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Urban Growth Area Guidebook

Reviewing, Updating and Implementing Your Urban Growth Area

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Executive Summary

"If you want to know your future, look at what you are doing in this moment."

-Proverb

Planning for Urban Growth Areas (UGAs) is an important tool provided by the Growth Management Act (GMA) for deciding where future urban growth should be encouraged, where the extent of that growth should be located, and how the financial and environmental responsibilities that come with growth, will be met.

UGAs are areas where growth and higher densities are expected and that can be supported by cost-effective urban services. By directing growth into urban areas, counties and cities can also protect critical areas, conserve their natural resource lands – such as farms and forests – and maintain the rural character of their rural lands.

The GMA requires early and continuous public involvement and consideration of proposals and alternatives for Comprehensive Plan updates. This is particularly appropriate when updating UGAs, which typically involves a multi-stage process in which a range of choices are considered, including new growth forecasts, new land use designations - potentially involving multiple properties over broad areas, changes to capital facilities plans, new regional transportation plans, and environmental analysis for potential impacts and mitigation strategies.

A collaboration process between a county and its cities is also required by the GMA, to select a 20-year countywide population projection from a range of population projections provided by the state Office of Financial Management (OFM). The selected OFM countywide population projection together with a locally determined countywide employment projection is allocated among UGAs. UGAs must be sized with sufficient land to accommodate the allocation.

Setting a realistic population projection to plan for twenty years of potential growth can ensure adequate amounts of land and services are planned for UGAs. Planning with an inflated population number can result in oversized UGAs that facilitate more growth than local governments can afford to provide with necessary urban services.

The major consequence of uncoordinated and unplanned growth is sprawl, the most expensive form of development to provide with urban services. The GMA and local Comprehensive Plan goals and policies, together with implementing Development Regulations, enable citizens and elected officials to make choices that can create affordable and healthy communities.

UGAs are designated in the Land Use Element of Comprehensive Plans. A companion Element for aligning UGAs to urban services is the Capital Facilities Element and its associated detailed Capital Facilities Plan. The Capital Facilities Plan communicates

- an inventory of existing urban services,
- what urban services will be needed to support build out of urban areas,
- a prioritization of urban services,
- what the costs of urban services will be, and
- how these urban services will be funded to support the UGA during a 20-year planning horizon.

The GMA requires that the land use plan for UGAs and the Capital Facilities Plan be consistent. Consistency means that the footprint of the land use plan matches the footprint of a jurisdiction's ability to provide the urban services shown in its Capital Facilities Plan. The two plans must align.

Few cities and counties have a clear assessment of actual expenditures required to serve growth in an UGA, as well as allocating some cost to replace aging infrastructure in the UGA - over the long term. With fewer local revenue dollars and declining State funding - combined with aging urban infrastructure, it is imperative that wise planning for UGAs match each community's ability to provide and pay for urban services.

To ensure that Urban Growth Areas are appropriately sized to the Capital Facilities Plan, infrastructure stakeholders need to be part of the planning process for UGAs early on, to ensure consistency exists between the Capital Facilities Plan and the land use plan for urban areas. Local Public Works divisions, local budget personnel, special purpose districts, Public Utility Districts, bond underwriters, private engineering firms, and citizens - can provide important data. This data can help determine the capital costs of urban infrastructure, operation and maintenance costs, and how many ratepayers and what funding sources will be needed to make the long-term payments for the urban services needed for UGAs.

Counties and cities utilize a Land Capacity/Quantity Analysis (LCA) to determine the amount of vacant, partially used, under-utilized lands, and redevelopment potential of built properties, to accommodate growth. Counties and cities utilize a LCA to determine if existing or potential UGAs can accommodate twenty years of urban growth.

In addition to providing sufficient capacity of land and land use designations related to urban growth, urban densities also need to be established that will accommodate projected growth. UGAs need to include greenbelt and open space areas, a variety of housing types, and may include a reasonable land market supply factor. The GMA enables counties and cities to exercise discretion in their Comprehensive Plans to make choices on how they plan to accommodate growth. Some growth will naturally occur in rural areas. However, the primary purpose of the LCA methodology is to assist in determining the adequacy and sizing of UGAs to achieve the goals of the GMA for balanced urban development with adequate and cost-efficient urban services.

A LCA can also be used to determine whether counties and cities are able to meet the GMA goals and requirements to provide for a range of housing types and densities for all economic segments of the population. Having an appropriate land supply within UGAs is paramount to meet the GMA's requirement for accommodating twenty years of potential growth. In order to determine whether counties and cities have appropriate land in UGAs, a land use inventory must be conducted to determine if the available land supply aligns with the anticipated 20-year population and employment growth projection.

Many cities and counties fully planning under the GMA have implemented flexible development regulation tools that achieve densities to maximize use of available urban land and economize the costs for providing urban services. In addition, these densities support various types of housing, multi-modal transportation systems, and other public services that are cost prohibitive with low density development.

The housing policies of a Comprehensive Plan together with the Development Regulations that implement those policies can influence the development capacity of an UGA over the 20-year planning horizon. Policies that promote a mix of housing types for all income levels, combined with flexible regulations for density, innovation and design, infill, and redevelopment, can help maximize the use of available urban lands as well as generate revenues to pay for needed urban services and transportation systems.

Recent studies show that people will drive less and use healthy modes for transportation when they live closer to work and recreational opportunities. Consistency between the land use element, the housing element, and the transportation element in Comprehensive Plans, can help create walkable and transit friendly communities

with a vibrant mix of housing and businesses. This type of compact development also translates into lower infrastructure costs, lower greenhouse gas emissions, and overall lower energy costs. As an added bonus, this type of development maximizes the capacity of land in UGAs and enhances the financial resources of local jurisdictions to pay the cost of providing urban services.

Those counties and cities required to plan under the GMA must also adopt Development Regulations to implement their Comprehensive Plan goals and policies. Local regulations that implement Comprehensive Plan goals and policies can include; zoning and building codes, subdivision and binding site plan ordinances, critical areas and shoreline ordinances, capital improvement plans and concurrency ordinances, and other techniques to implement planning policies. Countywide Planning Policies and inter-local agreements can also implement regulations for UGAs. Inter-local agreements assure coordination and consistency between neighboring jurisdictions, service providers, and agencies for providing urban services to UGAs.

Most jurisdictions fully planning under the GMA have programs to measure the performance of their respective goals and polices with local indicators, monitoring, and analysis of whether indicators are aligning with desired benchmarks. Results from these types of programs yield accurate and reliable performance data that supports policy making to achieve each community's desired future.

Enabled by the GMA, counties and cities across the State of Washington are better equipped to manage growth with UGAs, protect critical areas and conserve their resource lands, provide for rural living – open space – and recreational areas, enhance their transportation systems to reduce congestion and create healthy alternative modes of travel, and revitalize their downtowns with attractive compact development. The GMA continues to empower communities to realize their future and to manage growth in a manner which makes sense for each community.

Introduction

Helping Communities Shape Their Future

Since the Growth Management Act (GMA) was passed by the Legislature in 1990, Washington counties and cities have utilized the GMA's planning framework to adopt Comprehensive Plans and Development regulations to guide where Urban Growth Areas (UGAs) should be and to provide these urban areas with adequate and affordable urban services. Enabled by the GMA, counties and cities have also been better equipped to: protect critical areas and conserve resource lands; provide for rural living – open space – and recreational areas; enhance transportation systems to reduce congestion and create healthy alternative modes of travel; and revitalize downtowns with attractive compact development. The GMA continues to empower communities to manage their growth in a manner which makes sense for each community.

In March 1992, the Department of Commerce developed the following set of guidance documents for designating UGAs under the Growth Management Act (GMA): "Issues in Designating Urban Growth Areas – Part I" and "The Art and Science of Designating Urban Growth Areas – Part II."

These early UGA guidebooks primarily focused on designating UGAs to accommodate population projections, outlining a methodology to determine the amount of vacant, partially used, and underutilized lands available for growth, and providing guidance on appropriate densities and uses for urban, rural, and resource lands.

This 2012 UGA Guidebook is the first complete update to the original 1992 UGA guidance documents. Commerce's new UGA Guidebook emphasizes the importance of aligning UGAs with Capital Facilities Plans to provide cost effective and well timed provision of urban services. With fewer local revenue dollars and declining State funding - combined with aging urban infrastructure, it is imperative that wise planning for Urban Growth Areas match each community's ability to provide and pay for urban services.

Chapters of the new UGA Guidebook build upon the 1992 guidebooks by including: amendments to the GMA statutes related to UGAs; recently adopted UGA administrative rules; relevant Hearings Board and Court cases; example UGA and CFP planning work from Washington counties and cities; and knowledgeable comments from local government officials, planning practitioners and the public - regarding designation and update of their UGAs.

Establishing UGAs is a major step under the GMA that local communities take in managing their growth. Local communities must design UGAs to include "areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period" (RCW 36.70A.110(2) and WAC 365-196-310). UGAs must also be designed so that urban services can be provided during the 20-year planning horizon.

UGAs are areas designated by a county, in collaboration with its cities and towns, as to where urban development will occur. This process begins with consultation between a county and its cities and towns to select a population growth forecast from a range of population growth forecasts provided by the state Office of Financial Management (OFM). The population forecast together with a county employment growth forecast is then allocated primarily to UGAs, to assist in sizing UGAs to accommodate future urban growth. A portion of the overall county population growth can be accommodated in rural areas.

The process of designating UGAs is an important tool provided by the GMA for deciding where urban development should be encouraged and where the extent of that development should be located. UGAs are areas where growth and higher densities are expected and supported by urban services. By directing growth into urban areas, counties and cities can also conserve natural resource lands – such as farms and forests – and maintain the rural character of rural lands.

Incorporated cities and towns are by definition UGAs. The GMA (RCW 36.70A.110(3)) states that urban growth should be located:

- First, in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development,
- Second, in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and
- Third, in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

UGAs are to be designed to provide for efficient and cost effective urban services. Growth can be phased to accomplish this task, with short-term growth encouraged closer to the existing urban center and close to important services such as; sewer – water – transportation – schools and parks, with other areas reserved for growth later in the 20-year plan.

Counties in the state that are fully planning under the GMA have completed their first round of Comprehensive Plans, Development Regulations, and UGAs under the act. As part of this work, they developed criteria and made decisions about UGAs, rural lands, resource lands, and critical areas.

Establishing UGAs under the GMA has also helped cities with the annexation process. When counties and cities agree on UGAs, local governments and citizens know where annexations will occur, reducing public controversy and providing predictability.

Six counties are in the Buildable Lands Program (Clark, King, Kitsap, Pierce, Snohomish, and Thurston) and have special requirements related to UGAs (RCW 36.70A.215). These counties are gathering data on the density and type of development that is occurring. This information is to be compared to the density and type of development expected, as identified in local Comprehensive Plans. If gaps are found in this analysis, measures are to be adopted that will increase consistency during the next update period. Policy techniques, other than adjusting urban growth boundaries, are to be used first to achieve consistency between planned development and actual development patterns.

Initial reports developed by the counties in the Buildable Lands Program addressed whether their UGAs contain adequate development capacity to accommodate the state population forecast as well as projected employment growth for their area. Residential, commercial, and industrial land uses were analyzed. All county

reports indicate that their overall UGAs have adequate capacity to meet growth demands as indicated in their adopted Comprehensive Plans.

Washington communities fully planning under GMA should be monitoring their UGAs to determine if they are properly sized. If growth is occurring at lower densities than planned, measures need to be adopted that will increase consistency. Monitoring provides important data to make policy decisions on sizing UGAs and accommodating UGAs with cost effective urban services - consistent with a community's Capital Facilities Plan, Capital Improvement Programs and annual budget.

At least every eight years, jurisdictions are required to review UGAs. This review should evaluate planned densities and growth with actual densities, and make changes if needed. RCW 36.70A.130 and WAC 365-196-610 provide the timelines for communities in Washington State to review and update their Comprehensive Plans, Development Regulations, and UGAs. A county Comprehensive Plan designating UGAs and the densities permitted in the UGAs by the Comprehensive Plan of the county and each city located within UGAs may need to be revised to accommodate potential urban growth projected to occur in the county for the succeeding 20-year period.

Changes to UGAs must also be consistent with adopted "County-Wide Planning Policies." The policies, adopted by counties, set the general framework for coordinated land use planning between the county and its cities to ensure respective Comprehensive Plans are consistent with each other. Agreements between a county and its cities can cover matters such as joint planning within UGAs, agreement on annexation policies, adoption of development standards within UGAs, phasing strategies on development until urban services are in place, revenue sharing for regional services, and city and private service provider review and comment on major development within UGAs. County-Wide Planning Policies should be reviewed on a regular basis to ensure consistency with changes in State law and to reflect current information and planning practices.

To plan for growth, local communities need a thorough understanding of recent statutes and rules related to UGAs, of their own Countywide Planning Policies, Comprehensive Plans, Development Regulations, Capital Facilities Plans and any amendments to these plans since initial adoption of their UGAs. Communities will continue to need a public participation program, SEPA integration, cooperation and coordination between communities, knowledge of what land is realistically developable, available, and suitable for growth within their communities, and what the feasibility and realistic costs of urban services will be to support Urban Growth Areas at the levels of intensity planned.

Chapter 1

Urban Growth Areas and Urban Services

The Growth Management Act (GMA) provides statutory authority for local governments to plan in Washington State. The process of designating Urban Growth Areas (UGAs) is an important tool provided by the GMA for communities to decide where urban development should be encouraged and where the extent of that development should be located .[1] UGAs are areas where growth and higher densities are expected and supported by urban services. RCW 36.70A.030(19)(20) defines urban growth as follows:

> *"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.*

Incorporated cities and towns are by definition UGAs. The GMA (RCW 36.70A.110(3)) states that urban growth should be located:

- First, in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development,
- Second, in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and
- Third, in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

UGAs are to be designed to provide for efficient and cost effective urban services. Growth can be phased to accomplish this task, with short-term growth encouraged closer to the existing urban center and close to important services such as sewer, water, transportation, schools and parks. Other portions of UGAs can be reserved for growth later in the 20-year plan.

A companion tool for aligning growth in UGAs to urban services is the Capital Facilities Plan/Element (CFP). The CFP typically communicates:

- an inventory of existing urban services,
- what urban services will be needed to support build out of a UGA,
- prioritization of urban services,
- an estimate of what the costs of urban services will be, and
- a plan for how these urban services will be funded to support the UGA during a 20-year planning horizon.

This chapter of the guidebook explains:

- the importance of integrating capital facilities planning early in the land use planning process for UGAs,
- the requisite parts of a CFP,

- what urban services are and how levels of service are determined,
- challenges in designating UGAs and developing CFPs,
- Growth Management Hearings Board cases related to UGAs and CFPs,
- new Washington Administrative Code (WAC) guidance for urban services and CFPs, and
- the need for wise planning strategies to achieve greater efficiencies amidst growing infrastructure needs and declining revenues.

> *"Infrastructure systems keep cities clean, safe and livable. The sophistication and scale of capital facilities owned and operated by Washington's largest cities are often different from the systems that serve a town with a population of several hundred (or thousand). But every city, of every size, is responsible for providing a basic infrastructure that ensures the safety of the people drinking its water, supports a vibrant economy, and sustains a healthy natural environment."*

Land Use and Designation of UGAs

The Land Use Element of a comprehensive plan is where the designation of UGAs is established for the 20-year planning horizon. Generally, UGAs are where cities will grow during the planning horizon. There are, however, unincorporated urban areas that existed prior to the GMA that also met the criteria for designation as an UGA. These UGAs may eventually become annexed or incorporated, or remain as unincorporated UGAs.

> *One of the best ways to make a future land use plan come true is to use investments in public facilities to reinforce the plan. The community should invest in new roads, sewer and water lines and other facilities where it wants growth to occur. It should refuse to make investments in areas where it does not want growth to occur." (Association of Washington Cities (AWC), 2011)*

Designation or expansion of an UGA is a planning commitment by the jurisdiction(s) to provide urban services during the 20-year planning horizon. This commitment to provide urban services is established by County-Wide Planning Policies (RCW 36.70A.210), county and city comprehensive plans, urban zoning and other development regulations, and CFPs. Areas outside of UGAs must remain rural in character and are not planned to receive urban services.

When Local Project Review[2] is conducted for a proposed development project in an UGA based upon local development regulations, the commitment to provide urban services becomes irrevocable. When a development project in an UGA is permitted it is conditioned on a determination of availability and adequacy of urban services.

"Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."[3]

Urban Services and Levels of Service

There are urban services required to be available when urban growth and urban densities are permitted to occur in UGAs . These services typically include public sewer, public water, transportation, and stormwater. As UGAs develop and as population numbers reach levels that can pay for additional urban services (e.g. police and fire, libraries, schools, and parks) then a full set of urban services can be achieved for UGAs. These are the types of urban services that need to be documented in the CFP.

Local comprehensive plans or countywide planning policies can establish Levels of Service (LOS) for urban services. LOS is a locally defined measurement that describes minimum thresholds of urban services. For example, LOS can be expressed in many ways, such as gallons per day of waste water or drinking water per person or household, emergency personnel per thousand residents, acres of park land per thousand residents, square feet of library or school facilities per thousand residents, an industry standard for a given urban service area (e.g. equipment type or response time), or a functional rating (e.g. road capacity v. volume of traffic).

In addition, many jurisdictions have adopted concurrency ordinances for various urban services to ensure that development does not cause LOS to drop below adopted standards, as well as to provide strategies to mitigate

the impacts of development. RCW 36.70A.070(6)(b) requires concurrency for transportation systems; however; many jurisdictions have also adopted standards for public sewer and water systems.

> *"Concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. Local governments have flexibility regarding how to apply concurrency within their plans, regulations, and permit systems.*[4]

The CFP should include a reasonable plan for extending a local government's 6-year Capital Improvement Program (CIP) to years 7 through 20.[5] The 6-year CIP is typically updated each budget year with new capital projects. The CIP is integral to the local government's budget cycle.[6] A local government that has its budget linked to its 6-year CIP, and its CIP linked to its 20-year CFP, has integrated its short and long-term capital improvement plans, operations and maintenance plans, and financial plan to support updates to its comprehensive plan and UGA.

Simply put, a CFP is an inventory of what a you currently have for urban services, what you will need to support your 20-year land use plan and UGA, what it costs to provide these services, and where the money will come from. The CFP analysis is in reality, a budget exercise, and one that local governments should perform with their rolling 6-year CIP – together with their annual budget cycle." (Infrastructure Assistance Coordinating Council (IACC), 2011)

RCW 36.70A.070 requires that the land use plan and the CFP be consistent. Consistency means that the footprint of the land use plan matches the footprint of a jurisdiction's ability to provide the urban services shown in its CFP. The two plans must align. Monitoring and feedback from both plans will empower policy makers to utilize adaptive management strategies to make adjustments to UGAs and the supporting CFP consistent with the timelines provided by the Legislature in RCW 36.70A.130.

Challenges in Designating UGAs: Other Stakeholders and Tools

Some jurisdictions have experienced challenges in the designation and/or update of UGAs due to using overly optimistic population forecasts to leverage oversized UGAs. Challenges have come when jurisdictions have not been able to show in their CFPs how they can provide and finance the necessary urban services to support oversized UGAs. Other challenges arise for small communities with limited storm water or sewer systems that plan to adopt urban densities. Planning for urban development and densities must be supported by urban services. Conversely, if a community is not planning for additional future urban development and densities, then existing and historical services may be adequate to serve the community needs. Appropriately sized and approved package plants for water, storm water and sewer systems may be viable for small communities with compatible land use plans.

"Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.[7]

To ensure that UGAs are appropriately sized to the CFP, infrastructure stakeholders need to be part of the planning process for UGAs early on, to ensure consistency exists between the CFP and the land use plan for UGAs. Local public works staff, budget personnel, special purpose districts, public utility districts (PUDs), bond underwriters, private engineering firms, and citizens can provide important data. These data can help determine the capital costs of urban infrastructure, operation and maintenance costs, and how many ratepayers and other funding sources will be needed to make the long-term payments for the urban services needed for UGAs.

"Infrastructure should be part of the larger conversation about 'what do you want government to do and how do you want to pay for it?'" ***Jay Zuckerman, Ernst & Young*** *(II)*

The GMA provides important tools for managing growth in UGAs and for making it possible to align the provision of urban services through a balanced growth plan that relies on predictable revenue sources. Some of the available tools include the following:

- Phasing development within UGAs by assigning zoning designations that can reserve areas for future urban development until services can logically and economically be extended during the 20-year planning period. For example, development regulations could include holding districts in the UGA that allow one dwelling per ten, twenty or forty acres until urban services become available. When urban services can be provided and any other locally established criteria are met, these holding districts could be rezoned or automatically allow for urban densities to accommodate planned growth.
- If the population planned for an UGA is not growing as expected, reducing the UGA area to reduce the commitment to serve the original area and, thereby, lower the total cost of urban services. UGAs may be reduced as needed to ensure that the land use plans do not exceed the capacity of capital facilities plan to serve overall growth, but UGAs must still be capable of accommodating adopted population growth projections. Population growth projections for each UGA can also be adjusted, but countywide population targets must be within the forecast range provided by State of Washington Office of Financial Management (OFM).
- Reducing the LOS for urban services is another tool that can spread out the available capital project funding to match the current land use plan. Care needs to be exercised when lowering LOS, as jurisdictions may have adopted specific LOS in their Countywide Planning Policies, comprehensive plans, and development regulations. LOS in these plans and regulations may need to be amended to accomplish lowering the levels of services and communicating lower LOS to citizens.
- Impact fees can help offset some of the capital costs of urban facilities but are not allowed to cover the long-term operation and maintenance costs.
- Phasing and implementing a mix of zoning and densities - that could include mixed use, commercial, and industrial - to enhance the tax base to pay for services and create long-term revenue sustainability.

"Financial policies also play a crucial role in redevelopment. Many cities in our region have successfully pursued financial policies that anticipate future revenue from redevelopment as a basis to finance facilities to stimulate that redevelopment. Policies relating to the formation of local improvement districts can play a significant role in encouraging or discouraging how this financial tool might be used in redevelopment. In many cases, it may be appropriate to focus the jurisdiction's available fiscal resources into stimulating infill in the developed area, requiring developments in undeveloped areas to finance the facilities themselves." (Dugan, 2008)

- Adopting policies to direct growth to vacant and underutilized areas that already have existing urban services. Saturating a large vacant-land market with more land for development will not create the incentives needed to utilize these vacant or underutilized areas that have available urban services. Often, these types of vacant commercial or industrial areas can benefit from subarea planning and revitalization – providing not only a catalyst for further investment and redevelopment, but producing a stable revenue stream from ratepayers who utilize the existing infrastructure.

Growth Management Hearings Board Cases

Several important Growth Management Hearings Board cases underscore the need to have up-to-date CFPs to support initial designation and subsequent updates of UGAs. The following case summaries are reprinted from Hearings Board digests. Full texts of cases should be consulted and may be obtained from the Hearings Board website at www.gmhb.wa.gov

The Board has reiterated the importance of capital facility planning, by all entities, when a County is setting UGA boundaries. The County must be sure that the areas within the UGAs will have adequate and available urban services provided over the 20-year planning period – otherwise, the UGAs must be adjusted or other remedial measures taken (Citations omitted). . . . [While the Board's analysis has focused on sewer services, other capital facilities may be similarly deficient in providing services to existing residents in the UGA. The CFE

must take into account, through its inventory and plan, the urban services needed throughout the UGA, not just on its developing fringe, over the 20-year planning period. [Suquamish II, 07-3-0019c, FDO, at 20-26.]

The Board has long held that these two requirements [RCW 36.70A.070(3)(b) and 36.70A.110(3)] read together obligate counties and cities to include in the comprehensive plan's capital facilities element the proposed locations, capacities, and funding for the 20-year planning period covered by the comprehensive plan. Skagit County Growthwatch v. Skagit County, Case No. 07-2-0002, FDO at 17 (Aug. 6, 2007)

There must be urban levels of sanitary sewer provided to the entire UGA [by the end of the planning period], not within 20 years of the date of subsequent approval of development on holding tanks. This is because the designation of areas for urban growth must ensure that urban services are available when the urban growth occurs. The UGA boundaries may only extend as far as urban levels of service are ensured for the planning period. If urban services cannot be provided in the planning period, then the areas which cannot be served should not be designated for urban growth, i.e. included in the UGA. Moreover, if urban levels of service will not be provided at the time of development, development must be phased so that there are not urban levels of development until urban services are provided. In the meantime, the development that does occur within the UGA must allow for eventual urban densities, typically by platting and locating initial growth so that higher densities will be available as urban services are available. Skagit County Growthwatch v. Skagit County, Case No. 07-2-0002, FDO at 62-63 (Aug. 6, 2007)

Because non-municipal UGAs may allow an extension of urban growth to areas that do not already have a governmental structure for the provision of urban levels of service, it is important to have a plan for the provision of urban services to the entire non-municipal UGA. If this cannot be done, the boundaries of the non-municipal UGA are likely too large. Irondale Community Action Neighbors, et al. v. Jefferson County, WWGMHB Case No. 04-2-0022 (FDO, May 31, 2005) and Irondale Community Action Neighbors v. Jefferson County, WWGMHB Case No. 03-2-0010 (Compliance Order, 5-31-05)

The fact that water and sewer facilities are provided by non-county serving agencies does not relieve the county of including the budgets and/or plans in its analysis of the proper location of an UGA. Durland v. San Juan County 00-2-0062c (FDO, 5-7-01)

Public sanitary sewer is a key urban governmental service (RCW 36.70A.030[19]). Creating a non municipal UGA to acknowledge preexisting growth is only responsible if urban levels of services are provided within that non-municipal UGA. Irondale Community Action Neighbors, et al. v. Jefferson County, WWGMHB Case No. 04-2-0022 (FDO, May 31, 2005) and Irondale Community Action Neighbors v. Jefferson County, WWGMHB Case No. 03-2-0010 (Compliance Order, 5-31-05)

The words "any additional needed public facilities and services that are provided by either public or private sources" (RCW 36.70A.110(3)) show that the public facilities and services for urban growth can be provided by private entities and still be considered urban governmental or urban services. Whidbey Environmental Action Council v. Island County 03-2-0008 (FDO, 8-25-03)

Compliance with the language of a local government's own ordinance is required before compliance with the GMA can be achieved. The availability of public water services only, without public sewer and other urban services, does not provide the basis for logically-phased and efficiently-served urban development. ICCGMC v. Island County 98-2-0023 (RO 7-8-99)

The GMA anticipates development phasing that is linked to the availability of public infrastructure. That linkage may be spatial, with development allowed first in the locations already served by public services and then following the extension of those services, [RCW 36.70A.110(3)], or the linkage may be temporal, with development timed to match an infrastructure investment plan [RCW 36.70A.070(6) and .020(12)]. The phasing provisions of the GMA allow a jurisdiction to "manage" and guide growth both locationally and temporally. However, such phasing is inextricably linked to the availability and adequacy of the necessary infrastructure to support that growth. The GMA never contemplates development phasing that is purely random, with one's rights to develop under the adopted Plan designations and zoning dependent on the luck of the draw. [The City's growth phasing lottery is a random system, not based on geographic or spatial linkage or timed with infrastructure availability.] [Camwest III, 05-3-0041, FDO, at 15 -18.

UGA expansions based upon a noncompliant, invalid Capital Facilities Element do not comply with the GMA's directive that necessary and adequate public facilities and services be available within the UGA. The Capital Facilities Element and Land Use Element, especially UGA expansions, are inextricably linked. (Citation omitted).

A UGA expansion cannot be sustained if there is no provision for public facilities and services being adequate and available to support existing development as well as the planned-for-development. [Suquamish II, 07-3-0019c, 9/13/07 Order, at 4.]

As a threshold question, the Board addresses whether the Board's FDO was limited only to the proposed UGA expansion areas, or whether the remand pertained to the entire area of the UGAs, including existing areas. In short, assessment of the ability to provide sanitary sewer services to a proposed expansion area for a UGA requires that service provider(s) evaluate the UGA as a whole, including existing as well as proposed expansion areas. [Suquamish II, 07-3-0019c, 6/5/08 Order, at 10.]

If a county designates a UGA that is to be served by a provider (other than the county), the county should at least cite, reference or otherwise indicate where locational and financing information can be found that supports the UGA designations and GMA duty to ensure that adequate public facilities will be available within the area during the twenty-year planning period. [Bremerton/Port Gamble, 95-3-0039/97-3-0024c, 9/8/97 Order, at 41.]

A county may, as an optional and supplementary feature of its comprehensive plan, include a population projection for any year subsequent to 2012, provided that such supplementary projection is unrelated to the process of designating UGAs. It may be wise to look beyond the GMA-mandated twenty-year time horizon, in view of the fact that major capital investments, i.e., sewage treatment plants and transportation facilities such as roads, airports and rail lines, have well beyond a twenty-year life and the results of certain public policy decisions will likewise endure beyond twenty years. However, the land supply and density decisions that must be made in designating UGAs must accommodate only the demands of twenty years of growth. [Kitsap/OFM, 94-3-0014, FDO, at 23.]

The Board can conceive of appropriate urban densities below 4 du/acre where a city is balancing its GMA duties to provide adequate urban services and facilities with its duty to provide urban densities. Thus, it is conceivable that if a city has an explicit phasing program that sequences and times the provision of urban services and facilities to coincide with the jurisdiction's capital facilities and transportation financing plans and programs, lower densities in some areas may be appropriate for an established time horizon, particularly if offset by much higher densities where capital facilities are already in place. [Kaleas, 05-3-0007c, FDO, at 20.]

The Board cannot reiterate enough the importance of capital facility planning, by all entities, when a County is setting UGA boundaries. Kittitas County must ensure the areas within the entire UGAs, both existing and expansion areas, will have adequate and available urban facilities provided over the 20-year planning period. The area impacted by the proposed applications, Nos. 06-03 and 06-04, is not within the jurisdictional limits of the City of Kittitas, but is located in what would be deemed the unincorporated portion of the UGA. It is the County, not the City, that is responsible for ensuring capital facilities within this area … If the County wishes to rely on the City to satisfy this responsibility, it is still required to demonstrate to the Board that the necessary infrastructure to serve the UGA expansion area will be available during the 20-year planning horizon. As with the LCA, simply citing to the City's CP, without more, fails to demonstrate compliance. Kittitas County Conservation, et al. v. Kittitas County, EWGMHB Case No. 07-1-0004c, Compliance Order at 34-35 (Aug. 7, 2008).

The phrase "existing needs" from RCW 36.70A.070(3)(e) refers not only to the construction of new or expanded capital facilities that can be currently identified as needed, but also the maintenance of existing capital facilities. . . . Determining the appropriate level of maintenance for capital facilities falls within the local government's discretion. [WSDF I, 94-3-0016, FDO, at 47.]

The crux of Petitioner's argument is that the CFP must distinguish between maintenance projects (rehabilitation/replacement) and those necessary to accommodate growth (new or expanded facilities). In WSDF I, the Board concluded that a CFP must not only address the construction of new or expanded facilities but also, as a sound planning principle, the major maintenance of existing capital facilities. (Citation omitted). Although the City has the discretion to separate maintenance projects from new capital facility projects within its CFP, at no time has the Board held that a CFP must distinguish between major maintenance projects and new projects, as both are necessary to support development of the community. . . This Board has never held, nor will it now hold, that minor, routine maintenance be included within a CFP. . . RCW 36.70A.070(3) does not mandate that major maintenance projects be distinguished from new/expanded facilities projects. Rather the CFP must incorporate both, and the City has done so. [Fallgatter IX, 07-3-0017, FDO, at 11.]

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added for guidance on providing urban services for UGAs and developing Capital Facilities Plans to support UGAs. The following sections are brief summaries of the urban services and CFP sections of WAC 365-196. Complete sections of the Code can be accessed at: http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196

WAC 365-196-320 Providing urban services

(1) Urban governmental services. This section of the WAC provides a list of urban services as well as an expanded list of additional public facilities and services associated with urban areas. Guidance is also provided on; the need for adequate urban services with density, differences between urban and rural services, the obligation an UGA makes to provide services, and limited exceptions where on-site systems could be utilized.

(2) Appropriate providers. This section of the WAC describes the various providers of urban services as well as guidance on the transformation of governance and services if annexation or incorporation occurs in an UGA.

(3) Coordination of planning in urban growth areas. This section of the WAC describes the consistency needed between the CFP and the Transportation Element in the comprehensive plan along with the need to document who the service provider(s) will be.

(4) Level of financial certainty required when establishing urban growth areas. This section of the WAC provides guidance for an analysis of urban services for amendments to UGAs, keeping CFPs up-to-date and consistent with the land use element, cost estimates and funding sources for services in new UGAs, and strategies to address a lack of funding for urban services.

WAC 365-196-415 Capital facilities element

(1) Requirements. This section of the WAC describes; what facilities must be included in the CFP, what the future facilities needs will be, together with a plan for the locations and capacities of the facilities, a financial plan to underwrite the needed capital facilities, and a requirement to reassess the land use element if funding is not adequate.

(2) Recommendations for meeting requirements. This section of the WAC provides recommendations for; an inventory of existing facilities, an inventory of what facilities will be needed in the future to address deficiencies

and provide for new facilities, a financial plan to underwrite deficiencies and new facilities, and reassessment if the probable funding falls short or if public facilities are inadequate. In addition, this section recommends that update of the CFP inventory should coincide with the periodic review and update schedule in RCW 36.70A.130.

(3) Relationship between the capital facilities element and the land use element. This section of the WAC provides guidance on a jurisdiction's responsibility to plan for growth with sufficient urban land that permits urban densities and intensities as well as having a supporting CFP that aligns with the land use plan – for new facilities to accommodate new growth and operation and maintenance of existing systems in UGAs.

(4) Relationship to plans of other service providers or plans adopted by reference. This section of the WAC provides guidance to counties and cities to ensure that if they are not the service provider and are adopting service plans by others, that a county or city should include the plan within its CFP and show that the cumulative services from various providers demonstrate that facilities will support the land use plan.

(5) Relationship between growth and provision of adequate public facilities.

This section of the WAC directs counties and cities to identify in their CFPs; which types of facilities are necessary for new development and if identified as necessary for new development - a nexus of appropriate impacts fees (if a part of the funding strategy), facilities to achieve urban densities, a concurrency provision for at least transportation impacts (but can include other needed facilities as a condition of project approval (e.g. sewer, water) and minimum levels of service standards.

Greater Efficiencies in Difficult Times

Planning for UGAs must begin with planning for urban services. In fact, planning for a 20-year urban growth area can best be served by first planning for 20 years of capital facilities. In doing so, service areas need to be ascertained, the quantity and quality of available infrastructure must be inventoried, an analysis performed to determine and prioritize what is needed for 20 years of infrastructure, and a sound financial plan for obtaining the funding necessary to underwrite urban services for an UGA must be completed. These are the primary components of a CFP. The CFP can then be translated into the geography of a potential UGA. At a minimum, capital facilities and UGA planning will also need a concurrent public participation program, an agreed upon 20-year population forecast to plan for, a land capacity analysis, and a SEPA analysis to ensure that a community preferred UGA will emerge to balance twenty years of potential growth with affordable urban services.

"Our city experienced a lot of growth for several years without matching funds for maintenance. We now have an aging infrastructure with limited resources. This is compounded by current economic factors, competition for funds with other general fund services, and citizen concerns with supporting tax increases." ***John Ehrenreich, Councilmember, DuPont WA***

A recent report by the Association of Washington Cities (AWC), notes the need for consistency between growth and infrastructure:

> *"City officials have long acknowledged an accumulation of necessary but under-funded infrastructure enhancements. AWC's 2007 surveys on city infrastructure systems found that growth and rising bid prices created an environment where cities struggled to keep up with infrastructure needs, even when the economy was strong. In those relatively good budget years, street funds were not sufficient and aging water and sewer systems required sometimes unaffordable work to meet escalating regulatory requirements." (Association of Washington Cities (AWC), 2011)*

Washington cities and counties are not alone in meeting the challenges of providing urban services to their UGAs. The Urban Land Institute's 2011 study on the nation's infrastructure advised the following:

> *"Some states and local governments wisely are beginning to undertake realistic life-cycle budgeting for operating and maintaining systems, which can result in lower costs and greater efficiencies over time.*
>
> - *Focusing attention first on making necessary repairs and upgrades to existing systems;*
> - *Developing a national infrastructure plan, then using a "Race to the Top" model for funding merit based projects at the state and local level that dovetail with the country's overall economic priorities;*
> - *Concentrating spending on the nation's primary metropolitan areas, and in particular the global gateway markets where population and business activity are concentrated, and at the same time integrating*

infrastructure and land use planning to gain greater efficiencies;(emphasis added)

- *Providing greater long-term certainty for federal funding to support planning for capital projects;*
- *Instituting federal and state infrastructure banks to help support project financing, including public/private partnerships; and*
- *Phasing in user fees to help fund infrastructure initiatives on a continuing basis." (Urban Land Institute and Earnst & Young, 2011)*

With fewer dollars from state and federal grant and loan programs, local government general fund shortfalls, gas and real estate taxes in decline, and sales tax revenue also declining, it is imperative that thoughtful land use planning for urban growth areas and reasonable population projections for the future, be combined with affordable capital facilities plans to manage anticipated growth in our Washington cities and counties.

The following chapters will examine recent studies showing costs of urban services and revenues generated from UGAs. They will also describe the relationship that density and design – particularly for infill and redevelopment - can have on making urban services more affordable, supporting transportation systems, lowering energy consumption and greenhouse gas emissions, and improving public health in UGAs.

Endnotes

[1] RCW 36.70A.110

[2] RCW 36.70B

[3] RCW 36.70A.020(12)

[4] RCW 36.70A.070(6)(b)

[5] WAC 365-196-330 *Phasing Development Within the UGA*

[6] RCW 36.70A.120

[7] RCW 36.70A.030(18)

Chapter 2

Cost of Urban Services in Urban Growth Areas

Collapse of the financial markets and bursting of the housing bubble in 2008 pulled Washington State, its cities, and counties into the Great Recession with the rest of the nation. Given these economic realities, a well-founded understanding of revenue sources combined with capital and long term operation and maintenance costs for providing urban services in Urban Growth Areas (UGAs), is clearly needed.

> *"Since the Great Recession began, a growing percentage of cities indicate they are worse off today than four years ago. In fall 2008, 47% of cities indicated they were less able to meet financial needs than in the recent past. That figure jumped to 77% in 2011. Cities' response to the recession varies according to local needs, with cuts made at different times and in different ways. After adopting budgets for fiscal year 2011, cities report making cuts to infrastructure, parks, public safety, general government. The workforce is smaller and leaner. As city officials look to fiscal year 2012, many will continue to decrease spending in important areas like infrastructure and public safety."*[8]

Most cities and counties have little trouble determining their revenue, but few have a clear assessment of actual expenditures required to serve future growth in UGAs, as well as allocating some cost to replace aging infrastructure in UGAs - over the long term.

This chapter will examine: Growth Management Act (GMA) statutes and Washington Administrative Code (WAC) provisions that provide fiscal direction for providing urban services in UGAs; Growth Management Hearings Board cases relevant to fiscal analysis for urban services; an example of a city's Capital Facilities Element/Plan (CFP) that presents sources of revenues for urban services; a process for prioritizing and allocating funds to capital projects; concepts about Levels of Service (LOS) and related costs for providing urban services in UGAs; and an example of a county's Supplemental Environmental Impact Statement examining LOS and the cost of urban services for UGA alternatives.

GMA Statutes

Cities and counties in Washington State fund capital facilities from numerous resources, both within the jurisdiction and from outside funding sources such as state and federal loan and grant programs. The GMA requires that a comprehensive plan contain a CFP and that the CFP identify funding sources for each type of capital facility (RCW 36.70A.070(3))

> *"A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d)* ***at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes;*** *and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element."*[9]

The GMA also requires that county and city capital budget decisions implement and be made in conformity to its comprehensive plan.[10]

Countywide Planning Policies provide a framework for integrating consistency between county and city comprehensive plans. At a minimum, the policies need to implement: UGAs; contiguous and orderly development and provision of urban services; a process to site capital facilities of a countywide or statewide

nature; countywide transportation facilities and strategies; affordable house; joint planning among jurisdictions within UGAs, economic development and future development of commercial and industrial facilities; and **an analysis of the fiscal impact.**[11]

Spokane County and cities describe fiscal impact analysis in their Countywide Planning Policies. The Policies call for fiscal impact analysis to assess: the costs of providing urban services for development; revenue sharing to finance capital facilities and maintain LOS; conducting fiscal impact analysis of local comprehensive plan elements such as CFP, urban growth areas, housing and orderly development.

> ***Policy Topic 9 Fiscal Impacts:*** *The purpose of fiscal impact analysis is to assess the relative costs of providing urban governmental services to areas consistent with the plans developed by each jurisdiction. The Countywide Planning Policies establish overall direction for fiscal impact analysis as jurisdictions adopt their comprehensive plans. They call for revenue sharing and cooperation between jurisdictions to help finance shared needs and maintain levels of service. The policies require an examination of infrastructure costs and impacts caused by development, along with the capital resources available to accommodate growth. Finally, the policies provide specific guidance for conducting an analysis of comprehensive plan elements such as capital facilities, Urban Growth Areas (UGAs), housing and orderly development."*[12]

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added for guidance on providing urban services for UGAs and developing Capital Facilities Plans to support UGAs. The following section provides that a level of financial certainty is required when establishing or amending urban growth areas:

WAC 365-196-320(4) Level of financial certainty[13]

(a) Any amendment to an urban growth area must be accompanied by an analysis of what capital facilities investments are necessary to ensure the provision of adequate public facilities.

(b) If new or upgraded facilities are necessary, counties and cities must amend the capital facilities and transportation elements to maintain consistency with the land use element.

(c) The amended capital facilities and transportation elements must identify those new or expanded facilities and services necessary to support development in new urban growth areas. The elements must also include cost estimates to determine the amount of funding necessary to construct needed facilities.

(d) The capital facilities and transportation elements should identify what combination of new or existing funding will be necessary to develop the needed facilities. Funding goals should be based on what can be raised by using existing resources. Use of state and federal grants should be realistic based on past trends unless the capital facilities element identifies new programs or an increased amount of available funding from state or federal sources.

(e) If funding available from existing sources is not sufficient, counties and cities should use development phasing strategies to prevent the irreversible commitment of land to urban development before adequate funding is available. Development phasing strategies are described in WAC 365-196-330. Counties and cities should then implement measures needed to close the funding gap.

(f) When considering potential changes to the urban growth area, counties should require that any proposal to expand the urban growth area must include necessary information to demonstrate an ability to provide adequate public facilities to any potential new portions of the urban growth area.[14]

Clearly, both the statutes and the administrative rules require fiscal analysis to determine the costs of capital facilities and to show how capital facilities will be funded for urban growth areas. Growth Management Hearings Boards have also determined that jurisdictions need to show how they will finance capital facilities before setting urban growth boundaries. The process of designating an UGA within the Land Use Element and supporting capital facilities planning is iterative rather than sequential. The process must allow resource constrained capital facilities planning to provide a feasibility check on the strategy for accommodating growth outlined in the Land Use Element. The planning process must allow for feedback between the Land Use Element and the supporting elements showing that the adopted land use strategy is financially supportable with adequate facilities. This requires identification of levels of service in order to gauge adequacy, a general sense of the location and sizing of needed facilities, estimates of the total costs to construct and maintain such facilities, and an identification of revenue sources to fund the required facilities for at least the first six years of the plan. Although service area boundaries must be assumed in order to do capital facilities planning, these should not be adopted as final UGA boundaries until appropriate capital facilities planning to support them is complete."[15]

Growth Management Hearings Board Cases

The following case summaries are reprinted from Hearings Board digests. These cases address the requirement to conduct a fiscal analysis in the CFP to show how urban services will be provided to support changes in land use plans. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

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The minimum six-year CFP is a living document. It is supposed to help cities and counties understand their current and future financial capabilities as they grow, how to pay for that growth and, in some respects, how to grow. They may find it is more cost-effective to increase density within their present UGA to absorb their population allocation, rather than run expensive utilities into expanding territory. An up-to-date CFE is a tool that can do this. McHugh, et al. v. Spokane County, et al., EWGMHB Case No. 05-1-0004, FDO, (Dec. 16, 2005).

A designated UGA without any updated or adequate inventory, estimate of current and future needs or adoption of methodologies to finance such needs for infrastructure does not comply with the GMA, nor did the county properly address urban facilities and services through an analysis of capital facilities planning. Durland v. San Juan County 00-2-0062c (FDO, 5-7-01)

Because non-municipal UGAs may allow an extension of urban growth to areas that do not already have a governmental structure for the provision of urban levels of service, it is important to have a plan for the provision of urban services to the entire non-municipal UGA. If this cannot be done, the boundaries of the non-municipal UGA are likely too large. Irondale Community Action Neighbors, et al. v. Jefferson County, WWGMHB Case No. 04-2-0022 (FDO, May 31, 2005) and Irondale Community Action Neighbors v. Jefferson County, WWGMHB Case No. 03-2-0010 (Compliance Order, 5-31-05)

Local Examples

Example 1: City of Vancouver 2011 Comprehensive plan and CFP Update

The City of Vancouver has both dedicated and unrestricted funding sources that can be allocated to capital facilities. The City, in its 2011 Comprehensive Plan and CFP update, lists the following capital facility funding sources: **impact fees, system development charges, real estate excise taxes (REET), federal and state grants, other agencies, restricted donations, general obligation bonds, water and sewer utility revenue bonds, voter approved bonds, arterial street fund, operating funds and general revenue sources.**

The City of Vancouver also has several other significant general revenue sources that can be allocated to capital facilities and that can be used for operation and maintenance for some capital projects. These sources include: **property tax, sales tax, business and occupation taxes, utility and gas taxes, license fees, and various revenue bonds**. Table D-2[16] from the City of Vancouver's 2011Comprehensive plan – Public Facilities and Services Element and Appendix D, shows both the City's 6-year and 20-year capital facility funding sources.

To assess how the City will allocate funds to pay for urban services, Vancouver developed a funding process to identify and prioritize key capital projects and then match the cost of those projects with available revenues. The following is the City of Vancouver's capital funding process:

Capital facility funding process: In recognition of the scarcity of capital funding sources the City has developed a process to assess capital facility funding requirements and allocate capital funding to projects. That process includes department requests, a City Manager recommendation and City Council consideration Key elements of the City's capital facility budgeting approach include:

Department submission of capital budget requests: Using a template provided by City budget staff, the staff in selected City departments submit their capital facilities budget requests. This request includes an update on the budget, actual expenditures, and projected revenues of current projects as well as information on new projects expected to start in the next biennium. Although a project may have costs in future years, if it is scheduled to begin in the upcoming biennium the full cost of the project is included in that biennium's budget appropriation.

Balanced Budgets by Project: Each project has to have specific funding sources identified that must be in balance with the proposed expenditures.

Reasonably Funded Test. Budget staff compare the funding required for the capital facilities budget requests in each department to the revenues that are currently available and reasonably expected to be received in the biennium. All of the recommended projects are funded by available capital reserves and projected revenues. Where future revenues are relied upon, department revenue estimates are reviewed and discounted by budget staff to determine the amount of funding available to support proposed projects.

Review with Senior City Management: The City Manager and his Senior Budget Review Team complete a review of the recommended capital budget. After their review the appropriate adjustments are made and discussed with department staff.

Council Appropriation: The recommended capital facilities budget is presented to City Council for approval. Approval is in the form of an ordinance authorizing the appropriation.

Budget Monitoring: Once the appropriations are approved by City Council, capital projects are monitored by department, budget and accounting staff. Project expenses are compared to their authorized appropriation using a project length schedule and the appropriate project budget is reflected in the City's financial system. Budget controls in the City's financial system restrict a project from overspending its approved budget. If an additional appropriation for a specific project is required, the department must demonstrate to budget staff where the funding will come from. Any need for additional appropriation at the fund level must be presented to City Council for approval.

The City of Vancouver and its citizens have adopted Levels of Service (LOS) for urban services and have aligned the City's revenue sources with its funding process, its future service needs, and costs for these services into a 6-year and 20-year CFP.

Vancouver's 2011 CFP shows needs, costs, and funding sources for each type of capital facility, focusing on the 6-year period through 2016. The City's and other agencies capital facilities costs through 2016 can be estimated to both a per capita cost and an area cost (sq mi) as shown in the Table 6. As a general rule of thumb, this type of cost breakdown can be helpful to approximate costs for potential UGA expansions or annexations. Cost estimates for the 20-year planning period are also derived from estimated project needs. Some expensive facilities (e.g. new fire stations) may be allocated into the first six years due to existing facility inadequacies rather than growth demands of the 20-year planning period.

Table 1-1 Summary of Vancouver CIP [17]

Public Facility and Service	CFP Cost thru 2016	Estimated Population thru 2016	Service area: sq mi in 2011
Transportation	$65,280,000	176,500	50
Water	$36,662,000	241,000	69
Sewer	$32,121,000	213,000	61
Stormwater	$5,645,000	176,500	50
Parks	$8,268,284	176,500	50
Fire	$28,427,000	270,000	90
Police	$250,000	176,500	50
Gen Govt	$14,500,000	176,500	50
Schools	$157,000,000	345,000	162
Transit	$161,490,000	350,000	106

Source: City of Vancouver, WA

The City of Vancouver has a well-integrated comprehensive plan and CFP that provides City leaders the important infrastructure and fiscal data tools to make sound policy decisions about accommodating growth and providing that growth with urban infrastructure. The City's capital facility funding process involves the mayor, council, city manager, department staff, and the city budget staff to identify and prioritize important capital facilities needed to support the land use plan and then align the needed facilities with funding sources that balance with expenditures.

Example 2: Spokane County and Cities 2011 UGA Update

Spokane County and its cities are collaborating on a regional review and update of their UGAs through a Steering Committee comprised of elected officials from the county and cities. The technical studies to inform the Steering Committee are prepared by a Planning Technical Advisory Committee (PTAC), made up of planning staff from each jurisdiction. The PTAC prepares the technical studies for the Steering Committee to assist the elected officials to make informed decisions regarding UGAs. Studies completed thus far include: population forecasting and allocations to the jurisdictions for planning purposes; coordinated land quantity/capacity analysis; evaluation of regional levels of services and costs for urban services; and environmental analysis of impacts on the natural and built environment.

Four UGA alternatives have been developed and analyzed with SEPA into a Supplemental Environmental Impact Statement (SEIS) that describes and compares UGA growth impacts among the four alternatives. The Steering Committee adopted LOSs in the County-wide Planning Policies for regional services such as fire protection, emergency response, water, sewer, transportation, stormwater, solid waste, public transit, and street cleaning. In addition, jurisdictions also adopted in their respective comprehensive plans, LOS for parks, libraries, police, and jail services. The LOS in Table 7 combined with capital cost assumptions are used to compare the four UGA alternatives[18].

Table 1-2 Level of Service or Assumption

Law Enforcement	officers per 1,000 people
Library	0.41 square feet per capita
Parks	1.4 acres per 1,000 people
Schools	0.5 students per residential unit
Res. Transportation	10 trips per day
Residential Wastewater	200 gal per day per residence
Com/Ind Wastewater	1,000 gal per day per acre
Residential Water Consumption	230 gal per day per residence
Com/Ind Water Consumption	1,000 gal per day per acre

Source: Spokane County

Four alternative UGA growth scenarios were created to calculate capacities within the current Metro UGA[19] as well as to compare various impacts if adjacent areas are added to the current Metro UGA. The PTAC analyzed each alternative utilizing the adopted LOS along with capital costs and the potential environmental impacts to critical areas and water supply and demand.

Table 1-3 Fiscal and Capital Cost Assumption and Comparisons for Selected Urban Services

Urban Service	Assumed Cost	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Law Enforc.	$120,000/officer	$14,280,000	$14,640,000	$15,840,000	$14,880,000
Library	$381/sq. ft.	$18,402,000	$18,858,000	$20,349,201	$19,128,000
Parks	$300,000/acre	$49,500,000	$50,700,000	$54,900.000	$51,300,000
Schools	$27,000/student	$742,122,000	$757,917,000	$809,487,000	$767,583,000

Source: Spokane County

Alternative Growth Scenario 1 is the current Metro UGA and population capacity, together with impacts and needs for the primary urban services. Alternative 1 has the capacity to serve the 20-year planning horizon for the Metro area. Alternatives 2 – 4 represent various scenarios that would add land to the existing UGA, along with impacts and needs for the same primary urban services. Utilizing the Assumed Cost for Urban Services (Table 7), the County and Cities are able to compare costs of the four UGA alternatives and align these costs with the community's ability to pay for urban services.

Table 1-4 Summary of Impacts Across Alternatives

LOS Element (Unit of Measure)	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Population Capacity (People)	117,800	120,721	130,270	122,450
Law Enforcement (Officers)	119	122	132	171
Library Square (Feet)	48,298	49,496	53,410	50,204
Parks (acres)	165	169	183	171
Schools (Students)	27,486	2,8071	29,981	28,429
Residential Transportation (Daily Trips)	506,850	506,850	506,850	506,850
Wastewater (Gallons per Day)	10,995,000	11,865,000	12,134,000	12,725,000
Water Consumption (Gallons per Day)	12,644,000	129,13,000	13,1949,000	13,795,000

Source: Spokane County

Spokane County and Cities alternative urban growth scenarios were developed to understand the natural and built environment of the current UGA (Alternative 1) and also provide a comparison of impacts if Alternatives 2, 3, or 4 are added to the current UGA. The PTAC measured each urban growth scenario with adopted LOS and

fiscal analysis for capital costs, along with factors to determine potential impacts on critical areas, air quality, water quality, and water quantity. The complete analysis for Spokane County and Cities UGA Update can be accessed from the County website at: www.spokanecounty.org/bp

Who Pays for Urban Services

The City of Vancouver CFP shows a very detailed mix of revenue sources. Spokane County and Cities have similar revenue sources. Since revenue sources change from year to year, jurisdictions are faced with a complex challenge to align revenue sources with needed capital facilities and to assign costs equitably to both new development and to the larger community.

Many of the broad based taxes, such as property and sales taxes, are assessed to the entire community and everyone pays. However, when broad based revenues are used to pay for the cost of urban services for new development, questions of equity and benefits arise that need to be resolved in a public discussion of planning for UGAs.

> *"Fiscal impact analysis appears to be gaining recognition as an important tool for evaluating local land use and development policy decisions. A greater use of this analysis tool by local governments in Washington would shed light on how urban growth is impacting communities in the state. To achieve a real understanding of growth's fiscal impacts, the substantial capital cost of the infrastructure growth requires, must be included in any analysis."*[20]

The two examples in this chapter show what urban services each community is planning for and the level of services that each community has committed to achieve. Most importantly, the two methodologies help prioritize and determine the overall capital costs of providing services in their respective urban growth areas. Understanding the fiscal impacts of urban growth and applying the cost of urban services to existing or new urban growth areas is essential in order to have fiscal balance in our cities and counties.

> *"Integrating finance with land use planning requires some caution. I've heard it said that there are two significant pitfalls to incorporating finance into the GMA planning process. The first pitfall is to involve the finance director in the planning process since the pessimism and cautiousness of the typical finance director will tend to dampen and constrain the "dreaming" about the future essential to a good visioning process. The second pitfall is to not involve the*

finance director because the plan may then become fiscally unrealistic and difficult to implement. When considering the role of financial planning in comprehensive planning, one always needs to remember that it is a question of how to balance "thinking creatively" about the future while simultaneously being concerned about how to pay for that future."[21]

The risk in not analyzing the costs of urban services and aligning these costs to a compatible land use plan is a deepening budget hole – where new growth will always be needed to pay the debt service on old growth. This is not a sustainable pattern of development that will generate the funding to provide for new urban services, let alone pay the long term obligation for replacing large urban infrastructure systems once their current life cycle ends.

In the next chapter, we will examine how tools such as density, design, transportation, infill and redevelopment, innovative zoning, and land use policy can economize the cost of urban services in urban growth areas.

Endnotes

[8] Association of Washington Cities, November 2011, "*Cities Tackle the New Normal Head On*"

[9] RCW 36.70A.070(3)

[10] RCW 36.70A.120

[11] RCW 36.70A.210(3)

[12] Countywide Planning Policies for Spokane County

[13] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-320

[14] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-320

[15] Alan Copsey and David Andersen, State of Washington, *Summary of Recent Cases Before Washington's Growth Management Hearings Boards July 1, 2003 – December 31, 2003*

[16] City of Vancouver Comprehensive Plan, Capital Facilities Plan, *Appendix D Capital Facilities Funding Summary*

[17] From City of Vancouver Comprehensive Plan Table 5-2 page 5-5

[18] Spokane County Urban Growth Area Update, October 2011, *"Assessment of Growth and Development"*

[19] Metro UGA: Cities of: Spokane, Spokane Valley, Millwood, Liberty Lake, and Airway Heights. Spokane County unincorporated urban areas.

[20] Eben Fodor, *"The Cost of Growth in Washington State"*

[21] Pat Dugan, 2007, *"The Capital Facilities Balancing Act"*

Chapter 3

Tools to Manage Urban Growth Areas

The Growth Management Act (GMA) was enacted to provide local communities the framework and tools for managing growth. One of the fundamental principles of the GMA is that Urban Growth Areas (UGAs) should be developed to provide compact urban communities with adequate urban services, and be done in such a manner to ensure the financial obligations that come with growth, can be met.

> *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.*[22]

A major consequence of uncoordinated and unplanned growth is sprawl. Numerous studies have shown sprawl to be the most expensive form of development to provide with urban services. The GMA and local comprehensive plan goals and policies, together with implementing development regulations, enable citizens to make choices that can create healthy communities.

> *"Creating more compact, people-oriented living and working places is meant to protect environmentally sensitive areas, and preserve forests, farmlands, and open spaces, while*

> *creating complete communities and **reducing sprawl**. Focusing development creates certainty as to where growth and investments are to occur, providing security for public and private investments."*[23]

This chapter will examine: tools provided in the GMA statutes and Washington Administrative Code (WAC) for managing urban growth; Growth Management Hearings Board and court cases relevant to managing growth and economizing urban services within UGAs; examples of jurisdictions that utilize density, infill, historic preservation, redevelopment and increased density, transportation and energy strategies, mixed use zoning and nodal development; and other land use policy planning techniques to manage growth in a fiscally responsive manner.

GMA Statutes

Several planning goals of RCW 36.70A.020 provide the statutory framework for implementing innovative tools provided both in the statutes and rules for communities to create balanced urban development.

Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

In addition to the above planning goals related to UGAs, the GMA also provides important definitions for urban services and urban growth (RCW 36.70A.030):

"Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

RCW 36.70A.070(1) enables cities and counties to include in the Land Use Element of their comprehensive plans population densities, building intensities, and estimates of future growth as well as to utilize urban planning approaches that promote physical activity. The statute also enables the use of a variety of housing types to manage growth in UGAs and allows transportation demand management strategies for pedestrian and bicycle facilities and corridors to encourage community access and promote healthy lifestyles in UGAs. These types of innovative goal and policy techniques in comprehensive plans are further supported with RCW 36.70A.090, to include density bonuses, cluster housing, planned unit developments and the transfer of development rights.

RCW 36.70A.110, 36.70A.115, and 36.70A.160 enable jurisdictions to: designate UGAs and to provide sufficient land within UGAs for the 20-year planning horizon. These statutes also direct jurisdictions to provide for: urban services; urban growth with a variety of densities, greenbelts or open space areas; a broad range of needs, and uses that will accompany the projected urban growth. Typical uses would include as appropriate: medical, governmental, institutional, commercial, service, retail, and other non-residential uses. The GMA provides the following guidance for locating urban growth:

> *Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.*[24]

Counties, working with their cities[25], have the responsibility to allocate the majority of growth to UGAs, with the balance left to the unincorporated non-UGA portions of the county, in concert with maintaining rural character, protection of critical areas, and conservation of resource lands.

Helpful Guidance from the Washington Administrative Code

Commerce updated the WAC for the GMA in 2010 with new sections added on urban density and phasing development in UGAs. The following sections describe how density and phasing can be used as tools to manage and pay for growth within urban growth areas.

WAC 365-196-300 Urban density[26]

This section of the WAC provides guidance for directing new growth to UGAs to allow efficient provision of urban services as well as the ability to transition governance between counties and cities. This ability to direct growth to UGAs also reduces pressure on rural and resource lands. Urban density requirements in the GMA need to consider allowed density, assumed density, and achieved density. Jurisdictions have the ability to create a range of densities within UGAs to accommodate their 20-year population allocations by considering factors that include: higher density to economize the cost of providing urban services; higher density in transit corridors; densities that can accommodate 20 years of growth; higher densities in centers, densities that support a variety of housing types, and appropriate densities near critical areas. The land use designations in comprehensive plans set the goals and policies for assumed densities. Development regulations then implement the plan's assumed densities.

WAC 365-196-330 Phasing development within the UGA[27]

This section of the WAC provides guidance for sequencing development within UGAs over the 20-year planning period in order to match development to the provision of urban services, supported by a sound financial plan. Phasing can prevent a pattern of low density sprawling development that is difficult and costly to provide urban services. Phasing also facilitates coordinated agreements between service providers and the transition of services and/or governance. Comprehensive plans and development regulations should identify areas where phasing will occur and the criteria for planned densities and timelines of services based on the availability of services.

Growth Management Hearings Board Cases

The following case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions use density in urban growth areas to manage growth. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

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For sizing UGAs, the density assumption used cannot be based upon historic patterns that perpetuated low density sprawl, and must reflect the planned for urban densities. [Bremerton/Port Gamble, 95-3-0039/97-3-0024c, 9/8/97 Order, at 16.]

The Board has interpreted various means of calculating density for various purposes, and acknowledged certain "deductions" from gross area as an appropriate means of determining buildable area and determining the net density yield in units per acre. However, which factors are deducted in the calculations is a policy choice for local governments to make, so long as they are supported by evidence in the record and consistent with the goals and requirements of the Act. [Fuhriman II, 05-3-0025c, FDO, at 26.]

UGA must allow for eventual urban densities, typically by platting and locating initial growth so that higher densities will be available as urban services are available. Skagit County Growthwatch v. Skagit County, Case No. 07-2-0002, FDO at 62-63 (Aug. 6, 2007)

RCW 36.70A.110(2) and .130(3) contain two compatible and major directives. The first is that the State Office of Financial Management (OFM) must project population ranges for each GMA county. These are the population drivers, the urban growth, which the county, in conjunction with its cities must accommodate. Second, this section of the Act directs the county and its cities to include areas and densities sufficient to permit the urban growth that is projected to occur. In order to comply with these directives, jurisdictions must undertake some form of land capacity analysis to determine whether their areas and permitted densities for the lands within their jurisdiction can accommodate the projected and allocated growth. Both of these GMA requirements speak in terms of providing densities to accommodate growth – compact urban development. [Strahm, 05-3-0042, FDO, at 12.]

Where a UGA is developed at non-urban densities and intensities due to a lack of adequate urban services, then it is unlikely to ever become urban in nature. Counties and cities need to ensure that new development which is not yet served by urban services does not become permanent sprawl or environmentally damaging if capital facilities planning assumptions do not come to fruition or if growth does not occur when and how it was expected. ADR/Diehl v. Mason County, Case No. 06-2-0006.

Urban levels of service to non-urban development encourages rather than discourages such suburban sprawl. Designating an area a UGA but allowing non-urban densities of residential development fails to meet the urban density requirements for UGAs. Without some mechanism to assume minimum urban densities, the new residential portions of the UGA are all too likely to become suburban sprawl. Skagit County Growthwatch v. Skagit County, Case NO. 07-2-0002, FDO at 41(Aug. 6, 2007).

Development Regulation Tools

Development regulations implement the comprehensive plan goals and policies[28] by prescribing the standards that will shape the urban environment. These development standards are written in local zoning codes, subdivision ordinances, planned unit development ordinances, critical area ordinances, and other official controls. Development regulations can achieve: appropriate uses and mix of uses; minimum and maximum

densities; design standards; mechanisms to transfer development rights; phasing or timing of infrastructure availability to growth; infill and redevelopment investment; and other innovative development strategies.

> *"Zoning is merely a tool. It is a means to an end. It can be used constructively as a positive force for community good or it can be misused. Zoning is what you make of it. It works best when it is based on a community vision and closely tied to a comprehensive plan. At its best, zoning can provide the marketplace with predictability and certainty. It can protect critical natural resources and it can raise property values. However, by itself, conventional zoning will rarely create a memorable community. This is because conventional zoning is a limited tool. It is good for protecting what is already there and for preventing nuisances. It is not as good for shaping the future or for improving the quality of new development. This is because most zoning codes are proscriptive in nature. They try to prevent bad things from happening without laying out a vision of how things should be. Successful communities think beyond conventional zoning. They use education, incentives and voluntary initiatives, not just regulation. They also use design standards, form-based codes, density bonuses, transfer of development rights and other innovative techniques that foster walkable, mixed use neighborhoods."*[29]

The GMA encourages flexible tools be included in zoning codes and development regulations to facilitate more compact urban development with a variety of densities and affordable housing types versus reliance on minimum lot sizes as the primary means of establishing residential density. Some of these tools include:

- Increasing base densities; to allow more homes per acre and reduce urban services costs, as well as reducing sprawl development patterns. Some jurisdictions accomplish this by requiring minimum densities in some or all zoning districts, especially in transit-oriented development districts where surrounding densities are planned to support costs of providing public transportation services.
- Bonus densities offered in exchange for: higher quality design; affordable housing; open space; or other public benefits.
- Clustering to allow greater efficiencies in using land for the same number of potential lots in a smaller area and creating open space for recreation, or because of critical areas. In some cases, clustering is used to reserve the remaining area for future urban development when urban services become available.

- Lot size averaging to provide a range of lot sizes, as long as the average lot size remains consistent with the underlying zoning designation.
- Planned Unit Developments (PUDs) or Planned Residential Developments (PRDs) to allow for flexible lot sizes in exchange for other standards or for developing sites that are difficult to work with.
- Narrow streets to increase the potential density and reduce the amount of land needed for each housing unit. Narrow street designs also slow traffic, encourage walking, and contribute to community character.

Numerous cities and counties fully planning under the GMA have implemented flexible development regulation tools that achieve densities to maximize use of available urban land and economize the costs for providing urban services. In addition, these densities support various modes of transportation systems and other public services that are cost prohibitive with low density development. The following table provides examples of flexible development regulations from each jurisdiction's website:

Development Regulation Tools	Jurisdiction
Variety of base zoning density	City of Spokane[30]
Clustering in urban reserve areas	Spokane County[31]
Lot size average	Snohomish County UDC 30.23.210[32]
Minimum and maximum densities	City of Renton[33]
Planned Residential Developments	City of Edmonds[34]
Bonus densities	City of Sumner[35]
Transfer of Development Rights (TDRs)	City of Redmond[36]

Transfer of Development Rights

Commerce's Growth Management Services Program provides guidance on Transfer of Development Rights (TDR), with assistance focused on cities and counties in the Puget Sound Region. The Commerce TDR program model is also available to all other Washington cities and counties through the Commerce TDR website.[37]

The TDR program is a market-based land use tool that cities and counties can utilize to manage and encourage growth within their communities while at the same time, conserve natural resource and open space lands. Communities identify areas that they want to conserve, such as archaeological and historic properties, agricultural land, forest land, open space, or other resource or rural lands. These resource or open space lands are identified as "sending areas."

Through voluntary market based transactions, landowners in the sending areas can sell their development rights to developers for use in urban areas. Resource or open space landowners would receive money from the sale of their development rights, yet continue to own and use their land.

Developers who purchase development rights from land owners in the sending areas can transfer these rights to "receiving areas" in UGAs. The TDR could then allow developers to obtain locally predetermined benefits, such as the ability to build additional housing units or increase commercial space, above what the underlying zoning permits. Planning for more compact development in receiving areas should result in walkable communities with access to transit, less dependence on automobiles, a variety of shops and services, and amenities such as open space, trails, and street trees.

Some TDR programs provide development rights that can be converted to additional building height or expanded floor space, or reduced parking or stormwater requirements. Good planning for receiving areas would also include planning for the infrastructure capacity and services to meet the needs of increased growth and compact development as well as work to identify and protect archaeological sites and historic properties in order to avoid inadvertently being the receiving site of development rights that might alter or destroy these resources.

Local Examples

The following communities are using flexible development regulations with innovative tools to stimulate infill and redevelopment where appropriate and at the same time, promoting preservation of their historic urban fabric in urban areas. These tools foster balanced development that is both economically viable, architecturally engaging, environmentally sensitive, and integrates transportation approaches to promote physical activity.

Figure 2-1 Kendall Yards - Spokane

Source: City of Spokane

Example 1: City of Spokane

Flexible development regulations together with infrastructure financing plans and local community support can result in a project like Kendall Yards PUD[38], in the City of Spokane. Located on the scenic North Bank of the Spokane River Gorge and just 2 blocks from the Central Business District, the site is where both infill and revitalization in the West Central neighborhood is now happening because of connectivity to the redevelopment of a 78 acre adjacent Brownfield site that long ago consisted of abandoned warehouses, railway yards, and contaminated soils.

The Kendall Yards redevelopment is an award-winning community development project that offers a variety of housing types (18 units/acre and approximately 900 housing units) with single family – townhouses – and multi-unit condos, mixed use office and retail, along with the construction of a new and important extension of Spokane's Centennial Trail to further facilitate walking and bicycling as healthy – energy saving amenities for the City of Spokane. This is one of Spokane's largest redevelopment projects in several years, exercising many

of the City's comprehensive plan goals and policies together with implementing the City's flexible development regulations and design review process.

Example 2: City of Bellevue

The City of Bellevue's Bel-Red Corridor Subarea Plan was given the Vision 2040 Award from the Puget Sound Regional Council (PSRC). Bellevue's subarea plan will transform the City's Bel-Red area into a vibrant corridor that links transportation, jobs, housing and recreation.

> *"The Bel-Red plan, included changes to zoning and development regulations, calls for the transformation of a 900-acre light industrial and retail area into mixed-use, transit-oriented neighborhoods. Plans also include the creation of thousands of new jobs and housing units, along with stream restorations and new parks. Located between downtown Bellevue and Microsoft's headquarters in Redmond, the Bel-Red area is envisioned as a model for sustainable planning, utilizing large-scale, transit-oriented development that will be served by the future East Link light rail line."*[39]

Bellevue's Bel-Red Corridor Subarea Plan has been a work in progress for several years, including a citizens committee that worked for 20 months to develop the plan, along with an investment of more than $1 million. The Bel-Red plan can be accessed at the City of Bellevue's website.[40]

Example 3: City of Bellingham/Port of Bellingham

The City of Bellingham, the Port of Bellingham, and citizens have been collaborating on creation of a Master Plan[41] to guide the redevelopment of Bellingham's downtown Waterfront District. The community's long range vision is to create a new mixed used neighborhood that features residential, commercial, light industrial and institutional uses, together with parks and trails, and a healthy shoreline habitat.

> *"The proposed Master Plan for the city center waterfront provides a framework for the development of a vibrant, mixed-use neighborhood. The proposed plan includes a balance of environmental, economic, and community objectives developed to restore the health of the land and water, improve waterfront access, promote a healthy and dynamic waterfront economy, and reinforce the inherent qualities of the waterfront."*[42]

The City of Bellingham's vision, goals, and policies for its Waterfront Plan are implemented through the City's flexible development regulations. The City's Comprehensive plan, Land Use Code, and subarea plans can be accessed at the City of Bellingham's Community Planning website.[43]

Other Examples: Subarea planning tools

The following table lists other subarea planning tools in addition to the examples above, that are currently in the process of being implemented, under construction, or have recently been completed.

Other Examples Subarea Planning Tools

Jurisdiction	Subarea Plan
Bremerton	South Kitsap Industrial Area[44]
Vancouver	Waterfront, Esther Short Plan[45]
Burien	Downtown Burien[46]
Mill Creek	Town Center[47]
Everett	Evergreen Way Revitalization Plan[48]
Tukwila	Manufacturing Industrial Center[49]
Renton	Southport[50]
Seattle	South Lake Union[51]
Mountlake Terrace	Town Center[52]
Federal Way	City Center Redevelopment[53]
Bellingham	Historic Preservation[54]
Ellensburg	Historic Preservation Comp Plan Ch 10[55]

These examples represent utilization of the GMA's statutory framework for managing growth in UGAs with a variety of planning tools. The GMA, and guidelines provided in the WAC, support Washington cities and counties with planning tools to create healthy urban communities with adequate and affordable urban services.

> *"It is widely acknowledged that one of the major barriers to smart growth is local regulation. Our codes and practices either discourage developers from carrying out the smart growth*

vision, or they actually prohibit it. Mixed-use, mixed-income neighborhoods are seldom allowed. Pedestrians and bicyclists are overlooked in an environment where the priority is granted to motorized vehicle flow. In many places, the benefits of public spaces and appealing streetscapes have been forgotten."[56]

In the next chapter we will examine: estimating future population growth; OFM's role in providing GMA population projections that local governments use for planning; GMA Statutes and Rules for population planning, Growth Management Hearings Board and court cases related to population planning; policy considerations in choosing a specific population projection; and examples of county-city planning processes for allocating population projections to communities for planning purposes.

Endnotes

[22] RCW 36.70A.010, Legislative findings

[23] Ivan Miller and Ben Bakkenta, PSRC, "*Focusing growth in centers: The Vision*"

[24] RCW 36.70A.110(3)

[25] RCW 36.70A.110(2)

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[28] RCW 36.70A.040

[29] Edward T. McMahon, Urban Land Institute 2011, "*Zoning at 85*"

[30] http://www.spokanecity.org/services/documents/smc/?Chapter=17C.110

[31] http://www.spokanecounty.org/loaddoc.aspx?docid=4419

[32] http://www1.co.snohomish.wa.us/County_Services/County_Code/County_Code_Collection.htm

[33] http://www.codepublishing.com/wa/renton/ Title IV Development Regulations, Density Tables

[34] http://www.mrsc.org/wa/edmonds/index_dtsearch.html Title 20 Review Criteria and Procedures, Chapter 20.35

[35] http://www.codepublishing.com/wa/sumner/ Title 18 Zoning, Chapter 18.24

[36] http://www.ci.redmond.wa.us/PlansProjects/ComprehensivePlanning/TransferOfDevelopmentRights/

[37] http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Regional-TDR-Rights-Program/Pages/default.aspx

[38] http://www.spokaneplanning.org/default.htm Kendall Yards

[39] http://www.ci.bellevue.wa.us/bel-red-vision-award.htm

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[41] http://www.cob.org/services/neighborhoods/community-planning/waterfront/index.aspx

[42] http://www.portofbellingham.com/index.aspx?nid=172

[43] http://www.cob.org/services/neighborhoods/community-planning/index.aspx

[44] http://www.ci.bremerton.wa.us/display.php?id=1118

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[46] http://burienwa.gov/index.aspx?NID=72

[47]http://www.cityofmillcreek.com/DEPARTMENT%20PAGES/COMMUNITY%20DEVELOPMENT%20MAIN%20PAGE.html Town Center

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[54] http://www.cob.org/services/neighborhoods/historic-preservation/index.aspx

[55] http://www.ci.ellensburg.wa.us/index.aspx?nid=108

[56] Overcoming Obstacles to Smart Growth through Code Reform, *Executive Summary: Smart Growth Zoning Codes, Steve Tracy*

Chapter 4

Population Projections for Urban Growth Areas

Urban Growth Areas (UGAs) are comprised of lands designated by a county, in collaboration with its cities and towns, citizens and service providers, as to where urban development will occur. The collaboration process is required by the Growth Management Act (GMA) in order to select a 20-year countywide population projection from a range of population projections provided by the state Office of Financial Management (OFM). The selected OFM countywide population projection, together with a locally determined countywide employment projection, is allocated among UGAs. UGAs must be sized with sufficient land to accommodate the allocation.

> *"For many cities, recent population growth contributes to current fiscal challenges. Growth carries positive and negative fiscal implications. On the positive side, it provides a city with one-time revenues such as the real estate excise tax and sales tax on new construction. It expands the tax base creating greater sales tax or property tax potential (although the one percent cap on property tax revenues creates challenges). On the negative side, growth results in increased service demands. While these service demands are ongoing, many of the revenues associated with growth are not."*[57]

Selecting a population projection from within the OFM range and determining a local employment projection from it, based on data available from sources like the Washington State Employment Security

Department, can influence the future development that occurs. A realistic population projection to plan for twenty years of potential growth can ensure adequate amounts of land and services are planned for UGAs. Planning with an inflated population number can result in oversized UGAs that facilitate more growth than local governments can afford to provide with necessary urban services.

Other partners that counties and cities should include in their UGA collaboration process are federally recognized Tribes, Port Districts and Special Purpose Districts.

Federally recognized Tribes are sovereign nations and often contain "trust" lands that are authorized by the federal government, held in trust by the Department of the Interior, supported by the Bureau of Indian Affairs (BIA), and under Tribal land use regulation. Tribes may also own "fee simple" lands. Tribal Trust and fee simple lands may contain urban development and urban infrastructure. These lands can represent a portion of the overall county population and employment projections and should be factored into regional planning efforts. Use of Tribal owned trust and fee simple land within Tribal boundaries is governed by Tribes, subject to certain federal agreements. Tribal trust and fee simple land within Tribal boundaries is generally not subject to state planning laws[58] such as the GMA. Tribal fee simple lands outside of Tribal boundaries and Non-Indian fee land within Tribal boundaries may be subject to local planning requirements if not pre-empted by a formal Tribal-federal interest (e.g. natural resources interest). Counties and cities may enter into Memoranda of Understanding (MOU), interlocal agreements, and/or contractual agreements with Tribes to integrate their respective planning efforts. Agreements can include, for example, application of: general planning concepts, comprehensive plans, development regulations, building permits, provision of infrastructure, environmental protections, and resource land conservation. Counties and cities will, however, need to maintain their compliance with the GMA.

Port Districts and Special Purpose Districts are authorized by statute and may contain urban development and infrastructure that is guided by District master plans. Port Districts and Special Purpose Districts are subject to state laws and indirectly subject to the GMA by their inclusion or adoption by reference into the comprehensive plans, development regulations, and Capital Facilities Plans of counties and cities planning under the GMA. Portions of Port or Special Purpose Districts may also contain or be designated as Essential Public Facilities pursuant to RCW 36.70A.200.

Tribes, Port Districts, and Special Purpose Districts can have significant development impacts as well as make important contributions to a county's regional land use, population, and infrastructure planning process. Counties and cities should include Tribes, Port Districts, and Special Purpose Districts in their collaboration

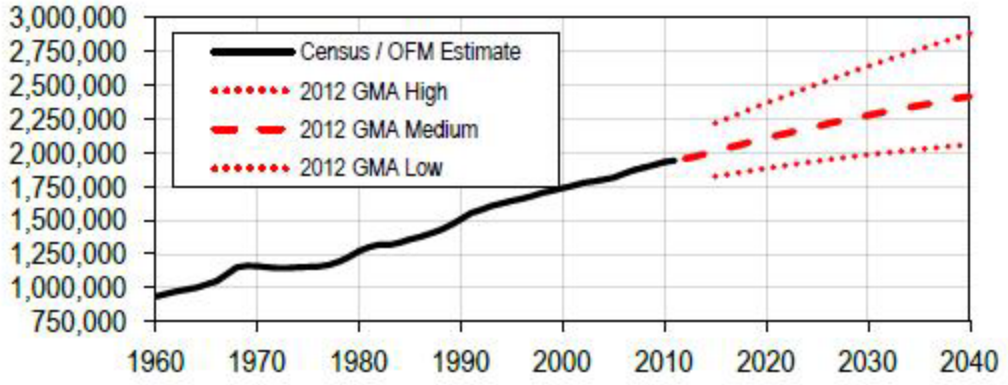
process when reviewing and updating UGAs, paying particular attention to RCW 36.70A.210 for county-wide planning policies, RCW 36.70A.035 for public participation, RCW 36.70A.110 for urban growth areas, and in consideration of the timelines established in RCW 36.70A.130 for review and update of comprehensive plans, UGAs, and development regulations.

Population projections for GMA review and update of comprehensive plans, UGAs, and development regulations[59] is authorized by RCW 43.62.035, in part as follows:

> *At least once every five years or upon the availability of decennial census data, whichever is later, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption.*

As directed by RCW 43.62.035, OFM prepares a reasonable range of high, medium, and low population growth projections for Washington counties, with the medium projection being the estimate for what is most likely to occur. These population projections are for the next 20 years and are used to predict, plan for, and manage growth.

Figure 4-1 OFM Population Forecast for King County



Source: Office of Financial Management

Developing population projections is a shared responsibility between OFM and local governments. Local counties and cities can provide OFM with information to develop the countywide projections, and can petition OFM to revise projections after they are issued. Once established, county officials in consultation with cities are responsible for selecting a 20-year GMA planning target from within the OFM range and allocating it to local UGAs.

Counties should try to reach agreement with cities on sizing UGAs and must justify their decisions in writing in the event of disagreement. The density and amount of land needed to accommodate growth allocations in UGAs is determined by goals and policies, standards, and through a local Land Capacity Analysis (see Chapter 5 of the UGA Guidebook).

Table 4-1 OFM 2012 Population Projection for King County

Year	Population (Low)	Population (Medium)	Population (High)
2010 (Census)		1,931,249	
2015	1,824,289	2,012,782	2,219,135
2020	1,885,169	2,108,814	2,368,179
2025	1,938,096	2,196,202	2,507,888
2030	1,985,107	2,277,160	2,640,653
2035	2,025,180	2,350,576	2,765,272
2040	2,060,522	2,418,850	2,884,338

Source: Office of Financial Management

Counties work with their cities to select reasonable population allocations to use for planning purposes. Benton County, for example, updated its population projections in 2009 for the succeeding 20-year planning period using the OFM high projection. The table below shows how countywide population is allocated to the unincorporated area, and to the cities of Benton City, Kennewick, Prosser, Richland, and West Richland:

Table 4-2 OFM 2009-2029 Benton County Population Allocations

OFM High Series Countywide								
Projection	Benton Co	Benton City	Kennewick	Prosser	Richland	West Richland	Total	Year
188,931	43,453	3,779	71,794	5,668	52,901	11,336	188,931	2010
203,736	46,859	4,075	77,420	6,112	57,046	1,224	203,736	2,015
218,874	50,341	4,377	83,172	6,566	61,285	13,133	218,874	2020
234,015	53,824	4,680	88,926	7,020	65,524	14,041	234,015	2025
239,752	55,143	4,795	91,106	7,193	67,130	14,385	239,752	2027
245,489	56,462	4,910	93,286	7,365	68,737	14,729	245,489	2029

Source: Benton County

This chapter of the guidebook will examine tools provided in statutes and Washington Administrative Code (WAC) for determining population projections, along with Growth Management Hearings Board and court cases relevant to population planning within UGAs. It also provides examples of two counties that utilize a coordinated process with their cities to determine population and employment projections to plan for, together with policy planning techniques to manage the potential future growth in UGAs.

GMA Statutes

The GMA requires fully planning jurisdictions to include in their comprehensive plans a characterization of population within their community, together with estimates of potential future population.

> *"The land use element shall include population densities, building intensities, and estimates of future population growth."*[60]

Comprehensive plans and development regulations must provide sufficient land capacity for development to accommodate allocated housing and employment growth consistent with the 20-year OFM population projection.[61] Furthermore, the housing element of comprehensive plans should identify the types of housing units needed for the population projection.[62]

RCW 36.70A.110(2) enables jurisdictions to direct a large percentage of the future population projection to UGAs. A portion of the population projection can also be allocated to rural areas, and Fully Contained Communities consistent with RCW 36.70A.350(1).

> *"Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses."*[63]

> *"New fully contained communities may be approved outside established urban growth areas only if a county reserves a portion of the twenty-year population projection and offsets the urban growth area accordingly for allocation to new fully contained communities that meet the requirements of this chapter. Any county electing to establish a new community reserve shall do so no more often than once every five years as a part of the designation or review of urban growth areas required by this chapter. The new community reserve shall be allocated on a project-by-project basis, only after specific project approval procedures have been adopted pursuant to this chapter as a development regulation. When a new community reserve is established, urban growth areas designated pursuant to this chapter shall accommodate the unreserved portion of the twenty-year population projection."*[64]

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added on population projections for UGAs. The following guidelines describe how population projections can be used to manage and pay for growth within urban growth areas:

> *"The areas and densities within an urban growth area must be sufficient to accommodate the portion of the twenty-year population that is allocated to the urban area. Urban densities should allow accommodation of the population allocated within the area that can be provided with adequate public facilities during the planning period."*[65]

WAC 365-196-310(3) Urban growth areas[66]

This section of the WAC includes guidelines for selecting and allocating county-wide population projections used to assist in the overall analysis and designation of UGAs for cities, UGAs not associated with cities, and potential growth in rural areas. County-wide population must be within the range of projections provided by OFM for the 20-year planning period.

This section of the WAC also encourages consideration of other population-related factors including: population forecasts from outside agencies or service providers; historical Census data; the ability of counties and cities to meet the financial obligation to support the population projection they plan for; the land supply and density of uses that will efficiently accommodate the population projection; more frequent review and update of UGAs than the required minimum 8-year review[67]; and integration of employment forecasts from the selected population projection that will be allocated to UGAs and the rural area.

Growth Management Hearings Board Cases

The following case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions plan for population in Urban Growth Areas. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

There must be urban levels of sanitary sewer provided to the entire UGA [by the end of the planning period], not within 20 years of the date of subsequent approval of development on holding tanks. This is because the designation of areas for urban growth must ensure that urban services are available when the urban growth occurs. The UGA boundaries may only extend as far as urban levels of service are ensured for the planning period. If urban services cannot be provided in the planning period, then the areas which cannot be served should not be designated for urban growth, i.e. included in the UGA. Moreover, if urban levels of service will not be provided at the time of development, development must be phased so that there are not urban levels of development until urban services are provided. In the meantime, the development that does occur within the UGA must allow for eventual urban densities, typically by platting and locating initial growth so that higher densities will be available as urban services are available. ***Skagit County Growthwatch v. Skagit County, Case No. 07-2-0002, FDO at 62-63 (Aug. 6, 2007)***

A county must base its UGAs on OFM's twenty-year population projection, collect data and conduct analysis of that data to include sufficient areas and densities for that twenty-year period (including deductions for applicable lands designated as critical areas or natural resource lands, and open spaces and greenbelts), define urban and rural uses and development intensity in clear and unambiguous numeric terms, and specify the methods and assumptions used to support the IUGA designation. In essence, a county must "show its work" so that anyone reviewing a UGAs ordinance, can ascertain precisely how the county developed the regulations it adopted. ***[Tacoma, 94-3-0001, FDO, at 19.]***

A proper UGA location involves more than just population projections. ***Achen v. Clark County 95-2-0067 (FDO, 9-20-95)***

Where an UGA would allow an approximately 40,000 increase in population, and the projected population increases amounted to approximately 27,000, the UGA did not comply with the GMA. ***Dawes v. Mason County 96-2-0023 (FDO, 12-5-96)***

Some very fundamental issues have been resolved by virtue of the UGA designation: (1) the land use will be urban; (2) the land use designations reflect population and employment allocations made by the County; and

(3) urban services provided within the UGA should be primarily provided by cities. ***[Bremerton/Alpine, 95-3-0039c/98-3-0032c, FDO, at 48.]***

The size of any UGA must be based upon the projected population growth allocated to that UGA. Since the supply of urban residential lands (18,789 acres) significantly exceeds the projected demand for such lands over the course of the 20-year planning horizon (11,582 acres), the County's UGAs fail to comply with RCW 36.70A.110. ***1000 Friends v. Thurston County, WWGMHB Case No. 05-2-0002 (FDO, 7-20-05).***

[Jurisdictions have an ongoing duty to accommodate forecast and allocated population growth.] The GMA is designed to manage growth, not stop it. The GMA is dynamic, not static. The Act requires OFM to produce periodic population projections and it requires cities and counties to accommodate these new forecasts by reviewing and updating their plans and development regulations accordingly. . . RCW 36.70A.110 imposes a consistent and ongoing duty for all GMA jurisdictions. . . to accommodate the ensuing growth periodically projected by OFM and allocated [by the counties]. Simply put, so long as the state and region continue to grow, counties and cities must continue to plan for, manage, and accommodate the projected and allocated growth. ***[Kaleas, 05-3-0007c, FDO, at 11-12.]***

RCW 36.70A.110(2) and .130(3) contain two compatible and major directives. The first is that the State Office of Financial Management (OFM) must project population ranges for each GMA county. These are the population drivers, the urban growth, which the county, in conjunction with its cities must accommodate. Second, this section of the Act directs the county and its cities to include areas and densities sufficient to permit the urban growth that is projected to occur. In order to comply with these directives, jurisdictions must undertake some form of land capacity analysis to determine whether their areas and permitted densities for the lands within their jurisdiction can accommodate the projected and allocated growth. Both of these GMA requirements speak in terms of providing densities to accommodate growth – compact urban development. ***[Strahm, 05-3-0042, FDO, at 12.]***

Although the GMA directs counties to establish UGAs in areas which are characterized by urban growth and can have public services provided, it does not mandate the expansion of a UGA boundary solely to encompass these lands. The GMA requires the boundary of a UGA to be defined based on population projections with land

sufficient for growth. If land was added to a UGA simply to create a LOB [logical outer boundary] or because they may be urban in character, without any correlation to population or sufficiency, then these GMA requirements would become meaningless. ***City of Zillah v. Yakima County, Case No. 08-1-0001, FDO at 32 (Aug. 10, 2009)***

Court Cases

The following case summaries are reprinted from Washington State Courts and address how jurisdictions plan for population in Urban Growth Areas. Full texts of cases may be obtained from the Court's website at: http://www.courts.wa.gov

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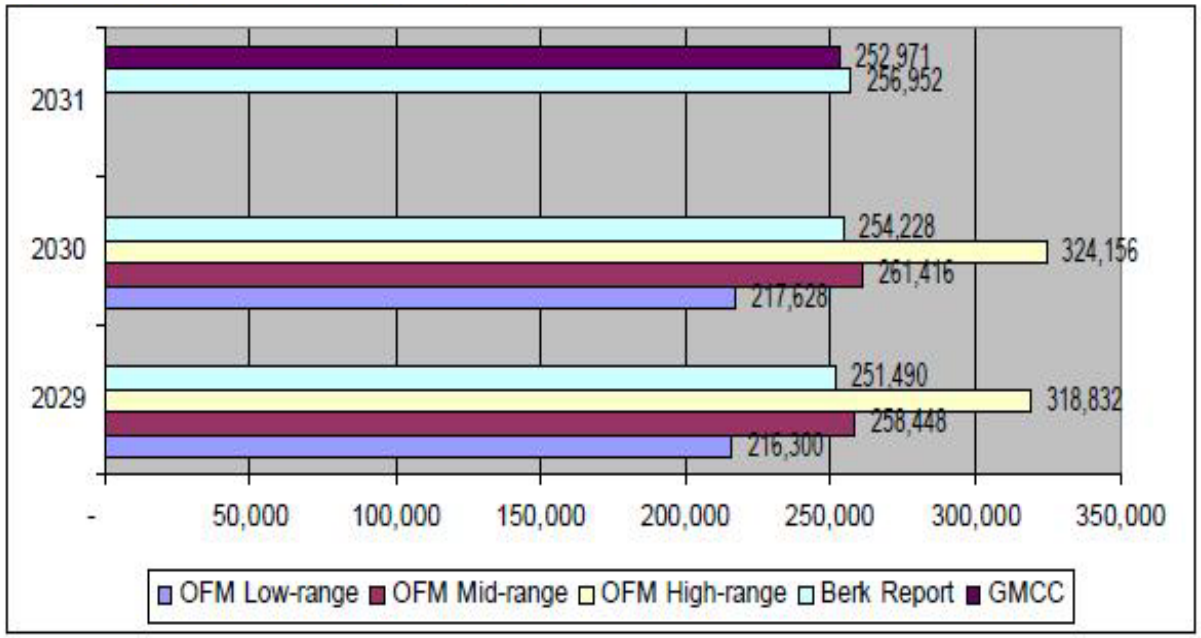
Diehl v. Mason County, 94 Wn.App. 645 (3/5/99) - A county's use of its own developed population growth projections, instead of the Office of Financial Management's projections, when determining its urban growth areas, were determined to be inconsistent with requirements of the Growth Management Act.

Thurston County v. W. Washington Growth Management Hearings Board, 164 Wn. 2d 329, decided August 14, 2008. We affirm the Court of Appeals in part and reverse in part. We hold a party may challenge a county's failures to revise aspects of a comprehensive plan that are directly affected by new or recently amended GMA provisions if a petition is filed within 60 days after publication of the county's seven year update. We hold a party may challenge a county's failure to revise its UGA designations following a 10 year update only if there is a different OFM population projection for the county. We reverse the Court of Appeals' holding that a county must identify and justify the use of a land market supply factor in its comprehensive plan. We remand the case to the Board to determine whether a land market supply factor was used and whether, based on local circumstances, the County's UGA designations were clearly erroneous. We reverse the Court of Appeals' ruling that densities greater than one dwelling unit per five acres cannot be considered in determining whether a comprehensive plan provides for a variety of rural densities. We remand the case to the Board to consider whether the various densities identified by the County in the rural element and/or the use of innovative zoning techniques are sufficient to achieve a variety of rural densities.

Coordination for Population Planning

County-wide Planning Policies, as required by RCW 36.70A.210, set the general framework for coordinated land use and population planning between the county, its cities, and others to ensure respective Comprehensive plans are consistent with each other. Agreements between a county and its cities can cover matters such as determining a population projection to plan for, UGA policies, joint planning within UGAs, agreement on annexation policies, adoption of development standards within UGAs, phasing strategies on development until urban services are in place, revenue sharing for regional services, and city and private service provider review and comment on major development within UGAs.

Figure 4-2 OFM Population Project for Whatcom County



Source: Whatcom County

Local Examples

Example 1: Whatcom County and Cities

Whatcom County and cities formed the Growth Management Coordinating Council (GMCC) for growth planning.[68] The GMCC was assembled to be a GMA policy advising committee of elected officials from Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas. The Council was supported by a Technical Advisory Group (TAG) made up of planning directors from each jurisdiction and the coordinating staff from County Planning and Development Services. The GMCC focused on three primary issues: review of county population forecasts and ways to implement UGAs; review and update of the vision for future growth and development in the region. The GMCC made policy recommendations to their respective jurisdictions.

Table 4-3 Whatcom County Employment Allocations

Study Area	2008 Employment	Requested Allocation	GMCC Allocation	2029-31 Requested	2008 share	Requested Share
Bellingham UGA	51,153	18,829	18,829	69,982	66.1%	53.2%
Birch Bay UGA	436	489	489	925	0.6%	1.4%
Blaine UGA	2,971	1,903	1,903	4,874	3.8%	5.4%
Cherry Point UGA	1,182	760	760	1,942	1.5%	2.1%
Columbia Valley UGA	90	455	455	545	0.1%	1.3%
Everson UGA	38	628	628	1,266	0.8%	1.8%

Ferndale UGA	5,534	4,747	4,747	9,465	7.1%	13.4%
Lynden UGA	4,832	3,559	3,559	8,391	6.2%	10.0%
Nooksack UGA	206	290	290	496	0.3%	0.8%
Sumas UGA	254	391	391	645	0.3%	1.1%
Rural	10,130	3,373	3,373	13,503	13.1%	9.5%

Source: Whatcom County

The GMCC and TAG utilized OFM projections together with population projections from its Environmental Impact Statement (EIS) and a consultant's report to recommend a 20-year population growth projection (see chart below). The GMCC also recommended an employment growth projection for the 20-year planning period of 35,424 additional county-wide jobs, based on the consultant's report and the EIS employment range of jobs. Due to the Great Recession, the GMCC recommended a slightly lower population forecast than the OFM mid-range projection and the consultant's report forecast. Each of the jurisdictions in Whatcom County made requests for population allocation to the GMCC from the overall county-wide population projection that was selected. The following tables represent the population and employment requests from each of the

Study Area	2008 Population	Phase II Requested Allocation	GMCC Allocation	2029-31 Request	2008 share	Requested Share

jurisdictions:

Table 4-4 Whatcom County Population Allocation

Bellingham UGA	89,284	23,771	23,771	113,055	46.7%	37.8%
Birch Bay UGA	5,290	4,329	4,329	9,619	2.8%	6.9%
Blaine UGA	5,754	4,700	4,700	10,454	3.0%	7.5%
Columbia Valley UGA	3,924	1,076	1,076	5,000	2.1%	1.7%
Everson UGA	2,395	1,948	1,948	4,343	1.3%	3.1%
Ferndale UGA	12,019	8,687	8,687	20,706	6.3%	13.8%
Lynden UGA	11,613	7,414	7,414	19,027	6.1%	11.8%
Nooksack UGA	1,137	1,159	1,159	2,296	0.6%	1.8%
Sumas UGA	1,279	793	793	2,072	0.7%	1.3%
Rural	58,305	9,074	9,074	67,379	30.5%	14.4%
TOTALS	191,000	62,951	62,951	253,951		

Source: Whatcom County

The GMCC used an agreed-upon, consistent set of policies to determine the capacity for population growth in Whatcom County as well as for monitoring growth to ensure that the assumptions and resulting estimates are reasonable.

GMCC Population Policies

1. Establish a county-wide growth forecast for Whatcom County that represents a reasonable expectation for growth during the planning period.

2. Adopt a county-wide population forecast of 253,951[69] (62,951 additional people over 2008 estimated population) and a county-wide employment growth forecast of 35,424 additional jobs.

3. Recognize input received throughout the public process by Whatcom County and cities and provide strong preference to local proposals while addressing regional issues.
4. Support shifting growth from rural and agricultural areas into incorporated urban growth areas and into the smaller incorporated urban growth areas as the most desirable growth pattern.
5. Support coordinated efforts to transfer growth out of rural and agricultural areas.
6. Limit growth outside urban growth areas to not more than 15% of total population growth.
7. Utilize a consistent methodology for determining the capacity of Urban Growth Areas using assumptions meant to be reasonable estimates of densities expected over the long-term planning period. Periodically review the methodology and revise the assumptions if necessary to improve the accuracy of the results and account for the unique characteristics of each jurisdiction.

These GMCC recommendations and population planning policies respect the vision and goals of the individual communities in Whatcom County, yet also strive to balance the regional interests and needs. (Subsequent revisions to accommodate city requests, community concerns, and GMA compliance resulted in a final adopted county-wide population forecast with minor amendments from the recommendation by the GMCC[70]).

Example 2: Snohomish County and Cities

The County-wide Planning Policies (CPP)[1] of Snohomish County and cities, working in concert with the Puget Sound Regional Council's (PSRC) Vision 2040 and Regional Growth Strategy, established a multi-jurisdictional coordination process for determining population projections and population allocations to each jurisdiction using the Snohomish County Tomorrow process. Snohomish County Tomorrow (SCT) is a cooperative and collaborative public inter-jurisdictional growth management advisory forum consisting of representatives from the county and each of the cities, as well as from the Tulalip Tribe. Authorized by RCW 36.70A.215 and the CPPs, Snohomish County and cities utilize the Buildable Lands Program to track densities and types of development occurring in the jurisdictions, with the planned densities and types of development adopted in local comprehensive plans. The Buildable Lands Program enables the county and cities to initiate policy techniques to increase consistency between actual densities and types of development with planned densities and development.

Snohomish County-wide Planning Policies include General Framework (GF) policies that define and broaden the objectives of their overarching Central Principles, while setting the stage for cooperative action. Of particular relevance to population planning for Snohomish county and cities are GF policies 5 – 7, as follows:

> ***GF-5*** *Subcounty allocation of projected growth shall be established for purposes of conducting the ten-year[71] UGA review and plan update required by the Growth Management Act at RCW 36.70A.130(3). This allocation shall occur through a cooperative planning process of Snohomish County Tomorrow and be consistent with the Countywide Planning Policies. The allocation shall include cities (within current city boundaries), unincorporated Urban Growth Areas (UGAs), unincorporated Municipal Urban Growth Areas (MUGAs), and the rural/resource area of Snohomish County. The subcounty allocation shall use the most recent Office of Financial Management population projections for Snohomish County and the Puget Sound Regional Council's Regional Growth Strategy (RGS) as the starting point for this process. The process shall consider each community's vision and its regional role as described in the RGS. The process shall ensure flexibility for jurisdictions in implementing the RGS. Such implementation shall seek compatibility with the RGS, considering levels of infrastructure investment, market conditions, and other factors that will require flexibility in achieving growth allocations. The subcounty allocation of projected growth shall be depicted as a set of —growth targets, and shall be shown in Appendix B of the countywide planning policies. The growth targets shall indicate the amount of growth each jurisdiction is capable of accommodating over the 20-year planning period, as described in its comprehensive plan. The growth target development process in Snohomish County shall use the procedures in Appendix C, which call for the following steps:*
>
> *a. Initial Growth Targets;*
>
> *b. Target Reconciliation; and*
>
> *c. Long Term Monitoring.*
>
> ***GF-6*** *Ensure that the final population allocation for Urban Growth Areas supports the Regional Growth Strategy as provided for in VISION 2040. This shall include assigning at least ninety percent (90%) of the county's future population growth after 2008 to urban areas.*

GF-7 *Maintain the review and evaluation program, which includes an annual data collection component, pursuant to RCW 36.70A.215 (Buildable Lands Program). Complete the evaluation component required by the Buildable Lands Program at least once every five years. This evaluation may be combined with the review and evaluation of County and city comprehensive land use plans and development regulations required by RCW 36.70A.130(1), and the review of Urban Growth Areas required by RCW 36.70A.130(3).*

a. Use the procedures report in Appendix E for the Buildable Lands Program.

b. A list of reasonable measures that may be used to increase residential, commercial and industrial capacity in UGAs, without adjusting UGA boundaries, is contained in Appendix D. The County Council shall use the list of reasonable measures and guidelines for review contained in Appendix D to evaluate all UGA boundary expansions proposed pursuant to DP-2.

Snohomish County and cities implement their General Framework (GF) policies listed above through the following multi-jurisdictional process:

Growth Target Procedure Steps for GF-5[72]

1. Initial Growth Targets: *Initial population, housing, and employment projections shall be based on the following sources:*

a. The most recently published official 20-year population projections for Snohomish County from the Office of Financial Management (OFM);

b. The Puget Sound Regional Council's (PSRC) most recent population and employment distribution as represented in the VISION 2040 Regional Growth Strategy (RGS) ; and

c. A further distribution of the population and employment RGS allocations to jurisdictions in each of the PSRC regional geographies in Snohomish County to arrive at initial subcounty population, housing, and employment projections.

Results of the initial growth target allocation process shall be shown in Appendix B of the CPPs. These initial allocations shall be used for at least one of the plan alternatives evaluated by jurisdictions for their GMA plan updates.

***2. Target Reconciliation**: Once the GMA comprehensive plan updates of jurisdictions in Snohomish County are adopted, the Snohomish County Tomorrow (SCT) process shall be used to review and, if necessary, adjust the population, housing, and employment growth targets contained in Appendix B[73] of the CPPs.*

a. The County and cities shall jointly review the preferred growth alternatives in adopted local comprehensive plans for discrepancies with the target allocation associated with the County's preferred plan alternative.

b. Based on the land supply, permitted densities, capital facilities, urban service capacities and other information associated with the preferred growth alternatives of adopted local comprehensive plans, the Planning Advisory Committee (PAC) of SCT shall recommend to the SCT Steering Committee a reconciled 20-year population, housing, and employment allocation.

c. The SCT Steering Committee shall review and recommend to the County Council a reconciled 20-year population, housing, and employment allocation. Substantial consideration shall be given to the plan of each jurisdiction, and the recommendation shall be consistent with the GMA and the CPPs.

d. The County Council shall consider the recommendation of the Steering Committee and shall replace Appendix B of the CPPs with a reconciled 20-year population, housing, and employment allocation.

***3. Long Term Monitoring:** Subsequent to target reconciliation, SCT shall maintain a long term monitoring process to review annually the population, housing, and employment growth targets contained in Appendix B of the CPPs.*

a. Snohomish County and the cities shall jointly monitor the following:

i. Estimated population and employment growth;

ii. Annexations and incorporations;

iii. Residential and non-residential development trends;

iv. Availability and affordability of housing.

b. Results of the target monitoring program shall be published in a growth monitoring report developed by the PAC.

4. Target Adjustments: *The SCT process may be used to consider adjustments to the population, housing, and employment growth targets contained in Appendix B of the CPPs.*

a. Based on the results of the long term monitoring process, the PAC may review and recommend to the SCT Steering Committee an adjustment to the population, housing, and employment targets.

b. The SCT Steering Committee shall review a PAC recommendation to adjust growth targets and may recommend to the County Council, an adjustment to the population, housing, and employment targets. Adjustments to the growth targets shall be based on the results of the target monitoring program and shall be consistent with the GMA and the CPPs.

c. The County Council shall consider the recommendation of the Steering Committee and may amend Appendix B of the CPPs with adjusted population, housing, and employment targets for cities, UGAs, and rural areas.

Snohomish County and cities have an iterative population planning process and Buildable Lands Program that provides for monitoring, and adjustments if needed, so each jurisdiction is capable of accommodating its population allocation for the 20-year planning period, as described in its comprehensive plan.

Whatcom and Snohomish Counties and their cities have established a commendable collaboration process comprised of its elected officials, technical staffs, and citizens. The process for each county and cities is guided by set of locally established policies, consistent with the GMA, to determine a reasonable county-wide 20-year population and employment projection. The collaboration process for both counties provides for allocating a percentage of the total population to each city and the county - that can be supported by each jurisdiction's comprehensive plan, capital facilities plan, and development regulations.

In its State of the Cities 2011 Report, the Association of Washington Cities survey shows the relationship of growing city populations versus rural population and the challenges of keeping up with the urban service needs to support the growth trend in cities.

"Although the rate of population growth is slowing, it continues to pose a challenge for cites in building and maintaining infrastructure. Some cities grew so quickly in the early part of the 21st century they are still trying to catch up in providing basic services, such as expanding wastewater capacity and meeting transportation concurrency requirements."[74]

In the next chapter, we will examine the Land Capacity Analysis methodologies for determining the amount of available residential, commercial, and industrial lands within UGAs to meet potential growth demands. The chapter will also examine other local land use needs within UGAs; how open space, critical areas, and resource lands affect UGA designations; and the Buildable Lands Program.

Endnotes

[57] Association of Washington Cities, *2009 State of the Cities Report*

[58] http://www.ncsl.org/issues-research/tribal/trust-land-overview.aspx

[59] RCW 36.70A.130

[60] RCW 36.70A.070(1)

[61] RCW 36.70A.115

[62] RCW 36.70A.070(2)

[63] RCW 36.70A.110(2)

[64] RCW 36.70A.350(1)

[65] WAC 365-196-300(4)(c)

[66] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-310

[67] RCW 36.70A.130

[68] http://www.co.whatcom.wa.us/pds/2031/projects/gmcc/index.jsp Growth Management Coordinating Council, *UGA Review Policy paper*

[69] Subsequent revisions to the overall forecast and city allocations adopted August 2010: 247,755

[70] http://www.co.whatcom.wa.us/pds/2031/uga/2010-activity.jsp *Ordinance 2010-037*

[1] http://www1.co.snohomish.wa.us/Departments/PDS/Services/PlansandPolicies.htm

[71] RCW 36.70A.130, *Amended by 2010 State Statute to 8-year review and update*

[72] http://www1.co.snohomish.wa.us/Departments/PDS/Services/PlansandPolicies.htm

[73] http://www1.co.snohomish.wa.us/Departments/PDS/Services/PlansandPolicies.htm

[74] Association of Washington Cities, *State of the Cities 2011 Report*

Chapter 5

Land Capacity Analysis and Buildable Lands Program for Urban Growth Areas

A Land Capacity Analysis (LCA)[75] is a methodology conducted by counties and cities to determine the amount of vacant, partially used, under-utilized lands, and redevelopment potential of built properties, to accommodate growth. Counties and cities utilize a LCA to determine if the existing or potential Urban Growth Areas (UGAs) can accommodate twenty years of urban growth. Pursuant to RCW 36.70A.110(2):

> *Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case*

of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

The GMA enables counties and cities to exercise discretion in their comprehensive plans to make choices on how they plan to accommodate growth. Some growth will naturally occur in rural areas. However, the primary purpose of the LCA methodology is to assist in determining the adequacy and sizing of UGAs to achieve the goals of the GMA for balanced urban development with adequate and cost-efficient urban services.

A LCA can also be used to determine whether counties and cities are able to meet the GMA goals and requirements to provide for a range of housing types and densities for all economic segments of the population[76]. Having an appropriate land supply within UGAs is paramount to meet the GMA's requirement for accommodating, twenty years of potential growth. In order to determine whether counties and cities have appropriate land in UGAs, a land use inventory must be conducted to determine if the available land supply aligns with the anticipated 20-year population and employment growth projections.

The LCA methodology has been adopted in County-wide Planning Policies across the state. Local LCA methodologies have improved to better analyze local conditions and provide timely data for counties and cities as they look forward in reviewing and updating their comprehensive plans, development regulations, UGAs, and Buildable Lands Program reports.

Six counties in the Buildable Lands Program[77] (Clark, King, Kitsap, Pierce, Snohomish, and Thurston) and the cities and towns within their boundaries, have special requirements related to UGAs. Utilizing a LCA, Buildable Lands Program jurisdictions first look back on recent development activity and density patterns to determine if local planning policies are achieving desired outcomes. These counties and cities are then better prepared to look forward to plan for the next twenty years of potential growth. Adopted by the Legislature in 1997, RCW 36.70A.215 requires these counties and cities to gather data annually in preparation for their required review and update[78], on the density and type of development that is occurring. This information is to be compared to the density and type of development expected, as identified in local comprehensive plans. If gaps are found in this analysis, measures are to be adopted that will increase consistency during the next update period. Policy

techniques, other than adjusting urban growth boundaries, are to be used first to achieve consistency between planned development and actual development patterns.

Initial reports developed by the counties in the Buildable Lands Program addressed whether their UGAs contain adequate development capacity to accommodate the state population forecast as well as projected employment growth for their area. Residential, commercial, and industrial land uses were analyzed. All initial county reports indicate that their overall UGAs had adequate capacity to meet growth demands as indicated in their adopted Comprehensive plans. Reporting for the Buildable Lands Program jurisdictions is an on-going process that supports the review and update timelines of RCW 36.70A.110, RCW 36.70A.130, and RCW 36.70A.215.

This chapter of the guidebook will examine the basic LCA methodology provided by Commerce in 1992 together with guidance from the Commerce Buildable Lands Program. Direction is also provided from the statutes and Washington Administrative Code (WAC) for determining the amounts of available lands in UGAs, together with direction from Growth Management Hearings Board and court cases relevant to LCA for determining UGAs. A model example of a county and its cities' LCA for evaluating their UGAs and a model example of a county's Buildable Lands Program methodology and reporting is also provided in this chapter.

Land Capacity Analysis Methodology

Consistent with RCW 36.70A.190 to provide technical assistance, Commerce established the Land Capacity Analysis (LCA) methodology in its 1992 UGA Guidebook[79] to assist jurisdictions in conducting land use inventories to determine their vacant, partially used, and under-utilized lands. During the past twenty years, this methodology has evolved at the local level to now include:

- Changing land and improvement values[80];
- Multiple market factors;
- Market conditions;
- Redevelopment potential;

- Employment capacity of commercial and industrial sectors;
- Compatible development in some critical areas;
- Proximity to infrastructure and capacity of infrastructure;
- Policies and innovative standards that can increase development potential;
- New technologies for data gathering and analyzing the capacity of UGAs.

Two of the more progressive LCA and Buildable Lands Program methodologies of fully planning counties and their cities are described later in this chapter. The original 1992 methodology listed the following eight steps and definitions to help communities initially identify potential lands to accommodate growth:

1. "Identify lands which are potential candidates to accommodate future growth-vacant, partially-used, and under-utilized land (in other words, subtract all parcels committed to other uses).
2. Subtract all parcels that your community defines as not developable because of physical limitation. For instance, once you have identified critical areas, such as wetlands, and have established plan policies and regulations prohibiting development in these areas, subtract these areas from the initial land supply pool.
3. Subtract lands which will be needed for other public purposes. This includes utility corridors, landfills, sewage treatment plants, recreation, schools, and other public uses (GMA, Section 15, RCW 36.70A. 150).
4. Subtract all parcels which your community determines are not suitable for development for social and economic reasons. For instance, if you have adopted plan policies and regulations protecting historic districts or certain agricultural lands, or if from a market standpoint the land is not likely to develop within 20 years, subtract these from land supply.
5. Subtract all parcels which you assume will not be available for development within your plan's 20-year timeframe. Assume that a certain percent of vacant, under-utilized, and partially-used lands will always be held out from development.
6. Build in a safety factor. If you are unable to monitor land supply on a regular basis, consider building in a safety factor of land in addition to your projected 20-year land area needs to assure adequate availability and choice at all times.

7. Determine total capacity. After determining desirable densities and land uses for various areas within your jurisdiction, multiply the number of acres in remaining parcels by the number of units per acre allowed in the area where the parcel is located. Add together to determine total capacity of vacant, under-utilized, and partially-used land.

8. Draw the urban growth boundaries for your jurisdiction which meet criteria you have set. Include enough developable, suitable, and available vacant, under-utilized or partially-used land area to meet your share of projected growth.

Vacant land is defined as land which has no structure or has a building improvement value of less than $500. This means that land which is occupied by a shack, abandoned building or other very low-value improvement will be considered vacant.

Partially-used parcels are those occupied by a use which is consistent with zoning but contains enough land to be further subdivided without need of rezoning. For instance, a single house on a ten acre parcel, where urban densities are allowed, is partially developed.

Under-utilized parcels are those zoned for more intensive use than that which currently occupies the property. For instance, a single-family home on multifamily zoned land will be considered under-utilized."

Sizing an UGA is a delicate balance. Too large of UGA can lead to inefficient land utilization with low density leap-frog type development that lacks the financial capacity to generate adequate revenues to pay for urban services. Conversely, an undersized UGA may eventually constrain the land supply and drive up the cost of available land during the 20-year planning period.

Many jurisdictions fully planning under the GMA use a Geographic Information System (GIS) to conduct their land use inventory of vacant, partially used, and under-utilized land. A GIS integrates computer hardware, geographic software, and geographic data to analyze, model, and display real world information. Typical county-city GIS data layers include: parcel boundaries combined with related data tables (e.g. owner, improvement, value, and use information); zoning and comprehensive plan layers; critical areas (wetlands, flood plains, habitat, geologic hazard areas, ground water); urban service areas; Census demographics; building permits; plats; aerial photography; and topography. Overlaying these GIS layers together can enable queries of the GIS such as the following:

- Show all vacant parcels, greater than (X), with urban residential zoning, critical areas deducted, within a public sewer service area, with public water, and not platted.
- Calculate the total acreage of these parcels; subtract (X%) land for infrastructure and market factors; multiply the net acreage balance by the permitted average density of the zoning.

The above GIS queries calculate a potential number of housing units. Total number of housing units can then be multiplied by recent Census demographic data for average household size, to determine the population capacity of this residential zoned land.

High resolution aerial photography can be utilized to ground-truth GIS queries as well as to improve the accuracy of individual GIS data layers for future queries. Once a GIS contains the necessary data layers and programming, periodic monitoring of the land supply and development activity is possible. GIS monitoring can also provide feedback for local decision makers to determine if a jurisdiction's planning policies are being achieved and if its UGA is sized appropriately[81]. On-going monitoring of the land supply, infrastructure capacity, development costs and activity, market conditions, and achieved densities are also of critical importance to jurisdictions conducting periodic review and update of their UGAs[82].

Conducting this type of GIS analysis for each zoning classification within an UGA can yield calculations of the overall population and employment capacity. Total capacity determined by the LCA should then be compared to the population and employment projection selected for the 20-year planning period. Adjustments may be needed to the population projection or the planning policies guiding density and development or the size of the UGA, to align the land capacity to a final population and employment projection.

GMA Statutes

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban

growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth[83].

RCW 36.70A.170 requires all counties and cities in the state to designate natural resource lands and critical areas. Resource lands include agricultural, forest, and mineral lands. Critical areas include wetlands and associated buffers, fish and wildlife habitat, geological hazardous area, frequently flooded areas, and critical aquifer recharge areas. By designating these resource and critical area lands, counties and cities narrow the scope of lands to analyze for potential UGAs.

The scope of a Land Capacity Analysis is further defined by the locational criteria of RCW 36.70A.110(3), providing:

"Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350."

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added on determining available lands for UGAs. The following guidelines describe how a land capacity analysis can be used to manage growth within UGAs:

WAC 365-196-325 Providing sufficient land capacity suitable for development[84]

This section of the WAC provides direction for counties and cities to ensure that they have sufficient land capacity suitable for development within their jurisdiction to accommodate twenty years of allocated housing and employment growth, as adopted in their county-wide planning policies and consistent with the OFM 20-year population forecast. To demonstrate compliance with the GMA, counties and cities must conduct a Land Capacity Analysis to: determine the sufficiency of land over the long-term to accommodate potential growth;

determine appropriate areas; determine capacity based on the allowed density adopted in development regulations; consider the effects of development phasing on capacity, if a jurisdiction has adopted a phasing program.

WAC 365-196-315 Buildable lands review and evaluation[85]

This section of the WAC provides guidance for jurisdictions to analyze and determine if urban densities are being achieved in their UGAs by comparing locally adopted goals and policies with actual development. The analysis would include commercial, industrial, and residential lands and whether the land capacity within the UGA for these lands will accommodate the 20-year population and employment projections adopted by counties and cities. Should the analysis show there is insufficient land capacity, reasonable policy measures must first be implemented that increase consistency for subsequent updates pursuant to RCW 36.70A.130. The six counties in the Buildable Lands Program include: Clark, King, Kitsap, Pierce, Snohomish, Thurston, and the cities within each county.

The WAC also provides guidance to adopt county-wide planning policies to implement the Buildable Lands Program for: collection of data; reporting data; resolving disputes among participating jurisdictions; adopting amendments to increase consistency with local planning policy and the GMA; lead agency responsibility; timelines to implement reasonable measures for consistency; public participation; reporting at five year intervals; determination of consistency or inconsistency; measures to address inconsistencies[86].

Growth Management Hearings Board Cases

The following case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions determine the amount and suitability of available land for Urban Growth Areas. Full texts of these and other relevant cases regarding sizing UGAs may be obtained from the Hearings Board website at www.gmhb.wa.gov.

A Land Capacity Analysis (LCA) is a requirement arising from RCW 36.70A.110 for all counties planning under the GMA. This section of the GMA relates to the designation of UGAs and the requirement that each UGA shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period. The LCA is a critical mechanism for the sizing of a UGA because it is utilized to

determine how much urban land is needed. Therefore, in contrast to the Buildable Lands Report, the LCA is prospective – looking forward over the coming 20 years to see if there is enough land within the UGA to accommodate the growth that has been allocated to the area. In certain counties, the LCA is now underscored by the Buildable Lands Report required by RCW 36.70A.215. Friends of Skagit County, et al v. Skagit County, Case No. 07-2 0025c (Order on Reconsideration, June 18, 2008) at 15.

The requirement that urban growth should be directed to appropriately-sized and delineated UGAs is one of the main organizing principles of the GMA's approach to planning for growth. To determine the appropriate size and location of an UGA requires an appropriate analysis, variously called a "land capacity analysis" or a "land quantity analysis." That analysis includes two interrelated components: (1) counties first must determine how much land should be included within UGAs to accommodate expected urban development, based on the OFM population projections; (2) counties must determine which lands in particular should be included within UGAs, based on the "locational criteria" provided in RCW 36.70A110(1) and (3). Kittitas Conservation v. Kittitas County, EWGMHB Case No. 07-1-0004c, FDO, at 65 (Aug. 20, 2007).

See Streicher v. Island County, Case No. 08-2-0015, FDO at 6-15 (Sept 29, 2008) for a general discussion in regards to the land capacity analysis for the sizing of a UGA and locational criteria, which noted for sizing: (1) requirement to size the UGA for the 20-year projected population growth; (2) to determine whether there is enough land to accommodate projected, new growth by subtracting acreage which currently contains structures, areas that are impacted by critical areas, and areas which would be utilized to provide for future public use, including rights-of-way, sewer or water treatment facilities, parks and schools, along with the application of a reasonable market factor so as to ascertain a net developable acreage; and (3) once all reductions have been applied, the true net developable acreage is compared to the population demand in order to determine if a UGA is appropriately sized based on proposed uses and densities. And for locational criteria, RCW 36.70A.110, when read in conjunction with RCW 36.70A.030(18), provides that land "characterized by urban growth" is not just land that has urban growth on it but that is also land located in relationship/proximity to an area of urban growth.

[T]he Board reads the GMA as authorizing the use of a reasonable land market supply factor which is intended to reduce the total net buildable acreage of land within a UGA by a set percentage to account for the fact that not all buildable land will be developed within the 20-year planning horizon. Whether a jurisdiction calls this

adjustment a land availability factor, a market factor, a safety factor, or a cushion – it serves the same purpose … Thus, Petitioners' contention that Bellingham was permitted to use a "land availability factor" intended to reflect that not all developable land will be available for development and a "safety factor" intended to provide for an excess of land so as to assure affordability is not supported by the GMA. To size the UGA in excess of the acreage required to accommodate the urban growth projection based upon any other reduction factor other than market factor is simply not authorized by the GMA. Petree, et al v. Whatcom County, Case No. 08-2-0021c, FDO at 30-31 (Oct 13, 2008)

A county must base its UGAs on OFM's twenty-year population projection, collect data and conduct analysis of that data to include sufficient areas and densities for that twenty-year period (including deductions for applicable lands designated as critical areas or natural resource lands, and open spaces and greenbelts), define urban and rural uses and development intensity in clear and unambiguous numeric terms, and specify the methods and assumptions used to support the IUGA designation. In essence, a county must "show its work" so that anyone reviewing a UGAs ordinance, can ascertain precisely how the county developed the regulations it adopted. [Tacoma, 94-3-0001, FDO, at 19.]

Spokane County adopted a procedure for establishing boundaries for UGAs, which included a land quantity analysis methodology. (Adopted 10-31-95 and CWPP Urban #19, Urban Growth Area Revisions 9/30/97.) This methodology made no provision for a developer-provided land quantity analysis. The methodology did establish a careful method of reports, format and Technical and Steering Committees review. The County's methodology incorporated CTED's recommended process, modified to reflect local conditions. It is clear from the methodology adopted by Spokane County that the analysis provided by the proponent/developer is insufficient and unacceptable. (CWPPs Policy Topic 1 found in prior and amended versions of the Policies). It is clear from the 1998 and 2004 versions of the CWPPs that it is the local jurisdictions that are responsible for the preparation of land quantity and population analysis. (Policy Topic 1, #19 in 1998 and #16 and #17 in 2004). Moitke/Neighborhood Alliance of Spokane v. Spokane County, et al, EWGMHB Case No. 05-1-0007, FDO, (Feb. 14, 2006).

Continued incremental movement of an UGA boundary that promotes sprawl and inefficient use of tax money did not comply, and also substantially interfered, with the goals of the GMA. Achen v. Clark County 95-2-0067 (RO 11-20-96)

An adjustment to UGAs must be done by the County through the County Council, supported by a county-wide land capacity analysis. UGA expansions cannot be unilaterally done by community advisory groups, nor . . . by cities – these decisions are made by the County from a county-wide perspective. [Bonney Lake, 05-3-0016c, FDO, at 34.]

Board decisions have wrestled with the question of whether land that has better characteristics for a desired economic purpose can be added to a UGA that is already oversized. In each of these cases, the antisprawl/UGA sizing requirements of the GMA trump the economic development goals of the local jurisdiction. If the Town or County find that they have not planned adequately for all the non-residential needs of the UGA, the remedy is re-designation of excess residential land for industrial or other uses, not incremental expansion of the UGA. North Clover Creek, 10-3-0003c, FDO (8-2-10) at 46.

A Buildable Lands Report (BLR) is a requirement arising from RCW 36.70A.215 for six counties and their cities – Clark, King, Kitsap, Pierce, Snohomish, and Thurston. Any other county may prepare a BLR, but it is not required. The primary purpose of the BLR is to review whether a county and its cities are achieving urban densities within the UGAs by comparing growth and development assumptions, targets, and objectives set forth in the countywide planning policies and comprehensive plans with actual growth and development that has occurred over the past five years in the county and its cities. The BLR is retrospective – looking back over the past five years of development to see how well the county and its cities have performed. The information developed through the BLR provides important information for updating and, perhaps, revising a County's Land Capacity Analysis. Friends of Skagit County, et al v. Skagit County, Case No. 07-2-0025c, Order on Reconsideration, at 16 (June 18, 2008).

Court Cases

The following case summary is reprinted from Washington State Courts and address how jurisdictions and Growth Management Hearings Boards consider market supply factor in sizing Urban Growth Areas. Full texts of cases may be obtained from the Court's website at: http://www.courts.wa.gov

Thurston County v. W. Washington Growth Management Hearings Board, 164 Wn. 2d 329, decided August 14, 2008. We affirm the Court of Appeals in part and reverse in part. We hold a party may challenge a county's failures to revise aspects of a comprehensive plan that are directly affected by new or recently amended GMA provisions if a petition is filed within 60 days after publication of the county's seven year update. We hold a party may challenge a county's failure to revise its UGA designations following a 10 year update only if there is a different OFM population projection for the county. We reverse the Court of Appeals' holding that a county must identify and justify the use of a land market supply factor in its comprehensive plan. We remand the case to the Board to determine whether a land market supply factor was used and whether, based on local circumstances, the County's UGA designations were clearly erroneous. We reverse the Court of Appeals' ruling that densities greater than one dwelling unit per five acres cannot be considered in determining whether a comprehensive plan provides for a variety of rural densities. We remand the case to the Board to consider whether the various densities identified by the County in the rural element and/or the use of innovative zoning techniques are sufficient to achieve a variety of rural densities.

Local Examples

Example Land Capacity Analysis: Whatcom County[87]

County-wide Planning Policies, consistent with RCW 36.70A.210 set the general framework for coordinated land use. County-wide Planning Policies or inter-local agreements should establish the local Land Capacity Analysis methodology used by a county and its cities to determine vacant, partially used, and under-utilized land for sizing UGAs.

Whatcom County and cities formed the Growth Management Coordinating Council (GMCC) for growth planning.[88] The GMCC was established as a GMA policy advising committee of elected officials from Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas. The Council was supported by a Technical Advisory Group (TAG) made up of Planning Directors from each jurisdiction and the Coordinating Staff from the County Planning and Development Services. The Council met monthly and focused on three primary issues: review of county population forecasts and ways to implement UGAs; review and

update of the vision for future growth and development in the region. The GMCC made policy recommendations to their respective jurisdictions.

The GMCC relied upon the Whatcom County Land Capacity Analysis[89] methodology to make its recommendations for UGAs. The following locally enhanced methodology was utilized by the County and cities to review and update their respective UGAs:

1.0 INTRODUCTION

This document describes the detailed methodology used in Whatcom County's 2009 Land Capacity Analysis (LCA) as part of a process to review and revise Urban Growth Areas and update the Whatcom County Comprehensive plan. This document is a technical accompaniment to the conceptual Berk & Associates memo dated October 31, 2008 entitled Land Capacity Analysis – Proposed Methods, which includes the policy context and rationale behind the chosen methodology.

2.0 GEOGRAPHIC AND TIME PARAMETERS

2.1 Base Point in Time

The Technical Advisory Group (TAG) selected a base point in time, July 1, 2008, from which the developable lands inventory was measured. For the LCA, all structures existing as of July 1, 2008 will be considered developed, while everything else proposed, built or occupied after that date will be counted as future capacity. The Whatcom County Assessors data used by the County will be taken from the same point in time. This common parameter ensures consistency across jurisdictions in processing property and building activity data.

2.2 Study Area Boundaries

The Land Capacity Analysis was carried out for all UGAs in Whatcom County including both incorporated and unincorporated portions of each UGA. An analysis was done early in the comprehensive planning process using adopted UGA boundaries, and again when UGA boundary adjustments were proposed.

3.0 LAND SUPPLY ANALYSIS

3.1 Assemble Gross Developable Land Inventory

The first step in the assessment of land supply was to identify all lands within UGAs that are considered vacant, partially-used, or under-utilized. These lands comprise the Gross Developable Land Inventory.

Steps

1. Select all residential, commercial, and industrial parcels within UGAs. Distinguish between those parcels in unincorporated areas and those within incorporated cities.

2. Cross-reference local permit and plat data with selected parcels. Separate any parcels with multifamily permits, commercial/industrial binding site plans, and preliminary and final plats that have not been constructed by July 1, 2008. This includes master planned projects that have not been completely built out but have received approval for a certain number of dwelling units or commercial/industrial square footage. Only projects that have received preliminary approval will be included in this list. These developments will be considered pending capacity and will be added to the final land capacity total at the end of the process. (see Section 5.1).

3. If necessary, update any Assessors' parcel records that have not incorporated recent plat or permit data issued before July 1, 2008.

4. Select developable parcels that are vacant, partially-used, or under-utilized. Use GIS processes and database queries to apply the definitional thresholds listed in Exhibit 1.

5. Make adjustments for mobile homes. The primary concern is that some mobile home parks may show up as vacant if the mobile home value is not captured in the Assessors' improvement value data. County staff will use aerial imagery to truth check developable parcel designations against known areas with mobile home developments. Local jurisdictions will also be given an opportunity to review developable land and mobile home park issues in the local jurisdiction review phase described later. If mischaracterized mobile home parks are identified, manually adjust the developable category designation in the land inventory database.

Exhibit 1: Developable Land Definitional Thresholds

Category	Parcel Type	Definition
Vacant	All Residential, Commercial, Industrial	Improvement Value <$10,000; exclude all parcels <2,400 sq ft in size

Partially-Used	Single-Family	Parcel size > 3 times minimum allowed under zoning; Don't count parcels with improvement value > 93rd percentile of jurisdiction improvement values unless the parcels sized is ? 3 times the minimum allowed under zoning
	Multifamily, Commercial, Industrial	n/a
Under-Utilized	Single Family	n/a
	Multifamily, Commercial, Industrial	1. Multifamily, commercial, and industrial zoned parcels occupied by single-family residential uses 2. Ratio between improvement value and land value <1.0 3. Cities can identify development, such as gas stations, as fully developed when the ration of improvement value to land value is less than 1. Subtract existing floor area from database.

3.2 Deduct Critical Areas and Sensitive Environmental Areas

In the next step of the process, subtract all the sensitive environmental and critical areas from the inventory of vacant, partially-used, and under-utilized parcels.

Steps

1. Integrate local jurisdiction critical area data with County base data. The following types of critical areas will be included in the analysis.

   Wetlands: The primary source of wetlands data available to the County is National Wetlands Inventory (NWI) data, which is estimated by staff to include only 25%-50% of actual wetlands county-wide. Coupled with a few additional wetlands data sets, the County has a wetlands dataset estimated to include 50%-75% of all wetlands. These estimates of wetland accuracy are county-wide, including forested and rural areas

where the accuracy of aerial images obscure wetlands. The accuracy of the data within urban areas is far higher, and in many cases, local jurisdictions have a more accurate wetlands inventory that the County has used to update its wetlands dataset for the purpose of this analysis.

Streams: Since the ordinary high water mark is not universally available in County GIS layers, the County's base stream dataset with stream centerlines and an assumed 25 feet of non-buildable area on either side of the centerline will be used in the analysis.

Steep Slopes and Seismic Soils: The County will subtract all areas with slopes greater than 35% since there are generally no restrictions on development where slopes are less than 35%. This value is consistent with several other GMA counties that subtract steep sloped areas. The County will also subtract areas with extensive peat soils that are undevelopable. Areas impacted by alluvial fan hazard areas and regulations restricting land division will also be subtracted.

Floodplain: All land in the floodway will be removed from the inventory. All lands within 100-year floodplains of the unincorporated portions of the Urban Growth Areas will also be removed from the inventory. All lands within floodplains of the incorporated areas will be removed from the inventory where development would be required to fill two feet above the adjacent grade, or where regulations prohibit the placement of fill in floodplains.

2. Deduct critical areas for residential parcels: Using GIS, overlay the critical areas described above on developable parcels and deduct land area where there is overlap. Critical area buffers are not deducted from residential parcels due to the variety of clustering and density transfer options available on these parcels. Later in the local jurisdiction review process, adjustments to critical area deductions can be made for cases with unique circumstances.

3. Deduct critical areas for commercial and industrial parcels: Since there are limited, if any, density transfer options for commercial and industrial parcels, critical area buffers will be deducted from these areas. Buffer distances will be based on County or city critical area ordinances and regulations.

4. The resulting selection of developable parcels unconstrained by critical areas will be used as the land base to calculate deductions for rights-of-way, other public uses, and market factors.

3.3 Deductions for Future Public Uses

There are a wide range of public uses that should be deducted from developable land totals including schools, police and fire stations, recreation facilities and open space.

Steps

1. Schools, police and fire facilities, and parks are the public uses most likely to have established plans for future facilities needs. These uses will be handled separately from other public uses. Where available, review existing capital facility plans for schools, police and fire facilities, and parks and identify any confirmed parcels or areas that should be deducted from the developable land inventory. Any property already owned by public institutions for future expansion as well as any known public uses in master planned areas should be identified. Deduct these parcels or acreage totals manually from the inventory if within a financially constrained plan.

2. If appropriate, analyze ownership information for parcels in the developable land inventory and exclude those owned by public entities and likely to be used for future public uses. This step may not be necessary if most future public use parcels were already excluded when the first residential, commercial, and industrial parcels were selected.

3. In order to account for other future public uses (e.g. community centers, daycare centers, churches, etc.) a 5% percent deduction on developable land is used. The deduction should be applied to the Developable Land Inventory after critical areas are removed but before any other deductions for infrastructure or market factors.

4. During the local jurisdiction review process, adjustments to the 5% other public uses deduction may be considered to account for local conditions and data availability.

3.4 Deductions for Future Infrastructure (Rights-of-Way and Other Development Requirements)

Deductions for future infrastructure, including rights-of-way (ROW) and other development requirements, will be based on the percentages of land dedicated to infrastructure in recent plats, permits, and developments.

This percentage is calculated in the analysis of recent development activity step described below in Section 4.1. Because this deduction is being carried out on land not constrained by critical areas, it is important that the infrastructure percentage deduction factors also be based on land not constrained by critical areas. If there is insufficient data to calculate deduction for infrastructure, then standard deductions based on reasonable assumptions may be used within the analysis.

Steps

1. Summarize acreage of developable land minus critical area and public use deductions by zone for each UGA.

2. Analyze recent development activity to determine infrastructure percentage deduction factors by UGA (see Section 4.1).

3. Apply these deduction factors to the inventory of developable land unconstrained by critical areas to calculate the acreage deduction for infrastructure. The infrastructure deduction may be applied by UGA or by specific zone depending on the quantity and quality of recent development activity data.

3.5 Local Jurisdiction Review

Local jurisdiction review of developable parcel designations and other deductions will occur through a series of communication and meetings between County and City staff. Some jurisdictions with complex land supply issues may require more meetings than others. In general, the following review process will be used for the LCA.

Steps

1. The County will generate parcel maps for each UGA showing vacant, partially-used, and underutilized parcels as well as critical area buffers overlaid on aerial imagery. Some larger UGAs may need to be presented in multiple maps.

2. The maps, along with tabular parcel data underlying the maps will be sent to each local jurisdiction for review. If appropriate, County staff will meet with city staff to discuss any adjustments to developable designations or critical areas that are necessary. These meetings can also be used to discuss infrastructure deductions, public use deductions, assumed density assumptions, market factor assumptions, and other jurisdiction-specific assumptions described

elsewhere in this methodology. The range of additional issues that can be considered during the local jurisdiction review process includes but is not limited to the following:

- Critical areas not identified through GIS analysis
- Known market interest in development or redevelopment of particular parcels/areas
- Parking and outdoor storage associated with adjacent uses
- Other associated/related uses spanning multiple parcels
- Irregular parcel shapes making development unlikely

3.6 Market Factor Deduction

The market factor is a final deduction from the net developable area to account for lands assumed not to be available for development during the planning period. It is expected that over the 20-year planning period some lands will be kept off the market due to speculative holding, land banking, and personal use, among other reasons.

Steps

1. Summarize acreage in the Developable Land Inventory by zone, by land use (residential and commercial/industrial) and developable land designation (vacant, partially-used, and under-utilized). This acreage should represent developable land after critical areas, infrastructure, and public uses have been deducted.

2. Apply the following deduction factors to the developable acreage by zone:

   - For vacant residential and commercial/industrial zones: 15% market factor
   - For partially-used and under-utilized residential and commercial/industrial zones: 25% market factor

3. As a reference point, the overall average market factor for all developable land should be calculated for each UGA and Countywide (total acres deducted based on market factor percentage / total acres in the Developable Land Inventory after critical areas, infrastructure, and public uses have been deducted).

4. During the local jurisdiction review process, the base market factors may be adjusted to account for local conditions and future plans. If market factors are adjusted, the final overall average market factor for a UGA should not exceed 25%. For certain areas (e.g. commercial/industrial areas in smaller outlying UGAs) market factors may exceed 25% but the jurisdiction must have well documented support for why such a deduction is appropriate.

5. The final acreage totals by zone represent the Net Developable Land Inventory – the land expected to be available to accommodate future population and employment over the planning period.

4.0 DEVELOPMENT DENSITY ASSUMPTIONS

Assumptions about future development density are critical elements in the Land Capacity Analysis because they are needed to convert net developable area (acres) into future population and employment capacity.

4.1 Analysis of Recent Development History (Determine Achieved Densities)

The first step in developing density assumptions is to analyze recent development history to determine the actual densities achieved in different zones and planned land use areas. These achieved densities will serve as reference points and one of the inputs into the determination of assumed future densities in each zone.

The past five years of development activity (both plats and permits) is used to determine actual net achieved densities of development on both residential and commercial/industrial land. Local jurisdictions will provide the development data to County staff. On the land side of the equation, County staff with the assistance of local jurisdictions will calculate the net acreage of parcels housing the recent developments. The net acreage must exclude the same ROWs, critical areas, and public uses excluded from the developable land supply. The final achieved densities will be expressed as dwelling units (DUs) per acre for residential parcels and floor area ratios (FARs) for commercial and industrial parcels.

Steps

1. Cross-reference all plat and permit activity with the Assessors parcel data to select only those parcels that experienced development activity during the five year study period.

2. Using GIS, overlay these parcels with critical area layers and calculate the area constrained by critical areas in each zone.

3. For all plat and permit activity, summarize the total acreage of land by zone dedicated to ROWs, infrastructure, and other public purposes.

4. Subtract the area constrained by critical areas, infrastructure, and public purposes from the gross parcel area in each zone. The resulting acreage is the net area to use in achieved density calculations.

5. Summarize the total number of lots (for single family plats), units (for multifamily residential and mixed-use building permits), and building square footage (for commercial, industrial, and mixed-use permits) for each zone in a jurisdiction.

6. Use the basic calculations listed in Exhibit 2 to calculate achieved density for each development type in each zone in each jurisdiction. Final achieved densities will be expressed in terms of DUs per acre for residential zones and FAR for commercial and industrial zones.

Calculate the percentage of gross parcel area dedicated to ROWs and other infrastructure uses in each zone and each UGA overall. This percentage is used in future land capacity calculations (see Section3.4)

Exhibit 2: Basic Achieved Density Calculations by Development Type

Development Type	Achieved Density Calculation
Single Family Subdivision Plats	# Lots/ Net Plat Area
Multifamily Building Permits and Plats	# Units/ Net Site Area
Commercial and Industiral Building Permits	Floor Area/ Net Site Area
Mixed Use Building Permits (Residential Portion)	# Units/ Net Residential Portion of Site
Mixed Use Building Permits (Commercial Portion)	Commercial Floor Area/ Net Commercial Portion of Site

Note: For mixed-use buildings, the site area is apportioned between residential and commercial uses based on the share of building square footage dedicated to each use

4.2 Determine Assumed Densities.

For each zone and planned land use designation, jurisdictions will develop assumed densities to be used in the Land Supply Analysis. These assumptions are meant to be reasonable estimates of densities to expect over the long-term planning period. Assumed densities will only be used for the purposes of the LCA and will not be used to guide or influence other County or local land use policy decisions. In determining assumed densities, jurisdictions will consider the following range of inputs: recent achieved densities; County and city land use goals and policies; local knowledge of development plans and pending development; and any other local market or policy conditions that are likely to impact future development densities. The County will work with city staff to ensure that reasonable assumed densities are developed. The determination of assumed densities in each zone and planned land use area in each jurisdiction is expected to be an iterative and collaborative process between the County and cities. The process will be challenging because each jurisdiction will have its own set of issues depending on the complexity of its zoning code, other land use policies, and market conditions. In addition, the theoretical densities allowed in an area must be balanced with potentially very different achieved densities in those same zones. Although establishing one common method for determining assumed densities is not possible, the underlying principle in this process is to develop assumed densities that are reasonable given recent development patterns and expected changes in future densities caused by market and policy factors. A few of the guidelines to assist jurisdictions in determining assumed densities include:

- Using achieved densities as assumed densities if they fit within expected values for particular zones and planned land use areas. Adjustments can be made based on recommendations from local jurisdictions.
- Using a midpoint density between the maximum allowed under zoning and either the minimum allowed or achieved density. This approach may be more appropriate for multifamily zones, which often have a wide range of allowed densities.
- Using selected recent planned developments as models of future development densities in a particular zone.
- Ensuring that incorporated city UGA average assumed densities (over the entire city) remain above accepted thresholds of urban densities (e.g. 4 DUs per acre)
- Ensuring that urban densities increase over current trends.

Additional Considerations – Mixed Use Zones

In addition to the assumed densities assumptions, local jurisdictions will also need to address important assumptions for mixed-use parcels. Mixed-use parcels represent a unique challenge because they include both residential and commercial capacity. The proposed approach to deal with these parcels is to make an assumption about what share of development will be in residential and commercial uses respectively. These assumptions will be provided by local jurisdictions based on recent patterns in mixed-use development within each planning area, local jurisdiction plans, and local knowledge of trends and pending development.

5.0 CONVERT NET DEVELOPABLE AREA INTO NET POPULATIONAND EMPLOYMENT CAPACITY

The final step in the land supply analysis is to convert the net developable land inventory (in acres) into population and employment capacity. A series of conversion factors are used to make these calculations including: net assumed densities of future development in each planned land use designation (see Section 4.2), average household size, and non-resident vacancy rates. The final product is an estimate of the number of people and employees that can be accommodated in each UGA on developable land. These estimates will be directly comparable to the forecasted population and employment totals allocated to each UGA over the 20-year planning period.

5.1 Determine Population Capacity

This section describes how capacity to accommodate future population growth is derived from the net developable area in residential zones and the residential portion of mixed-use zones.

Steps

Determine Total Dwelling Units Capacity by Zone

1. Multiply net acres of residential developable land in each zone by the assumed density (DUs/acre) for each zone. The output will be the total dwelling units of capacity available in each zone before accounting for existing development on partially-used and under-utilized parcels.

2. Summarize total existing dwelling units on partially-used and under-utilized parcels by zone. Subtract these units from the totals from the previous step so that existing units are not counted as part of partially-used or under-utilized parcel capacity.

3. Earlier in the process, parcels with pending developments were set aside. These parcels included preliminary or final plats, permits, and binding site plans for developments that have

received preliminary approval but have not been constructed by July 1, 2008. Master planned projects that have not been completely built out but have received approval for a certain number of dwelling units are also included. (see Section 3.1). The estimated capacity in these developments is more accurate than calculated theoretical capacity. Summarize total dwelling units in these pending developments by zone. Add these units to total dwelling units from Step 2. The output will be total dwelling units of capacity available in each zone.

Determine Total Occupied Dwelling Units by Zone

1. Determine occupancy rate assumptions for each UGA city by using 2008 OFM estimates. OFM does not provide reliable occupancy rates for unincorporated areas so 2000 Census data are used to calculate occupancy rates in unincorporated UGAs (e.g. Birch Bay and Columbia Valley). The 2000 Census occupancy rate assumptions are adjusted based on more current ACS estimates on how these rates have changed countywide since 2000. In particular, the occupancy rates in UGAs with large concentrations of seasonal housing will be assessed carefully. If more accurate occupancy rate assumptions are available from a reliable local source, these may be used instead of the OFM and Census values.

2. Multiply the total dwelling units of capacity in each zone by occupancy rate assumptions for each UGA. The output will be total occupied dwelling units in each zone. Determine Total Population Capacity by UGA

3. Determine average household size assumptions for each UGA city by using 2008 OFM estimates. OFM does not provide reliable household size estimates for unincorporated areas so 2000 Census data are used to calculate average household sizes in unincorporated UGAs (e.g. Birch Bay and Columbia Valley). Average household sizes for single family and multifamily households are calculated separately. The 2000 Census average household size assumptions are adjusted based on more current ACS estimates on how these values have changed since 2000. If more accurate household size assumptions are available from a reliable local source, these may be used instead of the OFM and Census values.

4. Aggregate the total dwelling units in each zone into two categories, single family and multifamily. The distinction between single family and multifamily zones is challenging because each jurisdiction may interpret “single family” and “multifamily” differently and have zoning codes that allow different levels of density in each of these categories. To improve consistency

and common understanding regarding land use categories, the following single family/multifamily threshold will be used: all zones allowing more than 7 DUs/acre will be considered multifamily and all those allowing up to 7 DUs/acre will be considered single family.

5. Multiply total occupied dwelling units in the single family and multifamily categories in each zone by average household size assumptions for these categories. The final output will be total population capacity within each UGA.

6. The population capacity in each UGA can be compared to the population allocated to each UGA to determine where excess or insufficient developable land capacity is an issue.

Reverse Conversion Steps

If desired, the reverse conversion from population allocation to net acres of residential land needed can be carried out using the following calculations, which are essentially the reverse of the steps listed above.

Steps

1. Calculate weighted average occupancy rates, assumed densities, and average household sizes for each UGA using the net developable land inventory.

2. Divide the population allocation for each UGA by the weighted average household size value for each UGA. The output will be total future occupied households demanded.

3. Divide the total occupied households demanded by the weighted average occupancy rate for each UGA. The output will be total future dweling units demanded.

4. Divide total dwelling units demanded by the weighted average assumed density (DUs/acre) for each UGA. The output will be total acres of net residential land demanded over the planning period.

5.2 Determine Employment Capacity

This section describes how capacity to accommodate future employment growth is derived from the net developable area in commercial and industrial zones and the commercial portion of mixed-used zones.

Steps

Determine Total Square Footage Capacity by Zone

1. Multiply net acres of commercial and industrial developable land in each zone by the assumed FAR[90] for each zone. The output will be the total square footage capacity available in each zone before accounting for existing development on partially-used and under-utilized parcels.

2. Summarize total existing commercial and industrial building square footage on partially-used and under-utilized parcels by zone. Subtract this square footage from the totals from the previous step so that existing buildings are not counted as part of partially-used or under-utilized parcel capacity.

3. Earlier in the process, parcels with pending developments were set aside. These parcels included commercial and industrial permits or binding site plans for developments that have received preliminary approval but have not been constructed by July 1, 2008. Master planned projects that have not been completely built out but have received approval for a certain amount of commercial/industrial square footage are also included. (see Section 3.1). The estimated capacity in these developments is more accurate than calculated theoretical capacity. Summarize total commercial and industrial building square footage in these pending developments by zone. Add this square footage to the totals from Step 2. The output will be total commercial and industrial square footage capacity available in each zone.

Determine Total Occupied Square Footage by Zone

1. Multiply the total square footage capacity in each zone by a 95% occupancy rate assumption. The occupancy rate assumption can be adjusted based on current and accurate data provided by local jurisdictions (e.g. annual real estate market reports). The output will be total occupied commercial and industrial square footage in each zone.

Determine Total Employment Capacity by UGA

2. Aggregate the occupied commercial and industrial square footage capacity by zone into the three categories used in the future employment allocation process: Commercial, Industrial, and Retail. These categories each include specific NAICS-based industries, which are described in greater detail in the Allocating Countywide Forecasts – Proposed Methods memo (see Exhibit 3 in last section of this document).

3. Determine employment density (square footage of floorspace occupied per employee) assumptions for future commercial, retail, and industrial development. The City of Bellingham

has conducted a recent employment analysis that includes an assessment of employment density averages within the city. The County will use the Bellingham analysis as a starting point in determining final employment density assumptions, with adjustments to account for jurisdictional differences. Another reference point in determining employment density assumptions is the ECONorthwest 2002 Whatcom County Land Capacity Analysis, which used the following values:

- Industrial: 650 square feet per employee
- General Commercial: 400 square feet per employee
- Retail: 600 square feet per employee The final employment density assumptions can be adjusted based on local jurisdiction review.

4. Divide the total occupied commercial and industrial square footage in each category by the employment density assumptions. The final output will be total employment capacity within each UGA.

5. The employment capacity in each UGA can be compared to the employment allocated to each UGA to determine where excess or insufficient developable land capacity is an issue.

Reverse Conversion Steps

If desired, the reverse conversion from employment allocation to net acres of commercial and industrial land needed can be carried out using the following calculations, which are essentially the reverse of the steps listed above.

Steps

1. Calculate weighted average FARs and employment densities for each UGA using the net developable land inventory.

2. Multiply each UGA's employment allocation in each industry category by employment density assumptions. The output will be total future occupied commercial and industrial square footage demanded.

3. Divide the total occupied commercial and industrial square footage demanded by the assumed occupancy rate for each jurisdiction. The output will be total future commercial and industrial square footage demanded.

4. Divide total commercial and industrial square footage demanded by the weighted average FARs for each UGA. The output will be total acres of net commercial and industrial land demanded over the planning period.

Example Buildable Lands Program: Pierce County[91]

Similar to the Whatcom County and cities LCA, Pierce County and cities also utilize a LCA to periodically determine if the county and cities are achieving their policies for housing and density, development and redevelopment, and employment.

RCW 36.70A.215 requires certain counties and their cities to adopt a program of review and evaluation to determine whether a county and its cities are achieving urban densities within UGAs by comparing growth and development policies in their plans with actual growth and development. The jurisdictions are to identify and adopt reasonable measures other than adjusting UGA boundaries to increase consistency between policies and actual development. Commerce provides Guidelines for the Buildable Lands Program, Evaluation Reports, and Fact Sheets on its website at: http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Buildable-Lands.aspx

Pierce County began its Buildable Lands Program in 1997. The following jurisdictions participate in the program: Auburn; Bonney Lake; Buckley; Carbonado; DuPont; Eatonville; Edgewood; Fife; Fircrest; Gig Harbor; Lakewood; Milton; Orting; Pacific; Pierce County – Unincorporated Urban Growth Areas; Puyallup; Roy; Ruston; South Prairie; Steilacoom; Sumner; Tacoma; University Place; Wilkeson.

The following summary is reprinted from the Pierce County Buildable Lands Program 2008 Consistency Evaluation, Final Report 1/20/2009:

> *"Pierce County's Buildable Lands Program[92] focuses on evaluating the ability to accommodate planned population and employment growth within the urban growth area for both housing and employment capacity. Through regular review and coordination between jurisdictions, the*

process aims to encourage consistency between actual development patterns, local comprehensive planning and GMA goals.

Pierce County's September 2002 Buildable Lands Report, its first required report, compiled development data during the five years from 1996 through 2000. The 2002 report was the first countywide document that contained detailed information about development actually occurring in the field and used a consistent methodology in analyzing whether or not the cities, towns and unincorporated urban areas within Pierce County have sufficient lands to accommodate the planned growth. While this report details the densities achieved by jurisdictions during the five year period and identifies the difference between future housing needs and estimated housing capacity, it does not specifically identify jurisdictions that should adopt reasonable measures to rectify observed inconsistencies between observed and assumed densities or between allocated population and existing land capacity.

In 2004, Pierce County issued the Pierce County Buildable Lands Program Consistency Evaluation Report to provide guidance to local jurisdictions in moving toward compliance with the Buildable Lands requirement. This report further evaluated the data documented in the 2002 Report and identified specific jurisdictions that may need to adopt reasonable measures to achieve consistency between planned assumptions and observed trends. A detailed review of reasonable measures suggested by the Washington State Department of Community, Trade, and Economic Development (CTED)[93] gives the jurisdictions a better understanding of what tools may help them encourage development that would be more consistent with community goals. Buildable Lands Report: A Monitoring and Evaluation Analysis of Urban Growth and Development Capacity for Pierce County and its Cities and Towns, September 2007 is the second Buildable Lands Report published by Pierce County. It mirrors the first by providing comprehensive data for each jurisdiction related to observed densities and housing/employment capacity, but offers limited analysis relating to whether or not inconsistencies that would prompt reasonable measures were present.

This document is the 2008 Buildable Lands Program Consistency Evaluation Report that evaluates the information gathered from Pierce County's 23 cities and towns as well as the unincorporated Urban Growth Area for period from 2001 to 2005. This report considers if development is likely to meet both a jurisdiction's density assumptions for each zone and the four dwelling units per acre average density for new development established through the Countywide Planning Policies. In addition, this report highlights the status of land available for development to determine if sufficient land exists to accommodate long-term growth. It is important to note that the density assumptions and growth capacity are tightly interwoven. If density

assumptions are not met, the capacity for growth will be lower. Similarly, if a jurisdiction chooses to reduce its densities, growth capacity will be constrained.

This document does not review other potential constraints that jurisdictions may face in achieving their goals or accommodating growth. Therefore, while a jurisdiction may have limited infrastructure capacity, this has not been discussed except in the context of one of the measured inconsistencies, if an inconsistency exists. In addition, data from the 2007 Buildable Lands Report identified some jurisdictions that were seeing limited growth. This report did not evaluate if the current levels of growth were sufficient to accommodate anticipated long-term growth. Buildable lands legislation does not require a review of the amount of development, but rather whether or not new development is meeting the jurisdiction's goals, as discussed above.

While the development data presented in the 2007 Report provides the foundation for the consistency evaluation, PMC and SPS are aware that rarely do the numbers alone tell the entire story. For this reason, the work included obtaining feedback through workshops, questionnaires and individual discussions with the jurisdictions to better assess the conditions surrounding the data.

As required by the Buildable Lands legislation, those jurisdictions that are not consistent with either the density assumptions or capacity allocations must consider reasonable measures to achieve consistency. With the accurate determination of consistency as the final goal, the PMC and SPS team recognized that a sound methodology and review process were critically needed. This report applies that common methodology; summarizes the results; and identifies which governments are consistent with assumptions, why they may not be, and what can be done to remedy the situation."

The Pierce County Buildable Lands Program 2007 report contains the County and cities' Land Capacity Analysis methodology and results for each jurisdiction. Pierce County utilizes a Land Capacity Analysis similar to Whatcom County and cities to evaluate both the sufficiency of lands in Pierce County and to implement its Buildable Lands Program for achieving greater consistency and efficiencies between adopted policies guiding growth and development and actual development occurring in Pierce County and cities.

The following land capacity methodology is reprinted from the Pierce County Buildable Lands Program 2007 Report[94]:

RESIDENTIAL AND COMMERCIAL CAPACITY ANALYSIS

Methodology

The methodology used to calculate the residential and commercial/industrial capacity is the same as utilized in the 2002 analysis. Although the same methodology is utilized, the assumptions incorporated for each jurisdiction may have been modified to reflect observed trends in addition to unique circumstances or geographical limitations for individual jurisdictions.

The methodology employed for the analysis includes various factors and assumptions. Each component directly influences the estimated capacity and needs' statistics. This reflects a conservative approach; therefore the reported estimates are not maximum capacity figures.

The analysis is based on the total gross acreage associated with each of the four buildable land categories (vacant, underdeveloped, redevelopable multi-family, and redevelopable commercial/industrial) by zoning district. In addition, parcels within master planned communities are deducted from the buildable lands inventory and replaced in the analyses with the remaining housing unit or employment build-out number as documented in an approved developer agreement or other such approval.

The estimated residential capacity is generated through acreage deductions to account for factors identified below and the application of an average residential density. As mentioned previously, the parcels associated with vacant lands have been categorized as either vacant or vacant (single unit). If the parcel is a vacant (single unit) parcel, the parcel acreage is deducted from the gross acreage and incorporated in the analysis as one dwelling unit.

Residential housing units represent the estimated residential needs. The total needed units are a derivative of the 2022 population allocation and an estimate of persons per household (pphh). In most instances the pphh assumptions for each city and town are a smaller average size as reported through the 2000 census information to reflect the historical trend of decreasing household sizes. The 2006 housing counts referenced in Table 7 represents OFM's April 1, 2006 estimate.

The estimated commercial/industrial capacity is generated through the application of an average employee per gross acre. This simplified approach results from the intricacies associated with the employment capacity. As an example, an existing vacant parcel may be initially developed as a warehouse with a single shift. As land value or demand increases, the same warehouse may add a second shift or be converted to a higher intensity employment center. In either instance, additional employment is accommodated without the consumption of vacant or redevelopable lands.

General Factors / Assumptions

The assumptions incorporated into each jurisdiction's residential and employment capacity analysis is detailed in Table 4 and Table 5. In addition, Table 4 provides a summary of development characteristics derived from the data collected by each jurisdiction. Table 5 details the criteria applied in inventorying vacant, vacant (single-unit), underdeveloped, and redevelopable commercial/industrial properties. The assumptions were determined by staff representing each jurisdiction.

Mixed Use Zoning

Mixed use zoning permits residential and commercial activity on the same parcel or on separate parcels within the same zoning classification. To account for this mixture of activity in both the residential and commercial/industrial capacity analyses, a ratio is incorporated to reflect future residential/commercial land consumption. As a consequence, the gross acreage identified under each mixed use zoning classification represents the acreage assumed as either residential or commercial, not the total gross acreage categorized as vacant, vacant (single-unit), underdeveloped, or redevelopable. In some instances where a vertical mixed use is anticipated, 100 percent of the land area is assumed as both residential and commercial. This recognizes buildings where the first floor is commercial and the additional stories are residential.

Master Planned Communities

Master Planned Communities (MPC) are unique development proposals. Through local development regulations MPCs may deviate from prescribed bulk/dimension provisions and, in some instances, construct a mixture of residential and non-residential developments. The total number of dwelling units and commercial square footage is documented in local development agreements. To acknowledge these agreements, the detailed deductions/calculations are not applied to generate a capacity statistic. Instead, the total approved units/square footage not constructed by the end of December 2005 is identified as the total capacity for the associated properties on Table 8 and Table 9.

Displaced Units

The buildable lands analysis incorporates a category of buildable lands that displaces existing residential homes. In the analysis, existing housing units located on underdeveloped parcels and redevelopable multi-family parcels are identified as displaced units at the bottom of Table 6 and added to the housing unit needs on Table 7. In this approach, all underdeveloped and redevelopable multi-family land is calculated as vacant land. As a consequence, the existing units that will be displaced need to be accounted for.

Market Availability (unavailable for development)

Although individual properties met the criteria for vacant, underdeveloped, and redevelopable lands, property owners may not want to sell or further develop the land in the next twenty years. There are various reasons for this to occur, including personal use, economic investment, and sentimental relationship with their surrounding environment. To account for the market availability, a specific percent of the net acreage is deducted from the inventory on Table 8 and Table 11. A higher percentage is deducted for properties categorized as either underdeveloped or redevelopable. This correlates with a higher uncertainty for the redevelopment of existing developed properties.

Future Capital Facilities

The acreage associated with anticipated/planned public capital facilities is deducted from the total gross residential and commercial/industrial acreage. Various governmental districts/agencies were contacted to identify future public capital facilities. If a specific facility was associated with a specific parcel(s), the associated acreage is deducted from a specific zoning category. If the identified capital facility specifies only acreage, an equivalent deduction that totals the specified need is applied to each residential zoning category. In some instances, a local jurisdiction chooses to incorporate a certain percentage of future land disregarding the documented needs as inventoried.

Residential Factors / Assumptions

Plat Deductions

Individual jurisdictions apply different methods to calculate the maximum number of housing units permitted within a project. The various methods can be categorized into two approaches; minimum lot size and density. The plat deductions incorporated in Table 6 reflect the type of approach the respective jurisdiction implements. Plat deductions are from the total adjusted net acreage. In some instances there may not be adequate acreage to meet the assumption figures. In such cases, the capacity will be identified as zero.

Minimum lot size approach - the acreage associated with non-residential activity, i.e., roads, stormwater, environmental constraints, parks, are not included in calculation of the maximum number of residential units and as a consequence, are deducted.

Density approach - jurisdictions contrast in the implementation of the density approach. While some calculate units with a project's gross acreage, others employ a net acreage. Furthermore, the components that are subtracted from the gross acreage to calculate the net acreage fluctuate between jurisdictions.

Vacant (single-unit)

The vacant (single-unit) acreage represents existing vacant properties that will not be further subdivided in the next twenty years, i.e., individual building lots. The parcel size associated with net vacant parcel depends upon density/lot limitations, which varies for each jurisdiction. The transformation from acreage to dwelling unit occurs at the bottom of Table 6. The number of dwelling units listed represents the number of parcels associated with the net vacant acreage.

Person per Household

A person per household (pphh) figure is assumed in Table 7 to correlate the population growth associated with the 2022 population allocations to needed housing units. The pphh figure was derived from the 2000 U.S. Census, and in most cases, reduced by 5.5 percent to reflect the historic decrease in household sizes. Data availability limited the statistic to an average for both single family and multi-family units.

Residential Density

The net buildable acreage calculated in Table 6 is converted to housing unit capacity in Table 10 through the application of assumed density. Table 8 identifies the density applied to each zoning district. Individual jurisdictions established the density assumptions with recognition of past trends and recent regulatory modifications.

Non-Residential Uses

Zoning codes permit various types of non-residential development within residential districts, such as churches and day-care centers. To account for future non-residential development a percentage of the net residential acreage is deducted from the available buildable lands. The specific percentage differs between each jurisdiction.

Commercial Factors/Assumptions

Commercial/Industrial Intensity

The buildable acreage calculated in Table 9 is converted to employee capacity in Table 11 through the application of assumed gross employees per acre.

Displaced Employees

The redevelopable land category may include existing businesses and employees that if redeveloped as another business would be displaced. As a consequence, the employment growth figure is increased to

account for the eliminated jobs. To calculate the displaced employees, ESD employment data was overlaid on properties inventoried as redevelopable commercial/industrial land.

In addition to the LCA methodologies provided herein by Whatcom and Pierce Counties and cities, many other fully planning jurisdictions in Washington State have refined their LCA and Buildable Lands Program methodologies to more accurately determine if they are achieving policies in their comprehensive plans for growth and development patterns that can be supported by adequate and cost effective urban services.

As fully planning jurisdictions near their next review and update of comprehensive plans, UGAs, development regulations, and Buildable Lands Program reports, consistent with the requirements and timelines in RCW 36.70A.110, RCW 36.70A.130, and RCW 36.70A.215, they will rely heavily upon their local Land Capacity Analysis to determine the adequacy of lands and the effectiveness of their policies to guide growth and development.

In the next chapter we will examine how addressing a variety of housing and housing market conditions, together with transportation opportunities, can maximize efficiencies in UGAs.

Other Examples Subarea Planning Tools

Jurisdiction	Subarea Plan
Whatcom County	Land Capacity Analysis – Detailed Methodology
Pierce County	Buildable Lands 2008 Consistency Evaluation – Final Report
Douglas County	Douglas County UGA Analysis *(Select UGA analysis and text from left hand website menu)*
Spokane County	Urban Growth Area Update
Thurston County	2007 Buildable Lands Report
Kin County	2007 Buildable Lands Report

Endnotes

[75] Also referred to as a Land Quantity Analysis

[76] RCW 36.70A.020(4) and RCW 36.70A.070(2)

[77] http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Buildable-Lands.aspx

[78] RCW 36.70A.130

[79] Issues in Designating Urban Growth Areas, Part 1 "*Providing Adequate Urban Area Land Supply*."

[80] E.g. Clark County and cities consider property to be vacant with structures valued at $13,000 or less.

[81] RCW 36.70A.215, WAC 365-196-315 *Buildable Lands Review and Evaluation*

[82] RCW 36.70A.130(3)(a)(b)

[83] RCW 36.70A.030(19)

[84] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-325

[85] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-315

[86] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-315

[87] (Whatcom County, 2009)

[88] http://www.co.whatcom.wa.us/pds/2031/projects/gmcc/index.jsp *Growth Management Coordinating Council, UGA Review Policy paper*

[89] http://www.co.whatcom.wa.us/pds/2031/uga.jsp *Attachment 2 - Detailed Land Capacity Methodology. Whatcom County data sources omitted from this document (See Whatcom County website).*

[90] Floor Area Ratio

[91] (Pierce County, 2009)

[92] http://www.co.pierce.wa.us/pc/abtus/ourorg/pals/whatwedo/buildablelands.htm *Pierce County Buildable Lands Program 2008 Consistency Evaluation, Final Report 1/20/2009*

[93] Department of Commerce

[94] http://www.co.pierce.wa.us/pc/abtus/ourorg/pals/whatwedo/buildablelands.htm *2007 Pierce County Buildable Lands Report*

Chapter 6

Housing Market Conditions – Healthy Transportation Opportunities in Urban Growth Areas

The Housing Element of a comprehensive plan speaks to how a county or city will respond to anticipated growth by providing a variety of housing types together with a variety of densities to create affordable housing opportunities for all economic segments of a community. The housing element must also ensure the vitality of established residential neighborhoods. A housing needs analysis[95] can further define the housing density, mix of uses, and whether there are adequate housing provisions for all economic segments of the local community.

The housing needs analysis should parse the overall population projection into the number and types of housing units required to meet each economic segment of the community. The calculation for each economic segment can then be measured against the residential land area, together with the densities permitted, to determine if there is adequate residential land designated. Jurisdictions generally have several residential designations and corresponding densities to meet a wide range of housing needs.

The housing policies of a comprehensive plan together with the development regulations that implement those policies can influence the development capacity of Urban Growth Areas (UGAs) over the 20-year planning horizon.

Effective housing policies that are consistent with existing and emerging markets can also enable a variety of transportation modes such as transit, light rail, bike lanes, and pedestrian pathways. These alternative transportation modes, in turn, add even more value by helping to lower greenhouse gas emissions[96] and improve community health.

Policies that promote a mix of housing types for all income levels, combined with flexible regulations for density, innovation and design, infill, and redevelopment, can help maximize the use of available urban lands as well as generate revenues to pay for needed urban services and transportation systems.

> *"Innovation does not necessarily suggest development that is radical or unusual. The goal is not to provide "adventurous" housing: the vast majority of people are very conservative when they invest in homes or income properties. Rather, the innovation comes from efficient and creative use of spaces, features and amenities, both within the overall development and the individual homes. Innovative housing seeks the right size for each market segment, offering just the things it needs. The result is housing that costs less, uses less land, has lower impacts on the environment, and often provides opportunities for social interaction.[97]"*

GMA Statutes

The Growth Management Act[98] (GMA) contains 14[99] goals. One of the more challenging of these 14 goals for counties and cities to meet is the Housing goal:

> *Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.[100]*

More specifically, the GMA requires comprehensive plans to include:

> *A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.*

RCW 36.70A.090 enables local communities to adopt innovative land use management techniques that can include: density bonuses; cluster housing; planned unit developments; transfer of development rights. In addition, RCW 36.70A.400 and RCW 43.63A.215 provide local communities the ability to utilize accessory apartments where appropriate.

In 2006, the Legislature addressed the continued lack of affordable housing in the State of Washington with adoption of RCW 36.70A.540[101], creating an incentive program to increase the availability of low-income housing for renter and owner-occupied units, consistent with local needs and adopted comprehensive plans. Incentives for UGAs may include: density bonuses; additional height and bulk allowances; fee waivers or exemptions; parking reductions; expedited permitting; and other types of incentives to increase affordable housing units.

These statutes give counties and cities the legislative authority to adopt policies and standards to ensure adequate and affordable housing is planned for their UGAs.

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added to provide guidance on housing. The following guidelines describe how housing types and varieties can be used to manage growth and provide affordable housing within UGAs:

WAC 365-196-410 Housing element[102]

This section of the WAC provides direction for counties and cities in developing housing elements in their comprehensive plans to meet the requirements of RCW 36.70A.070(2) for: inventory and analysis of existing housing and future needs; goals, policies, and preservation of housing; identification and designation of sufficient land for multiple housing types; and provisions for housing affordability for all economic segments of a community.

To meet the requirement of the statute, this section of the WAC recommends that the housing element contain goals and policies that can be implemented in development regulations for affordable housing, preservation of neighborhood character, provision of a variety of housing types and densities, and methods for monitoring housing changes. The housing element must also contain a housing inventory and needs analysis to determine the current availability of affordable housing for all economic segments of the community, and what is needed to serve these segments, as well as total projected future population growth. In estimating affordability, plans should consider the extent of housing which can be rented or purchased for 30 percent or less of household income, for various income ranges as defined by local policies or U.S. Housing and Urban Development thresholds.

The WAC further recommends that the housing element include an implementation plan and a description of adjustments or revisions a jurisdiction may consider and act upon relative to housing needs.

Growth Management Hearings Board Cases

The following selected case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions plan for housing needs and housing affordability. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

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As society and technology have changed over time, so too have communities and residential neighborhoods changed. This has been reflected in changes in statute and case law at both the federal and state levels. In the GMA, there are a number of specific references that address housing and residential land uses, some of them more explicit and directive than others. There are at least five sections of the Act that are on point. When these sections are read together, they describe a legislatively preferred residential landscape that, compared with

the past, will be less homogeneous, more diverse, more compact and better furnished with facilities and services to support the needs of the changing residential population. [Children's Alliance I, FDO, 7/25/95, at 5, footnote omitted]

Growth is more than simply a quantitative increase in the numbers of people living in a community and the addition of "more of the same" to the built environment. Rather, it encompasses the related and important dynamic of change. Because the characteristics of our population have changed with regard to age, ethnicity, culture, economic, physical and mental circumstances, household size and makeup, the GMA requires that housing policies and residential land use regulations must follow suit. This transformation in our society must be reflected in the plans and implementing measures adopted to manage growth and change. [Children's I, 95-3-0011, FDO, at 9.]

This planning goal [Goal 4] uses the verbs "encourage" and "promote" which are permissive verbs, and thus this goal does not constitute an independent substantive requirement in isolation from a specific GMA requirement … Goal 4 must be considered together with the affirmative requirements for the Comp Plan Housing Element set forth in RCW 36.70A.070(2). Ninth Street Mobile Home Park v. City of Wenatchee, EWGMHB Case No. 07-1-0008, FDO at 6 (March 16, 2009).

The Act requires cities and counties to preserve existing housing while promoting affordable housing and a variety of residential densities and housing types. No jurisdiction is required to reconcile these seemingly inconsistent requirements by totally focusing on one requirement, for instance preserving existing housing, to the exclusion of other requirements, such as encouraging more affordable housing. Instead, jurisdictions must reconcile the Act's seemingly contradictory requirements by applying and necessarily balancing them. [WSDF I, 94-3-0016, FDO, at 30.]

RCW 36.70A.400 states that any local government that is planning under the Housing Policy Act shall comply with RCW 43.63A.215(3). The Board finds that RCW 43.63A.215, when read as a whole, requires local governments to adopt development regulations, zoning regulations or official controls that provide for accessory dwelling units in areas zoned for single-family residential use by Dec. 31, 1994. Coalition of Responsible Disabled v. City of Spokane, EWGMHB Case No. 95-1-0001, Dispositive and FDO, at 2 (June 6, 1995).

Urban density goals and requirements of the GMA relate primarily to anti-sprawl and compact development. They do not, in and of themselves, address affordable housing goals and requirements. Achen v. Clark County 95-2-0067 (RO 12-6-95) [The County's CPP, allowing an individual UGA to be potentially expanded to adjacent land for an affordable housing crisis did not comply with the Act – RCW 36.70A.215. (Note: A CPP, allowing an individual UGA to be potentially expanded for additional residential land is permissible if a need for additional residential land is demonstrated in a land capacity and reasonable measures have been taken. The challenged CPP bypassed .215's reasonable measures requirement.) The Board also commented that a land capacity analysis for residential land is off point in relation to a potential expansion of a UGA pursuant to an "affordable housing crisis," which is the basis for this potential UGA expansion.] Whether the existing and projected housing stock is affordable falls within the parameters of RCW 36.70A.070(2) – the Housing Element. A GMA Plan's Housing Element is required to identify sufficient land for housing, including government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities. RCW 36.70A.070(2)(c). Also the Housing Element requires jurisdictions have adequate provision for existing and projected housing needs for all economic segments of the community. RCW 36.70A.070(2)(d). Therefore, reliance upon just a land capacity analysis without supporting documentation in the County's Housing Element would be inadequate to implement [a UGA expansion pursuant to this CPP. The Board found this CPP noncompliant.] [CTED, 03-3-0017, FDO, at 35-36.]

Higher density single family and multifamily housing (apartments, cottage housing, condominiums and townhouses, etc.) adds variety to housing alternatives within urban areas to help make housing affordable for all segments of the population. [Goal 4 and RCW 36.70A.070(4)]. [Kaleas, 05-3-0007c, FDO, at 14

RCW 36.70A.540, enacted in 2006, sets out the requirements for housing incentive programs which cities or counties may adopt as development regulations in order to meet their affordable housing goals. . . Incentive programs may include density bonuses, height and bulk bonuses, fee waivers, parking reductions, expedited permitting, and mixed use projects. [Futurewise V, 07-3-0014, FDO, at 5.]

Housing Element Examples

Example Housing Element: City of Bremerton

The City of Bremerton's Housing Element is built upon the following vision:

> *"Bremerton ensures quality homes and cohesive neighborhoods that empower its citizens. Coordinated city services and programs emphasize quality homes, home ownership, residential safety, and appropriate property maintenance. The City fosters the creation and enhancement of cohesive neighborhoods through infill and rehabilitation projects designed with a community orientation. New development, located at strategic locations that capture local amenities and complement rising land values, support diverse lifestyles and a broader, more innovative choice of housing types. Empowered citizens work with the city to protect neighborhood stability, residential compatibility, and an increased sense of community identity and pride."*

Bremerton's Housing Element focuses on shelter as the most basic function of community living for the local population. The community acknowledges deterioration of housing conditions and is responding by advocating for better protected and cohesive neighborhoods with identifiable features that encourage higher homeownership rates.

Bremerton's Housing Element also recognizes the need for housing assistance in the community. The City's housing and income analysis shows that a majority of current residents in the City are considered low income and unable to qualify for mortgages or fully maintain homeownership costs. The City's Housing Element suggests creative and incremental strategies to serve the existing population, combined with necessary redevelopment opportunities to help bring new growth and a healthier residential mix to the City. Bremerton's Housing Element is organized into the following four main sections:

1. An examination of current housing conditions (see Housing Appendix)
2. A projection of expected future housing needs (see Housing Appendix)
3. The community's goal and policy direction for responding to the those conditions and needs
4. An overview of implementation strategies set forth by the goals and policies

Bremerton's Housing Element provides not only the goals and policies to achieve its vision, but a strategic implementation plan to fund facilities and services for housing. The City's Housing Element policies also supports home ownership, diverse housing choices, cohesive neighborhoods, low income services, support for special needs citizens, a range of affordable housing types, and policies to enhance economic development.

The City's Housing goals and policies were developed by citizens as well as public officials in response to the challenges identified in the Housing Element and the Housing Appendix of Bremerton's comprehensive plan. The housing goals and related policies are organized into the following five main areas:

- Housing quality
- New housing development
- Affordable housing
- Cohesive neighborhoods
- Housing planning and coordination

The following selection of Bremerton Housing goals and policies for new housing development provides an example of how the City addresses each of the five main areas listed above in its Housing Element and Housing Appendix:

H3 Provide a variety of housing types and densities to meet changing needs of Bremerton residents

H3A Promote private and public efforts to provide adequate capital for private and public new housing projects at competitive or favorable costs.

Support a Letter of Credit program to expedite housing project start-ups

H3B Support the private sector's efforts to meet changing housing demands and special housing needs.

H3C Stimulate the production of new housing for all incomes, ages, and family types.

H3D Encourage the provision of adequate housing to meet the needs of short-term residents, particularly for those in the lower income categories.

H3E Promote housing opportunities that respond to the special needs of students, the military, households headed by females, the elderly, and the handicapped.

H3F Encourage the development of a full range of housing options for seniors in proximity to services and amenities.

- ✓ Consider allowing retirement housing complexes in all residential zones subject to development standards ensuring compatibility with surrounding neighborhoods
- ✓ Encourage programs which allow seniors to remain in their homes as long as possible (e.g. home maintenance and repair, home health care, reverse mortgage programs, meal programs)

H3G Provide for integration of special needs housing within the community. Allow residential care facilities, including foster care facilities, in all residential zones, provided that such facilities must comply with development standards that will assure compatibility with the surrounding neighborhood

H3H Accommodate creative housing options, such as artist's lofts, especially in mixed use areas and rehabilitated structures.

H3I Support efforts to provide emergency and group housing.

H4 Provide housing in mixed-use centers for a variety of incomes, age groups, and household types

H4A Target the use of affordable housing tax credits to Centers.

Example Housing Element: King County

The King County Comprehensive Plan provides a commendable framework of goals and policies to guide housing availability and affordability for King County residents, consistent with the GMA. King County provides housing affordability incentives consistent with RCW 36.70A.540 through its Housing & Community Development (HCD) Program. The HCD administers several affordable housing programs, such as: a credit enhancement program; surplus property program; road and school fee exemption programs; density bonus program; covenants/resale restrictions; income eligibility for benefit units; property specifications; and a review and approval process.

Together with its direct efforts, the County works with numerous public, private, and non-profit entities to promote housing development and affordability. King County partners with most of its cities through the Community Development Block Grant (CDBG) and HOME Consortiums, to allocate and administer affordable housing development funds. In addition, the County participates with all cities in the Regional Affordable Housing Program (RAHP) and the Growth Management Planning Council (GMPC) to address housing affordability.

The County's Comprehensive Plan Technical Appendix B is an assessment of the local housing stock, demographic data, and its ability to serve the housing needs of County residents now and in the future. This analysis provides the basis for goals and policies in the Housing Section of the Urban Communities Chapter of the King County Comprehensive Plan.

King County Comprehensive Plan Urban Communities Chapter - Housin

> *Adequate choices and opportunities are essential to fully address the spectrum of housing needs for all King County residents. A basic goal of the Washington State Growth Management Act (GMA) is to encourage affordable housing. Likewise, the King County Comprehensive plan promotes affordable housing for all county residents by supporting adequate funding, zoning, and regional cooperation to create new and diverse housing choices in communities throughout the county.*

Most housing is financed by and developed in the private sector. The ability of the private sector to develop affordable housing is affected by a wide range of market forces. Local government actions such as land-use policies, development regulations and infrastructure finance also have a significant impact on housing affordability.

Public funding and incentive programs are essential to address housing needs of lower-income county residents, including people with special needs, such as the elderly and people with disabilities. The policies in this chapter address low-cost housing development, preservation and assistance programs needed to ensure safe and adequate housing for lower-income and special needs residents.

In addition, the King County Consortium represents unincorporated areas and most county cities outside of Seattle. This consortium prepares a Consolidated Housing and Community Development Plan which outlines the needs, resources and housing goals to be achieved. An annual action plan details specific housing and community development objectives."

King County Housing policies direct many public and private objectives to ensure a variety of housing choices and a full range of affordable housing will be available to residents. The following housing priorities are supported by King County housing policies as adopted in their Comprehensive Plan Chapter 2 - Urban Communities[103].

- Housing Choice and Opportunity Throughout King County
    1. Range of Housing Choices
    2. Ensuring and Expanding Affordable Housing Resources
- Affordable Housing Development
    1. Development Incentives for Affordable Housing

Housing Development Subsidies

- Preservation of Existing Affordable Housing
- Access to Housing
- Reducing Development Costs
- New Housing Models
- Direct Assistance to Households
    1. Homeowner Assistance
    2. Renter Assistance and Homeless Prevention
- Balancing Jobs and Housing

As the population of the Puget Sound region grows, King County is expected to remain the major employment center of the region. As job growth occurs, the workers for these jobs must be accommodated with adequate opportunities for housing. If a balance of job growth

and housing availability is not achieved, these workers will need to live longer distances away from their jobs, thus increasing pressures upon transportation systems.

The complete text of King County housing policies for the above list of housing priorities is available on the County's website.

Housing Market Conditions

Housing demographics and market conditions need to be considered when planning for UGAs. Adding more low density residential land to an UGA with an over-supply of housing in a sluggish market can make it more difficult to stimulate innovative housing types to maximize use of urban lands and pay for urban services.

Numerous sources of current housing data for counties and cities in Washington are available to assist jurisdictions to determine their housing inventory and characterize housing market conditions as they plan for UGAs. The State Office of Financial Management (OFM) provides housing inventories by unit type for jurisdictions, such as the following example for King County.

Table 6-1 King County Housing Inventory (Abridged)

Municipality	Total	1 Unit	2+ Units	MH/Spec
King	845,265	489,126	336,623	19,516
Unincorporated	124,624	101,787	16,238	6,599
Incorporated	720,641	387,339	320,385	12,917
Algona	1,007	816	41	150
Auburn (pt)	24,253	13,080	8,379	2,794
Beaux Arts Village	128	128	0	0
Bellevue	56,262	30,559	25,634	69
Black Diamond	1,620	1,335	43	242
Bothell (pt)	7,625	3,432	3,352	841
Burien	14,002	8,381	5,550	71
Carnation	659	582	63	14
Clyde Hill	1,071	1,067	4	0
Covington	5,920	5,646	244	30
Des Moines	12,000	7,133	4,457	410

Source: King County

Note: Historical housing unit data have been corrected as more accurate data became available.

Together with housing demographic data provided by OFM as shown above, and U.S. Census[104] housing data, the Washington Center for Real Estate (WCRE)[105] generates quarterly information on housing markets for Washington State and each county. Topics covered include: Housing Re-sales; Home Prices; Building Permits; Housing Affordability; and Listings. The following snapshot tables from WCRE depict data on these topics for counties in the state. The Central Puget Sound Real Estate Research Committee produces a detailed report twice a year that includes; single family sales activity, building activity, economic topics (interest rates, employment, and business conditions), demographic information, and rents and vacancies for apartments, office buildings, industrial properties and hotels. The report covers King, Pierce, Snohomish, and Kitsap counties. Similar reports[106] are produced by the WCRE for the Spokane – Kootenai Counties region, Whatcom County, and Thurston County.

Comprehensive plan policies and development regulations, balanced with housing demographic and market data, can create opportunities for a variety housing types in UGAs that maximize land use and meet the demands for urban services and affordable housing. This balance between policies and market conditions also increases the likelihood of having healthy communities that can support multimodal transportation systems with a variety of transportation modes such as transit, light rail, bike lanes, and pedestrian pathways.

Transportation Opportunities

An inextricable link exists between planning for land use, housing, and transportation in order to achieve not only GMA's goals, but the goals and policies local communities have set for themselves in their comprehensive plans to realize healthy – compact urban areas where people want to live and use clean-low energy travel modes to work. GMA's third goal[107] expresses the following for transportation:

> *Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

The GMA provides additional guidance to counties and cities to meet this goal by requiring a Transportation Element in their comprehensive plans[108] to:

- address land use assumptions in estimating travel;

- estimate traffic impacts to state-owned facilities and plans to address impacts of local land use decisions;
- develop an inventory of needed facilities and services;
- set level of service standards and monitor local arterials and transit routes as well as local state owned facilities;
- create an action plan to raise facilities up to established levels of service;
- provide a 10-year traffic forecast based on the land use plan with future transportation needs;
- identify state-owned future transportation needs;
- show a fiscal analysis of funding capabilities and resources with a multi-year financing plan;
- document a plan for funding shortfalls;
- demonstrate inter-governmental coordination to assess transportation and land use impacts on adjacent jurisdictions;
- show demand management strategies;
- plan for pedestrian and bicycle facilities;
- adopt a concurrency ordinance;
- demonstrate consistency between local county or city 6-year programs and public transportation systems, and the 10-year investment program required for the state.

Multimodal transportation opportunities were further authorized by the Legislature in 2005 with adoption of RCW 36.70A.108, which enables fully planning jurisdictions to adopt transportation improvements or strategies concurrent with development, including measures that implement or evaluate:

> *(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and*

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

Numerous studies[109] have shown that people will drive less and use healthy modes for transportation when they live closer to work and recreational opportunities. Consistency between the land use element, the housing element, and the transportation element in comprehensive plans can help create walkable and transit friendly communities with a vibrant mix of housing and businesses. This type of compact development[110] also translates into lower infrastructure costs, lower greenhouse gas emissions, and overall lower energy costs. As an added bonus, this type of development maximizes the capacity of land in UGAs and enhances the financial resources of local jurisdictions to pay the cost of providing urban services.

Commerce's new Transportation Guidebook provides in-depth technical assistance to local jurisdictions for GMA's transportation requirements as well as helping communities evaluate local options to implement the transportation element of their comprehensive plans. This new Transportation Guidebook provides examples of local multimodal transportation systems that are integrated with land use and housing plans. The Guidebook also provides helpful links to national transportation resources.

The next chapter of the UGA Guidebook will examine: the procedural process for review and update of UGAs; a scope-of-work with the many components and moving parts that make up a work program for updating an UGA; a public participation program to ensure the community is part of the UGA update discussion; and an integrated SEPA analysis that provides measurable impacts and potential mitigation on the built and natural environment when reviewing and updating UGAs.

Other Innovative Housing and Transportation Resources

City of Spokane	Downtown Spokane Plan
City of Bellingham	Urban Village Plans
City of Seattle	Urban Village Element
City of Liberty Lake	Urban Design and Community Character

City of Walla Walla	Urban Design Framework
City of Olympia	Land Use and Urban Design
City of Ellensburg	Non-motorized Transportation Plan
City of Wenatchee	Housing Element

Endnotes

[95] WAC 365-196-410 Housing Element

[96] Washington State Energy Strategy, 2012. RCW 43.21F.010(4)(c)

[97] The Right Size Home, Housing Innovation in Washington, 2005: The Housing Partnership

[98] 36.70A RCW

[99] Shoreline Management Program, 14th Goal of GMA added by Legislature in 2010.

[100] RCW 36.70A.020(4)

[101] http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.540

[102] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-410

[103] http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/2008_2010update.aspx#chapters

[104] http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml

[105] http://www.wcrer.wsu.edu/default.aspx

[106] http://www.wcrer.wsu.edu/MarketData.html

[107] RCW 36.70A.020(3)

[108] RCW 36.70A.070(6)

[109] Municipal Research and Services Center
http://www.mrsc.org/subjects/transpo/efficientlanduse.aspx

[110] Urban Land Institute, *Land Use and Driving:* The Role Compact Development Can Play in Reducing Greenhouse Gas Emissions

Chapter 7

Procedural Process – Public Participation – SEPA for Urban Growth Areas

The Growth Management Act (GMA) provides the framework for jurisdictions to review and update Urban Growth Areas (UGAs). The Washington Administrative Code (WAC) provides additional guidance to jurisdictions on the GMA's procedural requirements for UGAs. Through adoption of Countywide Planning Policies, counties and cities further establish policies and processes to recognize and respond to local conditions. This combination of state and local laws, locally adopted policies, and Growth Management Hearings Board and court cases, ultimately shapes the procedural processes that jurisdictions follow to review and update their UGAs.

The GMA requires early and continuous public involvement and consideration of proposals and alternatives for comprehensive plan updates. This is particularly appropriate for updating UGAs, which typically involves a multi-stage process in which a range of choices are made, including new growth forecasts, new land use designations potentially involving multiple properties over broad areas, potentially significant changes to capital facilities plans, and other changes.

Review under the State Environmental Policy Act (SEPA) is required for UGA updates, and can provide a useful framework for identifying and disclosing potential impacts of the various choices involved in establishing and updating UGAs.

This chapter of the guidebook will examine the GMA and administrative rules that provide procedural guidance for review and update of UGAs. It describes lessons from several relevant Growth Management Hearings Board and court cases, along with integration of SEPA into the GMA's requirements. Finally, this chapter will highlight local examples of a work program and public participation program used in the review and update of UGAs.

GMA Statutes

The bedrock of the GMA[111] is the goal of public participation and coordination between communities. RCW 36.70A.020(11) provides the following:

Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The GMA gives additional guidance to counties and cities to meet this goal by requiring reasonable notice from counties and cities to their citizens of proposed amendments to comprehensive plans and development regulations before local legislative bodies adopt those proposed amendments[112].

RCW 36.70A.140 requires that local jurisdictions establish public participation programs with procedures to provide for early and continuous participation in the development and amendment of comprehensive plans and the development regulations that implement those plans. Procedures need to provide for; "broad dissemination of proposals and alternatives, opportunities for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments."

In addition, RCW 36.70A.130(2)(a) requires counties and cities to identify their procedural process for updating, amending or, revising their comprehensive plans as follows: "Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the

comprehensive plan are considered by the governing body of the county or city no more frequently than once every year."

These statutes assure citizens that their counties and cities will provide effective notice and the opportunity for comment and participation in local planning activities. In recent years, the Legislature has amended RCW 36.70A.130 to give local governments and citizens additional time for review and update of their plans and to make the deadline requirements for comprehensive plans and UGAs, coincide.

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added to provide guidance on public participation and SEPA. The following guidelines describe how to involve citizens in their local planning processes and how to utilize SEPA with the GMA to manage growth within UGAs:

WAC 365-196-600 Public participation[113]

This section of the WAC provides direction for counties and cities to establish early and continuous involvement by citizens when developing or amending comprehensive plans and development regulations. Procedures for public participation must include broad dissemination of proposals and alternatives, as well as notice, opportunities for comment, and public meetings. The adoption record should show how the public participation process was met and should contain all factual data related to developing or amending plans and regulations. In addition, this section of the WAC provides guidance for: designing a public participation program; integrating SEPA; involving stakeholders; options to provide adequate notice; methods to receive public comment; review and response to public comment; considering changes after the public comment period has closed; and ensuring local procedural processes have been met.

WAC 365-196-620 Integration of SEPA[114]

This section of the WAC provides guidance on the integration of State Environmental Policy Act (SEPA) process with creation and adoption of comprehensive plans and development regulations. SEPA is required for adoption or amendment of comprehensive plans and development regulations, and as such, are defined as actions subject to environmental analysis. SEPA supplements the GMA process and provides local decision makers a record of analysis for various planning alternatives. SEPA analysis of alternatives can evaluate the

fiscal impacts, environmental impacts, capital facilities needs, and traffic forecast and system needs for each alternative. This section of the WAC also describes the process for using a phased SEPA review with the GMA process, consideration of inter-jurisdictional impacts, other SEPA rules, and planned actions enabled by the Regulatory Reform Act of 1995 (chapter 36.70B RCW and WAC 365-197-030).

Growth Management Hearings Board Cases

The following selected case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions conduct the procedural process, public participation, and integration of SEPA into planning for UGAs. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

Procedural Process and Public Participation Cases:

The touchstone of the public participation goals and requirements of the GMA involve "early and continuous" public involvement. Achen v. Clark County 95-2-0067 (FDO, 9-20-95)

Under the GMA, a County has an affirmative duty to dispense as much accurate information to as many people as it possibly can. Simply providing access does not satisfy that duty. Mudge v. Lewis County 01-2-0010c (FDO, 7-10-01)

"This Board has always held that public participation was the very core of the Growth Management Act." Wilma et al. v. Stevens County, EWGMHB Case No.: 99-1-0001c FDO at 6 (May 21, 1999). At a minimum, this means that the public must have an opportunity to comment on amendments prior to adoption by the local legislative body unless the amendments fall under one of the exceptions in RCW 36.70A.035(2)(b). Larson Beach Neighbors, et al. v. Stevens County. EWGMHB Case No. 04-1-0010, FDO (Feb. 2, 2005).

As we held in 1000 Friends, et al. v. Spokane County, supra, "amendment," as it's used in RCW 36.70A.035(2)(a) refers to amendments or changes made to a planning document during the legislative body's consideration of the plan or development regulations. Each amendment or change made during this process, which is not

exempted under RCW 36.70A.035(2)(b), therefore requires at least one additional opportunity for public comment with appropriate notice and time to review the amendments prior to adoption. No other interpretation makes sense given the importance the GMA places on public participation as evidenced by the three statutes at issue in this case. Nor is any other interpretation reconcilable with the clause contained in RCW 36.70A.140 that requires "early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations…" City of Spokane v. Spokane County and City of Airway Heights, EWGMHB Case No. 02-1-0001, FDO (July 3, 2002).

[Board recognized the GMA provisions related to public participation:] … RCW 36.70A.140 establishes the requirement that local jurisdictions adopt public participation programs that provide for early and continuous public participation. The GMA has other public participation requirements. RCW 36.70A.020(11) establishes a goal to encourage the involvement of citizens in the planning process. RCW 36.70A.035 requires the county to establish notice procedures that are reasonably calculated to provide notice to property owners and other affected individuals and entities. RCW 36.70A.070 requires that the county adopt its comprehensive plan in accordance with its public participation procedures. Spraitzar v. Island County, Case No. 08-2-0023, FDO, at 6 (Nov. 10, 2008).

[RCW 36.70A.130] outlines the procedures for consideration and adoption of proposed plan amendments. This process amplifies and refines the broader .140 public participation process that applies to the adoption and amendment of plans and development regulations. Providing the opportunity for public participation is a condition precedent to adoption or amendment of a plan. Here, a special process for plan amendments is required. The limitation on considering proposed plan amendments "no more frequently than once every year," or annual concurrent review provision, necessitates the establishment of deadlines and schedules for filing and review of such amendments so they can be considered concurrently. Although this section provides exceptions to the annual concurrent plan review limitation, none of these exceptions are excused from public participation requirements. [McVittie V, 00- 3-0016, FDO, at 19.]

[RCW 36.70A.390] does not apply to plan amendments. It does not apply to permanent changes in development regulations or controls. It applies only to the adoption or amendment of temporary controls or development regulations, those measures that are adopted for an interim period – generally six-months. This section of the Act is unique in that it permits a deviation from the norm of providing the opportunity for public

participation prior to action; here a jurisdiction can act or adopt first, then provide the opportunity for public participation after adoption. However, this post-adoption opportunity for public participation must occur within 60-days of adoption. [McVittie V, 00-3-0016, FDO, at 20.]

[Plan] Amendments precipitated by emergencies are clearly governed by .130(2)(b), not .140 or even .130(2)(a). Within the confines of the goals and requirements of the Act, local governments have discretion to determine what "appropriate public participation" to provide before they take action on emergency plan amendments. The word "after" [in .130(2)(b)'s phrase "after appropriate public participation] evidences the clear and explicit Legislative intent to prohibit adoption of a plan amendment until "after" (behind in place or order, subsequent in time, late in time than, following) (citation omitted) appropriate public participation takes place. [McVittie V, 00-3-0016, FDO, at 23-24.]

The GMA "[e]ncourage[s] the involvement of citizens in the planning process," RCW 36.70A.020(11). To achieve this goal, the Act requires cities and counties to have a public participation program that provides for "early and continuous public participation in the development and amendment of comprehensive land use plans" and for 'broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice." RCW 36.70A.140; see also, RCW 36.70A.070 (preamble) and RCW 36.70A.130(2)(a). It is axiomatic that without effective notice, the public does not have a reasonable opportunity to participate; therefore, the Act requires local jurisdictions' notice procedures to be "reasonably calculated to provide notice to property owners and other affected and interested individuals, ..." RCW 36.70A.035(1). [Andrus, 98-3-0030, FDO, at 6-7.]

[Providing effective notice] generally shifts to the recipient the responsibility to inquire, keep informed and involve[d] (Citation omitted). [Halmo, 07-3-0004c, FDO, at 15.]

"Take into account public input" means "consider public input." "Consider public input" means "to think seriously about" or "to bear in mind" public input; "consider public input" does not mean "agree with" or "obey" public input. [Twin Falls, 93-3- 0003c, FDO, at 77; Buckles, 96-3-0022c, FDO, at 22.]

As society and technology have changed over time, so too have communities and residential neighborhoods changed. This has been reflected in changes in statute and case law at both the federal and state levels. In the GMA, there are a number of specific references that address housing and residential land uses, some of them more explicit and directive than others. There are at least five sections of the Act that are on point. When these sections are read together, they describe a legislatively preferred residential landscape that, compared with the past, will be less homogeneous, more diverse, more compact and better furnished with facilities and services to support the needs of the changing residential population. [Children's Alliance I, FDO, 7/25/95, at 5, footnote omitted]

Growth is more than simply a quantitative increase in the numbers of people living in a community and the addition of "more of the same" to the built environment. Rather, it encompasses the related and important dynamic of change. Because the characteristics of our population have changed with regard to age, ethnicity, culture, economic, physical and mental circumstances, household size and makeup, the GMA requires that housing policies and residential land use regulations must follow suit. This transformation in our society must be reflected in the plans and implementing measures adopted to manage growth and change. [Children's I, 95-3-0011, FDO, at 9.]

This planning goal [Goal 4] uses the verbs "encourage" and "promote" which are permissive verbs, and thus this goal does not constitute an independent substantive requirement in isolation from a specific GMA requirement … Goal 4 must be considered together with the affirmative requirements for the Comp Plan Housing Element set forth in RCW 36.70A.070(2). Ninth Street Mobile Home Park v. City of Wenatchee, EWGMHB Case No. 07-1-0008, FDO at 6 (March 16, 2009).

The Act requires cities and counties to preserve existing housing while promoting affordable housing and a variety of residential densities and housing types. No jurisdiction is required to reconcile these seemingly inconsistent requirements by totally focusing on one requirement, for instance preserving existing housing, to the exclusion of other requirements, such as encouraging more affordable housing. Instead, jurisdictions must reconcile the Act's seemingly contradictory requirements by applying and necessarily balancing them. [WSDF I, 94-3-0016, FDO, at 30.]

RCW 36.70A.400 states that any local government that is planning under the Housing Policy Act shall comply with RCW 43.63A.215(3). The Board finds that RCW 43.63A.215, when read as a whole, requires local governments to adopt development regulations, zoning regulations or official controls that provide for accessory dwelling units in areas zoned for single-family residential use by Dec. 31, 1994. Coalition of Responsible Disabled v. City of Spokane, EWGMHB Case No. 95-1-0001, Dispositive and FDO, at 2 (June 6, 1995).

Urban density goals and requirements of the GMA relate primarily to anti-sprawl and compact development. They do not, in and of themselves, address affordable housing goals and requirements. Achen v. Clark County 95-2-0067 (RO 12-6-95) [The County's CPP, allowing an individual UGA to be potentially expanded to adjacent land for an affordable housing crisis did not comply with the Act – RCW 36.70A.215. (Note: A CPP, allowing an individual UGA to be potentially expanded for additional residential land is permissible if a need for additional residential land is demonstrated in a land capacity and reasonable measures have been taken. The challenged CPP bypassed .215's reasonable measures requirement.) The Board also commented that a land capacity analysis for residential land is off point in relation to a potential expansion of a UGA pursuant to an "affordable housing crisis," which is the basis for this potential UGA expansion.] Whether the existing and projected housing stock is affordable falls within the parameters of RCW 36.70A.070(2) – the Housing Element. A GMA Plan's Housing Element is required to identify sufficient land for housing, including government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities. RCW 36.70A.070(2)(c). Also the Housing Element requires jurisdictions have adequate provision for existing and projected housing needs for all economic segments of the community. RCW 36.70A.070(2)(d). Therefore, reliance upon just a land capacity analysis without supporting documentation in the County's Housing Element would be inadequate to implement [a UGA expansion pursuant to this CPP. The Board found this CPP noncompliant.] [CTED, 03-3-0017, FDO, at 35-36.]

Higher density single family and multifamily housing (apartments, cottage housing, condominiums and townhouses, etc.) adds variety to housing alternatives within urban areas to help make housing affordable for all segments of the population. [Goal 4 and RCW 36.70A.070(4)]. [Kaleas, 05-3-0007c, FDO, at 14

RCW 36.70A.540, enacted in 2006, sets out the requirements for housing incentive programs which cities or counties may adopt as development regulations in order to meet their affordable housing goals. . . Incentive

programs may include density bonuses, height and bulk bonuses, fee waivers, parking reductions, expedited permitting, and mixed use projects. [Futurewise V, 07-3-0014, FDO, at 5.]

SEPA Cases:

In 1995, the Washington State Legislature expanded the Board's jurisdiction to include SEPA actions taken to comply with the GMA as part of regulation reform legislation (RCW 36.70A.280). The stated purpose was to simplify regulatory compliance. Standing for issues before this Board is under the GMA and Cascade Columbia Alliance has adequately demonstrated standing. The Board finds that standing under the GMA is sufficient standing to raise SEPA issues before this Board. This decision concurs with the ruling of the Western Washington Growth Management Hearings Board in Achen, et al. v. Clark County WWGMHB Case No. 95-2-0067. Cascade Columbia Alliance, v. Kittitas County, EWGMHB Case No. 98-1 0007, Order on Motions (March 1, 1999).

The County has flexibility in preparing the non-project EIS for the Comprehensive Plan. WAC 197-11-443(2) provides that a "non-project proposal may be approved based on an EIS assessing its broad impacts. When a project is then proposed consistent with the approved non-project action, the EIS on such a project shall focus on the impacts and alternatives including mitigation measures specific to the subsequent project and not analyzed in the nonproject EIS. The scope shall be limited accordingly..." Citizens for Good Governance, et al. v. Walla Walla County, EWGMHB Case Nos. 01-1-0015c & 01-1-0014cz, FDO (May 1, 2002).

[W]hen a county or city amends its CP or changes zoning, a detailed and comprehensive SEPA environmental review is required. SEPA is to function "as an environmental full disclosure law", and the County must demonstrate that environmental impacts were considered in a manner sufficient to show "compliance with the procedural requirements of SEPA." Although the County decision is afforded substantial weight, environmental documents prepared under SEPA require the consideration of "environmental" impacts with attention to impacts that are likely, not merely speculative, and "shall carefully consider the range of probable impacts, including short-term and long-term effects" ... the purpose of SEPA is "to provide consideration of environmental factors at the earliest possible stage to allow decisions to be based on complete disclosure of environmental consequences," and that SEPA is to provide agencies environmental information prior to making decisions, not after they are made. Henderson v. Spokane County,EWGMHB Case No. 08-1-0002, FDO at 14 (Sept. 5, 2008).

The County deferred environmental review to the project stage, which essentially makes the SEPA process moot. SEPA is to provide agencies environmental information prior to making decisions, not after they are made. Thus, SEPA seeks a prospective review of the environmental impacts of a proposal before the decision to authorize the action is made. SEPA does not seek a post-hoc retrospective analysis once a decision has been made and a project has been developed. Henderson v. Spokane County, EWGMHB Case No. 08-1-0002, FDO at 18 (Sept. 5, 2008).

An environmental analysis should be done at each stage of the GMA planning process and should address the environmental impacts associated with the planning decisions at that stage. Impacts associated with later planning stages, such as when there is a detailed project as in this case, may also be addressed to the extent that sufficient information is known for the analysis to be meaningful. The County's environmental review should have considered the full development potential of the site [under applicable development regulations]. Henderson v. Spokane County, EWGMHB Case No. 08-1-0002, FDO at 19 (Sept. 5, 2008).

The [environmental] impacts that must be considered for this non-project action are the impacts that are allowed by virtue of the change in designation itself. While project level impacts may properly be deferred to the permitting stage, the County must evaluate the impacts allowed under the changed designation at the time of that non-project action. Whidbey Environmental Action Council v. Island County 03-2-0008 (FDO, 8-25-03)

Deferring environmental review of the uses established by this non-project action to the permitting stage is an improper use of phasing that would divide a larger system into exempted fragments and avoid discussion of cumulative impacts. Whidbey Environmental Action Council v. Island County 03-2-0008 (FDO, 8-25-03)

City of Shoreline, Town of Woodway and Save Richmond Beach, Inc. v. Snohomish County, Coordinated Case Nos. 09-3-0013c and 10-3-0011c: Analysis of alternatives is central in nonproject SEPA review [citing WAC 197-11-442(2) (4)]. [While SEPA provides more flexible review for nonproject actions, the "bookend" analysis of no-action and proposed-action in the present case fails to provide any information to allow decisions that might "approximate the proposal's objectives at a lower environmental cost" WAC 197-11-786]. (Corrected FDO May17, 2011)

From the evidence in the record and from the fundamental structure of the GMA itself, the Board concludes that the County's choice of the annual growth rate is policy, a goal, and a change from the 2004 adopted CP. AMENDED FINAL DECISION AND ORDER Western Washington Case No.(Clark County 07-2-0027 amended FDO at 13)

The use of a phased approach during an integrated approach authorized by WAC 365-195-760(3) that requires that the front end of the GMA/SEPA analysis be thorough, is critical. A phased approach may not be used to simply delay SEPA analysis until permitting decisions. Butler v. Lewis County 99-2-0027c (FDO, 6-30-00)

A party wishing to challenge a SEPA determination must meet a two-part test to establish standing: (1) The plaintiff's supposedly endangered interest must be arguably within the zone of interests protected by SEPA; (2) the plaintiff must allege an injury in fact; that is, the plaintiff must present sufficient evidentiary facts to show that the challenged SEPA determination will cause him or her specific and perceptible harm. The plaintiff who alleges a threatened injury rather than an existing injury must also show that the injury will be "immediate, concrete, and specific"; a conjectural or hypothetical injury will not confer standing. [WSDF I, 94-3-0016, 4/22/94 Order, at 6-7.]

The Board will apply the Trepanier/Leavitt test as follows: When the underlying action is the adoption of an "environmental protection" piece of legislation such as a critical areas ordinance, the Board will strictly apply the SEPA standing test. When the underlying action is the adoption of a piece of legislation that does not inherently or explicitly involve the direct protection of the environment, the Board will apply the SEPA test more loosely. Examples of such legislation are the capital facilities, transportation or housing elements of a comprehensive plan. [Pilchuck II, 95-3-0047c, 8/17/95 Order, at 6.]

[In commenting on the strictness of the Trepanier test and subsequent difficulty in establishing SEPA standing, the Board noted in a footnote] The Board notes that a petitioner that challenges a non-project action that shifted land from one of the GMA's three fundamental and significant land use categories – Resource, Rural or Urban – to a more intense land use category, could arguably satisfy the strict application of Trepanier SEPA standing test. [MBA/Brink, 02-3-0010, 10/21/01 Order, footnote 6, at 5-6.]

[The Board applied its SEPA standing test to the facts at hand and concluded that the challenged] reclassification from one land use designation to another may be a threatened injury, but environmental impacts or injuries are not immediate, concrete or specific when such a reclassification occurs; they are only conjectural and hypothetical and dependent upon whether any subsequent development occurs. [Dyes Inlet, 07-3-0021c, 5/3/07 Order, at 5.]

[In applying the Trepanier SEPA standing "injury-in-fact" test, the Board found that an urban center designation in the unincorporated areas outside the city limits constituted injury-in-fact to the City for the following reasons:] the inadequacy of the SEPA review at this level [non-project planning level] causes the City immediate injury because, for the whole range of possible projects within the new designation, the City is required to provide urban services and infrastructure. Lynnwood's own urban center plan, transit center plan, and capital facilities plans must now be revisited in light of new demands on its capacity. Further, it is undisputed that Scriber's application for the additional allowed development has vested. With a vested application, the Board finds that the "conjectural or hypothetical" aspects of the proposal are substantially diminished if not removed. [Bothell, 07-3-0026c, 6/1/07 Order, at 5.]

[In its Order on Motions the Board concluded that the City of Lynnwood had demonstrated injury-in-fact, meeting the Trepanier test and therefore had standing to pursue a SEPA claim. However, the City failed to comment on the County's SEPA documents. To challenge the adequacy of those environmental documents before the Board at this time is barred – WAC 197-11-545.] [Bothell, 07-3-0026c, FDO, at 62-64.]Court Cases

Court cases related to planning process, public participation, and SEPA requirements pursuant to the GMA are available from the Municipal Research and Services Center or directly from the Washington State Courts website at: http://www.courts.wa.gov. The following selected court cases involve SEPA:

Davidson Serles & Assocs. v. City of Kirkland, 159 Wn. App. 616 (2011). The Growth Management Hearings Board has exclusive jurisdiction to review challenges to comprehensive plans and development regulations that are based on SEPA. Also, no EIS is required for planned action projects because the environmental impacts of the individual planned action projects will have been addressed in an EIS prepared earlier in conjunction with one of the six activities listed in RCW 43.21C.031(2)(a)(ii).

Douglass v. City of Spokane Valley, 154 Wn. App. 408 (2010). The court upheld the hearing examiner's decision reversing the city planning department and requiring preparation of an EIS for a proposed housing development to address egress from the area of the proposed development (an area of high fire risk) in the event of a firestorm event that would require evacuation of the area.

Moss v. City of Bellingham, 109 Wn. App. 6 (2001), review denied, *146 Wn.2d 1017 (2002). The Integration of Growth Management and Environmental Review Act (Laws of 1995, ch. 347) seeks to avoid duplicative environmental analysis and substantive mitigation of development projects by assigning State Environmental Policy Act a secondary role to: (1) more comprehensive environmental analysis in plans and their programmatic environmental impact statements; and (2) systematic mitigation of adverse environmental impacts through local development regulations and other local, state, and federal environmental laws. One of the provisions of that Act, RCW 43.21C.240, as implemented by WAC 197-11-158, substantially streamlines the threshold determination process for cities and counties planning under the GMA by authorizing the SEPA official to rely on existing plans, laws, and regulations in meeting SEPA requirements. Thus, the development of a large scale subdivision within a UGA does not, ipso facto, require the preparation of an EIS. Following enactment of the Integration of Growth Management and Environmental Review Act, an EIS is not required for a major subdivision development within a UGA if the conditions of plat approval imposed pursuant to local planning and zoning laws and local, state, and federal development or environmental laws adequately mitigate all the significant adverse environmental impacts of the proposed development.*

Procedural Process

With numerous moving parts in the procedural process for review and update of UGAs, counties and their cities should adopt a work program to initiate several important processes concurrently, as they work together to meet the timelines established in RCW 36.70A.130. Some counties and cities conduct their UGA review and update more frequently than the 8-year minimum set by statute. Initiating a work program for review and update of UGAs should begin approximately one to two years prior to either the locally adopted or statutory deadline. A review and update of UGAs, consistent with the statutory minimum, should include at least the following:

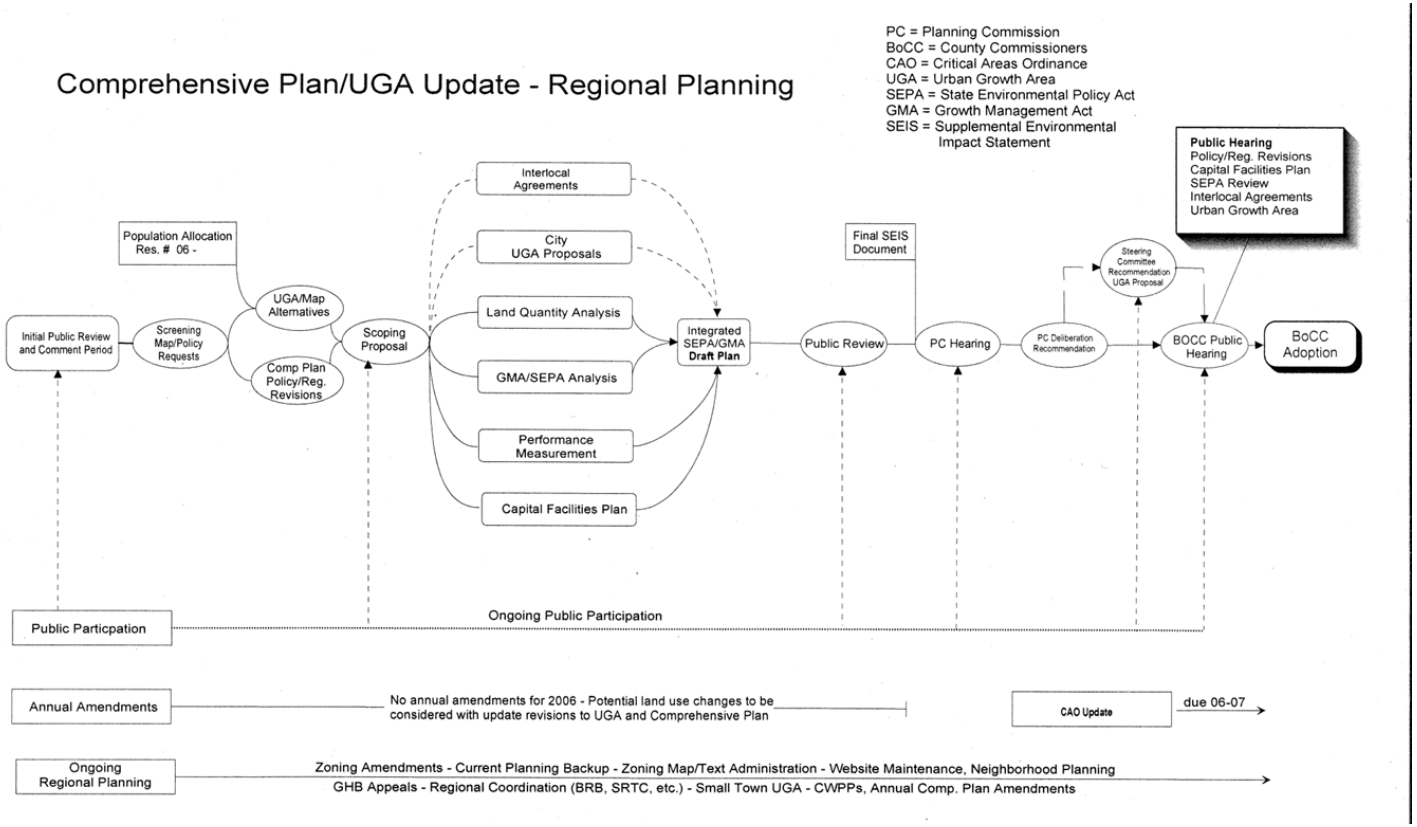
- Adoption of an UGA work program
- Coordination and inter-local agreements between a county, its cities, Ports, and Tribes
- Adoption of criteria to evaluate UGAs
- Public participation
- Recent OFM population forecasts for GMA planning
- Adoption of an initial countywide population projection and population allocations to each jurisdiction to plan for
- Land Capacity Analysis
- State Environmental Policy Act (SEPA) integration
- Update of Capital Facilities Plans (CFPs)
- Regional transportation analysis
- Essential public facility needs
- Levels of service for UGAs (LOS)
- Coordination with special purpose districts for provision of service (e.g. school district)
- State agency coordination
- Regional watershed planning and water availability
- Evaluation of critical areas, shorelines, and resource lands
- Adoption, implementation, and monitoring of updated UGAs

UGA review and update is an iterative process, allowing local decision makers and citizens the ability to respond to changes in their communities. Certain initial assumptions may need to be adjusted as jurisdictions move further into their review and update efforts based on analysis from other parts in the UGA planning

process. For example, the cost of providing urban services and a regional transportation system, at current adopted LOS, may be more than the county and cities can financially obligate themselves to if planning for a high countywide population projection in their Capital Facilities Plans. An alternative would be to lower the countywide population projection within OFM's forecast range, in order to align population growth with the jurisdictions' ability to provide and pay for urban services and transportation systems.

Collaboration is the key. All the cities in our state need a public works investment system for the 21st century. We can only create such a system if the state and cities work together to address the infrastructure deficit that slows economic growth, and potentially endangers both public health and the environment. Investments are

Figure 7-1 Spokane County Update Process



Source: Spokane County

needed to support the economic recovery, address the most critical infrastructure deficits, and help meet state and federal regulatory requirements.[115]

Local Examples

Example 1: Spokane County Comprehensive Plan Update

Introduction

This document is intended to identify and provide details on the work program to complete the Spokane County Comprehensive Plan update. The topical areas discussed below relate to the items identified within the flow chart on the preceding page. This program suggests, for the Boards consideration, a streamlined approach which would allow a more timely adoption of the plan update. Adoption of the plan update is important in that it ensures that Spokane County is in compliance with the Growth Management Act and maintains eligibility for state grant funding.

Grant funding that requires compliance with the GMA includes the Public Works Trust Fund, Centennial Clean Water Fund, Community Economic Revitalization Board, and the State Revolving Fund.

Initial Public Review and Comment

The County has had open review and comment on the Comprehensive Plan update since April of 2005. In that time we have received close to 300 comments which have largely been requests to modify map designations or UGA boundaries. These requests have been mapped and included on the County's website. We continue to receive inquiries and requests for changes.

Population Allocation

The County's population allocation has been verbally approved by the Board. Formal findings and decision should be finalized to provide a complete record for the update process. The population allocation provides the starting point for communities to develop their comprehensive plan update.

Screening Map/Policy Requests

Identifying a reasonable proposal for review is difficult considering the large number of individual map change requests that have been received. With close to 250 map change requests (and counting) throughout the County, the ability of

County staff to complete detailed analysis of each request is beyond the staff resources available. A more reasonable approach is to streamline the process and view changes from a regional perspective. To reduce the complexity of the update and to ensure a more timely adoption, the following strategy is suggested:

- Limit review of Urban Growth Area (UGA) proposals to larger sub-areas located adjacent to the existing Urban Growth Area boundary rather than providing detailed review of individual requests.
- Consider requests for changes to outlying rural designations in future annual amendments to the Comprehensive Plan. Detailed review of these requests would require substantial dedication of staff resources and could delay adoption of the plan update.
- Consider changes from Large Tract Agricultural to Small Tract or Rural designations in a subsequent "County-wide" review of our agricultural lands of long term significance. The Dept. of Agriculture, Natural Resources Conservation Services (NRCS) is finalizing the update to the Spokane County soil map. When completed the updated map will allow the County to conduct a "county-wide" comprehensive review of our agricultural lands.
- Consider only urgent or necessary revisions to the Comprehensive Plan text and development regulations. More detailed and comprehensive changes can be considered in future revisions.
- Annual Amendments for 2006 will not be considered as the plan is undergoing a substantial update.

Scoping Proposal

A scoping proposal is a proposal that identifies the changes to the Comprehensive Plan that are to be considered through the GMA/SEPA review process. The scoping notice will include a summary of map alternatives and proposed changes to the plan text. The scoping proposal is required to include map alternatives in order to meet the requirements of the State Environmental Policy Act (SEPA). Once developed, the scoping proposal is circulated to agencies for review in order to identify potential issues and/or environmental concerns. Comments from agencies will then help to define the scope of the subsequent

SEPA/GMA review. The scoping process helps to ensure that agencies provide comments "up-front" and reduces the likelihood significant issues will be raised at the end of the process. This process can help to avoid lengthy delays from appeals or additional required studies.

Integrated SEPA/GMA Draft Plan

Once the scoping process is completed and the proposed changes are defined, staff can proceed to develop an Integrated SEPA/GMA Draft Plan. This document would meet the requirements for a supplemental environmental impact statement (SEIS). The SEIS will build on past environmental studies and would evaluate only the changes proposed by the plan update. The process will require less review than development of a new environmental impact statement (EIS). The Integrated SEPA/GMA Draft Plan consolidates the review requirements of the Growth Management Act and the State Environmental Policy Act into one document. The document will include the plan map (including alternatives and city UGA proposals), plan text, and regulatory revisions. The document will also include an analysis as required by SEPA and GMA. Additionally the document will include as attachments the following:

- **Land Quantity Analysis** per the criteria established in the Countywide
- Planning Policies
- **Performance Measurement Report** that will analyze the performance of the Comprehensive Plan from adoption to the current date.
- **Capital Facilities Plan** that will provide an analysis of the ability of capital facilities to serve the updated plan.
- **Interlocal Agreements** as adopted or as may be adopted through the plan update process.

Public Review and Adoption

The draft integrated SEPA/GMA plan will require public review including processing through the Planning Commission, Steering Committee of Elected Officials and the Board. The sequence of this process is illustrated in the attached flow chart. Additionally a public participation plan is provided as an attachment to this report.

BoCC Adoption

Spokane County is required by RCW 36.70A to adopt the Comprehensive Plan update by December 1, 2006. Considering the required studies, public process, and need for intergovernmental cooperation, this milestone is

unlikely to be met. A streamlined approach to the process as described above provides the best opportunity for adoption in the most-timely manner.

Critical Areas Update

In addition to the Comprehensive Plan Update, Spokane County is also required by RCW 36.70A to update the Critical Areas Ordinance (CAO) by June of 2007.

This update will require an additional work program to ensure compliance with the mandated timeframe.

Example 2: City of Lacey Public Participation Program

The City of Lacey recently updated its Public Participation Program (PPP) and added its PPP as an element to the City's Comprehensive Plan. The City provides the following characterization of the value of citizen participation in the planning process together with goals, policies, and core City values:

> *Public participation is the process by which public concerns, needs, and values are incorporated into governmental decision making. Citizen participation is essential to local issues of community development, from an initial land use plan to the siting of parks, the routing of vehicular and pedestrian traffic, and to determining what street tree theme should be required for new development. This Public Participation element of the City of Lacey Comprehensive Plan provides a framework for public participation as a central focus of Lacey's organizational culture. Its purpose is to describe the city's policies for citizen participation and support ways to achieve successful partnering with citizens, organizations and business in planning, developing, and maintaining our community. In considering the benefits, legal requirements and many options and techniques for achieving successful citizen participation, the following goal is adopted as part of Lacey's public participation program:*

1. Goal: Promote and maintain active community involvement in the planning decision process, whereby all who are affected have the opportunity to be informed and participate in the decision process.

Policies: To implement the identified goal the following policies are adopted:

a. **Policy:** Apply the most appropriate public participation tools and methodology based upon the planning task, objectives and resources available.

b. **Policy:** Follow the principles and the intent of the Public Participation Element in the development of, and in taking action on, planning tasks to effectively provide an opportunity for citizen participation in planning programs.

c. **Policy:** Provide information about the structure of city government and decision processes to organizations and the general public to enable effective participation.

d. **Policy:** Encourage and facilitate public participation in planning activities by designing user friendly processes tailored to individual efforts that inform and educate the public about the substance of issues and that provide opportunities for involvement.

e. **Policy:** Proactively inform citizens of programs, educational information and/or pending issues; where appropriate, use city publications, email, direct mail, video broadcast, city web site, print media and other techniques discussed in the Public Participation Element.

f. **Policy:** Develop public participation strategies for planning projects and/or decision processes to inform target groups and citizens with an interest in particular planning activities. Where appropriate to engage target audiences, consider the use of various outreach techniques such as opinion surveys, speaker programs, forums, workshops, open houses, hands-on events, task forces and newer technologies such as email, internet and social media, as well as new innovative techniques and ideas as they are identified.

g. **Policy:** Encourage open communication between developers and neighbors about project compatibility with adjacent properties.

h. **Policy:** Encourage neighborhood residents, neighborhood organization representatives, and home owner associations to work with the City to develop Comprehensive Land Use Plan monitoring and implementation programs and capital improvement plans for neighborhood areas.

i. **Policy:** Provide city representation and participation, as staff resources allow, at meetings held by homeowner associations, and civic and business groups, to provide information on current and pending planning issues affecting the city.

Core Values of the City

In the development of the goal and policies for citizen participation, the City referred to several core values established by the International Association for Public Participation. The following core values for public participation are considered by the City as key to a strong and open public participation process:

1. The public should have a say in decisions about actions that affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates interests and meets the process needs of participants.
4. The public participation process seeks out and facilitates involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process provides participants with the information they need to participate in a meaningful way.
7. The public participation process communicates to participants how their input affected the decision.

The full text of Lacey's PPP is available on the City's website[116]. Jurisdictions such as Lacey, when updating their non-project plans and development regulations, often integrate SEPA into their GMA legislative actions. Integration of SEPA and GMA can involve the public early on in the environmental analysis for review and update of comprehensive plans, UGAs, and development regulations consistent with 43.21C RCW and the administrative rules of WAC 197-11[117].

Integrating the SEPA and the GMA[118]

SEPA requires all state and local agencies to use an interdisciplinary, integrated approach to include environmental factors in both planning and decision-making. Although the terms "SEPA review" and "environmental review" include formal SEPA determinations and environmental analyses, these terms also refer to the basic concept of taking environmental quality into account in whatever an agency does.

Under GMA, cities and counties adopt policies, plans, and regulations to manage land use, environmental resources, and other aspects of growth within their own jurisdictions, and in a coordinated way with other jurisdictions. It is not possible to meet the goals or requirements of GMA or to make informed planning decisions without giving appropriate consideration to environmental factors. The GMA non-project actions such as the adoption of policies, plans, and regulations form the basis for subsequent "on the ground" project decisions that directly affect our environment.

Environmental review at the planning stage allows the GMA city or county to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects. See Appendix A for more information on integrating the SEPA and the GMA.

Legislative Findings for the SEPA: RCW 43.21C.020

The legislature, recognizing that a human being depends on biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of a human being's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of human beings, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) create and maintain conditions under which human beings and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

The final chapter of the UGA Guidebook will examine implementation of policies and development regulations in UGAs, monitoring the land supply in UGAs, and benchmarking of community indicators that demonstrate how UGAs are being shaped into the communities envisioned by its citizens.

Other Procedural – Public Participation – SEPA Resources

City of Seattle	Public Participation Program[119]
City of Liberty Lake	Public Participation Program[120]
MRSC	Citizen Involvement[121]
MRSC	SEPA[122]
Thurston Regional Planning Council	Public Participation Plan - SEPA[123]
Whatcom County	Public Participation Plan[124]
Yakima County	Procedural – Master Inter-local[125]

Endnotes

[111] 36.70A RCW

[112] RCW 36.70A.035

[113] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-600

[114] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-620

[115] Association of Washington Cities, *State of the Cities Report 2011*

[116] http://www.ci.lacey.wa.us/city-government/city-departments/community-development/planning-documents/library

[117] http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11

[118] Department of Ecology SEPA Handbook: http://www.ecy.wa.gov/programs/sea/sepa/handbk.htm

[119] http://www.seattle.gov/dpd/Planning/Seattle_s_Comprehensive_Plan/Overview/

[120] http://www.libertylakewa.gov/development/

[121] http://www.mrsc.org/subjects/governance/participation/participation.aspx

[122] http://www.mrsc.org/subjects/environment/sepa.aspx

[123] http://www.trpc.org/abouttrpc/Pages/policies.aspx

[124] http://www.co.whatcom.wa.us/pds/2031/participation/index.jsp

[125] http://www.yakimacounty.us/planning/compplan.html

Chapter 8

Implementation – Monitoring – Indicators and Benchmarks for Urban Growth Areas

The comprehensive plans of counties and cities fully planning under the Growth Management Act (GMA) are required to contain elements[126] for land use, housing, capital facilities, utilities, rural areas (counties), and transportation systems. Economic development and parks and recreation are also required if the local cost is funded by the state. Optional elements[127] can also be included to address such topics as conservation, solar energy, subarea plans, and city infrastructure receiving areas[128]. Some cities are also required to have a port element[129] in their comprehensive plan.

These elements or chapters of comprehensive plans will contain the goals and policies that provide the broad framework for a community to achieve its desired future. The elements can also include techniques or strategies for implementing goals and policies. Elements of a comprehensive plan must be consistent with each other and with the future land use map. Urban Growth Areas (UGAs) are designated on the future land use map, articulated in the goals and policies of the land use element, and further supported by the housing, capital facilities, utilities, and transportation elements of the comprehensive plan.

Those counties and cities required to plan under the GMA[130], must also adopt development regulations to implement their comprehensive plan goals and policies. Local regulations that implement comprehensive plan goals and policies can include the following:

- Zoning code
- Building code
- Subdivision ordinance
- Binding site plan ordinance
- Critical areas and resource lands ordinances
- Shoreline management plan
- SEPA
- Capital improvement plans and jurisdictional budgets for urban services, public facilities and transportation
- Concurrency ordinances
- Urban design and review standards
- Clustering and planned unit development ordinances
- Neighborhood plans with standards
- Housing ordinance – Housing incentive program
- Historic preservation standards
- Impact fees
- Other

Establishing or updating UGAs requires coordination and cooperation among jurisdictions and service providers. In addition to the ordinances or standards listed above, Countywide Planning Policies[131] and inter-local agreements can also implement regulations for UGAs. Inter-local agreements assure coordination and consistency between neighboring jurisdictions, service providers, and agencies for providing urban services to UGAs. For example, the City of Edmonds Comprehensive Plan states:

> *It is envisioned that the Comprehensive Plan will be implemented with a broad-based set of implementation actions. Implementation measures will range from tying plan goals and policies to budgeting and infrastructure decisions, to making sure that regulations are coordinated and targeted to achieve expressed policies, to working with both public and private entities to jointly achieve community goals. However, implementation approaches must be designed to address not only the differences between neighborhoods in the city, but also the variation in different situations over time. It is up to the community to determine its desired growth level and up to the government, particularly elected officials, to implement the desired policies.*[132]

This chapter of the guidebook will examine the GMA Statutes and administrative rules that provide direction to implement comprehensive plan goals and policies for UGAs, related Hearings Board cases, tools used by local jurisdictions to implement and monitor development activity in UGAs, community indicators, and benchmarks used by local jurisdictions to track comprehensive plan goal and policy performance in UGAs.

GMA Statutes

The GMA provides the following definition for development regulations:

> *'Development regulations' or 'regulation' means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.*[133]

The GMA directs counties and cities to implement comprehensive plan goals and policies into their development regulations. In addition to determining who plans under the GMA and what is required, RCW 36.70A.040 states:

Development regulations must implement comprehensive plans.

The GMA gives additional direction to counties and cities when amending comprehensive plans and development regulations, when taken collectively, they

provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.[134]

At the local level, Countywide Planning Policies provide the framework from which county and city comprehensive plans are developed to ensure coordination and consistency for jurisdictions that share common borders or regional issues. RCW 36.70A.210 requires Countywide Planning Policies at a minimum, address the following:

a) Policies to implement RCW 36.70A.110; (Urban Growth Areas)

b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

d) Policies for countywide transportation facilities and strategies;

e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

f) Policies for joint county and city planning within urban growth areas;

g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and

h) An analysis of the fiscal impact.

Inter-local agreements are utilized between jurisdictions to implement Countywide Planning Policies. Inter-local agreements can establish development standards within UGAs, provision of urban services, annexation procedures, and siting of public facilities and transportation facilities.

Counties and cities are also required to make capital budget decisions consistent with their comprehensive plans[135].

> *Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.*

RCW 36.70A.130 also requires that development regulations, like comprehensive plans, be subject to continuing review and update at least every eight years. Some recent amendments to the GMA that also requires implementation, includes the following statutes:

- RCW 36.70A.200 allows counties and cities to include a process for siting essential public facilities in their development regulations.
- RCW 36.70A.530 requires that development regulations prevent development in the vicinity of military installations that is incompatible with the installation's ability to carry out its mission requirements. In tandem with this statute is RCW 36.70A.510 and RCW 36.70.547 for general aviation airports, requiring development regulations to discourage siting of incompatible uses adjacent thereto.
- Adopted by the Legislature in 2010, RCW 36.70A.695 requires counties and cities to amend their development regulations to allow electric vehicle infrastructure.
- GMA statutes, together with locally adopted policies and agreements, direct that comprehensive plan goals and policies be implemented with development regulations and other related land use controls or techniques.

Helpful Guidance from the Washington Administrative Code

Commerce updated the Washington Administrative Code (WAC) for the GMA in 2010 with new sections added to provide guidance on implementation. The following guidelines describe how to implement a comprehensive plan's goals and policies:

WAC 365-196-650 Implementation strategy[136]

This section of the WAC provides direction for counties and cities to develop a strategy for implementing its comprehensive plan for both regulatory and non-regulatory measures. The strategy should identify the development regulations needed (regulatory) and the actions for both acquiring and spending funds to implement the Plan (non regulatory).

A wide variety of development regulations can be utilized to implement the goals and policies of comprehensive plans. Zoning codes for example, classify land into specific zones with corresponding uses and standards for lot size, setbacks, size, height, and density. Other regulations address environmental protection, urban design, affordable housing, landscaping and parking, signage, services, concurrency, and public facilities. Methods for applying these regulations can occur through the permitting process, licenses, franchises, or contracts. Processes used to apply development regulations can occur through permit application procedures, hearings, and timeframes for approval deadlines and appeals.

The strategy selected by a county or city for implementing its comprehensive plan should: identify all the regulations used to implement the plan; list an adoption or amendment schedule; be in writing; be available to the public; and send a copy of the implementing strategy to the Department of Commerce for review.

An implementation strategy assures that policies are carried out as well as measured periodically, to determine the effectiveness of comprehensive plan goals and policies.

WAC 365-196-800 Relationship between development regulations and comprehensive plans[137]

This section of the WAC provides that development regulations are specific controls placed on development or land use activities by a county or city and must be consistent with and implement the county or city's comprehensive plan adopted pursuant to the GMA. Further, implement means more than merely being consistent, but also of sufficient scope to carry out the goals and policies of the plan.

WAC 365-196-810 Review for consistency when adopting development regulations[138]

This section of the WAC provides guidance to counties or cities to ensure that when adopting development regulations or amendments thereto, the proposed amendment is consistent with and implements the comprehensive plan. In addition, a finding in the adopting ordinance should be made to this effect.

Growth Management Hearings Board Cases

The following selected case summaries are reprinted from Growth Management Hearings Board digests. These cases address how jurisdictions implement their Comprehensive plan goals and policies. Full texts of cases may be obtained from the Hearings Board website at www.gmhb.wa.gov

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The decision-making regime under GMA is a cascading hierarchy of substantive and directive policy, flowing first from the planning goals to the policy documents of counties and cities (such as CPPs, IUGAs and comprehensive plans), then between certain policy documents (such as from CPPs to IUGAs and from CPPs and IUGAs to comprehensive plans), and finally from comprehensive plans to development regulations, capital budget decisions and other activities of cities and counties. [Aagaard, 94-3-0011c, FDO, at 6.]

Plans provide policy direction to land use decision-making by providing guidance and direction to development regulations, which must be consistent with and implement the Comprehensive plan. In turn, these development regulations govern the review and approval process for development permits. [Citations omitted.] [Bremerton II, 04-3-0009c, FDO, at 15.]

RCW 36.70A.130 requires that any amendments to DRs shall be consistent with and implement the CP. Achen v. Clark County 95-2-0067 (Compliance Order, 12-17-97)

Implementing DRs are distinct from consistency DRs. Implementing DRs are defined at WAC 365-195-800[139]*. There must not only be a lack of conflict but the regulations must be of sufficient scope to carry out fully the goals, policies, standards and directions contained in the CP. CMV v. Mount Vernon 98-2-0006 (FDO, 7-23-98)*

Ambiguous and nondirective CP policies that fail to encourage development in urban areas or reduce sprawl and maps that are generalized and in many cases inaccurate in the designation of UGAs, did not comply with the Act. A CP must include objectives, principles and standards that are directive. DRs are to be consistent with and implement the CP and may not be used as a mechanism to automatically amend the CP or render it meaningless. Under the record in this case petitioner's burden of showing substantial interference with the goals of the Act has been satisfied. Butler v. Lewis County 99-2-0027c (FDO, 6-30-00)

The mandatory and optional elements of a comprehensive plan must be consistent; the policies within the various Plan elements must work together, in harmony, and must not thwart each other. Although the Plan identifies and designates future land uses, the Plan itself does not directly regulate land use. However, the Plan is required to be implemented. The Plan is implemented through various methods, such as development regulations (e.g. zoning maps and code and other land development controls), and other implementing techniques, such as fiscal measures contained in a jurisdiction's capital expenditure program for infrastructure or road improvements or land acquisitions. Within many Plan elements an inventory and assessment of present conditions and needs must be discussed and identified. The ways to meet the identified needs must then be expressed in the form of map designations and policy statements. These policy statements and goals establish the jurisdiction's strategy and specific actions to be taken to meet the identified needs. The Plan describes, graphically and in policy statements, a desired future outcome for a planning city or county. The Plan also establishes, through map designations and policy statements, the basis and direction to achieve that desired future outcome. The Plan's future land use map designations indicate where certain land uses outcomes are desired, the Plan's policy statements, objectives and goals indicate how those outcomes are to be achieved. [LIHI I, 00-3-0017, 2/21/02 Order, at 5-6.]

The Comprehensive plan establishes the County's policy and goals for the management of growth and their compliance with the Growth Management Act. Development regulations are to be adopted to implement those policies and goals. These regulations must be consistent with the Comprehensive plan (RCW 36.70A.040). Harvard View Estates, v. Spokane County, EWGMHB Case No. 02-1 0005, FDO, (July 29, 2002).

At the heart of the GMA is the concept of looking ahead and planning for the future. Joint planning with other jurisdictions and an updated capital facilities plan ensure concurrency for public facilities and services in the future and are key components to implementing the goals and policies of the GMA. In the first section of the

GMA, RCW 36.70A.010, the legislature found that uncoordinated and unplanned growth "pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state." Joint planning coordinates growth throughout the County, and a detailed, updated CFP is vital to good planning within a jurisdiction. (Board emphasis). Moitke/Neighborhood Alliance of Spokane v. Spokane County, et al., EWGMHB Case No. 05-1-0007, FDO (Feb. 14, 2006).

It is important the Petitioner understand that the challenged Ordinance is an implementing development regulation. It is not a de facto amendment to the City Center Plan; it merely is one of the means the City has chosen to implement the Plan. Nonetheless, implementing development regulations must be consistent with [it must work together to achieve a common goal and cannot thwart, or work against achieving a common goal], and implement the City Center Plan. . . . The guidance provided by Plans is not limited to providing direction to development regulations. Plans can also be implemented through direct public investment in public infrastructure, such as roads, sewer and water systems. Tax incentives or other incentive-based approaches can also be instrumental in implementing a Plan. Land use plans can be implemented through public acquisition or outright purchase of land, or partially through purchase or development rights. In short, each of these implementation approaches can contribute to carrying out the common goals set forth in the Plan. Often multiple approaches are set out in Plans to allow flexibility in achieving common goals. Petitioner is mistaken in contending that the challenged regulatory ordinance, or a regulatory approach alone, is the primary means by which the City will implement its ambitious City Center Plans. It is reasonable to expect there will be numerous regulatory changes, studies, incentive programs and acquisitions, funded by various means over substantial periods of time, to accomplish the City Center Plan goals. [Pirie, 06-3-0029, FDO, at 22-29.]

The BLR[140] is not intended to be a comprehensive market feasibility study, a predictor of the economic climate in the future, or source for identifying parcels ripe for development. The BLR is a tool for monitoring policy outcomes – it looks back, not forward, to see if the policies embodied in a jurisdiction's Plan and implementing development regulations are being achieved. The BLR simply provides information about prior development activity that may influence future decision-making. [S/K Realtors, 04-3-0028, FDO, at 18.]

RCW 36.70A.215(4) requires that reasonable measures must be reasonably likely to increase consistency during the subsequent five-year period, with a jurisdiction annually monitoring the measures to determine their effect

so as to make necessary adjustments. From this provision two distinct evaluation requirements can be drawn: (1) adoption and implementation of "reasonably likely" measures and (2) annual monitoring. Therefore, the Board concludes that the GMA requires both pre-adoption (will the measure work) and post-adoption (has the measure actually worked) evaluation of adopted reasonable measures. The pre-adoption analysis does not equate to a 100 percent guarantee but rather a threshold determination that there is a probability of occurrence, or something more than mere speculation. [Suquamish II, 07-3-0019c, FDO, at 54.]

Local Examples

Example 1: City of Redmond

The City of Redmond annually tracks the City's progress on achieving its Comprehensive Plan goals and policies with the "Redmond Community Indicators" report. The 2012 report monitors trends to help assess the effectiveness of current policies and identifies actions the City plans to take implement its Comprehensive Plan. The report contains two sections:

1. Indicators: Monitor progress on meeting Redmond's long range goals.
2. Implementation: Actions that are needed to carry out Comprehensive Plan goals and policies.

The City of Redmond Comprehensive Plan goals were adopted in the 2004 Plan and updated in 2011. The following community goals are the foundation for the Redmond Community Indicators report:

The City of Redmond's "Choices" goal above, speaks in terms of equitable access to housing, transportation, stores and services. The 2012 Report "Choices" goal results are summarized as follows:

- **Conserve** agricultural lands and rural areas; protect and enhance the quality of the natural environment; sustain Redmond's natural resources as the City continues to accommodate growth and development
- Retain and enhance Redmond's distinctive **character** and high quality of life, including

an abundance of parks, open space, good schools and recreational facilities

- Emphasize **choices** and equitable access in housing, transportation, stores and services
- **Centers:** Support vibrant concentrations of retail, office, service, residential, and recreational activity in Downtown and Overlake
- **Commerce:** Maintain a strong and diverse economy, and provide a business climate that retains and attracts locally owned companies as well as internationally recognized corporations
- Provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse **cultural** opportunities
- Provide convenient, safe and environmentally friendly transportation **connections** within Redmond, and between Redmond and other communities for people and goods
- Cultivate a well-connected **community**, working together and with others in the region to implement a common vision for Redmond's sustainable future

"Housing. The City issued permits for 126 new single-family homes during 2011. The median single-family home size increased to 3,125 square feet from 3,010 square feet. Thirty-three new affordable homes were created through Redmond's affordable housing regulations. Redmond did not allocate any of its Housing Trust Fund dollars in 2011, but did so in early 2012. There were 0.70 residents per job in Redmond in 2010 (latest year available); achieving a better balance indicates that more people may live closer to work, and as a result, are able to reduce commuting needs and participate more in their community."

Indicators for Housing Affordability, Housing Choice, Housing Trust Fund, and Ratio of Residents to Employees are organized under the "Choices" goal, together with the City's role in affecting the indicator's performance, an explanation of what was measured (i.e. baseline – observed – target measures), and the trend of the measures (i.e. up, down, no positive or negative trend).

The following pages show just one of the eight community goals listed above, "Choices" - with its indicators, benchmarks, and trends. The eight overarching goals provide the foundation

for Redmond's Community Indicators 2012 report. The entire Redmond Community Indicators 2012 report is available on the City's website.

Monitoring, indicators, and benchmarks provide decision makers and citizens an important set of feedback, data, and facts on whether a community's goals and policies for land use, housing, capital facilities and utilities, transportation, economic development, parks and recreations are achieving the community's desired outcome.

Counties and cities need to know if they are meeting the targets set by their goals and policies for UGAs. Some key indicators can include: demographic data; environmental data; land use, development activity and density; new housing types and number of new units built; commercial and industrial development types and number of jobs created in commercial and industrial sectors; community health; transportation modes.

Data from these types of indicators should be monitored and measured against benchmarks to determine the performance of related UGA goals and policies.

Example 2: Thurston Regional Planning Council (TRPC)

Thurston County and its cities have joined together to adopt regional planning policies and benchmarks, and analyze their indicator data against local and regional benchmarks to determine how goals and policies are performing in Thurston County.

The Thurston Regional Planning Council (TRPC) is a 22-member intergovernmental board made up of local governmental jurisdictions within Thurston County, plus the Confederated Tribes of the Chehalis Reservation and the Nisqually Indian Tribe. The Council was established in 1967 under RCW 36.70.060, which authorized creation of regional planning councils. TRPC's mission is to "Provide Visionary Leadership on Regional Plans, Policies, and Issues."

The TRPC meets monthly to carry out regional planning and studies on transportation, GMA implementation, and environmental quality to address the region's growth related challenges. The following overview of the TRPC benchmarks program report provides a brief example of TRPC's efforts to inform and educate decision makers and citizens of regional statistics and trends, analysis and mapping products, to enable responsive local and regional policies that produce a healthy and balanced region. The complete TRPC 2008 Regional Benchmarks program report is available at the Council's website[141].

Overview

The 2008 publication of Regional Benchmarks for Thurston County, Tracking

Growth Management Policy Implementation stems from an effort on the part of local governments in Thurston County to monitor the region's progress toward meeting the 13 goals of the 1990 state Growth Management Act (GMA). This is accomplished by comparing actual trends in key indicators against benchmarks established in several overarching growth management areas: Land Use, Growth, Transportation, Economy, Environment, Water, and Housing Affordability.

The Regional Benchmarks Report has an important role to play in determining whether implementation of the Growth Management Act is occurring and achieving the desired results. Accurate information regarding the results of the policies in adopted comprehensive plans in the county is crucial. By tracking indicators at the regional level, local governments are provided with a regional perspective of what's happening, leading to improved regional coordination regarding growth management planning.

A particular effort has been made to make the information in the Benchmarks Report accessible to a wide variety of readers. A standard 2-page format has been developed for each benchmark to allow readers to easily review key data trends. For those who are interested in more detail, a wide variety of supporting data tables are provided as well, and many of these tables are updated annually in The Profile.

This report marks the fourth TRPC Regional Benchmarks Report, the first being published in 1996. The 2000 Regional Benchmarks Report was recognized for excellence in planning implementation when it received an

Honor Award from the American Planning Association and the Planning Association of Washington. The third report contained results from the first

Buildable Lands Analysis for Thurston County, and was used extensively by the Vision/Reality Task Force to develop: Understanding Public Vision and Marketplace Realities in the Thurston Region. This Fourth edition of the

Regional Benchmarks Report includes some of the benchmarks and indicators developed during the Vision/Reality process. A chapter has been added for water. The Buildable Lands chapter has been removed from the Report, and is now available as a separate document.

Chapter 3 of the 2008 TRPC Benchmarks Report specifically addresses UGA land use with the following related GMA Goals:

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

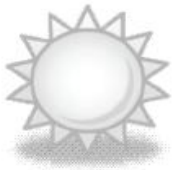
In addition to these GMA goals, the following countywide policies guide the concentration of urban growth within Thurston County UGAs:

Encouraging infill

- Phasing urban development outward from core areas
- Establishing mechanisms to ensure average residential densities are sufficient to accommodate the 20-year population projections
- Designate rural areas for low intensity, nonurban uses
- Requiring development to be configured so urban growth areas may eventually infill and become urban.

Benchmarks 1 - 6 are used by the TRPC for determining whether these GMA goals and countywide planning policies are being achieved for: urban density; growth in mixed use areas; density in infill areas and corridors; creation of small lots; growth in urban and rural areas; rural densities.

Possible "Outlooks" for Benchmarks



sunny, overall positive results

partly sunny / partly cloudy

stormy, concerns for the future

Summary of Benchmarks

Benchmark 1: Urban Residential Densities Increase over Time

- Outlook: partly sunny/partly cloudy
- Assessment: Yes they have overall, but in the cities they have decreased slightly.

Benchmark 2: Urban Mixed-Use Areas Receive an Increased Share of

- Growth over Time
- Outlook: stormy, concerns for the future
- Assessment: Mixed-Use areas have had a decreasing share of overall growth compared to the last evaluation period.

Benchmark 3: Achieved Residential Densities in Infill Areas and Strategy

- Corridors Occur at Transit-Supportive Levels
- Outlook: stormy, concerns for the future

- Assessment: While achieved densities in infill areas and strategy corridors are higher than the overall achieved density, they were not high enough to support efficient transit.

Benchmark 4: The Percentage of Small Lots Created in Subdivisions in the

- Cities and UGAs Increases over Time
- Outlook: sunny, overall positive results
- Assessment: The percentage of small lots created in subdivisions has increased.

Benchmark 5: The Percentage of Growth in Urban Areas Increases over Time Compared to Rural Areas

- Outlook: partly sunny/partly cloudy
- Assessment: The share of housing in urban areas was decreasing, however in the last two years urban areas have seen an increased share in housing.

Benchmark 6: Rural Densities Decrease over Time

- Outlook: sunny, overall positive results
- Assessment: Rural densities have decreased over time.

Benchmark 7: The Share of Drive-Alone Commute Trips at Large Work Sites

- Decreases over Time
- Outlook: partly sunny/partly cloudy
- Assessment: The share of drive-alone commute trips at large work sites has decreased somewhat since 1993. However, this reduction is significantly below the 35 percent reduction target set by the state.

Benchmark 8: The Number of Transit Trips Per Capita Increases or Remains

- Steady over Time

- Outlook: sunny, overall positive results
- Assessment: Transit trips per person have increased in recent years due to an expansion in Intercity Transit's service area after several years of cuts.

Benchmark 9: Vehicle Miles Traveled (VMT) Per Capita Decreases overTime

- Outlook: partly sunny/partly cloudy
- Assessment: Vehicle miles traveled per capita has increased in recent years, however changes are slight.

Benchmark 10: Real Wages Increase over Time

- Outlook: sunny, overall positive results
- Assessment: Since 1990, real wages have increased in Thurston County.

Benchmark 11: Unemployment Rate Declines or Remains Steady

- Outlook: sunny, overall positive results
- Assessment: Thurston County's unemployment rate rose steadily between 1999 and 2002, but has declined every year beyond 2003. The County has had a lower unemployment rate than that of the State since 1990.

Benchmark 12: The Amount of Land Designated to Parks and Preserves per Capita Remains Constant or Increases

- Outlook: partly sunny/partly cloudy
- Assessment: Since 1991, the amount of parks and preserves per capita has been increasing or remained steady in the incorporated areas, but has been decreasing overall.

Benchmark 13: Acres of Open Space Land Enrolled in the Open Space Tax Program Increase or Remains Steady over Time

- Outlook: sunny, overall positive results
- Assessment: The amount of open space land enrolled in the open space tax program has been generally increasing over time.

Benchmark 14: The Solid Waste Recycle Rate Per Capita Increases overTime

- Outlook: partly sunny/partly cloudy
- Assessment: The recycle rate per capita has been increasing steadily since 2001, however the solid waste entering the landfill per capita has also increased steadily over time.

Benchmark 15: Highest Annual Readings for Particulate Matter (PM10) Remain at or Below the National Standard of 150 Micrograms per CubicMeter

- Outlook: sunny, overall positive results
- Assessment: The highest annual reading for particulate matter has remained below the national standard since 1990.

Benchmark 16: Coho Salmon Production in the Deschutes River Increases or Remains Steady over Time

- Outlook: stormy, concerns for the future
- Assessment: Coho salmon smolt production in the Deschutes River has dropped over time.

Benchmark 17: Seven-day Minimum River Flows Increase or Remain Steady over Time

- Outlook: partly sunny/partly cloudy
- Assessment: Flows have been lower in the Deschutes River, but higher in the Chehalis and Nisqually Rivers than the recent historic records.

Benchmark 18: Shellfish Bed Health in Puget Sound Inlets Increases overTime

- Outlook: stormy, concerns for the future

- Assessment: Shellfish bed water quality has decreased over time in Henderson Inlet and the Nisqually Reach.

Benchmark 19: Marine Water Quality Health Improves over Time

- Outlook: stormy, concerns for the future
- Assessment: There remains a very high level of concern over water quality in Budd Inlet, and a high level of concern for Nisqually Reach.

Benchmark 20: Median Household Income Keeps Pace with Average Housing Sale Price

- Outlook: stormy, concerns for the future
- Assessment: In the last five years, the rise in home costs has outpaced the rise in median household income.

Benchmark 21: The Housing Affordability Index for First Time Buyers Increases and the Affordability Index for All Buyers Remains Above 100

- Outlook: partly sunny/partly cloudy
- Assessment: The housing affordability index has remained above 100 for all buyers, but has been decreasing lately. It was increasing for first time buyers until 2004, when it began to decrease steadily.

Benchmark 22: The Apartment Vacancy Rate Remains at or Around Five Percent

- Outlook: sunny, overall positive results
- Assessment: The apartment vacancy rate in Thurston County has remained at or around five percent.

The City of Redmond and the Thurston Regional Planning Council (TRPC) are good examples of jurisdictions that utilize development regulations, inter-local agreements, capital improvement programs, budgets, and other innovative tools and techniques to implement comprehensive plan goals and policies for UGAs.

Both Redmond and the TRPC have on-going programs to measure the performance of their respective goals and polices with local indicators, monitoring, and analysis of whether indicators are aligning with desired benchmarks. Results from these types of programs yield accurate and reliable performance data that supports policy making to achieve each community's desired future.

Other Examples of Implementation – Monitoring – Benchmarking

Clark County	Monitoring and Implementation[142]
King County	Benchmark Program[143]
City of Cheney	Implementation Element[144]
Skagit County	GMA Indicators Program[145]
City of Port Orchard	Implementation Element[146]
Spokane Community Indicators Initiative	Community Indicators[147]
Oregon Metro	2040 Performance Measures[148]

Endnotes

[126] RCW 36.70A.070

[127] RCW 36.70A.080

[128] 39.108 RCW

[129] RCW 36.70A.085

[130] RCW 36.70A.040

[131] RCW 36.70A.210

[132] City of Edmonds, 2004

[133] RCW 36.70A.030(7)

[134] RCW 36.70A.115

[135] RCW 36.70A.120

[136] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-650

[137] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-800

[138] http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-810

[139] Adopted as WAC 365-196-800, 2010.

[140] Buildable Land Program requirement, RCW 36.70A.215

[141] http://www.trpc.org/regionalplanning/landuse/Pages/2008RegionalBenchmarks.aspx

[142] http://www.clark.wa.gov/planning/comp_plan/monitoring.html#implementation

[143] http://www.kingcounty.gov/exec/PSB/BenchmarkProgram.aspx

[144] http://www.cityofcheney.org/index.php?section=long-range-planning

[145] http://www.skagitcounty.net/Common/asp/default.asp?d=PlanningAndPermit&c=General&p=GMI.htm

[146] http://www.cityofportorchard.us/comprehensive-plan

[147] http://www.communityindicators.ewu.edu/index.cfm

[148] http://www.oregonmetro.gov/index.cfm/go/by.web/id/13104

Appendix A: State Environmental Policy Act (SEPA)

Integrating the SEPA and the GMA[149]

SEPA requires all state and local agencies to use an interdisciplinary, integrated approach to include environmental factors in both planning and decision-making. Although the terms "SEPA review" and "environmental review" include formal SEPA determinations and environmental analyses, these terms also refer to the basic concept of taking environmental quality into account in whatever an agency does.

Under GMA, cities and counties adopt policies, plans, and regulations to manage land use, environmental resources, and other aspects of growth within their own jurisdictions, and in a coordinated way with other jurisdictions. It is not possible to meet the goals or requirements of GMA or to make informed planning decisions without giving appropriate consideration to environmental factors. The GMA non-project actions such as the adoption of policies, plans, and regulations form the basis for subsequent "on the ground" project decisions that directly affect our environment.

Environmental review at the planning stage allows the GMA city or county to analyze impacts and determine mitigation system-wide, rather than project by project. This allows cumulative impacts to be identified and addressed, and provides a more consistent framework for the review, conditioning, or denial of future projects.

Plans that effectively integrate the goals and requirements of SEPA and GMA contribute to public knowledge, environmental protection, and fiscal efficiency for local government services. Benefits include:

- A more predictable future for the community;
- A better understanding of the capacity of the built and natural environment and the cumulative impacts of development community-wide, increasing the potential for protection of environmental values

- Efficient use of public funds for the provision of public facilities, infrastructure, and services; and
- A decrease in the time and cost associated with obtaining permit approval for appropriate projects in suitable locations resulting from early decisions on land-use, services, and mitigation.

To the extent that plans and implementing regulations are more comprehensive, detailed, and consistently relied upon, environmental review for individual project proposals can be reduced. Environmental review at the project phase entails 1) determining the project's consistency with the comprehensive plan, development regulations, and other local, state, and federal laws; and 2) using SEPA to address the gaps that may remain, by focusing on any project-specific environmental impacts not addressed under other regulations.

Formal SEPA documents issued by GMA jurisdictions for both project and non-project proposals serve three purposes:

1. To document the consideration of environmental values;
2. To provide public, agency, and tribal review and comment prior to many agency decisions; and
3. To ensure coordination among the policies, plans, and regulations of various governments.

Principles for Integrating SEPA and GMA

The integration of SEPA and GMA results in improved planning and project decisions from the environmental prospective. Just as GMA goals cannot be addressed without consideration of environmental factors, the goals of SEPA are benefited by the examination of the "big picture" and identification of mitigation to address cumulative impacts of development that occurs during GMA planning. Jurisdictions planning under GMA should:

- Think about environmental quality as each community charts its future, by involving diverse sectors of the public and by incorporating early and informal environmental analysis into GMA planning and decision-making.
- Use SEPA review together with other analyses and public involvement to produce better planning decisions.

- Combine to the fullest extent possible the processes, analysis, and documents required under GMA and SEPA, so that GMA planning decisions and subsequent implementation will incorporate measures to promote the goals of GMA and SEPA.
- Recognize that different questions will need to be answered and different levels of detail will be required at each phase of GMA planning, from the initial development of plan concepts or elements to the creation of implementation programs.
- Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental choices most relevant to that stage of the process, while not duplicating the review that has occurred for decisions that have already been made.
- Use environmental review on projects to help: 1) review and document consistency with GMA plans and regulations; 2) identify any impacts and mitigation needs that had not been considered and addressed at the plan level; and 3) provide the opportunity for review by agencies, tribes, and the public.
- Continue to maintain or improve the quality of environmental analysis for both plan and project decisions, while integrating these analyses with improved state and local planning and permitting processes.

GMA Non-Project Review

In 1995, the SEPA Rules were amended to help cities and counties combine SEPA and GMA processes and analyses, including issuing combined SEPA/GMA documents [WAC 197-11-210 through 235]. These amendments affirmed that environmental review should begin at the early stages of plan development in order to ensure that early studies are available and useful throughout the planning and environmental review process [WAC 197-11-030(2)(d)]. Planning and decision-making under GMA is best done concurrently with environmental analysis under SEPA.

Environmental analysis at each stage of the GMA planning process should, at a minimum, address the environmental impacts associated with planning decisions at that stage of the planning process. Impacts associated with later planning stages may also be addressed to the extent that sufficient information is known for the analysis to be meaningful.

Early (Preliminary) Environmental Analyses

Cities and counties are encouraged to integrate informal environmental analysis into preliminary planning considerations. These preliminary analyses can be prepared and used early in the process and may also be incorporated into later analyses. Early environmental analyses:

- Do not require a threshold determination;
- May be separate documents or included as part of other planning materials such as issue papers;
- May use the format of SEPA documents (e.g. environmental checklist, EIS); and
- May evaluate issues and concerns not required in SEPA documents such as economic or technical factors [WAC 197-11-232].

Timing of the Threshold Determination

A SEPA threshold determination is made:

- As soon as it can be determined whether a significant adverse environmental impact is likely to result from the implementation of the GMA action; or
- At any time, as long as it is early enough that the appropriate environmental document can accompany or be combined with a proposed GMA action [WAC 197-11-230].
- When using existing documents for which a previous threshold determination has been prepared and there are substantial changes or new information indicating significant impacts not previously analyzed [WAC 197-11-230 and 600].

A threshold determination is not required when:

- There has been a previous threshold determination on the proposal and there are no substantial changes or new information indicating significant impacts not previously analyzed; or
- A notice of adoption or an addendum is being prepared [WAC 197-11-230 and 600] (except when required by WAC 197-11-600(3)).

Expanded Scoping

Expanded scoping may be used for integrated documents without requiring the preparation of an EIS. Expanded scoping may begin or be combined with early GMA planning activities such as "visioning," development of alternative concepts or elements, or scoping of possible GMA actions.

Expanded scoping may be started before a threshold determination. A scoping notice may be issued separately from or without a threshold determination. If expanded scoping is used before making a threshold determination and a determination of significance (DS) is subsequently issued, additional scoping is optional [WAC 197-11-232(2)].

Issuing and Distributing an Integrated Document

A formal SEPA document must be issued no later than when a proposed GMA action is issued for public review. For comprehensive plans and development regulations, it is issued at least sixty days before final adoption.

The public comment period on a formal SEPA document issued with a GMA document is the longer of:

- The comment period on the GMA action; or
- The comment period typically required for a SEPA document.

The document must be distributed to:

- The Department of Ecology;
- Any advisory body that makes a formal recommendation to the local legislative body regarding a GMA action;
- The legislative body that will consider a GMA action;
- Agencies, affected tribes, and citizens as mandated by WAC 197-11-455 (draft EIS) or 197-11-340 (DNS), as appropriate [WAC 197-11-230(1)(b)(ii)]; and
- The Department of Commerce and other state agencies pursuant to RCW 36.70A.106.

Adopting the GMA Document

When a GMA document is integrated with a draft EIS, the agency may adopt the GMA document at the same time that the final EIS is issued. The jurisdiction does not have to wait the seven days usually required. In other instances, the GMA document may be adopted after any required comment period is completed.

Integrated Document Format

Although there are a few requirements, which are defined below, there is no standard format for an integrated GMA document. The overriding consideration is the quality of information and analysis at the appropriate scope and level of detail for the particular GMA document and not the format, length, or bulk of the document [WAC 197-11-235].

An EIS for a GMA action should contain sufficient environmental analysis to provide a basis for future decisions on projects. SEPA documents may be separate and accompany the GMA documents or they may be integrated. An integrated document must include:

A fact sheet. The fact sheet, containing the information required in WAC 197-11-440(2), must be the first section of the document.

An environmental summary.

The environmental summary emphasizes the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved including the environmental choices to be made and the effectiveness of mitigation measures. It should reflect SEPA's substantive policies and highlight the primary environmental options that would be preserved or foreclosed by the proposed GMA action, taking into account cumulative impacts. It may discuss non-environmental factors, and should do so if relevant to resolving issues concerning the main environmental choices [WAC 197-11-440(4) and 235(5)].

A concise analysis of alternatives.

This is a comparative environmental analysis of the principal alternative courses of action that are under consideration [WAC 197-11-440(5)]. Evaluating options helps determine whether the proposal should be revised to avoid or reduce environmental or other impacts. Alternatives discussed may be those presently being considered or considered and discarded earlier.

Comments and responses.

The final integrated document must include the comments on the draft EIS/plan along with agency responses. Any comments received during the scoping process or on preliminary documents (or a summary of them) must be included in either the final integrated document or the supporting record, together with agency responses to these comments if prepared [WAC 197-11-235(7)].

Supporting record, analyses, and materials. Materials in the supporting record allow interested parties to identify and review the planning basis for the conclusions and analyses presented in the integrated GMA document as provided in Chapter 365-195 WAC, "Procedural Criteria for Adopting Comprehensive Plans and Development Regulations. An integrated document must contain a list of the principal analytical documents and other materials (such as meeting minutes, maps, models, tapes or videos) that have been prepared, received, or used to develop the GMA action. These materials are part of the official supporting record for SEPA compliance (see WAC 197-11-090). Annotated lists are encouraged, but not required, to assist current and future reviewers.

Non EIS Integrated Documents

If a proposed GMA action is not likely to have a significant adverse environmental impact, an integrated GMA document that combines the formal SEPA document (such as an environmental checklist/DNS, a notice of adoption, or an addendum) with the GMA document is prepared.

If an environmental checklist is prepared for a GMA action, only Parts A (which serves as a fact sheet), C (responsible official's signature), and D (non-project checklist) must be completed. An environmental summary as specified in WAC 197-11-235(5) is also required and may be combined with Part D of the checklist.

If an addendum is to accompany or be incorporated into an integrated GMA document, it must contain the information specified in WAC 197-11-235(5) for an environmental summary.

GMA Project Review

The Local Project Review Act, adopted in 1995, added new requirements for cities and counties to consolidate their permit and environmental review processes. Included are many procedural mandates for those cities and counties planning under GMA.

Planned Actions

In 1995, the legislature authorized a new category of project action in SEPA called a "planned action." Designating specific types of projects as planned action projects shifts environmental review of a project from the time a permit application is made to an earlier phase in the planning process. The intent is to provide a more streamlined environmental review process at the project stage by conducting more detailed environmental analysis during planning. Early environmental review provides more certainty to permit applicants with respect to what will be required and to the public with respect to how the environmental impacts will be addressed.

The GMA city or county must first complete an EIS which addresses the likely significant adverse environmental impacts of the planned action. After completing the EIS, the GMA city or county designates by ordinance or resolution those types of projects to be considered planned actions, including mitigation measures that will be applied. The types of project action must be limited to certain types of development or to a specific geographic area that is less extensive than a city or town's jurisdictional boundaries. (See RCW 43.21C.031, WAC 197-11-164 and 168 for requirements and restrictions on the designation of planned actions.)

Use of the planned action process is restricted to cities and counties planning under GMA. GMA jurisdictions are required to develop both a broader scope and deeper level of planning that provides the foundation for this early type of review.

While normal project review requires a threshold determination, a project qualifying as a planned action project does not require a new threshold determination. If the city or county reviews the project, verifies that it is consistent with the planned action project(s) previously designated, and determines that the impacts are adequately addressed in the EIS on which the planned action relies, project permit review continues without a threshold determination. All of the project's significant probable environment impacts must have been addressed at the plan level in order for the project to qualify as a planned action. [If a project does not qualify as a planned action because of likely significant adverse environmental impacts that were not adequately addressed in the EIS, a threshold determination is required. Environmental review for the project may rely on the environmental analysis in the EIS, and additional analysis need only address those impacts not addressed in the previous EIS.]

Designating planned action projects reduces permit-processing time. There are no SEPA public notice requirements or procedural administrative appeals at the project level because a threshold determination or new EIS is not required. The only notice requirements are those required for the underlying permit.

The designation of planned action projects will only be appropriate in limited situations. The designation of planned action projects is probably most appropriate for:

- Smaller geographic areas;
- Relatively homogenous geographic areas where future development types, site-specific conditions, and impacts can be more easily forecast;
- Development sites with significant overlapping regulatory requirements; or
- Routine types of development with few impacts.

Examples of appropriate project actions limited to a specific geographic area might be projects anticipated in a subarea or neighborhood plan with a limited number of development types. Another example could be a large parcel in single ownership, such as a university campus or a large manufacturing complex where project construction will be done in phases.

Tip

When considering whether to designate planned action projects, GMA counties and cities need to be aware that the process can be costly to the jurisdiction. More up-front environmental analysis and review by the county or city in the GMA planning process will be required. As a result, the county or city pays for studies and processes that would normally be paid for by private applicants. [Although there is no formal method under state law to recover the costs of up-front analysis, some jurisdictions have developed cost-sharing agreements with local property owners and associations interested in utilizing the planned action process.]

Designing Planned Action Projects

The basic steps in designating planned action projects are to prepare an EIS, designate the planned action projects by ordinance or resolution, and review permit applications for projects proposed as consistent with the designated planned action.

Step 1: Prepare the EIS (WAC 197-11-164)

The significant environmental impacts of projects designated as planned actions must be identified and adequately addressed in an EIS [WAC 197-11-164]. The EIS must be prepared for a GMA comprehensive plan or subarea plan, a master planned development or resort, a fully contained community, or a phased project [RCW 43.21C.031].

Planned action projects should only be designated when a county or city can reasonably analyze the site-specific impacts that will occur as a result of the types of projects designated, and can adequately address those impacts in the EIS.

A generalized analysis of cumulative environmental impacts will not provide enough information to address a project's impacts when it is time for the jurisdiction to issue permits for specific projects proposed as planned action projects.

Step 2: Adopt Planned Action Ordinance or Resolution

Planned action projects must be designated or identified in an ordinance or resolution adopted by a GMA county or city [WAC 197-11-168]. There are a number of procedural requirements for this. A GMA county/city considering the adoption of a planned action ordinance or resolution should review the requirements in RCW 43.21C.031 and WAC 197-11-164, 168, and 315. The following specific points should be considered:

An extensive level of public review for both the EIS and the proposed planned action ordinance is crucial. Since a new threshold determination or EIS is not required when a permit application is received, there may not be an opportunity for public review or administrative appeal at the project review stage. In order to build support for an abbreviated permit process, public awareness is needed at these earlier phases.

Although the statute allows a jurisdiction to designate planned action projects by an ordinance or resolution, adoption by resolution is not recommended. The provisions for adoption of a resolution do not allow sufficient opportunity for public participation.

The planned action ordinance should be as specific as possible, should indicate where in the EIS or associated planning document the projects' environmental impacts have been addressed, and should include or reference mitigation measures which will be required for a project to qualify as a planned action project. For example, the ordinance should indicate what mitigation has been identified in the EIS or what level of service has been accepted in the subarea plan for traffic impacts.

If desired, the city or county may set a time limit in the ordinance during which the planned action designation is valid. If a GMA county/city does set a time limit on the designation, it should consider how this affects any permits for which there is an expiration date. For example, a project with a permit valid for five years is found to qualify as a planned action project and the permit is issued just prior to the sunset date for the planned action designation. Is the project still considered a planned action project for the life of the permit after the sunset date?

Although a GMA county or city must require the applicant to submit a SEPA environmental checklist with a project proposed as a planned action project, a revised format for the checklist may be developed by the city or county. A draft of the revised form must be sent to Ecology for a thirty-day review [WAC 197-11-315(2)]. While not required at this phase, it would be helpful if the revised checklist were developed in conjunction with the ordinance or resolution designating planned action projects.

Step 3: Review the Proposed Planned Action Project (WAC-197-11-172)

When a permit application and environmental checklist are submitted for a project that is being proposed as a planned action project, the city or county must verify:

- The project meets the description of any project(s) designated as a planned action by ordinance or resolution;
- The probable significant adverse environmental impacts were adequately addressed in the EIS; and
- The project includes any conditions or mitigation measures outlined in the ordinance or resolution.

If the project meets the above requirements, the project qualifies as a planned action project. Neither a threshold determination nor an EIS will be required. Consequently, there will be no administrative SEPA procedural appeal (an appeal of whether the proper steps in the SEPA process were followed). The planned action project will continue through the permit process pursuant to any notice and other requirements contained in the development regulations.

If the project does not meet the requirements of the planned action ordinance or resolution, or if the EIS did not adequately address all probable significant adverse environmental impacts, the project is not a planned action project. In this instance, the city or county must then make a threshold determination on the project.

The project would go through normal environmental review as part of project review. The county or city may still rely on the environmental information contained in the EIS and supporting documents in analyzing the project's environmental impacts and making the threshold determination. If an EIS or SEIS is found to be necessary for the project, it only needs to address those environmental impacts not adequately addressed in the previous EIS.

Consistency Requirements for Planned Action Projects

A project proposed as a planned action project must still be analyzed for consistency with the local comprehensive plan and development regulations. Designation of planned action projects does not limit a city or county from using other authority (e.g. transportation mitigation ordinances) to place conditions on a project; it only addresses procedural SEPA requirements. [WAC 197-11-172(2)(a) specifically states that "Nothing in this section limits a GMA county/city from using this chapter or other applicable law to place conditions on the project in order to mitigate non-significant impacts through the normal local project review and permitting process."] The GMA county or city may still use its SEPA substantive authority or other applicable laws or regulations to impose conditions on a project qualifying as a planned action project [RCW 43.21C.031(1)].

[149] Department of Ecology SEPA Handbook: http://www.ecy.wa.gov/programs/sea/sepa/handbk.htm