



Update to the House Environment and Energy Committee
Washington State Legislature
November 30, 2020

Updating Washington's Growth Policy Framework

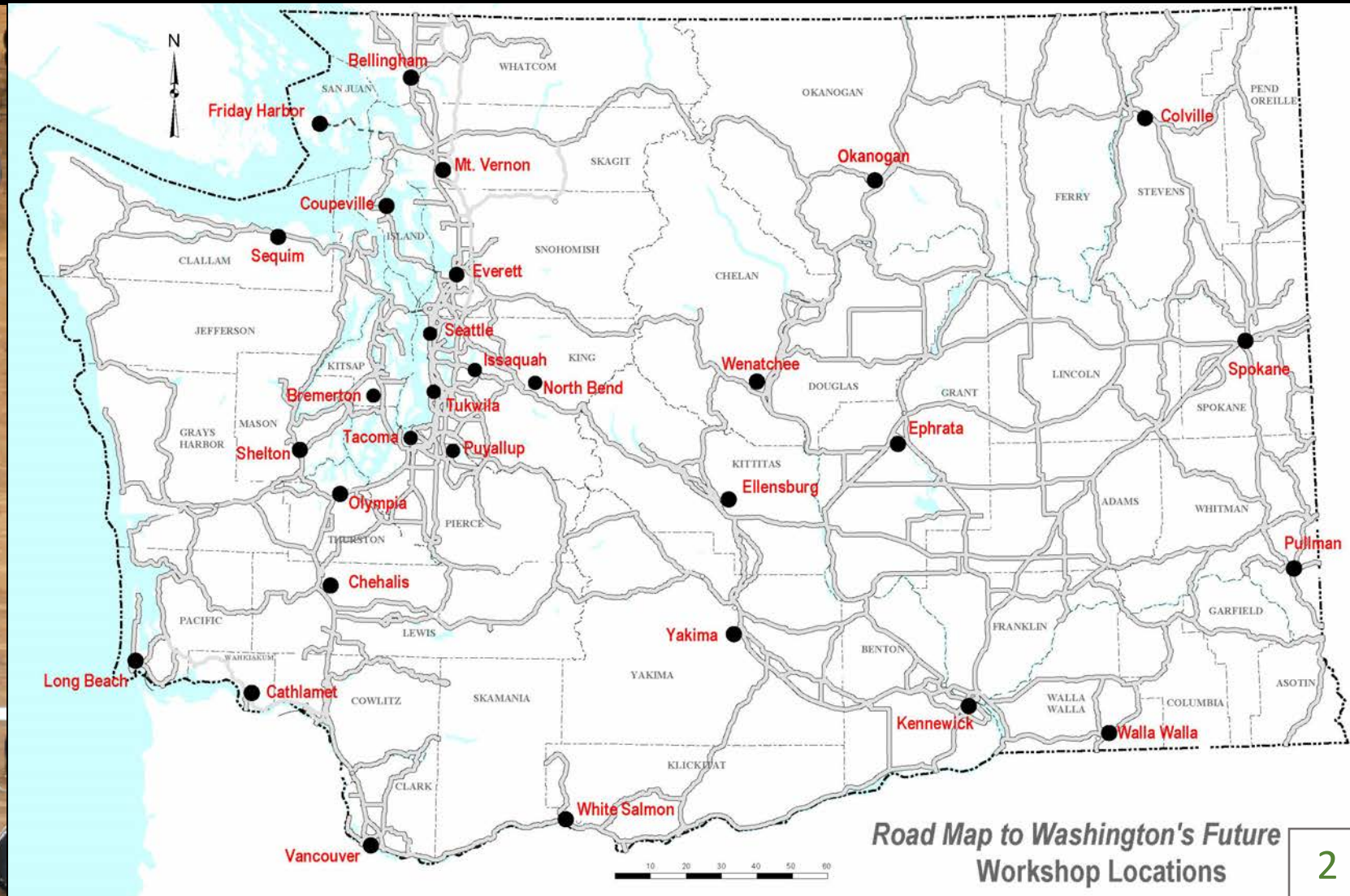
Joseph W. Tovar, Project Manager, Center for Livable Communities, College of Built Environments, University of Washington

Dave Andersen, Managing Director for Growth Management Services, Washington State Department of Commerce



The Road Map to Washington's Future

1 July 2017 to 30 June 2019





Key Findings



There was a strong ***sense of place*** in every region of the state. People loved their region's natural beauty, history, character, lifestyle, and opportunities for access to recreation

Many people perceived that their region's identity, needs, and aspirations are not well served by a state planning framework which they saw as "***one size fits all***"

To move toward the preferred future, ***systemic and transformative reforms*** are needed to the state's planning framework, including GMA, SMA, SEPA, and other laws



Six needed *Systemic* and *Transformative* Reforms

1. Funding and Revenue Generation
2. Adaptive Planning at a Regional Scale
3. Resilience to Changing Conditions and Disasters
4. Statewide Water Planning
5. Equity
6. Economic Development



UPDATING
WASHINGTON'S
GROWTH POLICY
FRAMEWORK



CENTER FOR LIVABLE COMMUNITIES
COLLEGE OF BUILT ENVIRONMENTS
UNIVERSITY *of* WASHINGTON

To prepare broadly supported legislation for the 2021 Legislative Session to amend the state laws that collectively constitute Washington's growth policy framework. This includes the Growth Management Act, Shoreline Management Act, State Environmental Policy Act, and other related state laws.

- #1** Adaptive and Inclusive Planning at a Regional Scale
- #2** Cycle and funding for updates to comprehensive plans & codes
- #3** Housing
- #4** Development regulations and permit processes
- #5** Climate change

PARTICIPANTS

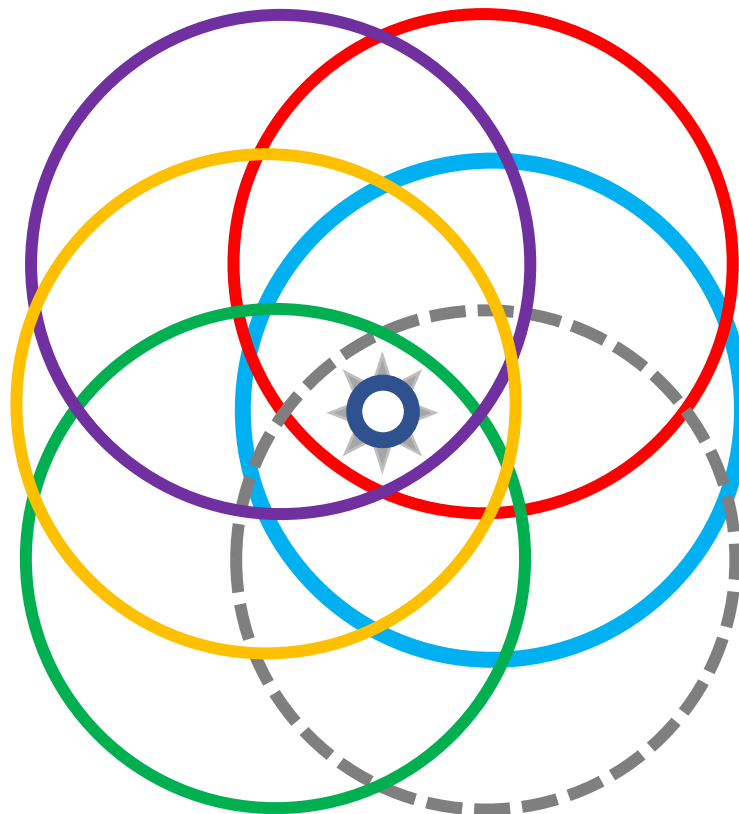
Business Associations

Building Industry Assn. Washington
Master Builders Association
Washington Association of Realtors
Washington Farm Bureau

Washington State Agencies

Dept. of Commerce
Dept. of Ecology
Dept. of Fish & Wildlife
Dept. of Health
Dept. Transportation

Tribal Governments



Local & Regional Governments

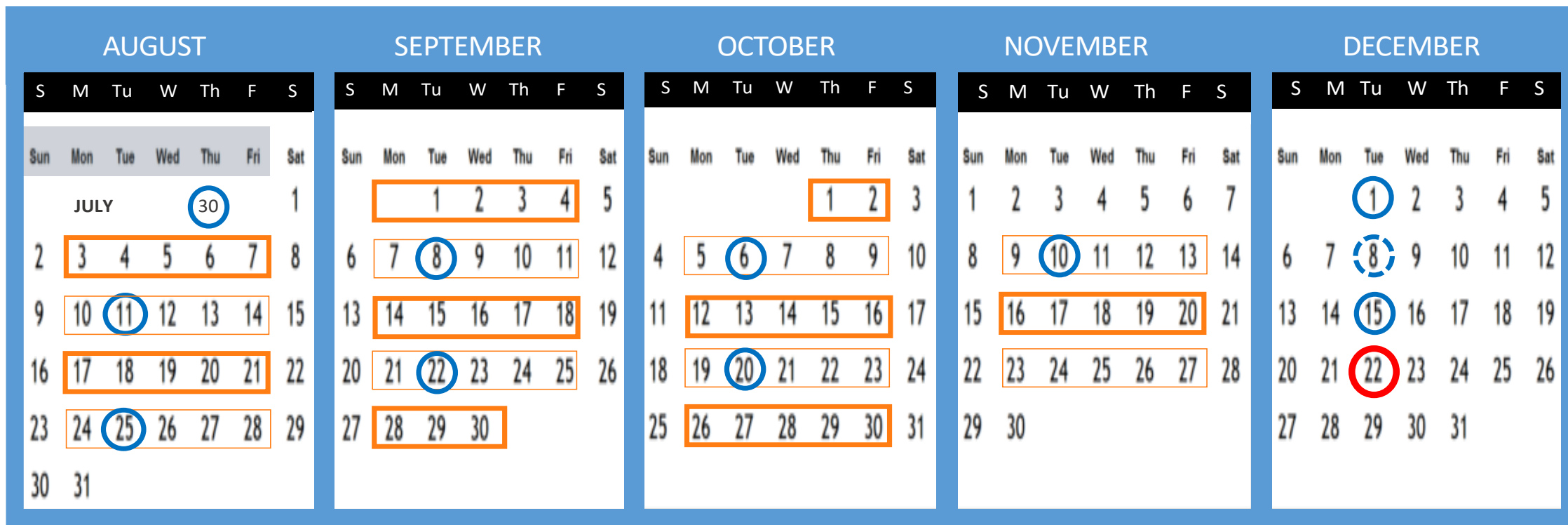
Association of Washington Cities
Washington State Association of Counties
WA Public Ports Association
WA Association of Sewer & Water Districts
Puget Sound Regional Council
Chelan/Douglas RTPO

Planning & Environmental Organizations

American Planning Association
Futurewise
Washington Environmental Council

Missing Voices

PROJECT SCHEDULE



- Multi-party zoom convenings – from 1 pm to 4 pm
- UW team zooms with individual groups
- UW team to issue Final Report

- The Final Report of the *Road Map to Washington's Future*
- The language of Legislative budget provisos in 2017 and 2020
- The ideas, concerns, and proposals of the parties offered during their individual caucus meetings with the UW team, during multi-party convenings and breakouts
- Presentations by experts on housing and climate change
- Legislation introduced in the 2020 session, including HB 1923, HB 2609, HB 2887, E2SSB 5254, SB 6536

AN ACT UPDATING AND IMPLEMENTING WASHINGTON'S GROWTH POLICY FRAMEWORK

RCW 36.70A.010	Legislative Findings
RCW 36.70A.011	Findings - Rural lands
RCW 36.70A.020	Planning Goals
RCW 36.70A.030	Definitions
RCW 36.70A.035	Public participation - Notice provisions
RCW 36.70A.040	Who must plan
RCW 36.70A.060	Critical Areas and Resource Lands - Regulations
RCW 36.70A.070	Comprehensive plans - Mandatory Elements
RCW 36.70A.075	Comprehensive plans - Implementation
RCW 36.70A.080	Comprehensive plans - Optional Elements
RCW 36.70A.085	Comprehensive plans - Port Elements
RCW 36.70A.090	Comprehensive plans - Innovative techniques
RCW 36.70A.095	Development Regulations for Innovative housing
RCW 36.70A.110	Comprehensive plans - Urban growth areas
RCW 36.70A.130	Comprehensive plans - Review and update
RCW 36.70A.140	Insure public participation public participation
RCW 36.70A.170	Critical Areas and Resource Lands Designations
RCW 36.70A.210	Countywide Planning Policies
RCW 36.70A.470	Project review and docketing
RCW 36.70A.485	Safe Harbors

POTENTIAL AMENDMENTS TO GMA **LEGISLATIVE FINDINGS**

RCW 36.70A.010 is amended to read as follows:

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

It is in the public interest that citizens, communities, local, state, and tribal governments, and the private sector ~~cooperate and coordinate~~ collaborate with one another in regional and local comprehensive land use planning that is adaptive, inclusive, equitable, and actionable. ~~in comprehensive land use planning~~. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

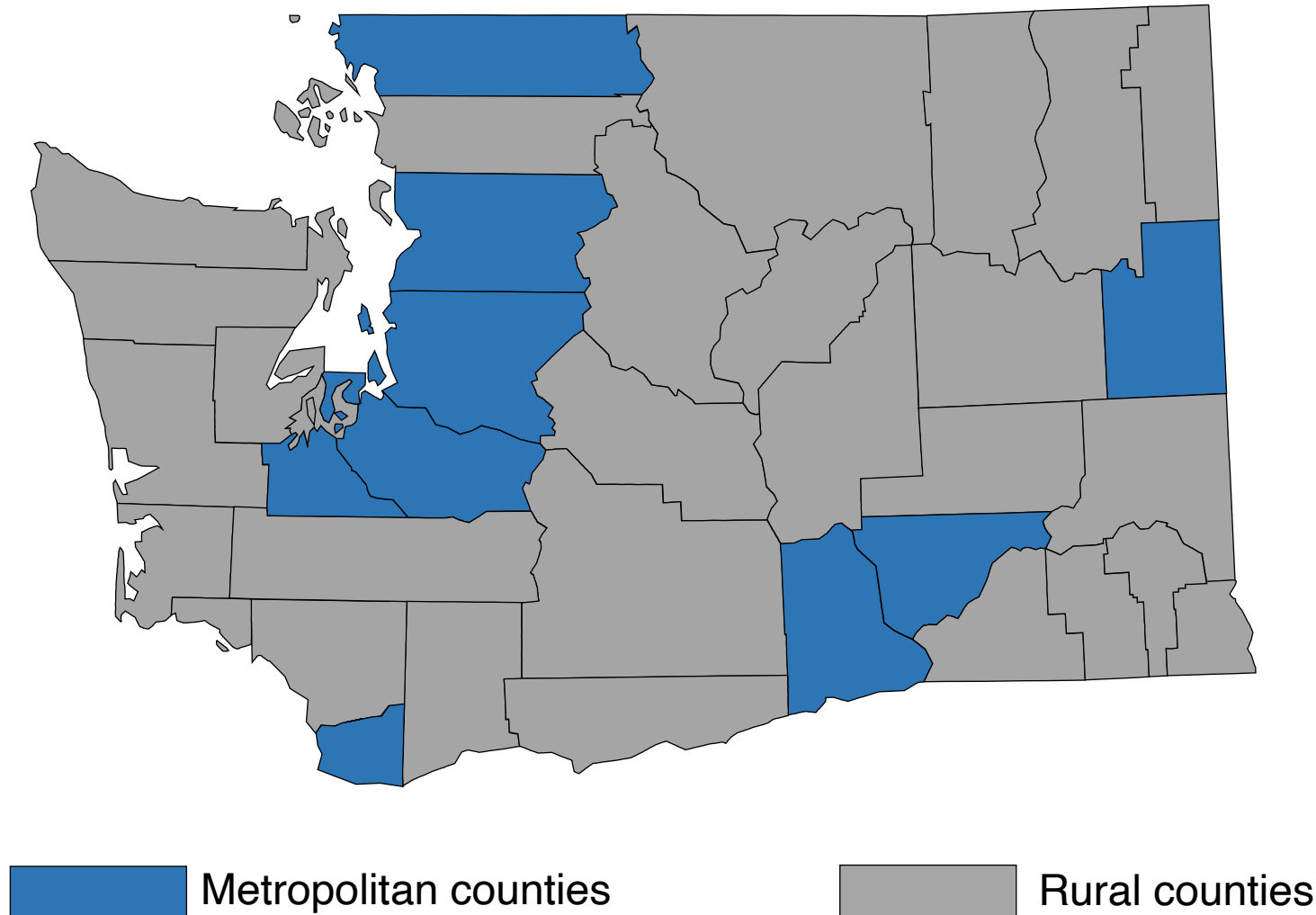
WHY DO WE NEED A PLANNING FRAMEWORK THAT IS ADAPTIVE, CONNECTED, AND ACTIONABLE?

**BECAUSE WASHINGTON STATE'S ENVIRONMENT, ECONOMY, AND SOCIETY ARE VERY
DIFFERENT THAN THEY WERE THIRTY YEARS AGO – AND MORE CHANGE IS COMING**

Many of the issues addressed in the GMA in 1990 are still with us – but have escalated into crisis proportions – a climate crisis, a housing crisis, a social equity crisis, and the ongoing collapse of ecosystems.

This all takes place during a pandemic, the near-term impact of which has further decreased the fiscal capacity of governments to plan for the long-term post-pandemic recovery.

One key organizing concept for reform to the growth policy framework



POTENTIAL AMENDMENTS TO GMA DEFINITIONS

RCW 36.70A.030(24) “Metropolitan county” means a county with a population density of at least 100 people per square mile AND a population of at least 200,000, OR a county with a population density of at least 75 people per square mile AND an annual growth rate of at least 1.75%, as determined by the Office of Financial Management.

GMA already has five different “classes” of requirements

GMA 1.0	GMA 2.0	GMA 3.0	GMA 4.0	GMA 5.0
Fully Planning + Buildable Lands + Vision 2050	Fully Planning + Buildable Lands	Fully Planning	Partially Planning	Partially Planning + Rural Element
4 Counties 4,264,200 Pop.	3 Counties 1,018,200 Pop.	22 Counties 1,993,720 Pop	10 Counties 372,170 Pop.	1 County 7,910 Pop.
95% of State population is fully planning under GMA			5% of State population is partially planning under GMA	
Comprehensive Plan Periodic Update Schedule				
Conserve Resource Lands Protect Critical Areas Comprehensive Plans and Development Regulations Countywide Planning Policies Urban Growth Areas Rural Element Concurrency Essential Public Facilities Impact Fees authorized 4 th Qtr. REET authorized Growth Hearings Board	Conserve Resource Lands Protect Critical Areas Comprehensive Plans and Development Regulations Countywide Planning Policies Urban Growth Areas Rural Element Concurrency Essential Public Facilities Impact Fees authorized 3 rd Qtr. REET authorized Growth Hearings Board	Conserve Resource Lands Protect Critical Areas Comprehensive Plans and Development Regulations Countywide Planning Policies Urban Growth Area Rural Element Concurrency Essential Public Facilities Impact Fees authorized 3 rd Qtr. REET authorized Growth Hearings Board		
State Environmental Policy Act Shoreline Management Act Planning Enabling Act Subdivision Act Land Use Petition Act Regional Transportation Planning Watershed Planning Voluntary Stewardship Program				

EQUITY, INCLUSION, AND JUSTICE

- Planning Goals
- Definitions
- Requirements

Potential amendments to GMA PLANNING GOALS

RCW 36.70A.020 is amended to read as follows:

(11) Equitable and inclusive public-citizen participation. ~~and coordination. Encourage~~

Ensure the broad public involvement of citizens in the planning process, including historically underserved and under-represented people and communities who often have been unevenly impacted by public policy.

(13) ~~Encourage~~ Inter-jurisdictional coordination and collaboration. Reduce and

reconcile conflicts by providing for coordination and collaboration between

~~communities and~~ jurisdictions, including cities, counties, special purpose districts, regional agencies, state agencies, and tribes.

Potential amendments to GMA DEFINITIONS

RCW 36.70A.030 is amended to read as follows:

(13) ***“Environmental justice”*** means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. This includes using an intersectional lens to address disproportionate environmental and health impacts by prioritizing highly impacted populations, equitably distributing resources and benefits, and eliminating harm.

Potential amendments to GMA DEFINITIONS

RCW 36.70A.030 is amended to read as follows:

(28) ***“Participating tribe”*** means an Indian Tribe that chooses to voluntarily participate in the county or multicounty planning processes authorized by RCW 36.70A.210 and meet the requirements of RCW 36.70A.040.

Potential amendments to GMA PUBLIC PARTICIPATION REQUIREMENTS

RCW 36.70A.140 is amended to read as follows:

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The department shall prepare and disseminate to all local governments **best practices to achieve equitable and inclusive ~~citizen~~ public participation** in order to **engage those members of the public and populations who have historically been underserved and under-represented in the formulation of public policy.** By no later than **June 30, 2023**, counties and cities shall determine which of these practices to incorporate in updated public participation programs.

Potential amendments to GMA PLAN ELEMENT REQUIREMENTS

RCW 36.70A.030 is amended to read as follows:

(3) The capital facilities element shall consider ***environmental justice*** in the goals, policies, projects and programs affecting the design and siting of capital facilities. The capital facilities element should include strategies for public buildings and facilities that promote the use of renewable energy sources and conserve energy and natural resources.

Potential amendments to GMA WHO MUST PLAN EQUIREMENTS

RCW 36.70A.040 is amended to read as follows:

(8) An **Indian Tribe** may voluntarily choose to participate in the county or regional planning process, and coordinate with the county and cities that are either required to comply with the provisions of RCW 36.70A pursuant to subsection (1) of this section or voluntarily choose to comply with the provisions of RCW Chapter 36.70A pursuant to subsection (2) of this section.

HOUSING

- Planning Goals
- Definitions
- Requirements

Potential amendments to GMA **PLANNING GOALS**

RCW 36.70A.020 is amended to read as follows:

(4) Housing. Promote ~~Encourage~~ the availability of affordable housing to all economic and demographic segments of the population of this state ~~promote~~ and- allow a variety of residential densities and ***housing types***.

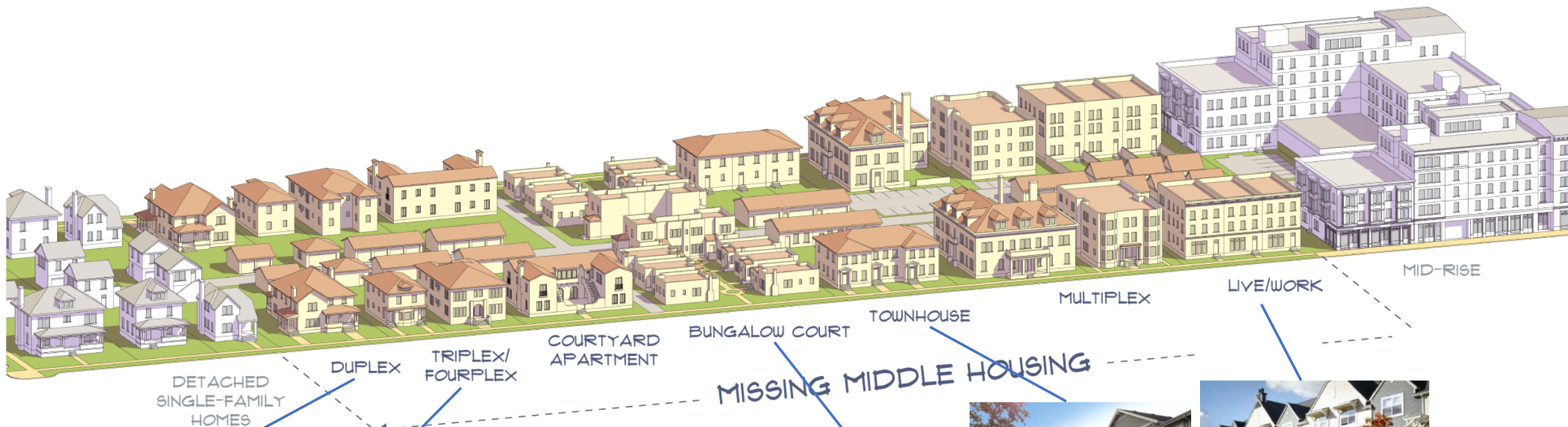
Potential amendments to GMA **HOUSING DEFINITIONS**

RCW 36.70A.030 is amended to read as follows:

(25) ***"Middle Housing"*** means single family residences including duplexes, triplexes, fourplexes, townhomes, cottage housing, courtyard housing, accessory dwelling units and live-work structures.

(17) ***"Form-based code"*** means a development regulation that uses physical form, rather than separation of uses, as the organizing principle for the code.

Potential amendments to GMA DEFINITIONS : Middle Housing



Duplex
Est. 6-13 DU/AC



Fourplex
Est. 12-20 DU/AC



Cottage Housing
Est. 15 DU/AC



Bungalow Court
Est. 24 DU/AC



Townhouse
Est. 30 DU/AC



Live/Work
Est. ~34 DU/AC

DU/AC = Dwelling Units/Acre

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Middle Housing examples in the Northwest



Data shows that “middle housing” is missing

King County

Snohomish County

Year	SF	MF 1 - 2	MF 3 - 4	MF 5 - 9	MF 10 -19	MF 20 -49	MF 50+	SF	MF 1-2	MF 3-4	MF 5 - 9	MF 10 -19	MF 20 -49	MF 50+
2011	2,050	228	109	118	35	305	4,010	1,757	81	32	130	12	173	323
2012	2,757	319	254	248	121	389	8,104	2,034	117	65	21	211	524	603
2013	3,154	493	223	302	124	555	7,633	1,747	97	68	135	394	411	1,091
2014	2,613	626	291	318	174	1,614	8,149	1,847	101	35	144	246	522	350
2015	2,531	655	554	486	423	1,395	12,375	2,203	85	33	26	229	284	1,020
2016	2,744	656	394	434	534	1,765	9,627	2,514	94	157	169	195	428	301
2017	2,100	1,000	632	616	522	1,358	9,868	2,464	179	116	341	266	368	91
2018	2,011	695	607	985	141	726	11,204	2,144	158	262	374	290	895	939

Why is the “missing middle” missing?

Middle housing was made illegal in most residential zones in the U.S., starting after WWII

- 75% of Seattle is zoned exclusively for single family detached
- 80% of Snohomish County cities are similarly zoned

There is strong neighborhood pushback to infill housing, both at the planning and permit levels

“The great challenge facing attempts to loosen local housing restrictions is that existing homeowners do not want more affordable homes: they want the value of their asset to cost more, not less. They also may not like the idea that new housing will bring in more people, including those from different socio-economic groups.” Glaeser & Gyourko, 2017

Potential amendments to GMA HOUSING DEFINITIONS

RCW 36.70A.030 is amended to read as follows:

“Affordable housing gap” means a situation that exists when a county’s median home sale price and median monthly rent and utilities have risen by 5% or more than that county’s median household income for the years 2018, 2019, and 2020 and subsequently for any subsequent three-year period following that county’s most recent comprehensive plan update year under RCW 36.70A.130(4). The median sales price, median rent, and median household income information shall be based on data maintained by the University of Washington Center for Real Estate Research.

Potential amendments to GMA HOUSING ELEMENT REQUIREMENTS

RCW 36.70A.070 is amended to read as follows:

(2) A housing element that is regionally coordinated and provides for the
~~ensuring the~~ vitality and character of established residential
neighborhoods by enabling infill, including *middle housing*, that
incorporates design features to complement aspects of existing
neighborhood character .

Potential amendments to GMA PROJECT REVIEW REQUIREMENTS

RCW 36.70A.470 is amended as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter **36.70B RCW**, shall be used to make individual ~~project~~ development permit decisions, not legislative land use planning decisions adopted under this chapter such as adoption or amendment to *comprehensive plans* or *development regulations*.

Potential amendments to GMA **PROJECT REVIEW REQUIREMENTS**

RCW 36.70A.470 is amended to read as follows:

- (2) For ***metropolitan counties*** and their cities, decisional criteria used to approve, deny, or condition a development permit application must be codified in a development regulation. Consistency with goals or policies in a comprehensive plan may not be applied as decisional criteria for a development permit application.
- (3) For ***metropolitan counties*** and their cities, the final decision on a development permit application under this Chapter, or any appeal thereof under this Chapter or RCW 43.21C, shall be made by an administrative officer or hearing examiner authorized by RCW 35A.63.170, RCW 35.63.130, RCW 70.970, or RCW 58.17.330.

Potential amendments to GMA **INNOVATIVE HOUSING REQUIREMENTS**

RCW 36.70A is amended by the addition of a new section as follows:

(1) Counties and cities are authorized to adopt ***development regulations*** to facilitate ***innovative housing*** including, but not limited to, cluster housing, zero lot line housing, micro-housing, tiny homes, co-housing, middle housing, and form-based codes.

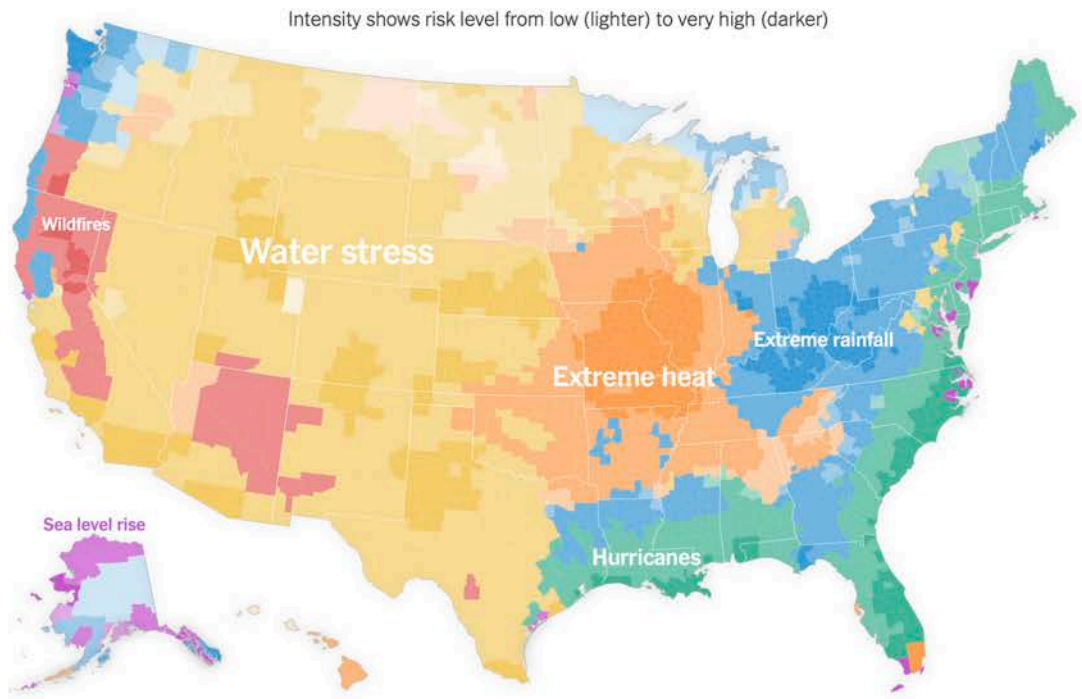
(2) By no later than September 1, 2023, ***metropolitan counties***, and the cities within metropolitan counties, **which have an *affordable housing gap*** shall amend their ***development regulations*** to allow triplexes, fourplexes, townhomes, courtyard and cottage housing in all lands zoned for single-family detached dwellings that are within $\frac{1}{4}$ mile of transit service.

CLIMATE CHANGE

- Planning Goals
- Definitions
- Requirements

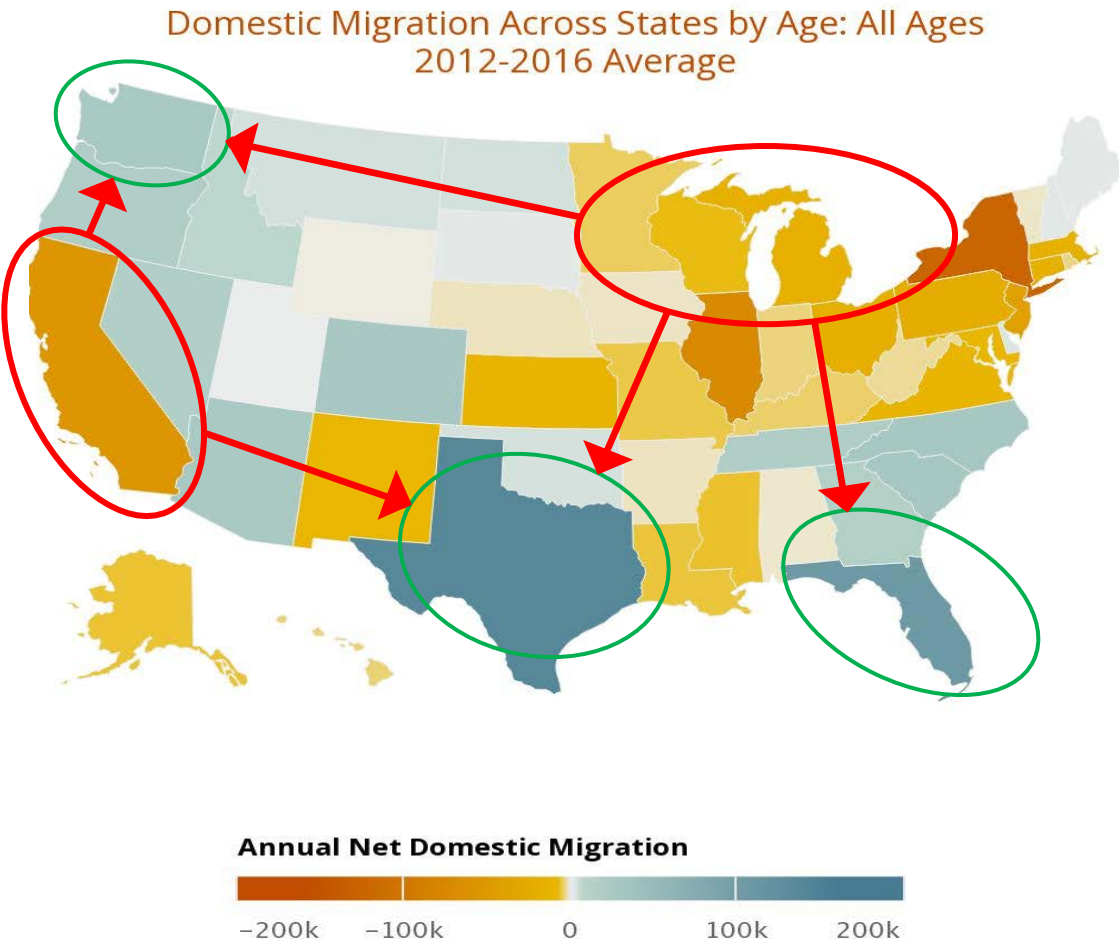
NATIONAL TRENDS

CLIMATE CHANGE



Source: New York Times, 10/2020

POPULATION SHIFT



Source: Joint Center for Real Estate Studies of Harvard University

Potential amendments to GMA **PLANNING GOALS**

RCW 36.70A.020 is amended to read as follows:

(16) Climate change and natural hazards resiliency.

Respond to climate change by adopting and implementing regional and local goals, policies, development regulations, capital improvements and programs to support statewide reduction of greenhouse gas emissions and vehicle miles travelled. Build resilient communities by mitigating and adapting to the impacts of climate change and the threats of natural hazards to public health, environmental health, and economic health.

Potential amendments to GMA **PLANNING GOALS**

RCW 36.70A.020 is amended to read as follows:

(3) Transportation. Encourage efficient multimodal transportation systems that help achieve statewide targets for reduction of greenhouse gas emissions and per-capita vehicle miles travelled and are based on regional priorities and coordinated with county and city comprehensive plans.

Potential amendments to GMA **PLAN ELEMENT REQUIREMENTS**

RCW 36.70A.070 is amended to read as follows:

(1) The **land use element** shall incorporate planning approaches that help achieve statewide targets for reduction of greenhouse gas emissions and per capita vehicle miles travelled, support development patterns and construction techniques that conserve energy and protect natural resources, and address natural hazards exacerbated by climate change including, but not limited to, sea level rise, flooding, wildfires, landslides, and drought.

Potential amendments to GMA **PLAN ELEMENT REQUIREMENTS**

RCW 36.70A.070 is amended to read as follows:

(6) The **transportation element** shall incorporate planning approaches that help achieve statewide targets for reduction of greenhouse gas emissions and per capita vehicle miles travelled, support development patterns and construction techniques that conserve energy and protect natural resources, and address natural hazards exacerbated by climate change including, but not limited to, sea level rise, flooding, wildfires, landslides, and drought.

Potential amendments to GMA COUNTYWIDE PLANNING POLICIES

RCW 36.70A.210 is amended to read as follows:

(e) Policies for countywide transportation facilities and strategies including the reduction of greenhouse gas emissions and per capita vehicle miles travelled in order to address climate change;

ECOSYSTEM PROTECTION

- Planning Goals
- Definitions
- Requirements

Potential amendments to GMA **PLANNING GOALS**

RCW 36.70A.020 is amended to read as follows:

(10) Environment. Protect the environment in order to ~~and~~ enhance the state's high quality of life. Develop **ecosystem resilience** by protecting including air and water quality, ~~the~~ availability of water, and adapting to the impacts of a changing climate and natural hazards.

Potential amendments to GMA DEFINITIONS

RCW 36.70A.030 is amended to read as follows:

(31) ***"Puget Sound"*** also known as the ***"Salish Sea"*** means Washington State's inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040.

Potential amendments to GMA DEFINITIONS

RCW 36.70A.030 is amended to read as follows:

“Ecosystem” means a biological community consisting of all the living organisms (including humans) in a particular area and the nonliving components, such as air, water, mineral, and soil, with which the organisms interact.

Potential amendments to GMA COUNTYWIDE PLANNING POLICIES REQUIREMENTS

RCW 36.70A.210 is amended to read as follows:

(3) An updated countywide planning policy shall at a minimum, address the following: (c)
Policies to promote the ecosystem services value of regional open space networks including
cleansing air and water, flood control, carbon sequestration, fish and wildlife habitat
conservation, mitigation of natural disasters, outdoor recreation, human health and well-
being.

(j) For counties in the Puget Sound Region policies to coordinate county, tribal, and city
efforts to restore the ecosystem health of Puget Sound which shall consider the adaptive,
basin-wide data and science maintained by the Puget Sound Partnership. RCW 90.71.300.

IMPLEMENTATION



**A plan without action is
not a plan. It's a speech.**

T. Boone Pickens



**Take a method and try it. If it fails,
admit it frankly, and try another. But by
all means, try something.**

Franklin D. Roosevelt

Potential amendments to GMA REQUIREMENTS

RCW 36.70A is amended to add a new section to read as follows:

Comprehensive Plans – Implementation - By no later than November 30, 2021, and annually thereafter, the legislative body of each county and city planning under RCW 36.70A.040 shall develop and annually maintain a comprehensive plan implementation work program. The work program shall specify the priorities, tasks, schedule, and planning commission or planning board agenda time needed to enable the legislative body to implement the identified portions of the comprehensive plan in the coming year(s).

Potential amendments to GMA REQUIREMENTS

RCW 36.70A is amended to add a new section as follows:

RCW 36.70A.485 - Safe harbors

(1) For certain *countywide planning policy, comprehensive plan* and *development regulations* specified in this section, **metropolitan counties** and their cities [must?/ may?] apply for a determination of compliance from the department finding that the action is in compliance with the requirements of RCW 36.70A and RCW 43.21c and the applicable rules; **rural counties** and their cities [must?/may?] apply for a determination of compliance from the department finding that the action is in compliance with the requirements of RCW 36.70A and RCW 43.21c and the applicable rules.

Questions

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