in 1992 and I just went off in June of last year, 2004. So 1992 to 2004.

Diane: If another state wanted to create hearings boards, what advice would you give them?

Nan: I think that the primary one would be to make sure that there was an ability to exchange members across those board jurisdictions to make sure that the workload was relatively even. I think that they need to make sure that they do empower the board—and think we've tried to do this—to look at local circumstances and make sure that the choice selected does make sense for the local record. But I think on the whole our boards were set up—if they could make a more clear act, if they could have gotten a more clear act adopted, it would have made it so much easier for the boards. But probably they couldn't have gotten an act passed if it was extremely clear [laughs], so maybe that's not possible for another state to be able to do that.

Diane: So you got to interpret the GMA.

Nan: Yes, that was our job, to interpret the act and it was vague enough in a lot of instances that made it extremely difficult and very controversial.

Diane: What should local governments be most aware of regarding the hearings boards?

Nan: I would say record, record, record. Making sure that they keep a record and making sure that that record supports the decision that their decision makers finally come up with and not the exact opposite. I think that it can't be stressed enough, the importance of their record including their local circumstances. I can see why they tend not to have that happen because local citizens know—especially in our rural communities—they know what's out there, but if it isn't in the record the board doesn't know. And then they get very angry with the board for the decision that is, to them, so stupid when we didn't know, I mean it wasn't in the record and we only go by the record. We have to decide, if given the record before the local board of commissioners or council—we have to decide if that is a reasonable decision under the act within the parameters of the act and their record makes that possible for us to do it.

Tape 1, Side 2

Diane: Nan, what do you think some of the most important cases you heard on the board were?

Nan: Most important or most never-ending or controversial?

Diane: Maybe one of each [laughs].

Nan: Well, I think early on—I'm not going to name any specific local governments—but I think early on, there were some counties that really thought they could just thumb their noses at the act and somehow it would just go away, and they could go back to being good ol' boys. I'm not saying this in all counties, but many of our rural counties—I mean, the county commissioner's position was really a wonderful thing, because you could determine on a case-by-case basis without any parameters really whether a development should or could occur or not.

I think the Growth Management Act required them to set up those specific parameters to make those decisions very up front so that regardless of who the person was that wanted to make something happen, the rules were pretty much the same. Well, that's not nearly as much fun if you're sitting as a county commissioner. So I think early on some of the most important cases were merely to get county commissioners' attention.

The most thorny—and I'm really sad that it had to be the first thing that local governments had to deal with because it caused so much fear and so much anger—was critical areas stuff. If I had it to do again I would tell those local governments that maybe—you just asked the question in other states—take something less controversial on first, make it some positive planning activity because that was a really tough, tough way to start. And the things that were most gut wrenching for me were the cases that involved agriculture and environment because you had really good people on both sides who both, I think, see themselves as good stewards of the land. In an ongoing conflict that in many of our counties has been going on for ten years, and it's gone through the board and up through the courts and then back down to us and on and on.

Skagit [County], Island County are great examples of that. And I think that's very sad because we really wanted people to spend their money on implementing good critical areas ordinances and agricultural conservation ordinances and not just fighting each other in court. There's been an awful lot of that going on.

Diane: Is there anything else you'd like to say about the hearings boards?

Nan: No, not really.

Diane: How important do you think the GMA is in terms of statewide legislation?

Nan: I think extremely important. I like to think that we made a positive difference statewide in how development is occurring. It's been kind of hard to see because there were an incredible number of preexisting lots in many of our counties before the passage of the Growth Management Act.

I think we'll be able to see more and more the impact of the new rules once those are developed because there's no way with the Growth Management Act you can stop somebody from developing a lot that was already preexisting. But I think when that wave of development is over, I really do think you'll see a huge difference in—I hope—in conserving farmland. I think the downside of the legislation—and I think it's very sad—is that we haven't found a way to help farmers earn money on that land.

We're trying to preserve the land without—or conserve the land—without conserving the farmer, and I think that's a very sad situation that needs to be worked on very soon. But I do think it's made a substantial difference in the state. We started a little too late, the horse has been out of many barns [laughter].

Diane: What was the early process for local governments to begin their work under the GMA?

Nan: Well, as I mentioned it was critical areas, that was the first deadline. It wasn't so bad for cities, but for counties there was a lot of bloodshed. And it's still being shed today, and a lot of good county commissioners lost their jobs trying to comply with the act and that's very unfortunate.

Diane: In terms of how the GMA is structured, what do you think are the most important parts of the law?

Nan: I think I've mentioned them over and over again—the conservation of agricultural lands, the protection of critical areas, the infill of areas that are already urbanized to more efficiently utilize the infrastructure that's already in the ground, the discouragement of sprawl, and requirement to provide new infrastructure that's very expensive inefficiently. I think those are probably the main four.

Diane: There's a similar question here that says name the five most important successes of the GMA, is that you would say those are?

Nan: Yeah, I think so.

Diane: And how has the GMA evolved?

Nan: Well, I'll tell you one big way. We had a real dilemma on the board—with many of our counties being rural counties—that the act didn't define what "rural" was. I think one of my coworkers on the board referred to it as the leftovers in the GMA refrigerator [laughter] because you looked to see if it was urban and you looked to see if it was agriculture and if it wasn't either one of those, it must be rural. But it really wasn't defined and so the Legislature did go back and try to better define rural and also "limited areas of more intensive rural development" or LAMIRDS as we called them. What would those look like? How could you allow them to continue without allowing them to sprawl into something bigger and something more urban?

Diane: What significant things has the GMA done to meet the goals it was intended to achieve?

Nan: Well, I think that a lot, a huge majority of local governments, if not all, now have a comprehensive plan and implementing ordinances and that was not true in many of our counties. So that's a huge step in itself. People do have a vision for the 20 years. They have had to show how they plan to pay for it and, therefore, make their vision more real and not just—it used to be 20-some years ago that you developed a comprehensive plan that was just a vision that you'd love to see. Then you passed ordinances that actually determined what would happen and they might not be alike at all, and the Growth Management Act actually required those to be meshed and melded and I think that's extremely important.

Diane: And how has the GMA changed land use patterns in the state?

Nan: I do believe that I'm seeing lots more infill within urban areas and I think that's really important. I know it's also being fought in many urban areas, but if people in urban areas want sprawl to be lessened and want rural character to remain—whatever that is, rural character—then they're going to have to have more dense development within urban areas and more efficient use of the infrastructure that's in the ground and I think that is happening. I do believe—even though it's been more difficult because of all the preexisting lots—but I do believe that more agricultural land is still there today than would have been if the act did not pass and I think that's very important.

Diane: How has the GMA shaped various communities? Give some examples of how the GMA is working well at the local level.

Nan: There again, having been on a board and removed from all local government issues for so long, I'm probably not the best one to answer that. But I do believe that the majority of cities and counties are now in a lot better shape to actually be able to pay for their proposed development than they were historically. It's still not good, it's a very ugly picture of how we're going to pay mainly for transportation, but it's a lot better than it would have been had none of the act gone into effect. I can't even bear to think where we'd be now if the old forces were allowed to continue.

Unfortunately, there's a pressure working against this good planning and that is that it used to be that if local governments encouraged strong industrial development they would be in pretty good shape. Well, now with the initiative and property tax limitations that have been passed by initiatives over the last few years, the only kind of taxes that are not limited are sales tax. And so once again, there's more pressure for counties and cities to fight and develop retail space—that maybe the jobs are minimum wage and you're creating all sorts of demands on the social systems and so forth that it actually—in the long run—is probably a negative impact on transportation and social services and all those other things. But immediate gain of sales tax is becoming

more of a driver rather than less, and it's putting more pressure for perhaps irresponsible development which is unfortunate, but that's something that the state's going to have to work on.

Diane: If another state wanted to adopt a growth management law, what advice would you give them?

Nan: Well, I think we've set up a pretty good model, but I think if they really want a bottom-up approach, they really want a grassroots approach, they're going to have to fund it because it's expensive. I think more expensive than it would be to just say one size fits all, send it to the state board and they'll tell you if it's good enough or not—but I think in the long run, they'll have a better plan, a more workable plan, if they use more of the Washington State model.

Diane: How did CTED (Washington State Department of Community, Trade and Economic Development) react to the GMA?

Nan: Well, I think CTED had the same problem that we had and that is the money was always extremely tight. I was naïve enough to think that when I was appointed to the board that I'd actually have a legal person on staff [laughter]—that we could hear the cases and that person would basically do the homework, write up the decision and we could tweak it.

Well, we barely had enough money for one administrative officer to keep the files and to do the office work and typing. And CTED always had limited funds also and so when they were trying to develop work products that would be helpful for local government for the next requirement, they were always one step behind. By the time CTED could get their 20- or 40-page booklet out, the deadline was often already there and it would have been so much more helpful if local governments had had their hands on that six months to a year before. But I do believe that they did a very fine job with the funds they had of assisting local governments.

We couldn't really assist them at the board level because that might make it impossible for us to hear a case later, so it was really CTED that was able to give the local governments—and the citizens who were unhappy with how local governments were acting—give them advice. So I think they played a very important role.

Diane: Okay. What do you think are the most important amendments that have been made to the GMA?

Nan: Well, as I said earlier the definition of rural, of limited areas of more intensive development—rural development—how is that different than an unincorporated city, say, a small town. Those sorts of things that were absolutely essential and necessary. I don't think there's been as much tweaking as maybe would have been nice, because there was always the fear that, if the act was opened up, it would end up in worse shape than it was before rather than better. So I think that there's been a hesitance to go there, but I do think their help on the rural issues has been the most important, from my perspective.

Diane: Do you have any additional comments?

Nan: Nope, not really, except it's been quite a 12 years. Now I've had a year off the board and it'll just be interesting to see how all this continues and I pray that it does.

Diane: Thank you.