

## MICHAEL J. McCORMICK, FAICP

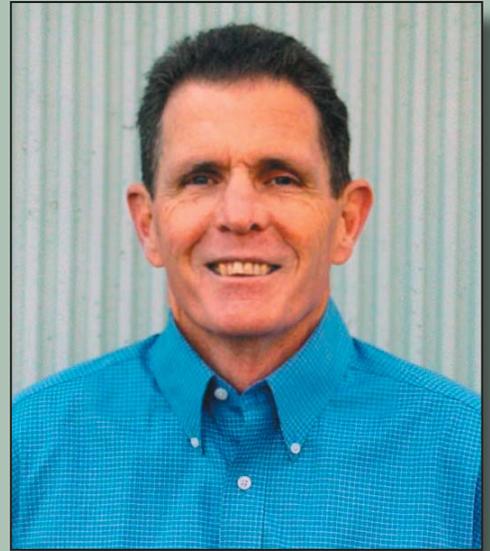
Mike McCormick is currently a planning consultant located in Olympia, Washington, specializing in growth management, planning, and intergovernmental relations.

Prior to establishing his consulting firm in 1994, Mike culminated a 25-year career with the Washington State Department of Community Development as assistant director for growth management. He was actively involved in the creation of the state Growth Management Act in 1990 and, subsequent to the enactment, directed the state's role in implementing the act for three years. In 1991 he received the Governor's Distinguished Management Leadership Award.

Mike has practiced planning in Washington State for more than 35 years, many of those years working at the state level to assist local governments meet a variety of unique planning and financial challenges. He is active in the Washington Chapter of the American Planning Association's (APA) legislative efforts to build and support good planning in Washington State.

In 1999 Mike was elected to the first class of Fellows of the American Institute of Certified Planners for his contribution to the planning profession. He has been the recipient of the Washington Chapter of APA's Myer Wolfe Award for Professional Achievement and the President's Award for Distinguished Service.

Mike has a bachelor of arts degree in geography from Fresno State College and a master's degree in city planning from the University of California, Berkeley.



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<b>Interview with:</b>	<b>Michael J. McCormick, FAICP</b>
<b>Date:</b>	<b>July 18, 2005</b>
<b>Interviewed by:</b>	<b>Diane Wiatr</b>
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### **Tape 1, Side 1**

**Diane Wiatr:** This interview with Michael J. McCormick is about the history of Washington State's Growth Management Act (GMA). Today's date is July 18, 2005, and the interview is taking place at the Washington State Department of Community, Trade and Economic Development in Olympia. My name is Diane Wiatr, and I will be interviewing Michael McCormick today.

**Diane:** Mike, what interest did you have in growth management before its passage in 1990?

**Michael J. McCormick:** Well, I had been a planner by training and I've always had an interest in statewide planning going back to the efforts in the early 1970s in Washington State to get a land use planning act under the Land Planning Commission when Ron McConnell was the executive director of the agency. And that produced a really comprehensive package—it was two pieces of legislation—one that dealt with the substance of it and the second that dealt with the data for it. We were never successful in getting that passed in the Legislature.

In lesser forms, there were efforts in 1974, maybe even 1975, to get something passed. Joe Haussler, who was the House of Representatives member and chair of the Local Government Committee, tried at least two years and when you talk to Steve Lundin he can tell you more about it because he was involved. So, I've had that interest all along—to some extent followed Oregon's experience—I was here then and I had friends in Oregon and so I guessed that at any point Washington State would be better off if we had some statewide planning framework. So I've been interested in it since the early 1970s.

**Diane:** You were working for Community, Trade...

**Michael:** No, I was working for what was then the Planning and Community Affairs Agency, which was the predecessor of Community, Trade and Economic Development. It's had a number of names—it's been the Office of Community Development, it's been the Department of Community Development, it's been the Department of Community, Trade and Economic Development. I don't think I got all of the names there, but it's had a number of names. I was lucky, I was able to have a career and do a lot of different things, but I never had to move to another agency.

**Diane:** And how did you support the passage of the GMA?

**Michael:** Well, I was involved in several different ways. First of all, I was asked to go to a meeting in Florida—they had fairly recently enacted a statewide planning statute and I was asked by the director at the request of the Governor's Office to go this meeting and basically see what was going on. I'm sure that they were aware that there were some other people from the state going—one was Tom Campbell.

And Tom is a key person for you to talk to because he was probably closest to the point of origin for getting the act moving and going forward. He was working for Joe King who was the Speaker of the House at the time. The other person that was there—Bill Stafford was then the intergovernmental relations director for the City of Seattle, and Bill is still in Seattle. Primarily the three of us spent three or four days attending sessions and talking about the issues and how might it be shaped and what could be done. That was in 1988, I think. It may have been 1989, but I think it was 1988.

Joe King put together the legislation and I'm sure Tom was very active in that. And I suspect Steve Lundin was involved at that point because he was really knowledgeable—I think of him as the preeminent person regarding local government in Washington State. He certainly is now and I think he was then. He's been staff counsel and staff to the House Local Government Committee since the early to mid-1970s that produced either a bill or a budget proviso, and I can't remember exactly which. I think that was in the 1989 session. And the budget proviso created an advisory committee to make a recommendation on state land use planning statute or statutes for the state of Washington.

When the bill got to the Governor's desk he vetoed the provisions that directed how it be structured, but he kept the money and then he said, "And I promise to appoint a committee and go forward." So a committee, the Growth Strategies Commission, was appointed. Dick Ford was appointed as the chair. At that point in time, the responsibility for the care and feeding of the Growth Strategies Commission was assigned to the department and my division. So I had the responsibility to make sure that the care and feeding went well and there were sufficient resources and the like.

I worked with the commission, designed a hiring process, and helped them go through that. Dick Ford and several other members of the commission interviewed four or five people for executive director and selected Mary McCumber. We were able to negotiate under the Intergovernmental Personnel Act (IPA) an exchange

where Mary left the City of Auburn where she was planning director and to take on the responsibility of being executive director for the Growth Strategies Commission. Mary did a beautiful job. She hired a couple staff that turned out to be very good selections. She got people to volunteer to help her.

Backing up a little bit, one of the things that was done, and I think it was done in 1989—and I've got a copy of it if you haven't seen it—was the Crescent Bar report. At that point in time there was no discussion over the need for statewide planning by the city and county planning directors. And the group used to get together once a year, at that point in time, at the Crescent Bar. Mary McCumber, Joe Tovar, and Harold Robertson, I think Dick Anderwald, myself, and some others worked at that session and put together a draft. Mary and Joe finalized the report. I don't remember exactly who did the publication, but they put together a really nice looking publication with recommendations for growth management and comprehensive planning. That was out in the mix. And Mary went with the Growth Strategies Committee. They were charged to develop and make recommendations to the Governor and the Legislature for the 1991 session. The forces overtook the study commission and you'll need to ask Joe about this. I'm sure he'll tell you, but he has clear recollection of sitting in traffic in King County saying, "My God, what's going on. There's something here and no one's paying any attention to it. We need to do something."

**Diane:** When you say Joe, you mean Joe King.

**Michael:** I mean Joe King. I'm a little more Machiavellian about it. In the local government elections in the fall of 1989 three county council people were beaten, all of whom were seen as not being vulnerable in their positions. One was in King County—and it was the east part of King County—and two were in Snohomish County. And they were beaten by environmental activists who found that the people were really concerned about two things. One was traffic and traffic congestion had really gotten much more problematic, and the second was what I call loss of "greenness."

In the late 1980s a prohibition on exporting of logs from public lands had been put into place and there was a huge demand for timber, mostly in Japan. The timber companies and even the small timber exporters turned to privately held timber plots to find logs that they could cut and export.

So all over Western Washington, but certainly in King County, Pierce County, and Snohomish County, there were parcels that were being logged and they didn't necessarily have to be big, but they were part of the fabric of the landscape. And people had been driving by them for years. They just assumed they were always going to be there, it was part of the environment, it was part of what they experienced, and all of a sudden those started to disappear.

At the same time there was a pretty robust boom in the housing market and I think the combination of the two things really did, at a very gut level, cause people to not like what was going on and wanting someone to do something about it. And these three candidates—one ran as a Republican in King County and that was Brian Dardowski, and two that ran as Democrats in Snohomish County—they beat the incumbents.

Joe King, to his credit, figured out real quickly that the Legislature needed to be doing something or that in the election of 1990, the legislative election, Democrats were vulnerable. He was going to lose some of his members if they didn't do something about it. So they, "they" being the House Democrats, escalated the schedule and they used the work that the Growth Strategies Commission had done to date. It wasn't finished, but a bill was introduced in the 1990 session to do the substantive part of growth management and there was a fair amount of negotiation between the commission and the Legislature, particularly the House Democrats. We

were involved to some extent. Steve Hodes was the policy person in the Governor's Office and I was involved, mostly through the Growth Strategies Commission, but also to some extent with Steve to try and negotiate out what this package would look like, what the schedule meant. The commission was concerned that they were going to be usurped if they hadn't completed their work, going forward. And I think Dick Ford was the key person—he and Mary (McCumber)—that negotiated with Joe and Tom and whoever else, and Steve to some extent, but I think Steve was just implementing it. And they produced the Growth Management Act of 1990.

Everyone recognized that the bill wasn't complete, there were no teeth in it, as we said, there were no consequences. And in the summer and fall of 1990, the environmental community rejected the Growth Management Act, and went out on their own to get an initiative on the ballot that would have put an alternative in place that was much more like the Oregon system. The contrast was always the bottom-up system or the top-down system. The system that we were trying to develop was clearly designed to be a bottom-up. Both the Association of Washington Cities and the Washington State Association of Counties had really strong personalities involved and felt quite strongly about it. And the environmental community focused on David Bricklin, who was really the lead person that got the Washington Environmental Council to support the initiative. At first they rejected the idea but he went back to them and got a second vote and got them to agree to support an initiative. And they got it on the ballot.

**Diane:** And why do think he pushed for that?

**Michael:** You know, I'm not sure. I'm not sure. My memory is not that sharp about that. But as part of the strategy to defeat the initiative the Four Corners, the leaders of each of the caucuses of the House and the Senate, promised to come back in 1991 and finish it.

There's actually a letter with their signatures on it and they promised and committed. The thing that is most significant out of that in my perspective is that the Republicans controlled the Senate and the person that was the head of the Republicans in the Senate was Jeannette Hayner from Walla Walla. She was very instrumental in getting the bill passed in the first year. I think she had gotten the same political advice.

There was a fellow named John Rico who was Jeannette Hayner's staff person. I have been told he went to her and said basically the same thing that Joe had figured out, that if they didn't get behind this they were going to take some hits in the next election. And she had a one-vote majority in the Senate and she managed that beautifully for both of the years. Jeannette Hayner is one of the most impressive legislators I've seen around here and she doesn't get mentioned often, doesn't get a lot of credit, but she really did a good job.

So, at this point then there was a big campaign—big business, cities and counties, elected officials, the development community, virtually everything but the environmental community lined up against the initiative and it got beat big time. It got beat so badly that in 1991 some of the Legislature said, "Well, gee, if the initiative was badly beaten why do we need to do anything more with GMA?" And Joe held—it was relatively easy—but Joe held their feet to the fire too. The Democrats were still in control of the House, and Jeannette held the feet to the fire of the senators and worked around Bob McCaslin, who was a senator from Spokane, who was absolutely opposed to the concept. She was able to maneuver around him very skillfully and get the bill passed.

In the House, the Steel Magnolias were all of the committee chairs that were involved on the House side—Maria Cantwell who was Economic Development, Mary Margaret Haugen who was Local Government, Nancy Rust who was Environment, Jennifer Belcher who was Natural Resources, Ruth Fisher who was

Transportation, and Busse Nutley for Housing. They all had a piece and they were finally brought back together—they were passed by the committee structure and moved forward. It was very interesting to watch Joe and the Steel Magnolias work these bills in the House and that's really where all of the crafting was done.

All the substantive work was done on the House side and a little in the Senate and from my perspective that made sure that they got it passed. And, of course, there were negotiations that went on and the negotiations in particular in 1991 with the business and development community. Enid Layes was really the point for the business community in negotiating the 1991 bill the second year. As I remember it, they were much more active then, and there were ongoing negotiations. I went to a lot of them, Steve Hodes went to a lot of them. At that point Chuck Clarke, director of the agency, got directly involved. The negotiations were called Five Corners negotiations because it was the four caucuses and the Governor was the fifth.

So a lot of us were involved in negotiations and we successfully negotiated a bill and in the budget from the year before—I think the budget was pretty close to \$20 million—there may be people around here who can remember more. I know we had \$14 or \$15 million in grant funds for that first three-year period after the GMA passed.

In 1990 when the bill was passed and signed, I was asked by Chuck if I would move from where I was as assistant director for Local Government Services and become assistant director for Growth Management. So I agreed to do that. We were literally running to try to keep ahead of the deadlines and schedules, put together a small staff—partially made up of people that had been working with me—and then began to add some people.

That first year we probably had ten or 12, a pretty small group. If I were to think back, I can remember them. The primary thrust was to get minimum guidelines—that year the minimum guidelines—and then the procedural criteria came in next year. We put a lot of effort and emphasis into getting both of those. Kathy Lindquist and Holly Gadbaw were the two people that worked on all of our technical assistance and guidance documents. We were taking each requirement, provision of the act, and usually hiring consultants to write a guidebook that could be made available for local governments. We had people working on the minimum guidelines and the procedural criteria. I was lucky enough to work with a person by the name of Steve Wells up in the King County Department of Natural Resources; he was really good. And I went up and talked to him and I could see that he really could bring a lot to bear that we didn't have. So we were able to conceptually negotiate and we used the same kind of agreement that we did with Mary, using the Intergovernmental Personnel Act. It's basically a three-way contract with us on the one hand, King County on the other, and Steve the third party. And you can basically negotiate any kind of an agreement you want. So, you can pay beyond the pay scale, you guarantee the person the right to come back and assume their old position out of any office—it's one of the provisions of the act, actually that's a federal statute, not a state statute that is mirrored. Not many people know about it, but I've used it a number of times.

Initially Holly Gadbaw was brought on board that way. Her experience didn't fit any of the classifications we had here. I got DSHS (Department of Social and Health Services) to hire her and then to loan her under the IPA act until she got enough experience to qualify. Holly was a local elected official, had been involved in planning issues, was the president of the Thurston County League of Women Voters when they were really advocating for good planning. Having her with local government experience was really important. So Holly brought a lot to bear and really helped the tone of a lot of what we did so it would not seem as being Big Brother. Holly did a lot to make sure that the document had the right feel.

Edie Harding was another person that was involved. Chuck really urged me to hire her and I think Chuck was concerned about keeping on track and on task and making sure things got done and Edie did that. Edie's just a no-nonsense lady and she really took care of more of the day-to-day operations and I took care of more of the politics. It was really one of the best times, one of the best teams. I would have taken those people and taken on anything.

We basically started with nothing with very short deadlines and had to get rules published and adopted. We had to get workshops set up. We had to get guidance documents out. We had to meet with people who wanted to meet and had issues.

We had to get the grant program in place and the grant money out. One of the main things that I'm proud of was the grant program. There has been a fairly long history, at least from my perspective, that getting federal funds came with very complicated grant processes—monitoring, reporting, and the like. Actually my first job with the state of Washington was planning grants for local governments, so I had some experience with that too. And we did something different because we were not really encumbered. Basically what we did is we went to local governments, we went to the county and all of the cities—and we could negotiate with the planning directors on how the money was going to be distributed. It was a base funds per capita on top of that so that a dollar amount for every county—so what we did is we went to the counties and all of the cities and said, “There's this much money available for this year,” or this year and next year, I don't remember what we did with the first year, but anyway there's X amount of money...

**Diane:** What was the money going for?

**Michael:** This was to help them meet the requirements of the act. Basically what we said was, “You may use this money in any way you see fit to help you meet the requirements of the act. Now, there are some conditions, one is you have to agree amongst yourselves how to use the money and how to split up the funding. Secondly, we only want one agency to deal with, you're going to have to agree which agency is going to handle the paperwork and the distribution, we'll only deal with one agency. Third, you may incur costs today, but we will not enter into a contract with you until you've agreed amongst yourselves how the money is going to be used and where it goes. Lastly, there's no reporting requirement. We know there isn't enough money to cover it. We trust you will use it to meet your responsibilities under the act, and we'll let the state auditor audit it because all the local governments get audited on a regular schedule by the state auditor.”

We weren't going to waste any of our time or money or resources. Hopefully they would do their normal due diligence and when the state auditor came, they would check it out and if they found a problem then that was between the state auditor and the local government. So, we were very streamlined—we literally distributed tens of millions of dollars with really only one person administering.

## **Tape 1, Side 2**

**Michael:** Today I still have people comment on how it was the best grant program they've dealt with.

**Diane:** Did it feel risky?

**Michael:** There was risk at every point and, yeah, sure it was risky, but it was risky in terms of what we were doing in every aspect of it. The main measure that I was using was, Are the legislators happy or am I hearing anything from them? Is the Governor happy, am I hearing anything from him? And are local governments happy? Well, if they weren't happy they were at least satisfied and really how local governments were doing in the kinds of issues that affected their ability to meet their responsibilities was what I was trying to take a look at.

The timelines were very short for them. They didn't have a lot of time to meet the requirements of the act. The inventories of lands in critical areas came really quickly and then they had to get this interlocal planning policy framework in place and adopted.

**Diane:** How much time did they have?

**Michael:** I can't remember. I'd have to go back and look at it, but it was about 15 months. So that's why it was important for us to get our guidance out. In looking back now, it didn't feel risky, but thinking about it, yeah, there was a lot of risk. A lot of things could have changed. A lot of things could have gone south, but by and large they didn't. We trusted local governments, we trusted the electeds and their appointed officials that they were going to do the right thing and by and large they did.

There were a couple of surprises. The act has two provisions—certain jurisdictions—the counties and the cities within them—had a threshold for growth rate and at that point in time it was 10 percent. If the county and cities were already more than 10 percent in the previous ten-year period, then they were required to plan under the act—and there were some population thresholds and the like.

One of the stories that I heard, and I wasn't there so I don't know that it's true, but it sounds true, is that in the House, when they were negotiating the provisions and Joe King was head of the Democrats and Clyde Ballard was the head of the Republicans and they were negotiating—the thing that was most important to a lot of the Republican legislators in the House, and probably in the Senate too, was that this was a problem that was common in Western Washington. It wasn't an Eastern Washington problem. So they wanted the threshold set at a level that wasn't going to trigger any of the Eastern Washington jurisdictions of having to plan.

What I'm told is when they were doing that they were looking at the 1989 OFM (Office of Financial Management) figures and comparing them to the 1979 population to see what the growth rates were and they set this 10 percent threshold and everyone was below it. But what they didn't figure out, and what I've been told, is the Democrats had the 1990 numbers and they were looking at 1990 to 1980 and they knew that there were going to be Eastern Washington jurisdictions that were going to come in when the 1990 figures came out. And what they did—lo and behold—I don't remember all of the ones in Eastern Washington that were brought in, but I do know that Chelan County, maybe Chelan and Douglas County—both of which were part of Clyde's district. They came in and were required to plan under the act, and he wasn't real happy about that. Clyde was a real gentleman.

**Diane:** Clyde's last name is...?

**Michael:** Clyde Ballard. He ran an ambulance business in Wenatchee. A very nice man, I had dealings with him on a number of occasions, but he was not happy about that. That was one interesting aspect.

The other one was, I guess there were 14 counties and jurisdictions that were mandatorily required to plan. For 15 other counties, and I think I have this number right, there was a provision to opt in if the county, in consultation with the cities, agreed. They could opt in and place themselves under the Growth Management Act. And once they opted in, there was no provision for opting out, which has been an issue that circulated in the Legislature periodically every since.

So we wound up with 29 counties ultimately planning under the act. Some of those came in subsequent years when the population grew. Lewis County came in in 1993. Spokane County—Spokane wasn't one of the original counties. But we had counties, small counties—Pacific County is the one I can remember and a number in Eastern Washington, where I think the planning director went to the county commissioners and

said, “We really need to do this.” I tried to talk to a lot of them and said, “If you believe that this will help you down the road then that’s a good reason, but don’t do it for the money.” I think all of that grant money was really something that was pretty seductive to planning directors in all jurisdictions and I’ll never know what the balance is, but we wound up with a real cross-section, mix of counties and cities all across the state planning under the act.

**Diane:** Were you surprised at the number who volunteered?

**Michael:** Oh, absolutely. Absolutely. Another manifestation of the regional aspect of it is in 1991 in negotiating the judicial body, the body that was going to oversee which appeals of local government actions could be taken with the growth management hearings boards. And we started with the idea of one. The Eastern Washington legislators said, “We don’t want people from Seattle making decisions for us.” That got us to two and then the rural legislators from Western Washington said, “Well, we don’t want Seattle making decisions for us too.”

So there were three hearings boards established and that’s how we got that number of three. I’m trying to think of other little peculiarities. Oh, there were three counties that were given an opportunity—they were in, but they were given an opportunity to opt out, and again I’d have to go back and look at the bill, but I think it was Jefferson County, Mason County, and there was one other—San Juan. Whatever happened, none of them exercised the provision they’d been given to opt out, they all chose to stay in and so we wound up with the maximum number of jurisdictions.

The other sort of interesting thing I mentioned at the threshold with 10 percent and, if you’ve read the statute recently the number is now 17 percent, that got changed at the impetus from the folks in Cowlitz County and the Cowlitz County legislators to keep Cowlitz County out. So in the I-5 corridor, from the Canadian border to the Oregon border, there’s only one county that hasn’t come in under the act and that’s Cowlitz County.

**Diane:** I would like to know what models were used in addition to Florida. What was significant about what was going on in Florida at that time that influenced you and Tom Campbell?

**Michael:** I think that we all knew that it had to be a bottom-up not a top-down system. Everyone had watched Oregon pretty closely; everyone that was interested. So we knew about Senate Bill 100, and what were the hot spots and not. We adamantly said, “We’re very different from Oregon, this isn’t Oregon, this is Washington.”

In fact I had a joke that I told over and over and over again and that was about why one state was different than the other. And my joke was is that when people were on the Oregon Trail there was a sign in Oregon cities: “Oregon is the End of the Oregon Trail,” and all the people who could read stopped in Oregon and all who couldn’t went to Washington [laughter].

A lot of people found it was humorous, but there really were some other fundamental political differences in the two states. Washington has a very populist tradition, Oregon doesn’t. Oregon was settled by people that were landowners, it was concentrated in the Willamette Valley. That’s where the political power was until very recently. Washington was very different.

Washington was populated by people that built railroads, that worked in the forest, that went to Alaska, and there was a strong populist tradition which you can see reflected in our constitution. State power is really diffused and that was consciously done in 1889 by the drafters of the state constitution because they were afraid of a concentration of power, and the concentration they were afraid of was the railroads. And there was

some long history, the Wobblies, the battle in Everett—we politically are very different with a different history. I'd heard Joe King say if it worked in Oregon it won't work in Washington. But in fact there are substantial differences, substantive differences that we get to think about.

So, Oregon was sort of a framework for the idea of goals, and the idea of urban growth areas (UGAs). In fact, some of the early considerations in the structure of the hearings boards was based on a land use board of appeals in Oregon and we looked at that. What are the terms, what is the structure, how can you get this? Who makes the appointments? We started there using that as a model because I remember working with Steve Hodes and looking at that very carefully. Really the thing that we drew from Florida that I think most clearly comes from there is the idea of concurrency. They had concurrency. It was structured a little differently there and I think we actually put it together better here. We made it fit better with the planning and the capital facility investments tied to that planning. I think the planners contributed heavily to the thinking that capital facility needed to be invested consistently.

We were fortunate. There had been discussions within the transportation community that had preceded the discussions about growth management. And they were much farther along in their discussions so that when the transportation piece got brought in, it had much more detail because they had a longer tradition and they had more time in trying to discern exactly how it was going to work. And that's why when you look in the statute under the Transportation Element, it's longer and it's a lot more detailed.

A lot of that work was done before the idea was ever surfaced to bring it together. Charlie Howard was at WSDOT (Washington State Department of Transportation) in charge of their planning effort. All through this period Charlie and I—I like to say we helped each other, frankly, I think he helped me a lot more than I helped him—we talked regularly, we met periodically, we talked about problems and issues. And I really found Charlie to be a great help, a very clear thinker, someone who really understood how the transportation piece fit, and understood the politics of it. It was really important piece to have and Charlie was very generous. And he was committed to making it work.

I think that's the key piece. By and large, everybody that had a different piece of it and they wanted to make it work. The planners wanted to see it succeed, I think local elected officials wanted this to be successful as well, and that was an important part. It wasn't done reluctantly, by and large, at the local government level. People who were doing it knew why they were doing it, knew what was expected and moved through to do it.

**Diane:** So the primary models early on were Oregon and concurrency in Florida.

**Michael:** Yeah, and—I think the structure of Puget Sound Regional Council—sort of looking at that and seeing how that worked. The Land Planning Commission had produced a huge amount of material the early 1970s and that was available. I'm not sure that had much influence.

**Diane:** Was that under the direction of Governor Evans?

**Michael:** Yes.

**Diane:** What was the original intent of the Growth Management Act?

**Michael:** You know, I don't know how to respond to that. I think the intent was to put in place a planning strategy that worked, temperament in politics. The Legislature saw that there was a problem with unregulated growth translated into transportation congestion and loss of open space.

People that saw that there was a need to have a rational planning program, to have local governments have to work with one another, to have a system that puts some checks on the state in terms of what the state did

vis-à-vis local government. That's a piece that's never really gotten good closure where the state has skipped capital investments vis-à-vis where local governments have set priorities based on their land. That's still an issue today.

I expect that when Governor Gregoire announces her program that that'll be a component one way or another. It's been a weakness, the fact that the state hasn't had to be as rigorous as local governments have been in adopting their plans and their financial strategy.

**Diane:** You said that Joe King first really thought about growth management in that moment driving in a traffic jam on I-405. When did it first come onto your radar screen?

**Michael:** We were looking at national trends. There were activities in Colorado, there were activities on the West Coast. It was clear that this was rising up in the planning literature, in talking to colleagues in other states. The same kinds of pressures were building other places across the country. I think from that standpoint, there was a lot more buzz about it, obviously a lot of buzz about Florida because Florida had embarked on it relatively recently.

**Diane:** So you didn't have a moment of epiphany like that?

**Michael:** No. No. It was more of an opportunity—aha! Maybe we've got a chance to do something here.

**Diane:** What was the early process for local governments to begin their work under the GMA? You told us a little bit about the grants.

**Michael:** Probably the first thing that local governments needed to do was to get organized. When I say local government, I'm generally saying the county and their cities. The county-wide planning policy process served as the mechanism for locals to move forward in making the decisions about the grant funds. We had negotiated this with the cities and counties—that you have agreement when you have like 60 percent of the jurisdictions representing 70 percent of the population.

Once you got that group to agree, you didn't have to get unanimity, you didn't have to get everyone to agree. And I can't remember exactly what it was, but that was one of the guidelines in terms of our grant program and many local governments adopted that as the decision mechanism when they got to their county-wide planning policy discussions. That they needed to have 60 percent of the jurisdictions representing 70 percent of the population, or whatever it was. But the idea was, it was large enough so the county couldn't drive it, but it was such that if the county didn't agree you weren't going to get the population you needed so the county had to be a part of it, but you had to have a substantial number of the cities in. By all intents and purposes, if there was a big city, you really had to have the big city agree to it. But that was something we negotiated with the cities and counties.

That got in—in a whole bunch of situations—that got carried over to the structure of the local group that had to develop the county-wide planning policy, which was the framework for implementing the plan. It put the emphasis on the planning elements and that was the group, in most cases, that did the work, at least initially, to start identifying urban growth areas because there's some balancing that's in the Growth Management Act, and this gets back to some of the realities between cities and counties, and issues of governance and taxation.

I'm surprised I've waited this long to say it, but the planning structure needs to be reflected in the governance and the taxation, and we haven't done that yet. And that's one of the things that contributes to how counties stay so poor and particularly relevant in the cities. But the deal that was cut was that in the urban growth areas the expectation was they were going to be municipal, that the cities would annex out and fill up

the urban growth area eventually. And in return for that, the counties got to control the size and location of the urban growth area beyond a minimum.

If there was an incorporated city, it by definition was an urban growth area and the default was the city limits. So if you had a small city and they weren't going to grow, the urban growth area was the city limits. That was a fundamental principle—and you've heard “what's urban growth” and “what is urban growth” was not tightly defined. But the deal was what gets drawn inside the urban growth area will become municipal and that will be the purview of the cities, but the counties get to make the ultimate decision. And in fact, the counties are the official adopters of the county-wide planning policy.

The county-wide planning policies are a little different from other provisions. They can be appealed, but they can only be appealed by cities and the governor. They can't be appealed by citizens. That was part of the balancing of the interests and the authority of cities and counties. There is some history back in the Local Government Study Commission that was done in 1987 where there was huge effort to try and define the roles of general purpose and special purpose districts and the revenue sources that supported that. For years, Mary Margaret tried to get legislation passed.

**Diane:** Mary Margaret Haugen?

**Michael:** Haugen. She was really the champion of that. And when you talk to her, you might ask her about that relative to the balancing of power between counties and cities and special districts.

There's another interesting little tidbit here is, if you read the act now you'll find hardly any reference to special districts and the reason for that is the Washington Public Ports Association. Originally in the statute there was a provision that required special districts to be consistent with general purpose local government. The executive director of the Washington Public Ports Association was concerned that somehow the language was going to give counties and cities approval authority over ports' budgets. We all said, “No, that's not what we're trying to do,” and he ultimately got language inserted into it that satisfied his understanding of the problem. It was not good, but we said, “We're not going to hold it up any more. Let it go through.”

When it got to the Governor's desk, the Governor vetoed that section. And he vetoed it based on the recommendations that Steve Hodes made with concurrence and support from me and others and based on information that Steve Lundin provided that said there are two good court cases with precedent established that said special districts have to act consistent with general purpose local government planning. One was in Snohomish County and I can't remember where the second one is. Based on that, that's why that section got vetoed. They have to be consistent with local governments' comprehensive plans.

**Diane:** I'd like to know, what kind of pressure was there from the public to create a growth management strategy?

**Michael:** I don't know that there was a lot of pressure before it took off, but there were certainly people's positions that supported it, and the most obvious one to me is the League of Women Voters. And Lucy Steers was very high up in their organization and was on the Growth Strategies Commission as someone who came from the League of Women Voters. Support came along, there was a lot of support that came along, but it wasn't the impetus. The impetus was political.

## **Tape 2, Side 1**

**Michael:** ...At least from where I was sitting and what I was seeing. Others may have seen it differently, but as I remember it was really driven by the politics.

**Diane:** And was there just a moment in time where everything came together when this could have happened?

**Michael:** Oh, absolutely. I think, yeah. I don't know when else we would have been able to do it. It was—the economy was picking up. There was lots of development. There were people like Joe King. Joe King and Jeannette Hayner. Booth Gardner was Governor. He had come from local government. He'd been Pierce County Exec. I think while he didn't exert himself into it, I really think he and his advisors understood it; had an interest in seeing it work. They saw what happened when you didn't have good planning, saw what happened when you didn't have good coordination between local governments. And maybe there were people sort of waiting for that moment. That's not how I see it, but clearly it was the moment and there were a lot of people ready to move, or got ready to move real quickly.

The planning directors really played, from my perspective, important roles. The Washington Chapter of APA (American Planning Association) wasn't very active as an organization. I know that Tom Campbell talked to Joe Tovar and Harold Robertson a lot. Mary McCumber sort of bridged it because she'd been a city planning director and the executive director for the Growth Strategies Commission. There were people like Dick Anderwald in Eastern Washington who brought that Eastern Washington perspective. I'm trying to think who else—there were other planning directors that were active—Jerry Litt who was with Douglas County then.

There were probably maybe a dozen who were really engaged and interested in and involved in discussions, negotiations, and talked to their county commissioners to get them to talk to legislators. A lot of that went on. The planners recognized that it was the moment to grab, or at least a certain number of them.

**Diane:** Let's talk for a minute about the opposition for some context. Those who were opposed were opposed for what reasons?

**Michael:** The development community and the business community were at the table and were generally positive forces. They had some bottom-line concerns, but as far as the fundamental planning went it didn't affect them. They were concerned about maintaining local prerogatives. It was a huge issue. And it was a locally driven system, it was a bottom-up.

I think those were the key for the business community and development community. Even people like realtors and the like—that was their main issue. The people that were against it were—I don't want to say fundamentalists, but people who were more distrustful of government—property rights people who didn't want big government and wanted to keep government small.

There was really no blanket for organized opposition against the GMA. There were people who had bottom-lines on different pieces of it and worked hard for it. There were people that just didn't believe in planning and I think Bob McCaslin was one of those people. He was from Spokane; there wasn't a lot of sentiment for it. But maybe there were some people who said, "There's nothing happening here, we don't really need it." But there was no substantial organized opposition.

From my perspective, there were a couple of things that came together. One of those was that one of the very first things anybody had to do out of the gate was to identify the resource lands and critical areas. That responsibility was one that fell heaviest on counties. And I think that took a lot of people by surprise because it immediately generated conflict because you had some people like the farmers and the ranchers and others who hadn't really followed the GMA and weren't thinking it was going to affect them.

So the first thing that happened was the county commissioners that have gotten their planners out to do this, which in and of itself is very controversial. County by county by county—and that generated a lot

of tension and considerable resentment against city and county commissioners. You'll remember at the time at the national level you had Newt Gingrich with his "Pledge to America" or whatever it was, and a national Republican strategy that really attacked government—it was antigovernment. That came together in this state and resulted in the in the election of 1994 when an awful lot of county commissioners and city council members either chose not to run or were voted out of office.

I think 1994 was one of the years with the largest turnover of new sets of commissioners and they were conservative. They were either radically conservative, or antigovernment, and they were anti-GMA. That really stimulated the 1995 initiative to roll back the GMA. And again, there was a consolidated effort by the League of Women Voters, the environmental community, and the responsible business community; all came together and put together a campaign and we defeated it

But the landscape had changed, which leads to another more ongoing issue. And that is, if you look at who is in elected seats now in city councils, county councils, and county commissioners, in a lot of places you have someone or a group that wasn't around when these battles were fought, when the policies were set, when the plans were adopted. They don't understand all the tradeoffs and choices that were made. So now when you come to the requirement to update a comprehensive plan, it can be very difficult because you've got people that don't know the history. They don't know what went into the choices and why they were made and, in some cases, it can create a lot more turmoil at the city or county level.

Then you have the requirement on top of that to update the critical areas ordinances. You get a new census with new population figures. That's a lot to absorb in a lot of communities and that's why you're seeing some of the manifestations in the difficulties that cities and counties are having. And again, I think a lot of the burden disproportionately falls on the county. Cities have been doing planning, they don't have a lot of resources lands and extensive critical areas, and in most cases they don't have any resource lands. They're more accustomed to critical areas ordinances and regulations. Up until now, the cities have really had a lot easier time.

I think that's going to change because I think the concurrency requirements and the fact that there's a significant reduction in the amount of state or federal funds that are available to implement plans. It's going to be a very difficult challenge for local government, particularly for cities. I think it's going to be a problem for counties, but not to the extent that it is for cities. We're beginning to see that and we'll see more of that. The best available science requirement that passed in 1995 didn't produce a huge debate, and now it's a very controversial element.

**Diane:** This is a nice segue way to our next question which is, in terms of how the GMA is structured, what do you think are the most important parts of the law?

**Michael:** Well, from my standpoint the most important parts are the parts that require local government to get together and coordinate, establish and to fine-tune priorities based on local needs and local expectations, and that there is a structure and precedent from working cooperatively. I thought that was pure magic, the way it worked the first go-around. The fact is that personalities change—but in a lot of places there is a history of working together now that was started, or restarted, in a significant way in the early 1990s as a result of growth management. The planning structure and the policies are important—the conscious thinking about where you're going to put growth and how to decide the UGA, I think that's important. I think that concurrency serves as the truth in planning and budgeting—you have to look at whether or not you can put the infrastructure

development needs in a certain plan or framework. I think all of those things are really important, but if I had to pick one thing it is that it forced local governments to come to the table together and agree how to operate together.

**Diane:** So, how has the GMA evolved since 1990?

**Michael:** Well, it's clearly a living document. It was structured in the moment based on the issues and the politics and the relative strengths of the players, and it was done to address the perceived need then. So, as times change and conditions change, it needs to change too. Maybe we didn't do enough of it when things were going really well.

I had some things on my list that I always thought we should have—that I would have preferred they were done originally, but they weren't. I understand why they weren't, but we should have come back and looked at them and changed them. One of them is that the Governor unilaterally could direct the Office of Financial Management and state agencies if people were cognizant of local plans when they were establishing their capital facilities budgets at the state level. That's a piece of it. The part's that really hard is the part that gets in there because legislators wanted it in. They're not going to be constrained by agency regulations so you're going to have some of that anyway, but I always thought that could happen. The second one is, and I'm sort of renowned for this is, the WAC authority...

**Diane:** And WAC is?

**Michael:** Washington Administrative Code for how rules are made. The agency was given the responsibility to make rules for resource lands, critical areas, and then implementing comprehensive plans and developing regulations. Those are unlike any other Washington administrative codes. They're not binding, they're advisory.

I've always contended, and I still do today, they should be binding. They should have the same authority as any other WAC rules that get written by any other state agency. My reasoning is one of the reasons I think some local governments, particularly county commissioners, have had such a hard time politically is they have no one to blame. They can't point to the state or to Community, Trade and Economic Development and say, "I'd really like to give you what you want here, but I can't. Those SOBs up there, they've got this rule and I can't do it."

Publicly the cities and counties won't embrace that, but even back then if you talked to a mayor or councilperson or a commissioner in the privacy of his or her own home, they would acknowledge that having something to point to to help take the heat would be helpful. I think that's one of the reasons why it's been so hard on counties and the cities.

One of the areas where we have made adjustments is in the rural area. Bill Nielsen, who was one of the original members of the Western Washington Growth Management Hearings Board, wrote a decision and referred to the rural as the, "Leftover meatloaf in the refrigerator." Bill was known to use very flowery, illuminating language and it was not often considered a good attribute, but he was right. They dealt with resource lands, critical areas, urban growth areas, and planning, but there was not a lot of thought given to what was rural and what was it really supposed to be. And the fact is that the rural areas also continued to evolve. They don't even have to grow, although most of them do, they need to change and evolve. And the original structure of the statute really didn't contemplate that, I think because people didn't think about it a lot.

So, there's been changes that have been made over the years to reflect that—the provision to create

LAMIRDS, limited areas of more intensive rural development—so flexibility in terms of uses that are allowed in the rural area. We're now seeing some of that same discussion about agricultural resource lands, because that's got some of the same manifestations. But we do need to change it, we need to look at it and say, "What did we really mean? What are we trying to do and is it reasonable to think that it's going to work?" So, there's some work to be done.

We've added a provision to allow economic development outside the urban growth area whether they be for major resorts or new towns or land banks or industrial sites. All of those have been added to the act, recognizing that it's dynamic inside the UGA. You need to provide some opportunity—structured, planned, realistic ways for some of those things to happen. And part of that is the growing disparity between cities' and counties' interests and revenues. You can't put all of the economic development inside the UGA because if it's successful the cities are going to annex it and then there are huge revenue implications for counties.

An interesting little tidbit, if you should go back and read the list of things that are required for county-wide planning policies, there's a very interestingly worded provision that talks about costs and revenues and cost sharing. That was put in in 1991 because that's when the county-wide planning policy piece got elaborated on and the language in there was very carefully negotiated between the counties association and the cities association. What that language was intended to mean is that the kind of negotiations that the local government's position was—that cities and counties would look at the consequences of changing development patterns under growth management and the UGA and would negotiate to adjust the revenue between the two using an interlocal agreement or whatever.

And there's a requirement to go back and look at it and I think hardly any of them have. It's a pretty systematically ignored provision. The cities are the ones that benefited, they have no interest, and counties haven't really followed that up or pushed very hard to do that. There are some interlocal agreements that exist between county and different cities in terms of how do you regulate development in the unincorporated portion prior to annexation? What happens when you annex an asset? How do you share costs?

Without an interlocal agreement, there's absolutely no incentive for counties to put any money inside the UGA in the unincorporated portion because that just makes it better for the cities when they annex it. Yet, on the other hand, you ought to have some standards so that anything that develops is consistent with the city's development standards. How do you do that? It's not explicitly required, but one way to do that is interlocal agreements and there are some places around the state where some progress has been made.

Thurston County's a good example, but they actually did it before growth management. There similar agreements in Grant County. We now have and are working on a couple more in Lewis County. There's at least one in Clark County. There's a few in Skagit County. And I'm not sure my list is up to date—at one point I did have a list of where they were.

Something that is more directive in terms of requiring those negotiations, and I think it would be a big improvement to have an interlocal agreement between the county and each of the cities on exactly how they are going to regulate and permit development in the unincorporated portion. Maybe a schedule for annexation or a plan, and some recognition that if the county puts money into it or if the county takes a huge financial loss because of one of those, there's some way to mitigate the impact of that. All those things can be done and I think we've got a few good examples of it.

**Diane:** I'd like to bring this to the really local level. You're a resident of Olympia and you have been for years.

How have you seen Olympia benefit by the GMA?

**Michael:** Well, it's hard for me to focus on Olympia in isolation and not Olympia, Lacey, Tumwater, Thurston...

**Diane:** Okay, well, Thurston County would be good.

**Michael:** In Thurston County and the three cities—all seven cities if you want, but three cities have really been on the top curve of doing good planning and that precedes GMA. One example is—well, they have one GMA for the three cities. They have an interlocal agreement with the county that provides for the county—the county actually regulates the four different standards.

There's the county development standards, there's the unincorporated portion of the Lacey portion of the UGA, the Tumwater portion, and Olympia where the county actually uses the cities' development regulations or some permutation of that to regulate development.

There's good precedent for joint regional planning here. I think we do a good job of transportation planning, and again this preceded the GMA, but the development of LOTT (Lacey, Olympia, Tumwater, Thurston County), which was a joint effort to provide regional wastewater treatment, is a great example.

In Lacey you could really see it in terms of the amount of development they're planning for and getting. Olympia—I would say the same thing—the city's got the facilities planned, and has planned to build more housing at higher densities downtown. The alternative being if you don't build it there, it's going to take up more land whether it's in the city and the UGA or out in the county.

I think the City of Olympia does some really innovative things in the way of public education and public participation to get people to understand, because this goes back to something I said before, one of the things that you really need to have is each time when you're making one of these changes you need to have the current policymakers informed of the history and what's going on. And you probably have a whole new set of neighborhoods and citizen activists. Maybe they didn't live here, maybe they weren't interested. They may not have the history either.

The act calls for early and continuous public participation and I think sometimes that gets downplayed. The hearings boards have been very good about it. They understand the importance of it and they don't let people shirk on that. They set a very high standard, for better or for worse, for public participation. But it needs to happen regularly, it needs to be built in. You need to keep informing people, not just the electeds and not just the planning commissions, but the current set of interested citizens in the issues. What's at stake? Why are we doing what we're doing? What does the act require? Why is the act important to us here in Olympia? That takes time and resources and money. And one of the realities is, I think, we're a lot worse off than we were in 1990-91 in terms of available funding for cities and counties to support planning.

## **Tape 2, Side 2**

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

**Michael:** Well, I've actually done that.

**Diane:** What advice did you give them?

**Michael:** I've actually talked to people from California and I've spent time on a couple different trips up in British Columbia helping them make their choices about their planning legislation. I think our model is a good model. The things I would add are things I think I've touched upon.

One is you need to have the state be an equal player. If you're requiring the locals to plan, you need to

require the state to do the same appropriate planning framework at that level. You can make the choice about does one drive the other. Is it bottom-up? Is it top-down? Is there some equal way to work that out? But it's important, in my mind, that the state be doing that also.

Secondly, there's got to be stronger authorities at the state level for the procedures and practices that the locals have to go through because they do need the ability to say, "The state made me do it." The political protection that that provides is very important for local elected officials even if they don't understand it, even if they don't like it. How you resolve your conflicts is something you need to look at real carefully. Whether it's one hearings board, whether it's three boards, whether you have some other mechanism—you need to think that through and pick something; there are different ways. You can simply give the state authority to make the decision. You can have an adjudicatory process, quasi-judicial or judicial. You just need to think that through and make sure it's something that works politically in your situation. You need to know how the regional cooperation and coordination works; it's important that it have any particular aspects. The process for public participation needs to be adequately funded and optimally you would have some way to provide an ongoing revenue stream for ongoing planning and public decisions.

**Diane:** How well do you think the hearings boards are doing in carrying out their duties?

**Michael:** I think the hearings boards are doing exactly what the Legislature contemplated in 1991. I don't think anybody really thought about how it was going to work and what they were going to have to do.

The hearings boards are handicapped. They can only hear appeals that are framed and brought to them, so they don't necessarily hear things in a comprehensive way or in a logical progression. They get a little piece and they've got to make a decision. Now, the composition of all three hearings boards has really changed from what it was at the start, but all three of the boards, and particularly the central board, did a really good thoughtful job of thinking through the consequences of this one appeal in the context of the act and how it was to work.

The central board was heads and shoulders above everyone else. They did a really good job and it really was just the personality and the mindset and the gray matter of the people that were there. They did a really good job of thinking that through.

One is the model is supposed to get issues resolved—all the issues are supposed to be brought to the table and resolved in 180 days. Well, that hasn't worked out because you've got sequential appeals, you've got multiple appeals, you've got remands and that's made it much more complicated than anyone originally contemplated.

I don't think we were really able to think about the nature of the decisions they were going to be making and to what degree were they going to have to get down into the detail. I know there's a real perception on the part of some local governments and some legislators that the boards are substituting their judgment for the local governments' and I think there's a tension there that's unresolved. The expectation was that they weren't going to do that. But the reality of the level of detail they've had to get into often looks that way from the local governments' perspective and I just think it's something that probably needs more attention and more definition.

We've seen that once. The Legislature changed the threshold for overturning a decision. I think that was in 1996 when that changed because people looked at it and said, "We need to give local governments' decisions more deference," and they made that change. There's still a lot of tension out there. It's often hard to discern how these decisions all affect what you're supposed to do. It's not clear to what extent a decision in

Eastern Washington will ultimately affect Western Washington and outside of Central Puget Sound.

And the ports are a lightning rod. They're a lightning rod for unhappiness with different aspects of the act in different jurisdictions and those are the places that work—places where things are going fine without problems, they don't need me. I wind up working in places where they haven't been able to get a solution, where there's a lot of consternation, where there's a lot of political unhappiness, where there's pressure on the elected. I happen to like working in those situations because I think you can make some progress, you can move it along, you can help find a solution that works without dire political consequences.

**Diane:** You're talking about your current work as a consultant?

**Michael:** Yeah, exactly. But the hearings boards are a lightning rod and they're a lightning rod for dissatisfaction—both the process and the consequences.

**Diane:** What do you think are the most important amendments that have been made to the GMA over the years?

**Michael:** I think that adding more detail about what was the nature of "rural" and providing LAMIRDS was really important to the more rural counties. I think the package of changes that we got year before last out of the GMA Working Group were really important in terms of immediate pressure points. Their definition of what was allowed and uses in agricultural land, clarifying some of the processes with regards to industrial land banks.

Those were not major nor earthshaking, but I think they were really important because there was pressure building up around those. While we may be hard pressed to understand it, I think the change in the threshold requirements for the hearings boards was more important than it gets credit for. And I think we're always going to have changes. I think right now those are the two issues that have been on the table that we haven't able to get an agreement on.

One is clarifying what "best available science" means. That's important to do because it's generating a lot of pressure and heat and intensity and it's going to get worse, not better. When you take a look across the border at Measure 37 in Oregon, I think we need to understand that many of those same pressures and situations we have here and people can point to it. And there are people—the agricultural community, some of the rural residents—there are lots of people that are real unhappy. And I know that they're looking at what they did in Oregon to see if they can do it here and I'm sure there's going to be an effort next year to do it. So, we need to continue to look at the act and say, "Okay, what parts are working and what aren't?" And those that aren't we should be able to find a way to fix it without gutting the principles of growth management.

**Diane:** Thank you.