

Learn at Lunch: The Growth Management Act and Affordable Housing 101

Futurewise

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For more information please contact:

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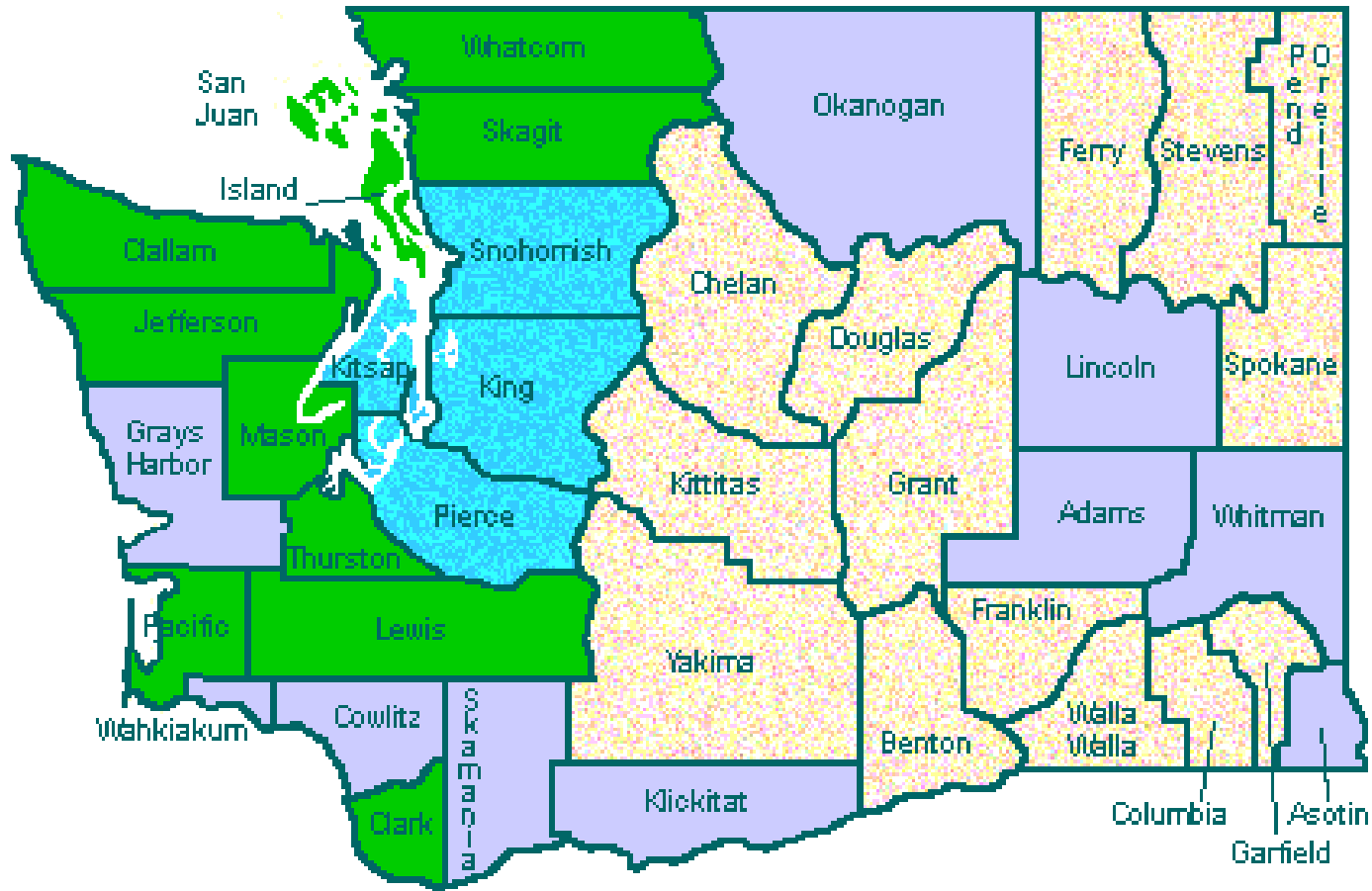
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Overview

- Overview of planning under the 22 year old Growth Management Act (GMA)
- Housing planning requirements
- Periodic updates
- How to get involved
- Enforcement

GMA Counties



Gray:
CARL
counties

Dark:
Western
Region
Counties

Middle:
Central
Region
Counties

Light
(Buff):
Eastern
Region
Counties

Growth Management Act Goals

1. Encourage development in urban areas
2. Reduce sprawl
3. Encourage efficient multi-modal transportation systems
4. Encourage availability of affordable housing
5. Encourage economic development throughout the state consistent with comprehensive plans
6. Do not take property rights without just compensation
7. Should timely and predictably process permits
8. Maintain and enhance natural resources industries
9. Retain open space, enhance recreation, conserve fish and wildlife habitat, and develop parks and recreation facilities
10. Protect environment and enhance quality of life
11. Encourage citizen participation and coordination between jurisdictions
12. Ensure public facilities and services necessary to support development are adequate at the time of occupancy
13. Identify and encourage preservation of archaeological and historic sites
14. Shoreline Management Act policy

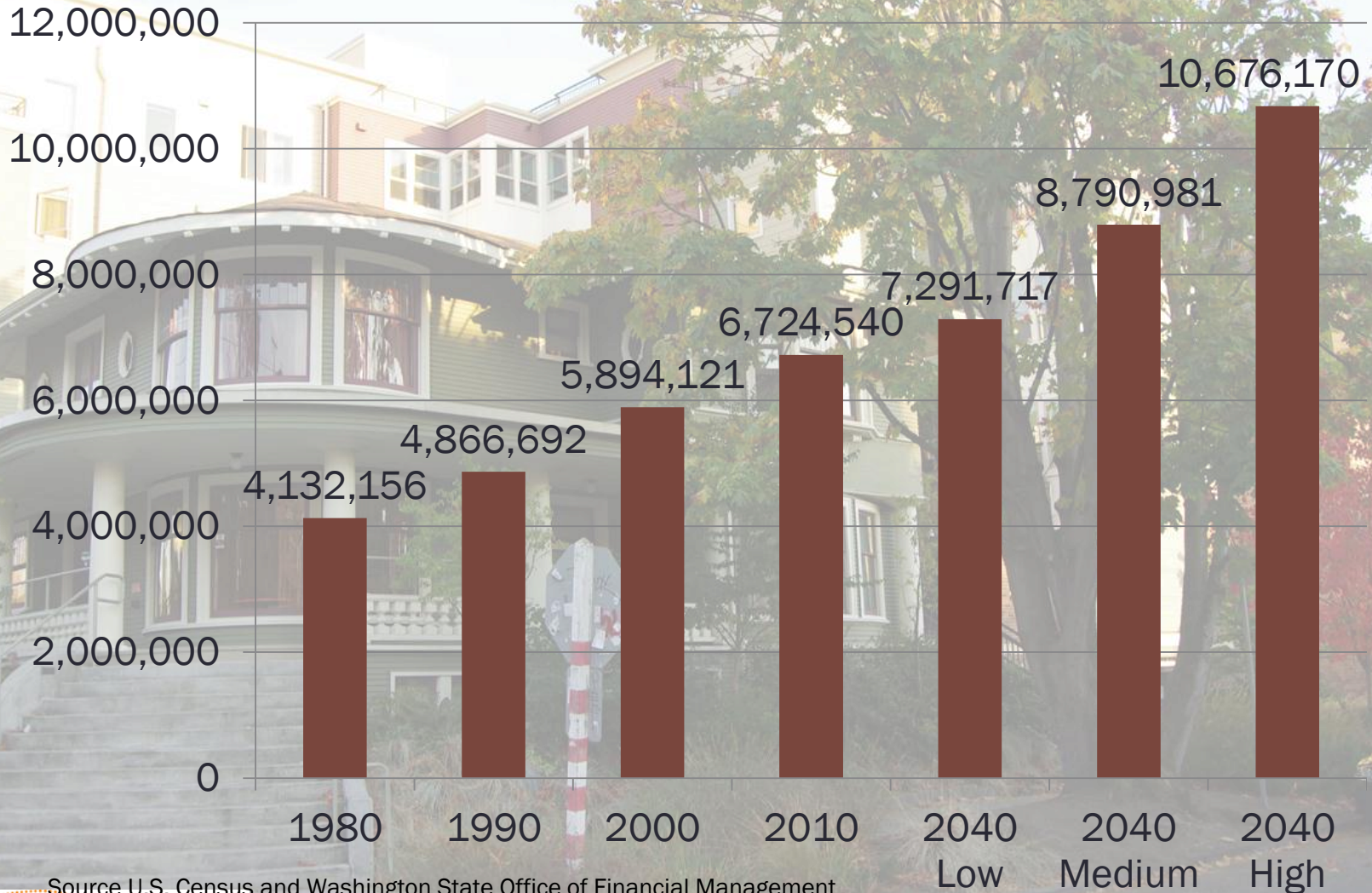
Housing Goal [RCW 36.70A.020(4)]

- (4) 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.
- Comprehensive plans must comply with both goals and requirements. *Low Income Housing Institute v. City of Lakewood*, 119 Wn. App. 110, 116, 77 P.3d 653, 656 (2003)

Growth Management Act Goals & Requirements

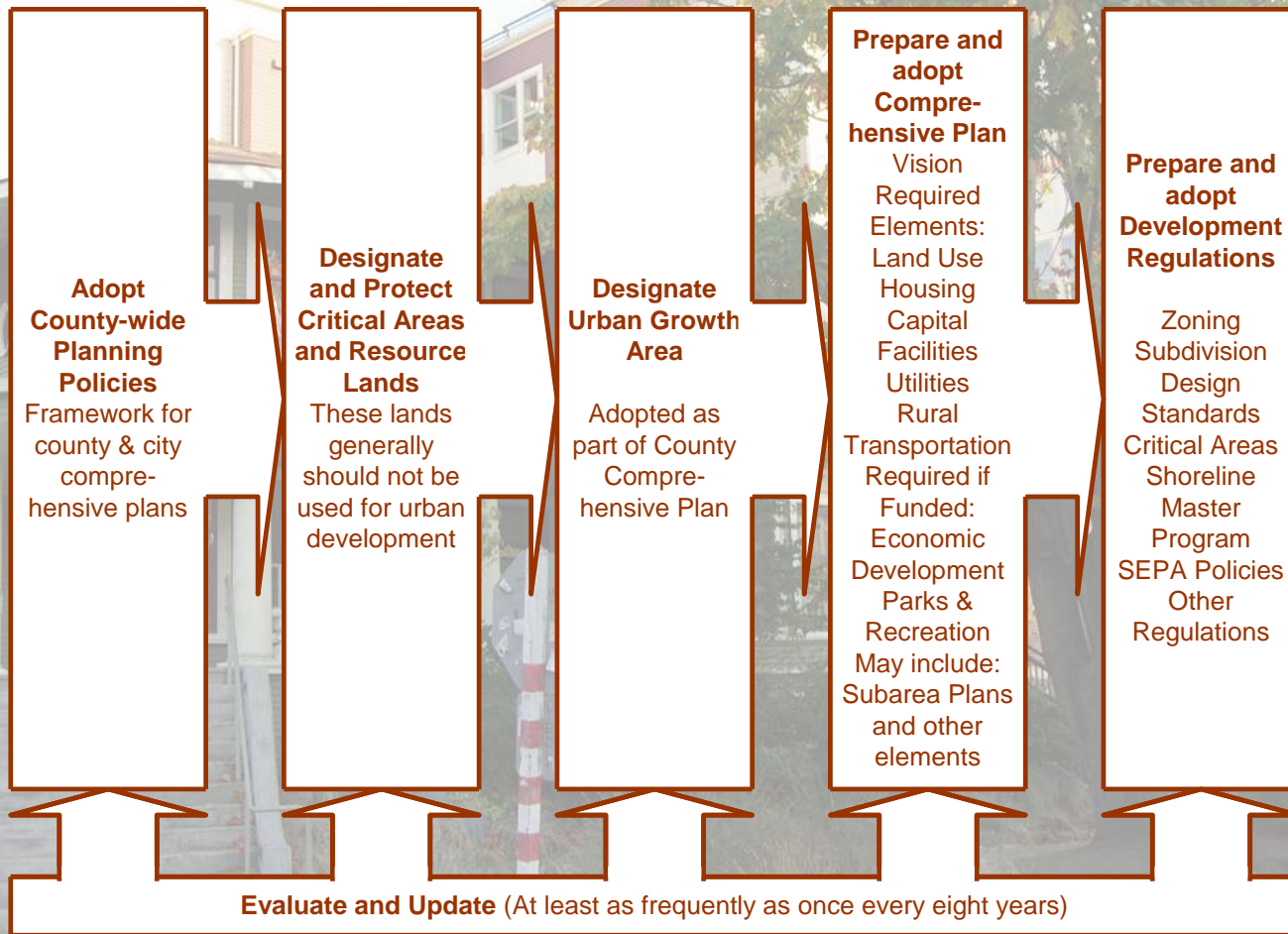
- Goals guide preparation of comprehensive plans and development regulations
- Requirements must be met by plans and development regulations
- May need to balance goals and requirements
 - Can balance goals but when they conflict look to the language of the goals
 - Some goals, such as the environmental protection goal, are more directive than others. The “require” and “enhance” goals

Actual & Projected Population Washington State



Source U.S. Census and Washington State Office of Financial Management

Growth Management Act Planning Process & Requirements



Comprehensive Plans

- A generalized coordinated land use policy statement of the governing body of a county or city adopted under the GMA
- County comprehensive plans designate urban growth areas
 - Avoid areas with extensive critical areas
 - Avoid resource lands
 - Cities and counties plan on how to serve with urban services, such as potable and industrial water
- Required elements include a housing element
- Required if funded elements: Economic development and parks and recreation
- Optional elements: Any element a county or city decides
- Can only be amended once a year with exceptions

Housing Element Requirements

[RCW 36.70A.070(2)]

- 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.

Land Use Element Requirements Applicable to Housing (RCW 36.70A.070(1))

- Designating the proposed general distribution and general location and extent of the uses of land including housing
- The land use element shall include population densities, building intensities, and estimates of future population growth
- The optional Economic Development must include a description of the strengths and weaknesses of the economy and supporting factors including housing. RCW 36.70A.070(7)

Additional Requirements Affecting Housing

- RCW 36.70A.115 provides that the adoption and amend of comprehensive plans and development regulations shall provide sufficient land capacity suitable for development within their jurisdiction to accommodate their allocated housing and employment growth
- RCW 36.70A.210(2)(e) requires countywide planning policies and multicounty planning policies to include “[p]olicies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution”

Buildable Lands Programs (RCW 36.70A.215)

- Applies to Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties and cities in those counties
- Must monitor growth to determine if it is consistent with the comprehensive plan and countywide planning policies including
 - Housing densities
 - Review housing needs by type and density range to determine the amount of land needed for housing for the remaining portion of the 20-year planning period
- If inconsistent, the county or city “shall adopt and implement measures that are reasonably likely to increase consistency”
- Reports must be done at least one year before the periodic update deadline

Other Requirements Applicable to Housing

- RCW 36.70A.400 requires larger counties and cities to incorporate Commerce’s recommendations for accessory dwelling units
- RCW 36.70A.410 prohibits regulations, policies, or administrative practices which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family. Uses Federal Fair Housing Act definition of “handicaps.”

RCW 36.70A.540

Affordable housing incentive programs

- Authorizes counties and cities planning under the GMA to have affordable housing incentive programs
- Can provide for a variety of incentives
- Income limits
 - Rental: 50% or less of the county median
 - Owner-occupied: 80% or less
 - County or city can increase the levels
- Can set a minimum amount of affordable housing that must be provided

Development Regulations

- Controls placed on development or land use activities by a county or city
 - Zoning, CAOs, subdivision regulations, shoreline master programs, etc.
- Required to implement comprehensive plan
- Can be updated anytime as long as consistent with the comprehensive plan
- Cannot amend as part of the permitting process, must docket needed amendments

Multicounty Planning Policies (Vision 2040)

- Calls for local housing targets for households earning:
 - Middle: 80%-120% of median income
 - Moderate: 50%-80% of median income
 - Low: Below 50% of median income
 - Very Low: Below 30% of median income

Multicounty Planning Policies (Vision 2040)

- “MPP-H-1: Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region”
- “MPP-H-2: Achieve and sustain — through preservation, rehabilitation, and new development — a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region”
- “MPP-H-3: Promote homeownership opportunities for low-income, moderate-income, and middle-income families and individuals”

Multicounty Planning Policies (Vision 2040) (Cont.)

- “MPP-H-4: Develop and provide a range of housing choices for workers at all income levels throughout the region in a manner that promotes accessibility to jobs and provides opportunities to live in proximity to work”
- “MPP-H-5: Expand the supply and range of housing, including affordable units, in centers throughout the region”
- MPP-H-6 calls for giving funding priority to facilities that advance the development of affordable housing
- Call for using housing best practices such as encouraging interjurisdictional efforts such as ARCH
- Also call for a regional housing strategy, a framework and a regional housing program

Periodic Update Deadlines (RCW 36.70A.110)

- June 30, 2015, and every eight years, for King, Pierce, and Snohomish counties and the cities in those counties
- June 30, 2016, and every eight years, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities in those counties

Periodic Update Deadlines (RCW 36.70A.110) (cont.)

- June 30, 2017, and every eight years, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities in those counties
- June 30, 2018, and every eight years, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities in those counties

Growth Management Hearings Board

- Acts through three person panels:
 - One member must be a former local government elected official
 - One member must be a lawyer
- Decides appeals of:
 - GMA comprehensive plans & development regulations and amendments
 - Whether OFM's 20-year population projection must be adjusted
- Board shall find compliance unless it determines that the action by the county or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of the GMA.
- To find an action “clearly erroneous,” the board must be left with the firm and definite conviction that a mistake has been committed. *King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543, 552 (2000)

What Can Be Appealed during Periodic Updates

- Amendments to a comprehensive plan or development regulation, may be challenged within 60 days of publication of the adoption notice. *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 347 – 48, 190 P.3d 38, 46 – 47 (2008)
- Failure to review and revise urban growth areas if there is “a different OFM population projection for the county”
- Failure to revise a comprehensive plan or development regulation “directly affected by a new or recently amended GMA provision”

How to Get Better Housing Policies and Programs

- Contact the counties or cities you are interested and find out the update schedule.
 - Check their website
 - Some jurisdictions such as Seattle and Shoreline have already started
- Meet with staff early if possible
- Be specific on what you recommend, put it in writing
- Attend public hearings
 - Planning Commission
 - County or city council or commission

Is It Working?

- Robinson *et al.* found that after the adoption of King County's GMA comprehensive plan:
 - the number of building permits in the urban growth area increased from 72% of the building permits in 1985 to 1994, to 77% of building permits in 1995 to 1998, and 79% of the building permits in 1999 to 2001
 - They also concluded that densities were increasing inside the urban growth area

Is It Working? (cont.)

- Carruthers and Ulfarsson analyzed urban areas throughout the United States including Washington. They found that the per capita costs of most public services declined with density and increased where urban areas were large
- Boards seem reluctant to enforce affordable housing requirements
 - *9th Street Mobile Home Park Residents Association v. City of Wenatchee*, EWGMHB Case No. 07-1-0008, Final Decision and Order (March 16, 2009)
 - *Futurewise, v. City of Bothell*, CPSGMHB Case No. 07-3-0014, Final Decision and Order (Aug. 2, 2007)
- *LIHI* is both an example and counter example

For More Information

- Department of Commerce Growth Management Webpage: <http://www.commerce.wa.gov/site/375/default.aspx>
- Growth Management Hearings Board website: <http://www.gmhb.wa.gov/default.aspx>
- The RCWs, WACs, and other materials are available at the website: <http://slc.leg.wa.gov>
- Judicial Opinions are available at: <http://www.legalwa.org/>
- MRSC Planning Website: <http://mrsc.org/Subjects/Planning/planning.aspx>
- Vision 2040 Multicounty Planning Policies: [http://www.psrc.org/assets/1738/Part III Multicounty Planning Policies.pdf](http://www.psrc.org/assets/1738/Part%20III%20Multicounty%20Planning%20Policies.pdf)
- WA State Dept. of Commerce's Procedural Criteria (chapter 365-196 WAC): <http://apps.leg.wa.gov/wac/default.aspx?cite=365-196>

For More Information (cont.)

- Executive Recommended 2012 King County Comprehensive Plan Update:
http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/2012_ExecRec.aspx
- Seattle Comprehensive Plan Update and Existing Elements including Housing:
[http://www.seattle.gov/dpd/Planning/Seattle's Comprehensive Plan/ComprehensivePlan/default.asp](http://www.seattle.gov/dpd/Planning/Seattle's%20Comprehensive%20Plan/ComprehensivePlan/default.asp)
- You Can Make a Difference! A Citizen's Guide to Periodic Comprehensive Plan and Development Regulation Updates:
http://futurewise.org/resources/publications/Citizens_Guide_June2002.pdf
- Futurewise's Citizen's Guide to Petitioning Growth Management Hearings Boards for Review of Local Legislative Actions:
<http://futurewise.org/resources/publications/Futurewise%20Citizens%20Guide%20to%20GMHB%20Petitions.pdf>