

GMA at 25: Looking Back, Looking Forward

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The year 2015 will be the 25th anniversary of the adoption of Washington State's Growth Management Act (GMA). GMA may be the most important and least understood of state laws from the perspective of today's state, county and city elected officials. Few of them were in office in the 1980's, and therefore understandably lack first-hand knowledge of the serious problems that prompted the 1990 legislature to pass the Act. A 2013 survey of city elected officials revealed that almost none of them had ever received training on the what, why, and how of land use policy-making, much less the GMA.

This lack of information has fed the mistaken belief that the Act narrows local discretion more than it actually does. That in turn causes some to see the GMA as a nuisance rather than what it truly is - a comprehensive framework providing the context, coordination and needed direction to manage growth and change. In view of sobering forecasts about Washington's ongoing growth, and daunting emerging environmental and fiscal challenges, it could even be said that if we didn't already have a growth management act, we'd need to invent it.

Why was the GMA passed in the first place?

What were the problems facing local governments in the 1980's? One was the sheer volume of growth. Between 1980 and 1990, statewide population surged from 4.1 million to 4.9 million, an increase roughly six times that of Bellevue's current population (134,000). Neither state law nor local government processes were configured to anticipate or manage that sheer volume of growth.

A 1988 report to the legislature titled *The Quiet Crisis in Local Governance* documented the problems of competition and conflict among local governments over issues of turf and resources. The report attributed these problems to a lack of clear definition in state law about the proper roles for counties, cities, and special utility districts. Disputes among local governments were addressed case-by-case through the courts because there was no mechanism to predictably and effectively coordinate local government decisions. Local land use and capital project decision-making were often ad hoc, piecemeal, and reactionary rather than comprehensive, proactive and consistent.

Before the GMA, the primary state law affecting local land use decisions was the State Environmental Policy Act (SEPA), drafted in the 1970's. SEPA focused narrowly on environmental protection at a project-by-project scale. It made no presumption that a broader pattern of urban growth would or should occur nor that such a pattern of growth should be shaped and served by design and choice.

The consequence of this blurred and fragmented decision-making process was a lack of clear accountability, unbridled conversion of rural land to suburban sprawl, the loss of agricultural lands, degradation of natural systems, and the inefficient provision of local government services and facilities. As late as 1989, more than half of all Washingtonians lived in unincorporated areas rather than in cities.

As the 1990s approached, a perfect storm of political forces converged. There was a public outcry over escalating property taxes, housing costs, traffic congestion, and the continued loss of

wetlands, farms, and forests. In the summer of 1989, a series of articles in the *Seattle Times* by urban critic Neil Peirce highlighted Washington's broken land-use system and fueled calls for reform. Several conservative county officials in seemingly safe districts were defeated by smart growth advocates that fall, setting the stage for the 1990 state legislature to strike a grand bargain despite its sharp split along partisan and cross-Cascades lines.

The resulting Growth Management Act took a middle path between the centralized, top-down model of Oregon, and the decentralized, bottom-up model of "planning enabling" states like Texas and Alabama. Unlike Oregon, in Washington only the fast-growing counties and their cities were required to fully plan under the GMA, and three regional growth hearings boards were created rather than a single appeals body in the state capital.

This middle path creates a framework of state goals and requirements, but presumes that local government actions were valid upon adoption. City and county actions can only be reversed if an appeal is filed and either the growth hearings board or reviewing court concludes that the local decision was "clearly erroneous"— which as a legal standard for measuring compliance is very deferential to local decisions.

How well has the GMA shaped the last 25 years of growth?

While there has not yet been a comprehensive, empirical evaluation of the Act's effectiveness in fulfilling the original legislative intent¹, there are several indicators of its success. For example, permit data in the "buildable lands counties" (King, Pierce, Snohomish, Kitsap, Thurston, and Clark) shows that the GMA has succeeded in reining in sprawl in these largest, fastest growing urban counties. Washington State Department of Commerce data shows that between 2001 and 2011, the amount of those counties' residential growth occurring within their urban growth areas increased from 85 percent to 96 percent.

Conflict among local governments has declined because the GMA clarifies the very different roles of counties, cities, and special districts². Most counties have ceased competing with their cities to provide urban services and have assumed responsibility for regional decisions such as drawing urban growth boundaries and allocating population and job targets to cities. Cities are identified by the GMA as the primary providers of urban governmental services, while other statutes provide them with authority to absorb special utility district functions within their city limits.

This GMA inspired "transformation of local governance" has evidenced by the incorporation of 15 new cities and dozens of annexations since 1990. Sixty-five percent of Washington citizens now live in incorporated areas, up from 49 percent before the GMA. In King County, the state's most populous, the percentage of those living in cities has risen to 83 percent.

Another major GMA achievement has been the facilitated construction of regional "essential public facilities" by insulating them from parochial vetoes or costly delays. No longer may a local government block the siting, construction, or expansion of a facility which is essential to the greater good.³

Unlike the pre-GMA days, the Act now precludes a city or county from thwarting the expansion of an international airport (e.g., the Third Runway at SeaTac International), dictating the alignment of a regional transit line (e.g., Sound Transit's light rail line through Tukwila), or preempting the siting of a regional sewage treatment plant (e.g., the Metro Brightwater Plant in unincorporated Snohomish County). All three "essential public facilities" were built over the past dozen years in the Seattle region—protected by the GMA provision that insulates local councils from NIMBY pressures.

Wetlands, streams, and shorelines have been protected and the rate of loss of productive agricultural lands has been reduced. A GMA amendment adopted in 2009 prohibits the expansion of urban growth areas into the floodplains of Western Washington Rivers. A major premise of that legislation is that there is sufficient land that is environmentally unconstrained and capable of being served with urban services to avoid further encroachment on floodplains.

Planning for growth is still controversial both at the local and state levels. However, the GMA and comprehensive planning have largely become part of the state's mainstream. Washington voters soundly rejected two extreme property rights measures that would have gutted the Act— Referendum 48 in 1995 and Initiative 933 in 2006. In so doing, the voters affirmed that land use controls are vital to protecting their neighborhoods, their environment and their quality of life - the very development regulations and land use policies both authorized and required by the GMA.

While the first decades of planning under the GMA resulted in many appeals and a number of local government decisions were remanded for correction, most of the law has since been clarified and settled by a series of appellate decisions. This has helped local governments better understand what the law does and does not require and consequently the number of GMA appeals and reversals of local decisions has dropped dramatically in recent years.

The Washington State Department of Commerce estimates that over the last five years, 99 percent of local actions in the six rapidly growing “buildable lands” counties comply with the GMA, meaning that actions were not appealed, or if appealed, were found in compliance. This reality is very different that the popular but erroneous perception that local actions are frequently appealed and overturned.

What will the next 25 years bring?

One thing that we can expect is continued growth and change. The very things that compelled many of us to build careers, grow families, and make our homes here will continue to draw others with similar hopes and aspirations. Many will be drawn by our state's unparalleled beauty and recreational opportunities, still others by the thriving innovation economy centered in the Seattle Metro region.

A recent study at the University of Toronto rated the Seattle region as one of the globe's peak performing economic centers, drawing talent and investment to its innovation economy.⁴ Add to those seeking economic opportunity a likely influx of extreme weather refugees fleeing superstorms, polar vortexes, hurricanes, floods and EF-5 tornadoes.

How much growth are we likely to see? From our existing statewide population of 6.9 million, the Washington State Office of Financial Management projects that by the year 2040 we could add up to 3.8 million more people - which is triple the number of today's combined populations of Seattle, Spokane, Tacoma, and Bellevue! According to estimates from the Puget Sound Regional Council, much of the state's future growth, at least 1 million people, will occur in King, Pierce, Snohomish and Kitsap counties.

In the face of such dramatic population and employment growth, coordinated and effective planning and implementation will be more important than ever. The legislature will be pressed by local governments to reverse recent cuts to local infrastructure funding and consider the creation of more and better financial tools. The existing shortfall in funding, and the crumbling status of our state's infrastructure, is described as an “ugly truth” in a video from the Association of Washington Cities.⁵

As the Central Puget Sound region grows robustly in the coming decades, it will be vital to secure open spaces to serve multiple critical needs: habitat and flood control; carbon sequestration; jobs in the timber, agriculture, and fisheries industries and recreational tourism; as well as maintaining human mental and physical health by reducing obesity and stress.

A collaborative effort of the University of Washington, county governments, the Puget Sound Regional Council and the Bullitt Foundation, called the [Regional Open Space Strategy](#), has already begun mapping the priority areas to consider for acquisition. Implementation of the strategy will require buy-in from an informed citizenry and the support of the region's leaders from both the public and private sectors.

The overriding issue of the day remains the challenge of adapting to and mitigating the effects of climate change. This will require strategic and coordinated action among state, regional and local governments, the private sector and the general citizenry. In 2008, Washington's legislature adopted 1990 as the benchmark year against which to measure future progress in reduction of overall greenhouse gas emissions. Statewide GHG reduction targets were set at 25 percent by 2035 and 50 percent by 2050.

The recent report of the Governor's Carbon Emissions Reduction Task Force (CERT) outlines possible market-based strategies, such as cap and trade and a carbon tax, to encourage energy-intensive industries to transition away from carbon-based energy sources. However, the CERT report does not address how to link the GHG reduction targets to regional or local land use plans, investments, regulations, or actions.

Because transportation priorities and land use policy affect two of the major contributors to GHG emissions, their omission is a significant gap in an effective statewide strategy. Some local governments, such as King County and a number of its cities, aren't waiting for the state to take the lead on this - they have formed the [King County Cities Climate Collaboration](#) to enhance the effectiveness of local government sustainability and climate action.

How can I find out more about planning under the GMA and the upcoming challenges?

In addition to the resources of the Municipal Research and Services Center, there are many documents and online videos available on the [website of the Washington State Department of Commerce Growth Management Services Program](#). This includes links to the GMA itself, checklists and guidebooks for comprehensive planning under the Act and recently updated video segments of the "Short Course on Local Planning."

¹ The legislative findings of the GMA reads: "The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth." [1990 1st ex.s. c 17 § 1.]

² RCW 36.70A.210(1) provides: "(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas."

³ RCW 36.70A.200(5) provides: "No local comprehensive plan or development regulation may preclude the siting of essential public facilities."

⁴ The "[Global Cities Project](#)."

⁵ The "[Ugly Truth](#)" video is posted on the Association of Washington Cities' website.