



ROAD MAP TO WASHINGTON'S FUTURE

Phase I: Pre-Assessment Report

August 1, 2017



THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

The William D. Ruckelshaus Center is a neutral resource for collaborative problem solving in the State of Washington and the Pacific Northwest, dedicated to assisting public, private, tribal, non-profit, and other community leaders in their efforts to build consensus and resolve conflicts around difficult public policy issues. It is a joint effort of Washington State University hosted and administered by WSU Extension and the University of Washington hosted by the Daniel J. Evans School of Public Policy and Governance.

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DISCLAIMER

The following report was prepared by the William D. Ruckelshaus Center, a joint effort of the University of Washington and Washington State University whose mission is to act as a neutral resource for collaborative problem solving in the State of Washington and Pacific Northwest. University leadership and the Center's Advisory Board support the preparation of this and other reports produced under the Center's auspices. However, the key themes contained in this report are intended to reflect the opinions of the interviewed parties, and the findings are those of the Center's assessment team. Those themes and findings do not represent the views of the universities or Advisory Board members.

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BACKGROUND

In Washington state, there are a number of laws in place to manage growth and land use. The Growth Management Act (GMA) is the overarching statute that governs how local governments manage growth in their respective jurisdictions. Although the GMA occupies a central place within the State's planning framework, it is just one of many laws that affect the State's economic, environmental and human health. Other planning statutes such as the Planning Enabling Act, Shoreline Management Act (SMA) and the State Environmental Policy Act (SEPA) support many of the goals listed in the GMA. These planning statutes affect a wide range of interests and have been contentious with multiple parties. GMA has been in place for over 25 years, SMA, SEPA and other laws for even longer. No formal government-sponsored assessment has been done to see how well these 20th century laws align or how the overall planning framework enables Washington to meet the emerging challenges of growth and change in this century.

PHASE I: PRE-ASSESSMENT PROCESS

In response to queries from the Washington State Legislature and others, the William D. Ruckelshaus Center (the Center) recommended conducting an assessment that would examine Washington's framework for managing growth including a process to articulate a statewide vision and collaboratively map a path to that future. The process for creating a collaborative road map would involve participants across the state to: (1) articulate a vision of Washington's desired future; (2) identify opportunities and current successes of state laws, institutions, and policies; and (3) build agreement for needed course corrections and future implementation.

To gauge support for this effort, the Center conducted a Pre-Assessment from October 2016 through June 2017. The Pre-Assessment consisted of a series of conversations with individuals from the following groups, organizations, and governments involved in various growth management efforts. Seven entities became sponsors of the Pre-Assessment and provided a total of \$100,000 to support it. These Phase I sponsors are shown in bold below.

- Association of Washington Business
- Association of Washington Cities
- Building Industry Association of Washington
- **Burlington Northern Santa Fe Railway**
- **Centers for Disease Control and Prevention**
- Citizens Alliance for Property Rights
- **Futurewise**
- Forterra
- **The Master Builders of King and Snohomish Counties**
- Northwest Open Access Network
- Suquamish Indian Tribe
- Swinomish Indian Tribal Community
- The Tulalip Tribes
- **Quinault Indian Nation**
- **Washington Chapter of the American Planning Association**
- Washington Association of Realtors
- Washington City Planning Directors Association
- Washington Farm Bureau
- Washington Research Council
- Washington Public Health Association
- Washington Public Ports Association
- Washington Sewer and Water Districts Association
- Washington State Association of Boundary Review Boards
- Washington State Association of County and Regional Planning Directors
- Washington State Association of Counties
- **Washington State Department of Commerce**

- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Transportation
- Washington State Transportation Commission
- Washington State Conservation Commission
- Puget Sound Partnership

PHASE I: PRE-ASSESSMENT FINDINGS

All the parties were asked three questions:

1. Is now the right time for an assessment that would examine Washington's growth management framework, including a process to identify a desired statewide vision for Washington's future?
2. Is the Ruckelshaus Center an appropriate neutral convener to facilitate such an assessment?
3. Would you be interested in participating in such an effort?

1. Is now the right time for an assessment that would examine Washington's growth management framework, including a process to identify a desired statewide vision for Washington's future?

There was broad support for conducting an assessment of Washington's growth management framework and a process to identify a desired statewide vision for Washington's future. Several parties pointed out that while the GMA has been the focus of calls for revisions, such efforts have typically been prompted by anecdotal experiences rather than comprehensive or empirical evidence. Many observed that, in addition to the GMA, there are other state laws that affect land use, transportation, economic development, resource conservation, environmental protection, service delivery and governance. There was also strong support for an assessment that included the entire planning framework.

During the pre-assessment, a number of parties brought up issues that were of interest or concern to them, to illustrate why a process examining Washington's growth management framework was both timely and important. A list of those issues is provided in Appendix A. Many expressed a sense of urgency due to decreasing housing affordability, increasing transportation congestion, continued loss of productive farmland and viable marine habitat, uneven distribution of economic prosperity and human health across the state, and a lack of fiscal tools to keep pace with infrastructure and service delivery demands.

2. Is the Ruckelshaus Center an appropriate neutral convener to facilitate an assessment?

Virtually all of the parties were familiar with the mission and the history of the Center as a neutral facilitator in collaborative efforts to address public policy challenges. Many had direct experiences with prior Center-facilitated processes such as the Voluntary Stewardship Program, Chehalis Basin Strategy, Joint SR 530 Landslide Commission, Columbia River Salmon and Steelhead Assessment, Tri-Cities Governance, and Coastal Resilience. There was confidence that the Ruckelshaus Team had both the process and subject matter expertise to conduct this type of project.

3. Would you be interested in participating in such an effort?

All of the parties expressed strong interest in participating in the project going forward. Center staff

explained to all parties the general outline of the process contemplated and the amount of time or other resources that they would be asked to commit. None indicated a lack of desire to participate.

NEXT STEPS

Based on the findings of Phase I, the Washington State Legislature allocated to the Center \$600,000 in the 2017-2019 biennium operating budget to support the project and provided direction regarding the purpose, process, parties, and deliverables. The Center will explore opportunities for supplementary funding to support additional elements of the project such as expanded applied research.

PURPOSE

In funding the project, the State Legislature directed the Center to “collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a ‘Road Map to Washington’s Future.’ The road map shall identify areas of agreement on ways to adapt Washington’s growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state.”

SCOPE

The Scope of the project is the State of Washington’s planning framework of laws, policies, and institutions. While the primary focus will be the Growth Management Act, (RCW 36.70A) the planning framework also consists of other statutes, some of which are named below.

Local Project Review Act – RCW 36.70B	Regional Transportation Planning – RCW 47.80
Land Use Petition Act – RCW 36.70C	Water-Sewer Districts – RCW 57
Planning Enabling Act – RCW 36.70	Water System Coordination Act – RCW 70.116
Port Districts – RCW 53	School District Property – RCW 28A.335
Shoreline Management Act – RCW 90.58	Cities and Towns – RCW 35
State Environmental Policy Act – RCW 43.21C	Optional Municipal Code – RCW 35A
Plats, Subdivisions, Dedications – RCW 58.17	Counties – RCW 35

COMPONENTS

At this time, the Center’s project team has identified the following components of the project.

Interviews: The Center’s project team will conduct one-on-one interviews with individuals, groups, organizations, and governments.

Community Conversation Workshops: The Center’s project team will host workshops across the state to engage participants in identifying a desired vision for Washington’s future.

Other Mechanisms for Input: The Center’s project team will explore and design additional opportunities for individuals to provide information and input.

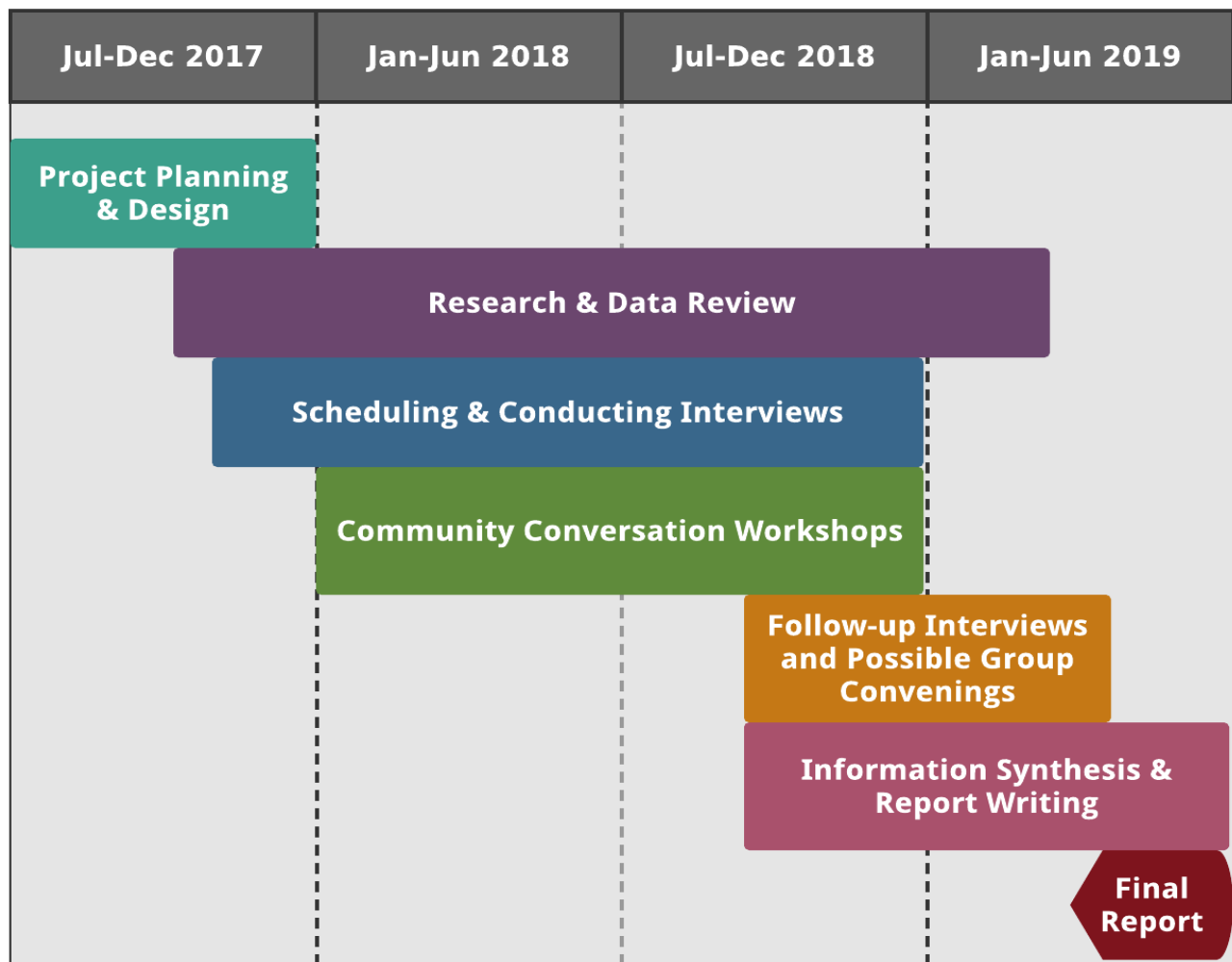
Research and Data Review: The Center’s project team will identify pertinent data and partner with

state public universities on targeted research.

Communications Strategy: The Center's project team will be developing a strategy for communicating about the project. This may include a webpage that will be updated throughout the project and quarterly project status updates.

Funding Strategy: Given the scope and complexity of the project, additional funding may be necessary to support some of the project components. The Center's project team will be identifying potential additional needs and developing a funding strategy.

SCHEDULE



Deliverable

The Center will submit a final report to the appropriate committees of the legislature by June 30, 2019.

APPENDIX A.

During the pre-assessment, a number of parties brought up issues that were of interest or concern to them, to illustrate why a process examining Washington's growth management framework was both timely and important. A list of those issues is provided below. The characterization and phrasing is by the parties who offered them, and does not reflect any judgment by the Center staff regarding the merits, relative priority, or desired outcomes regarding these issues.

- Require a statewide strategic plan prepared and adopted by Washington State. The strategic plan will provide policy direction on where growth should be encouraged; natural resource lands conserved, and state infrastructure investments made.
- Address the relationship between the varying human health outcomes in the different regions of the state and the framework of state, regional and local plans, regulations, programs and capital investments.
- Integrate evidence-based public health strategies and performance measures into the state's planning framework.
- Address the redundancy between the State Environmental Policy Act (SEPA) and GMA as it affects timely permit processing.
- Establish a state agency-produced climate forecasting metric (similar to the population projections currently generated by OFM for GMA planning) that would serve as the foundation for climate planning.
- The effectiveness and accountability of regional planning agencies is undermined by their voluntary nature.
- Port district priorities may conflict with city or county priorities.
- Ports should plan under GMA and prioritize spending of taxes collected in coordination with cities and counties on a broader range of public benefit projects.
- Evaluate the opportunity to coordinate school planning in the context of GMA.
- State agencies are not required to plan under or be consistent with the GMA, while local jurisdictions are, which leads to confusion and conflicts.
- Expand the authority of the existing Land Use Hearings Board to hear appeals of local land use decisions.
- Require state review and approval of local government comprehensive plans and development regulations – similar to the role that the Department of Ecology currently plays in the approval of Shoreline Master Programs.
- Fund an organization or agency (such as the Municipal Research Services Center or the Department of Commerce) to prepare a biennial report that identifies emerging issues and opportunities for local governments to consider in their comprehensive plan and development regulation updates, along with best practices to address those issues and opportunities.
- There is a lack of adequate tools to implement priorities of multi-county/regional planning agencies.

- It is difficult for cities to annex unincorporated lands, particularly islands.
- There is inadequate participation by and consultation with special districts in the expansion or reduction of the urban growth area.
- There is inconsistent involvement by/consultation with special districts on proposed changes to urban growth areas.
- There is a lack of communication and coordination between the plans and actions of tribal governments and those of local or state governments.
- Address the principles of racial equity, starting with providing a formal role for Indian Tribes and Nations in GMA planning.
- The land use, transportation, housing, environmental and employment implications of military facilities needs to be better connected to regional and local plans prepared under the GMA.
- There is a lack of financial tools to fund state required plan updates.
- The 1% annual property tax cap is not allowing local governments to keep pace with annual increases to the cost of providing local government services.
- There is a lack of financial tools to expand and improve local infrastructure.
- There is a lack of financial tools to acquire lands for open space, parks and habitat & environmentally sensitive area protection.
- There is a lack of financial tools to provide services to low-to-moderate income people.
- Annexations can have negative tax base consequences for counties and special districts.
- Failure to adequately staff local government permit departments adds needless delay and cost to all projects.
- Increase local government revenue options, such as the potential for an excise tax or permit surcharge, to fund long-range planning, plan implementation, and resources aimed at educating public on the land use review process.
- Include statutory requirements for the reduction of greenhouse-gas emissions (GHG) based on RCW 70.235.020 (Greenhouse gas emissions reductions—Reporting requirements).
- The eight-year GMA update cycle for comprehensive plans and development regulations is out-of-sync with availability of data from the federal census, Office of Financial Management (OFM) population projections and regional plan updates.
- There is a lack of clarity about the methodology for determining buildable lands under RCW 36.70A.215 that leads to inconsistent interpretations.
- An eight-year GMA update cycle puts an unnecessary burden on slower growing counties.
- Appeals of quasi-judicial land use decisions to local elected officials can inject delay; uncertainty and associated costs into the development permit process.
- Promote, and require where appropriate, the adoption into plans of quantitative goals; performance

measures and indicators, then follow up with proven strategies to move the needle coupled with regular monitoring, adjustment, and improvement.

- Prevent premature vesting of development permits, and the use of annexations to undercut the review of GMA appeals.
- Bring Washington's vesting law into line with the majority of U.S. states.
- Local governments must adopt clearer development standards and apply them through administrative review rather than what we have now – excessive reliance on “public hearings” where planning commissions and councils are pressured to placate NIMBY's with subjective interpretations of ambiguous standards.
- Lack of coordination between city and county Capital Facility Plans and special district capital project planning and design leads to conflicts.
- Improve the standards of the housing element, and develop funding sources, to better address housing affordability, and require regional distribution or “fair share” of affordable housing.
- Include an element addressing climate change through mitigation and adaptation, including specific provisions for planning to address sea level rise, wildfires, and the protection/accessibility of natural resources – the three largest climate-related impacts affecting Washington state.
- The state lacks adequate solutions for increasing affordable housing, including regulatory and incentive-based options.
- Regulatory limitations related to Local Areas of More Intense Rural Development (LAMIRD) stifle reasonable development and vitality in rural counties.
- The lack of broadband internet capacity in rural areas limits the reach and effectiveness of emergency response efforts and opportunities for job training, education, public health and economic vitality.
- There is a lack of economic opportunity in rural counties.
- The limited planning funding that comes to Washington from the Federal Government - \$2M a biennium for Corridor Planning to WSDOT - evaluate the opportunity to develop shared priorities that are consistent with local comprehensive plans.
- Transportation projects - evaluate the opportunity for a present day cost benefit analysis measure - Return on Investment vs. measures used today.
- Concurrency really only addresses arterial section LOS (Levels of Service), state facilities are excluded, and state transportation project selection is not well integrated with local and regional planning.
- Ensure better protection of natural resource lands, including methods to help support and nurture the agricultural and forest production industries, and increase long-term protections for irrigation resources.
- Resolve the conflict between the Growth Management Act (GMA) and state water law addressed in the Hirst decision.