

Is the Growth Management Act Working?

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Since passage of the Growth Management Act (GMA) there have been no comprehensive, independent reviews assessing the economic impacts, environmental successes or progress toward the fourteen policy goals of GMA.

Before the Legislature adopts any additional amendments to the GMA, it should consider the following three questions:

1. What are the costs and benefits of the Growth Management Act?
2. How have amendments and Growth Management Hearing Board decisions changed the effectiveness and intent of the Growth Management Act?
3. Should further amendments to the Growth Management Act be approved without a comprehensive independent cost/benefit analysis?

To understand and answer these three basic questions, the Legislature should instruct an independent reviewer, such as the Washington State Auditor's office, to complete a comprehensive audit of the GMA.

Following is a brief analysis regarding work that has been done on the GMA since 1990. This brief overview shows very little is known about the actual costs and benefits of a vast, statewide program that is nearly twenty years old.

What is the cost and benefit of the GMA?

The Washington State Department for Community Trade and Economic Development (CTED), the lead agency providing oversight on GMA, has compiled a list of more than one-hundred studies and reviews regarding GMA. None of these reviews, however, provide a complete cost benefit analysis of the fourteen GMA policy goals.

According to CTED, the most comprehensive review of GMA comes from the Washington State Land Use Study Commission and was authored in 1998.¹ The purpose of the Study Commission was:

“Integrating Washington's land use and environmental laws into a single, manageable statute. In working towards this goal, the Commission was directed by the Legislature to review the effectiveness of existing land use and environmental laws and to identify revisions

¹ Land Use Study Commission Draft Final Report, Washington Community Trade and Economic Development, Third Draft, November 25, 1998.

in those laws needed to adequately plan for growth and to achieve economically and environmentally sustainable development.”²

Unfortunately this report is outdated and provides no insight into the more than ten years of growth and planning that have occurred since its publication. Since that time there have been other summaries and studies, but by CTED’s own admission, most of these reviews measure only portions of the overall goals of the Act.

Despite the impressive list of studies and reviews, there is little consensus among business and environmental groups regarding the successes and failures of the GMA. Without a more comprehensive review, it is impossible to know how the GMA is actually measuring up.

Have amendments and Growth Board decisions changed the effectiveness of GMA?

In 1990 the legislature approved the GMA, despite a strong public sentiment against growth limits. The public’s opposition was expressed when voters rejected Initiative 547, which called for implementing a statewide GMA program, later that same year. Nevertheless, the Legislature continued pursuing growth restrictions by amending the GMA in 1991. The stated purpose of GMA was to provide planned and coordinated development to sustain economic growth while protecting the overall environment.

From the outset, GMA was to rely on a “bottom up” approach through local planning. In effect, GMA was supposed to move away from centralized planning to ensure that local needs and goals are met. At the same time, the authors set 14 policy goals for the GMA: provide for needed urban growth, reduce sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation, public facilities and services, historic preservation and the Shoreline Management Act. Lawmakers said the emphasis of these policy goals is to be equal, with no specific goal more important than the other. The act reads:

“The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations”³

Since 1995 CTED has tracked the number of amendments made to the GMA. During that time no less than 110 amendments have been adopted. The amendments range from substantive to technical in their nature and scope. Despite the original intent of the GMA’s authors, it is possible that these additional amendments have changed the value and effectiveness of the original goals, but the lack of a comprehensive analysis makes it difficult to measure accurately the impact of each amendment.

Prior to 1995 there were additional amendments, including a 1991 amendment which created local GMA Hearing Boards. These Boards perform a quasi-judicial role, hearing and determining conflicts, disagreements and allocations that arise throughout the process of adopting GMA mandated Comprehensive Plans.

Since creation of GMA Hearing Boards, there have been more than one thousand challenges brought against local governments’ attempts to comply with the broad goals of GMA.

² About the Commission, Washington State Land Use Study Commission, Accessed January 23, 2009

³ RCW 36.70A.020, Planning Goals

Washington Growth Management Hearing Board Challenges	
Central Board (King, Pierce, Snohomish, Kitsap)	348 ⁴
Eastern Board (All Counties East of the Cascade Crest)	221 ⁵
Western Board (All Counties in West of Cascades minus the Central Board area)	552 ⁶

Hearing Board rulings change or influence the way the GMA is implemented, yet there has been no substantive review of the Growth Board rulings and what their cumulative effect has been in changing the meaning of the law.

Should further amendments to GMA provide a comprehensive independent cost/benefit analysis?

In December 2008, CTED released its report titled; *Planning for Climate Change – Addressing Climate Change through Comprehensive Planning under the Growth Management Act*. The report fulfilled a directive from 2008 legislation, ESSB 6580, which required CTED to make recommendations for amending the GMA to give local governments the responsibility and authority to address climate change through land use and transportation planning.

The recommendations coming from the 2008 CTED report largely focus on amending the goals of GMA to include greenhouse gas emission reductions. Other recommendations include changes to county-wide planning policies to require inclusion of climate change issues, updates of the State Environmental Policy Act and transportation concurrency plans.

In response to the CTED report, HB 1490 has been proposed to amend GMA to include the reductions of greenhouse gas emissions as part GMA’s environmental goal. HB 1490 also, in part, provides new language that would require people to live in more crowded urban areas and to become more dependent on public transit.

The cost associated with the recommendations of the CTED report and HB 1490 is unknown. CTED acknowledges in its 2008 report that it does not know what the associated costs of its recommendations will be. The report reads:

“While the impacts of climate change on affordable housing, employment, transportation costs, and economic development must be considered, there is little information or scientific data available related to the impacts of climate change policy.”⁷

⁴ Digest of Decisions 1992 -2008, Central Puget Sound Growth Management Hearings Board, 9th Edition, December 21, 2008.

⁵ Digest of Decisions 1992through December 2007, Eastern Washington Growth Management Hearings Board, 5th Edition, Revised 2007.

⁶ Email from Western Washington Growth Management Hearings Board, January 23, 2009.

⁷ “Planning for Climate Change – Addressing Climate Change through Comprehensive Planning under the Growth Management Act,” by Washington Community Trade and Economic Development, December 2008.

To act on the recommendations of the CTED report, or to further modify GMA, before understanding the costs associated with such action would be premature.

Conclusion

Through a comprehensive independent review of the Growth Management Act, the Legislature will be better suited to provide future guidance and direction when updating the Act. In order to ensure that a review is independent, comprehensive and effective, we recommend the following steps be taken:

- An independent party, such as the State Auditor, should facilitate the review
- Stakeholders should be allowed to participate
- Goals of GMA should be reviewed to see if they are being achieved
- The final product should be presented in the form of a cost/benefit analysis addressing the three questions that are asked at the introduction of this report.

Without a true comprehensive and independent analysis, there is no way lawmakers can ensure taxpayers are getting the protections and benefits that were promised when the GMA was enacted, or that its environmental goals are actually being achieved.

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