

## 2022 Task Force Topic Sheets

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## 2022 Task Force Topic Sheet

**Category:** *Adaptive Planning*

**Topic:** *Varied Planning requirements*

**Topic Overview:** Cities and counties across Washington State currently have varied planning requirements under the Growth Management Act (GMA) (*See Attachment A*). After more than 30 years implementing the GMA, discussion and recommendations on this topic would look at where there may be opportunities to make planning requirements easier to implement or to recognize regional differences and needs throughout the state.

**Problems this topic could address:**

- **Staffing:** smaller cities and counties have limited technical staff and financial resources to complete comprehensive plan updates and implement new and existing GMA requirements. Some jurisdictions do not have planners to complete required planning.
- **Benefits to smaller jurisdictions:** particularly in smaller or slow growing cities and counties, implementation of certain GMA update requirements may not provide the same benefit as faster growing cities and counties.
- **Right sizing:** after more than 30 years of the GMA, there could be advantages to reviewing the requirements cities and counties must meet under the current types of levels of GMA planning to “right size” requirements.
- **Appeals:** Comprehensive plan and development regulation appeals can be very costly and time consuming, especially for cities and counties with fewer resources.

**Preliminary recommendation options:**

1. **Increase Department of Commerce funding** to provide greater technical assistance and/or funding to certain cities and counties.
2. **Provide model policy and code language** that cities and counties could adopt when updating comprehensive plans and development regulations.
3. **Provide optional Department of Commerce approval process and defense** of certain elements of countywide planning policies, comprehensive plans, and development regulations (could be optional but follow the process under the [Shoreline Management Act](#)). If appeals are filed and jurisdictions opt in and follow the new process, Commerce would defend appeals that are filed against those elements.
4. **Allow comprehensive plan grant funds to be used for technical assistance.** For the three options above, a portion of the funding to pay for this could come from grant dollars allocated to cities and counties for comprehensive plan updates. As an example, a city could take ½ the allocated grant amount in exchange for technical assistance from the Department of Commerce.
5. **Update categories for planning requirements** as outlined in Attachment A to reflect what we have learned about the effectiveness of planning in various communities around the State.
6. **Modify planning certain planning requirements** for cities and counties with minimal growth during the planning period under the current categories of GMA planning. Cities and counties that could demonstrate minimal growth pressure could potentially be allowed to “drop down” to partially planning status during the next update process.
7. **Modify planning certain planning requirements** regarding the frequency of updating [Countywide Planning Policies \(CPPs\)](#) and jurisdictions subject to the [Review and Evaluation Program](#). Specifically, to consider changes which could include counties and the cities within those counties east of the crest of the Cascade Mountain Range with a total population of greater than 150,000 (See RCW 36.70A.215(5)).

**Category:** *Adaptive Planning*

**Topic:** Varied Planning requirements

**How these problems are impacting people/groups:**

- Some communities have greater resources with which to plan under the GMA. This could include planning for housing, the environment, people and jobs, capital facilities, parks, and other important requirements of the GMA. Jurisdictions with fewer resources may not be currently planning at the same level as others which could impact people/groups at a disproportional rate.
- Some jurisdictions with few resources may be spending their small budgets defending appeals of GMA plans. These general fund resources may take away from important programs which assist people/groups in their respective communities. *Please note that this statement is not debating whether appeals which are filed are valid and important. Rather, it is highlighting the cost to communities with fewer resources.*

**Potential statutory changes**

- Various sections of the Growth Management Act could be impacted. The actual sections would depend on the specific changes proposed.

**Potential budgetary impacts**

- Increasing the role Commerce in local planning could have an impact on the agency's (and therefore state's) budget. The level of budget increase would depend on the services Commerce would provide.
- One option outlined above to offset some costs could be decreasing planning grants to jurisdictions when Commerce provides certain types of assistance.
- Some of the options outlined could increase or decrease planning requirements for local governments.
- Increasing who must plan under RCW 36.70A.215 would increase costs for state grants to fund the program and counties and cities within those counties which would be required to implement new requirements.
- Modifying RCW 36.70A.210 could require some jurisdictions to update Countywide Planning Policies more frequently. This would increase costs for counties and cities within those counties which would be required to implement new requirements.

**New statutes or revision to existing statutes?**    New     Revision

**Complexity – time to develop recommendations:** Low     Medium     High

**Are the required changes technical, substantive, or both? Technical changes alone could be run through working groups primarily, while substantive changes (new GMA comp plan elements, for example) would have to be worked extensively through the Task Force.**

**Technical**

**Substantive**



**Category:** *Adaptive Planning*

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**Topic:** Varied Planning requirements

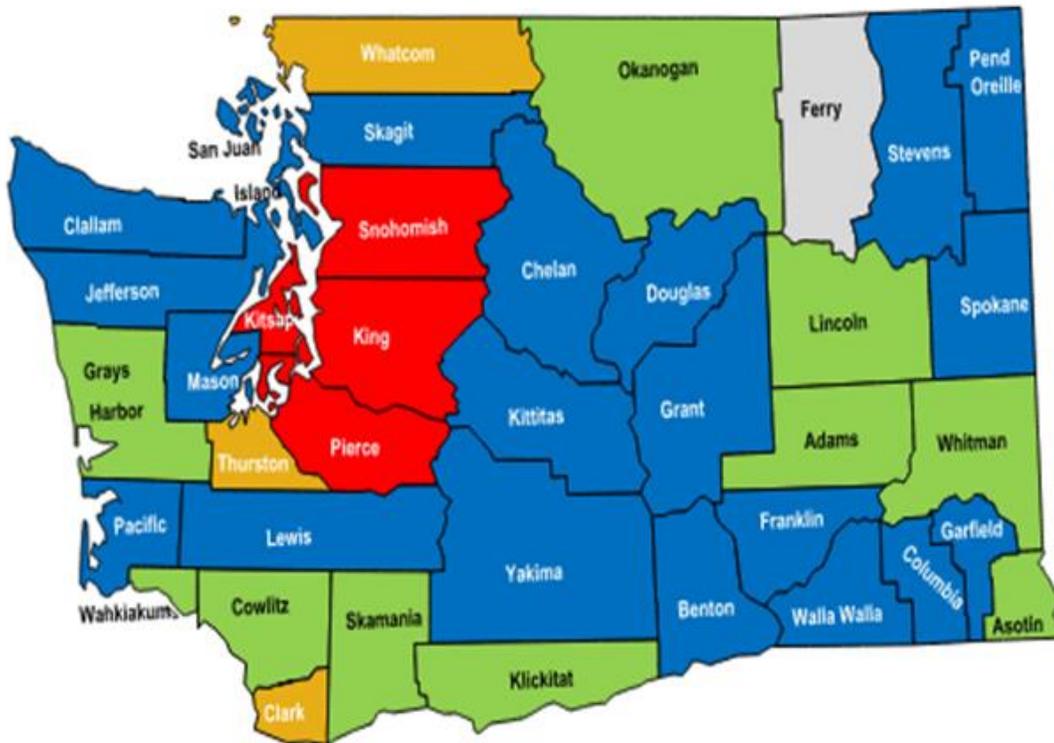
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**Is this issue based on recent legislation?** Yes  No

**If yes, link to the most recent legislation.**

**ATTACHMENT A**

Range of planning requirements by county under the Growth Management Act (GMA)





## 2022 Task Force Topic Sheet

**Category:** *Adaptive Planning*

**Topic:** Reduce conflicts, gaps, redundancies and improve processes

**Topic Overview:** Cities and counties across Washington State implement a wide range of statutes that collectively are known as the growth policy framework (*See attachment A*). The growth policy framework consists of state laws that govern or influence the strategies state agencies and local governments use to plan for, implement, and manage land use policy, permitting and appeals, infrastructure, and environmental protections.

In many cases, more than one statute is used by a state agency or local government as part of a process to plan and develop land use policy, permit projects and guide appeal processes, permit infrastructure projects, and implement environmental protections. Discussion and recommendations on this issue would look at where there may be opportunities to reduce conflicts, gaps, redundancies and improve processes within the growth policy framework. Understanding of other important values, such as protection of the environment or participation during important planning processes, will be evaluated as part of this topic.

### Problems this topic could address:

- **Language:** terminology between or within existing statutes or implementing rules may not be internally consistent at times. This can cause confusion.
- **Permits:** redundancies or overlaps between statutory goals, requirements, and processes makes issuing permits in a timely and predictable manner more time consuming for local governments and complicated for those submitting permit applications or participating during land use processes.
- **Appeals:** land use and permitting appeal processes vary under different statutes and are difficult to understand and navigate. There could be advantages to reviewing and syncing appeals processes under various statutes.

### Preliminary recommendation options:

8. **Find opportunities to sync and better integrate permit process and land use decisions** under [RCW 36.70B](#) (Local project review) with the requirements of [RCW 43.21C](#) (State Environmental Policy Act - SEPA), [RCW 36.70](#) (Planning Enabling Act), and implementing SEPA rules.
9. **Review Plan adoption, permitting, and appeal processes** and differences between and within the growth policy framework statutes. This could include, but is not limited to, reviewing plan adoption, appeals, and permit process differences between [RCW 36.70A](#) (Growth Management Act - GMA) vs. [RCW 90.58](#) (Shoreline Management Act - SMA) and other statutes.
10. **Find opportunities to better align** permit processing timelines, processes, and permit data requirements in RCW 36.70B with the goal in [RCW 36.70A.020\(7\)](#) stating "... both state and local government permits should be processed in a timely and fair manner to ensure predictability."
11. **Identify statutory terms or language changes** to provide internal consistency with terms. This could also include recommendations to revise certain rules to sync up language.

### How these problems are impacting people/groups:

- Conflicts, gaps, redundancies in our growth policy framework could increase the timeframe to permit and build more affordable housing and create new jobs.

**Category:** *Adaptive Planning***Topic:** Reduce conflicts, gaps, redundancies and improve processes

- Conflicts, gaps, redundancies make it more difficult for people to meaningfully understand processes and meaningfully participate when land use policy is developed and adopted or permits for various land uses are processed.
- Statutory terms or language which is not internally consistent or varies among different laws may make participation in legislative or quasi-judicial processes more difficult.

**Statutory changes:**

- Several statutes could be impacted (including but not limited to the following). This could also require corresponding Washington Administrative Code (WAC) updates if legislative changes are made.
  - [RCW 36.70A](#) (Growth Management Act)
  - [RCW 36.70B](#) (Local Project Review Act)
  - [RCW 36.70C](#) (Judicial Review of Land Use Decisions)
  - [RCW 36.70](#) (Planning Enabling Act)
  - [RCW 43.21C](#) (State Environmental Policy Act)
  - [RCW 58.17](#) (Subdivision Statutes)
  - [RCW 90.58](#) (Shoreline Management Act)
  - [Title 35 RCW](#) (Cities and Towns)
  - [RCW 36A.63](#) (Planning and Zoning in Code Cities)

**Budget impacts:**

- Budgetary impacts would most likely be related to any changes regarding appeals processes or revised guidance developed and issued by state agencies regarding statute changes.
- This could affect the budgets of agencies like the Departments of Commerce, Ecology, and Natural Resources.
- Local governments could be impacted through having to update policies or codes to reflect legislative changes.

**New statutes or revision to existing statutes?**    New     Revision

**Complexity – time to develop recommendations:** Low     Medium     High

**Are the required changes technical, substantive, or both?**

Technical

Substantive

**Category:** *Adaptive Planning*

**Topic:** Reduce conflicts, gaps, redundancies and improve processes

**Is this issue based on recent legislation?** Yes  No

**If yes, link to the most recent legislation.**

While this topic is not specifically based on recent legislation, there are numerous bills which could provide or assist in moving through the various topics.

## ATTACHMENT A

The growth policy framework consists of state laws that govern or influence the strategies state agencies and local governments use to plan for, implement, and manage land use policy, permitting and appeals, infrastructure, and environmental protections.

<b>Growth Policy Framework – primary statutes</b>
Growth Management Act – <a href="#">RCW 36.70A</a>
Shoreline Management Act – <a href="#">RCW 90.58</a>
State Environmental Policy Act – <a href="#">RCW 43.21C</a>
Local Project Review Act – <a href="#">RCW 36.70B</a>
Land Use Petition Act – <a href="#">RCW 36.70C</a>
Planning Enabling Act – <a href="#">RCW 36.70</a>
Subdivision Statute – <a href="#">RCW 58.17</a>

<b>Growth Policy Framework – additional statutes</b>	
Water System Coordination Act – <a href="#">RCW 70A.100</a>	School Districts – <a href="#">RCW 28A</a>
Regional Transportation Planning – <a href="#">RCW 47.80</a>	Forest Practices – <a href="#">RCW 76.09</a>
Interlocal Cooperation Act – <a href="#">RCW 39.34</a>	Energy Facilities – <a href="#">RCW 80.50</a>
City, Noncharter Code City, and County Governance – <a href="#">RCW 35</a> , <a href="#">35A</a> , <a href="#">36</a>	State Agencies and Universities – <a href="#">RCW 28B</a> (higher ed) and <a href="#">RCW 43</a> (agencies)
Port Districts – <a href="#">RCW 53</a>	Community Redevelopment Financing – <a href="#">RCW 39.89</a>
Water and Sewer Districts – <a href="#">RCW 57</a>	Multi-Family Property Tax Exemption – <a href="#">RCW 84.14</a>
Public Utility Districts – <a href="#">RCW 54</a>	Impact Fees – <a href="#">RCW 82.02</a>
State Building Code – <a href="#">RCW 19.27</a>	



## 2022 Task Force Topic Sheet

**Category:** *Annexations*

**Topic:** Role of local government and special districts in annexations

**Issue Overview:** Per the Growth Management Act (RCW 36.70A.110(4)), cities are the units of local government most appropriate to provide urban governmental services. In practice, this means that cities are often expected to provide a range of urban services when an area is annexed from a county. However, not all cities provide all utilities and services, and special districts (including water and sewer districts and emergency services) play an important role in annexations. As outlined with A Road Map to Washington's Future (Road Map I), this issue is focused on identifying areas of agreement for reforming annexation laws in a way that streamlines the process and removes barriers to annexation of land adjacent to existing cities, maintains the fiscal sustainability of counties, clarifies the role of special districts, and reduces conflicts.

### Problems:

- **Service providers are decentralized.** This means there are overlapping layers of complexity as areas annex.
- **Annexation can be very costly.** This is especially difficult if an annexation takes multiple attempts.
- **Cities and special districts at odds.** Not all cities provide all services. Special districts may actively oppose annexations if it may impact the services they provide.
- **The tax incentive** is often not strong enough to encourage cities from annexing certain areas.
- **Annexation of areas** with a high tax base has an impact on the fiscal sustainability for counties.
- **Counties are a structural disadvantage.** They stand to lose tax base and are disproportionately reliant on property and sales taxes for revenue.

### Preliminary recommendation options:

12. **Sales tax incentive (from 2021 recommendations)**
13. **Ways to resolve or prevent conflicts between annexing jurisdictions and service providers:** broadening where interlocal agreements can take place, adding opportunities for special districts to participate in interlocal agreements or boundary review boards.
14. **Identify options to provide counties more financial stability over the long term.** This could involve a recommendation for future study. This could include issues like the property/sales tax imbalance that results in counties losing tax base.

### How these problems are impacting people/groups:

- Potential impacts on levels of service and tax rates.
- Positive or negative impacts from changing who is responsible for providing services.

### Statutory changes:

- [RCW 35.13](#): annexation of unincorporated areas



Although each had different perspectives on the problems and potential solutions, there was broad agreement that the status quo is unsatisfactory.

- **Convene a collaborative process(es) with, at a minimum, representatives of cities, counties, special districts, boundary review board, planning and environmental organizations to identify areas of agreement for reforming annexation laws in a way that streamlines the process and removes barriers to annexation of land adjacent to existing cities, maintains the fiscal sustainability of counties, clarifies the role of special districts, and reduces conflicts**

### **RCW [36.70A.110](#)**

#### **Comprehensive plans—Urban growth areas.**

[...]

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

## 2022 Task Force Topic Sheet

**Category:** *Integrating planning*

**Topic:** Integrating water, sewer, school, and port districts into the Growth Management Act (GMA)

**Topic Overview:** Cities and counties are not the only service providers for capital facilities which are necessary to support growth. School districts, port districts, and water and sewer districts are often distinct from cities and counties. In many cases they have separate administrative structures and boundaries that cross multiple city and county boundaries. Prior reports and studies have pointed to the need to better integrate water, sewer, school, and port districts into planning under the GMA.

While the GMA requires cities and counties to coordinate with special district on the development of a [capital facilities plan](#), statutes governing special districts are not always designed to link with planning requirements cities and counties perform.

### Problems this topic could address:

- **Confusion, conflict, competition:** A Road Map to Washington’s Future (Road Map I) noted that excluding special purpose districts from local government growth planning has spawned confusion, competition, and conflict among cities, counties, and special districts. Examples include when a special district makes a system funding commitment to serve a portion of a UGA, only for the county to then remove the area from the UGA.
- **Statute updates:** Some of the relevant sections of title [53 RCW](#) (port districts), for example, have not been updated to reflect the GMA and related statutes. Syncing these important statues up could increase coordination, especially as growth is planned for.

### Preliminary recommendation options:

15. **Clarify GMA about role of special districts in incorporated cities and UGAs.** This includes potentially modifying RCW 36.70A.110 to require coordination with special purpose districts when proposing to add or remove land from Urban Growth Areas.
16. **Sync up GMA with statutes and administrative code governing utility district planning.** RCW 36.70A.070(3) specifies that local governments’ comprehensive plans under the GMA must include a capital facilities element that plans for capital facilities “owned by public entities,” which would include special districts. RCW 36.70A.100, Title 53 RCW (port districts), and Title 57 (water and sewer districts) could be modified to include that general comprehensive plans of special purpose districts shall be coordinated with and consistent with the comprehensive plans of the cities and counties under the capital facilities element.
17. **Link comprehensive planning for water and sewer districts with GMA planning where appropriate:** Water and sewer districts must plan facilities to serve existing needs and those into the reasonably foreseeable future (RCW 57.16). This could include planning time horizons, consideration of adopted growth targets, and other areas where GMA planning affects water and sewer district planning decisions.
18. **Update enabling statutes and administrative code for special districts:** Some special districts, like school districts, are governed by distinct sets of state statutes, agencies, and administrative code. The Task Force could consider how to involve the Office of the Superintendent of Public Instruction in updating administrative code and guidance for individual districts.

**Category:** *Integrating planning*

**Topic:** Integrating water, sewer, school, and port districts into the Growth Management Act (GMA)

**How these problems are impacting people/groups:**

- Inadequate coordination between special purpose districts and cities and counties could impact the ability to provide housing, jobs, and infrastructure for future residents under the GMA.

**Statutory changes:**

Several statutes could be impacted (including but not limited to the following). This could also require corresponding Washington Administrative Code (WAC) updates if legislative changes are made.

- [RCW 36.70A.070](#)(3-4)
- [RCW 36.70A.212](#)
- [RCW 57.16](#) (comprehensive plan – local improvement districts)
- [RCW 57.02](#) (general provisions, water and sewer districts)
- [RCW Title 53](#) (port districts)
- [RCW 28A.525](#) (school bond issues)
- Several of these changes will also require changes/updates to the Washington Administrative Code (WAC). For example, school district planning is guided by the Office of the Superintendent of Public Instruction (OSPI) through [WAC 392-341-020](#), which requires a school district to prepare a study and survey for new facilities to be reviewed by the OSPI. OSPI produces a manual for districts that covers advance planning and also produces district-specific enrollment projections (covered in [WAC 392-343-045](#)) through an official OSPI Cohort Survival Enrollment Projection.

**Budgetary impacts:**

- Not known at this time. Budgetary impacts would depend on the range of changes the Task Force may consider.

**New statutes or revision to existing statutes?**    New     Revision

**Complexity – time to develop recommendations:** Low     Medium     High

**Are the required changes technical, substantive, or both? Technical changes alone could be run through working groups primarily, while substantive changes (new GMA comp plan elements, for example) would have to be worked extensively through the Task Force.**

**Technical**

**Substantive**

**Category:** *Integrating planning*

**Topic:** Integrating water, sewer, school, and port districts into the Growth Management Act (GMA)

**Is this issue based on recent legislation?** Yes  No

**If yes, link to the most recent legislation.**

## ATTACHMENT A

### A Road Map to Washington's Future (Roadmap 1)

Many participants talked about needing better coordination between counties and cities and special purpose districts. Participants said that excluding special purpose districts from the GMA framework has spawned confusion, competition, and conflict among counties, cities, and special districts and made implementation of GMA difficult. They said that special purpose districts, such as water, sewer, school, and port districts are important components of the growth planning framework and should be integrated into GMA planning.

- Integrate water and sewer districts, school districts, and port district planning into the GMA. (p. 107)

## 2022 Task Force Topic Sheet

**Category:** *Integrating planning*

**Topic:** *Equity and environmental justice in the Growth Management Act*

**Topic Overview:** A Road Map to Washington's Future (Road Map I) and Updating Washington's Growth Policy Framework (Road Map II) projects introduced the idea of an equity goal in the Growth Management Act (GMA). Road Map I recommended creating an equity goal in the GMA. Road Map II furthered that conversation to include environmental justice along with equity. Puget Sound Regional Council (PSRC) counties and cities (King, Pierce, Snohomish, and Kitsap) already implement regional policies on equity and displacement, which is an adaptive planning approach.

### **Problems this topic could address:**

**GMA goals are adopted to guide the development and adoption of comprehensive plans and development regulations of counties and cities.**

- **Elevation of issue - equity.** While specific [comprehensive plan elements](#) address equity issues, if not by name, equity is not a formal goal of the GMA. The addition of a new goal could help guide how this could be further implemented in our growth policy framework in the future.
- **Elevation of issue.** Environmental justice is not mentioned within the GMA. The addition of a goal could assist in providing guidance as to how this topic would be integrated into planning requirements. The addition of a new goal or goals could help guide how this could be implemented in our growth policy framework in the future.

### **Preliminary recommendation options:**

19. **Consider drafting language for a new GMA goal related to equity and environmental justice.** If a goal is put in place, we recommend highlighting other places in the GMA where equity is already addressed or should be addressed. This could also include whether existing goals could be modified to reflect an equity/environmental justice focus.
20. **Consider revision to CPP statute encouraging equity and environmental justice focus in Countywide Planning Policies (CPPs).** In terms of adaptive planning, this could be only in certain counties (like Buildable Lands counties, for example) or in in certain counties that meet a growth threshold per Adaptive Planning approach.
21. **Provide option for Department of Commerce to review and assist with equity/environmental justice analysis.** This could include preparation of guidance to outline options for inclusion of equity and environmental justice into local government planning.

### **How these problems are impacting people/groups:**

- Equity is a crucial lens through which to view policies and regulations that implement them. While some equity issues, like displacement, are addressed in the Housing Element of comprehensive plans and in regional planning in the Puget Sound region, it lacks an overall focus in the growth policy framework.



**ATTACHMENT A**

## Road Map 1

5.1 Integrate Equity Into Growth Planning Participants all across the state said an equitable approach to growth and development is missing, and not addressed in the current growth planning framework. Participants talked about needing to look at State and local policies, investments, and programs through a race and social justice lens, to develop more equitable growth planning strategies that do more to reduce current disparities, and to create new policies and measures to achieve equity. The desire for equity and social justice was commonly expressed as an element of a desired future that shifts from an “us versus them” mentality towards relationship building and understanding.

Action 5.1 Integrate equity as a goal in growth planning, policies, strategies, and implementing actions, including adopting it as a goal of the GMA and an adaptive management regionally-based approach, if developed.

- Advance local, regional, and statewide policies and investments that eliminate inequity. Develop metrics to evaluate the effectiveness of efforts.
- Develop evaluation tools to determine the impacts of land use, and state and local transportation investments, on vulnerable populations and disadvantaged communities.
- Provide model community indicators, performance measures, and policy analysis tools developed by the State to assist cities, counties, and state agencies in addressing race and social equity in their plans, policies, and projects. Use lessons learned from cities and counties that apply a race and social justice lens to policies, programs, and projects. (p. 88)

## Road Map 2

**EQUITY AND INCLUSION**

According to many participants, social, cultural, racial, gender, and economic diversity is an important aspect of a desired future, as are social equity and social justice. Participants expressed this in a number of ways, including desiring a future that addresses income inequality, distribution of community resources, race and social justice, and gentrification, and that creates a fair and inclusive society, with opportunities for all. Many Next Generation participants envisioned a future that included safety nets for low-income residents and sanctuary for undocumented persons. Many urban, but especially rural participants, long for a future where youth can stay living and working in the community in which they grew up, and where the community is not only comprised of older people. Equity was also an important element of a positive future for participants in the Latinx workshop. Their vision of the future included less disparity in addressing their basic needs and allocating community resources including having basic infrastructure, clean water, appropriate street lighting, playgrounds, bike lanes, and sidewalks. For participants in the Latinx workshop, equity included fair wages, absence of workplace abuse, and reasonable working hours. The vision for equity also included a reduction of disparities between communities in eastern and western Washington, and that resources are better distributed from a macroeconomic perspective. Overall, many participants envisioned a future where equity is at the forefront of policymaking. Many participants desired a future that shifts from a “us versus them” mentality toward relationship-building and understanding.

Road Map Final Report, p. 26.

## Potential reforms to PLANNING GOALS re: EQUITY &amp; ENVIRONMENTAL JUSTICE RCW

36.70A.020 is amended to read as follows: Planning Goal (12) Environmental justice. Promote environmental justice. Develop and apply fair land use and environmental policy based on respect and justice for all peoples and seek to eliminate environmental and health disparities.

## Potential reforms to DEFINITIONS re: EQUITY &amp; ENVIRONMENTAL JUSTICE

RCW 36.70A.030 is amended to read as follows: . (13)“Environmental justice” means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. This includes using an intersectional lens to address disproportionate environmental and health impacts by prioritizing highly impacted populations, equitably distributing resources and benefits, and eliminating harm.

RCW 36.70A.140 is amended to read as follows:

Potential reforms to PUBLIC PARTICIPATION re: EQUITY & ENVIRONMENTAL JUSTICE Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program



identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The department shall prepare and disseminate to all local governments best practices to achieve equitable and inclusive citizen public participation in order to engage those members of the public and populations who have historically been underserved and under-represented in the formulation of public policy. By no later than June 30, 2023, counties and cities shall determine which of these practices to incorporate in updated public participation programs.

**Vision 2050**

P. 17: Equity. All people can attain the resources and opportunities to improve their quality of life and enable them to reach their full potential.

P. 20. VISION 2050 works to address current and past inequities, particularly among communities of color, people with low incomes, and historically underserved communities. It works to ensure that all people have access to the resources and opportunities to improve their quality of life. Recognizing that growth will put pressure on communities, VISION 2050 also seeks to reduce the risks of displacement of lower-income people and businesses through elevating social and racial equity in regional planning and encouraging integration of equity in local plans. PSRC will collaborate with its members and community partners to develop a regional equity strategy to advance this work and create and maintain tools and resources to better understand how regional and local policies and actions can address inequities.

P. 32. All people have the means to attain the resources and opportunities that improve their quality of life and enable them to reach full potential. Communities of color, historically marginalized communities, and those affected by poverty are engaged in decision-making processes, planning, and policy-making.

## 2022 Task Force Topic Sheet

**Category:** *Integrating planning*

**Topic:** [Human Health and Wellbeing in the Growth Management Act](#)

**Issue Overview:** Fully planning cities and counties across Washington State must engage in comprehensive planning that addresses several [required](#) and [optional](#) elements. A Road Map to Washington’s Future (Road Map I) called for creation of a new goal in the GMA focused on human health and wellbeing that every city and county would use as a guidepost when developing policies and development regulations.

**Problems:**

- **Elevation of issue.** Human health and well-being is impacted by virtually every decision jurisdictions make on managing growth but is not formally identified as a goal.
- **Previous recommendations:** The Road Map to Washington’s Future (Roadmap I) identified the recommendations below. The Task Force has an opportunity to develop specific language and outline the approaches that state agencies could take when developing guidance. However, adding new goals does not result in implementation.

**Preliminary recommendation options:**

22. **Consider developing a new planning goal to the GMA on human health and well-being.** If a goal is put in place, the Task Force could identify where in the GMA human health and well-being could be implemented.
23. **Consider encouraging human health and well-being focus in Countywide Planning Policies (CPPs).**
24. **Provide option for Departments of Health and Commerce to develop guidance and tools.** This could include a guidebook and potential for state agency assistance with analysis and implementation.

**How these problems are impacting people/groups:**

- As the past two years of the COVID-19 pandemic have shown, human health and wellbeing is tightly linked to every aspect of how our communities are planned and developed. There is also a tight link between equity and human health and well-being, so the equity and human health issues should be examined in conjunction with each other.

**Statutory changes:**

- [RCW 36.70A.020](#) – planning goals
- [RCW 36.70A.210](#) – countywide planning policies

**Budgetary impacts:**

- Adding Commerce and/or Health assistance and collaboration would have a budget impact.

**Category:** *Integrating planning*

**Topic:** Human Health and Wellbeing in the Growth Management Act

**New statutes or revision to existing statutes?** New  Revision

**Complexity – time to develop recommendations:** Low  Medium  High

**Are the required changes technical, substantive, or both? Technical changes alone could be run through working groups primarily, while substantive changes (new GMA comp plan elements, for example) would have to be worked extensively through the Task Force.**

Technical

Substantive

**Is this issue based on recent legislation?** Yes  No

**If yes, link to the most recent legislation.**

## ATTACHMENT A

### Road Map to Washington's Future – p. 101

#### HUMAN HEALTH AND WELL-BEING

Protecting human health is a key purpose named in the GMA, SMA, and SEPA, and provides a policy basis for much of the regulatory and programmatic structure of these and other state laws. Recent research and practice in planning, civil engineering, and public health have explored ways to address the health implications of public policies that shape the built environment and impact the natural environment.

Public health professionals across the state have created tools, such as healthy community planning programs and health impact assessments, to advance public health in the design and implementation of land use plans and infrastructure including schools, parks, state highways, county roads, and city streets. The Washington State Department of Public Health (DOH) has explored the links between community health and the environment, and mapped health disparities in Washington.

- Add a Planning Goal to the GMA on Human Health and Well-Being. Elevate and fund the implementation of human health and well-being as a goal in growth management planning and implementation, including the design and location of transportation and other infrastructure, land use plans, and development regulations.
- Prepare a "comprehensive planning and civic design for public health" guidebook to assist state agencies and local governments on ways they could factor human health and well-being into updating their comprehensive plans, and the design and implementation of capital facilities such as state highways, county roads, city streets, and public parks. This



could be a joint effort of the Departments of Commerce and Health, in consultation with tribal governments, state agencies, local governments, public health professionals, and county public health departments.

**Vision 2050**

**P. 62:** Land use, transportation, economic development, and human health are interconnected and therefore require integrated planning, regulations, and implementation actions. For example, the region's transit and trail systems can provide access to both jobs and to the region's open spaces, which support rural economies and the health of urban residents. Trees and vegetation provide habitat for pollinators, which in turn support the region's farm economy and food systems.

## 2022 Task Force Topic Sheet

**Category:** *Housing*

**Topic:** Tax incentives to encourage higher density housing and necessary infrastructure

**Topic Overview:** Housing has been a focus of legislative efforts in recent sessions and was a topic on which prior reports and studies focused. The Road Map to Washington's Future (Roadmap 1) and Updating Washington's Growth Policy Framework (Roadmap 2) both highlighted the need to reform the state's tax structure to improve and provide fiscal tools for cities and counties which will encourage housing at higher densities within urban areas. See Attachment A.

While broad tax reform may be beyond the scope of this project, the Task Force can weigh in on several tax and revenue generation options that could encourage housing: this includes implementation of housing benefit districts, implementation of a land value tax, and recent legislation which has provided taxing options, including HB 1157 (Attachment B).

### Problems this topic could address:

- **Systemic imbalances in jurisdictions' ability to pay for public services:** As the Road Map projects noted, cost of providing services has consistently outstripped the ability of jurisdictions to raise funds via local taxes to pay for services.
- **Inequitable property tax structure:** Taxing property based on land and improvement values together can incentivize speculation and lead to perverse incentives that result in underinvestment in the highest value areas and overinvestment in areas where the per capita cost of providing services is much higher. This can also lead to structural issues for counties and rural areas, where property taxes can present a burden above and beyond what development pressure would suggest.
- **Incentives to cities and counties to increase densities in urban areas:** Certain options could provide strong incentives for cities and counties to increase residential densities, especially in areas that are in close proximity to transit.

### Preliminary recommendation options:

25. **Review and provide recommendations on taxing options** that could encourage middle and higher density housing near transit and that may provide ways to help pay for capital facilities necessary to support growth.

### How these problems are impacting people/groups:

- Inadequate provision of infrastructure is extending and deepening the crisis of housing availability and affordability that has plagued the region for years.
- Options which result in providing a variety of housing types at all income levels could assist with our regional housing crisis.

### Budgetary impacts:

- Changing how property is taxed at the state level would have an impact on revenue generated.



that serves a documented public need, and as such should be publicly funded, built, and managed, potentially by a regional authority with access to new fiscal tools, such as tax increment financing (TIF). Preliminary research has been done on both potential revisions to the MFPT program and the possibilities for TIF (See UW Fiscal Tools Report in Volume II).” (p. 49, What is Not Working Well in the Growth Planning Framework and Ideas for Improvements)

#### “Action 1.1

Focus legislative efforts on enhanced state funding and new fiscal tools that enable cities, counties, regions, and state agencies to address needs and manage growth.

[...]

- Consider changes to the entire state tax and revenue system including the property tax, retail sales tax, real estate excise tax, gasoline tax, road tax, business and occupation tax, impact fees, and open space and multifamily property tax exemption programs.
- Examine potential additional fiscal tools available in other states including tax increment financing, regional tax base sharing, value added, and personal and corporate income taxes, at the statewide or regional scales.” (p. 82, Transformational and Systemic Change Actions)

## ATTACHMENT B

[House Bill 1157](#) - Increasing housing supply through the growth management act and housing density tax incentives for local governments.

**Summary of Bill:** Real Estate Excise Tax Density Incentive Zones. Planning counties and cities are authorized to establish REET density incentive zones. A REET density incentive zone is an area within a UGA where the city or county adopts zoning and development regulations to increase housing supply by allowing construction of additional housing types as outright permitted uses.

Upon establishing an incentive zone, the local government receives a portion of the state REET imposed for sales of qualified residential dwelling units within the incentive zone. A qualified residential dwelling is either an individual residential dwelling unit or a residential building of two or more dwelling units constructed within an incentive zone that achieves a net increase in the total number of residential dwelling units compared to the maximum number of residential dwelling units that could have been built prior to the adoption of zoning and development regulations creating the incentive zone. To be included as qualified residential dwelling units, the units must be restricted from being offered as short-term rentals for more than 30 days a year for the first 15 years after construction, and the county or city must determine how the residential dwelling units are to be restricted from being short-term rentals within their respective jurisdictions. An incentive zone may only be located within a UGA and must allow single-family detached dwellings at a net density of at least six dwelling units per acre, duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and courtyard apartments.

An incentive zone may also allow housing types and densities that exceed the minimum UGA requirements as outright permitted uses. An incentive zone may not be established later than one year after the date by which a city or county is required to update its comprehensive plan. Once an incentive zone is established, a qualified residential dwelling unit may be constructed at any time. Prior to establishing an incentive zone, the city or county must:

- consider the race and income of existing residents within the area and adjacent neighborhoods to be designated;
- consider displacement impacts of low, very low, and extremely low-income residents within the area and the adjacent neighborhoods to be designated; and
- assess the need for antidisplacement policies for high-risk communities within designated areas and the adjacent neighborhoods and make the assessment publicly available.

REET collected within an incentive zone is distributed to a county or city as follows:

- for a qualified residential dwelling unit located less than or equal to 0.25 miles from a mass transit stop, 50 percent of the amounts collected to the city or county where the dwelling is located; and
- for a qualified residential dwelling unit located more than 0.25 miles from a mass transit stop, 25 percent of the amounts collected to the city or county where the dwelling is located.



The distribution to a city or county applies to both the initial and all subsequent sales of a qualified residential dwelling unit if the residential dwelling unit continues to meet the original requirements of a qualified residential dwelling unit. Counties must revalidate that the residential dwelling unit continues to meet the original applicable requirements on each subsequent sale of the residential dwelling unit. The amounts distributed to a city and county may only be used for:

- implementation of the housing element of the comprehensive plan under the GMA; costs for infrastructure, construction, and service support for moderate, low, very low, and extremely low-income housing;
- construction of capital facilities that promote livable and walkable neighborhoods; or
- creation of permanently affordable homeownership.

## 2022 Task Force Topic Sheet

**Category:** *Housing*

**Topic:** Defining and applying important terms and parameters related to provision of middle housing

**Topic Overview:** Providing for a variety of housing types at all income levels has been a focus of legislative efforts in recent sessions. This includes providing middle housing. In 2021, the legislature passed [HB 1220](#), which updated housing requirements for cities and counties that plan under the Growth Management Act (GMA).

During the 2022 legislative session, additional bills were introduced related to housing. This includes [HB 1782](#), focused on the creation of additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. We expect a version of this bill and others to be reintroduced next session.

The Task Force has been asked to weigh on certain provisions from recent legislation. This includes defining important terms which based on how they are defined, could impact the applicability of housing legislation. This includes terms like middle housing, major arterials, major transit stop, and others that could be used across statutes.

Once terms are defined, Task Force work could also include applying the definitions to geographical areas so there is a better understanding of how recent legislation would or would not impact local zoning. This could help better define the problem we are trying to solve and where legislation should be applied.

### Problems this topic could address:

- **Right-sizing housing requirements and transit service:** Recent legislation has linked minimum housing densities to the distance from major transit stops (for example). For areas close in proximity to certain types of transit, like light rail and commuter rail, it might make sense for housing that is far denser than what would be defined as middle housing. In fact, most areas around existing and planned rail stops are now or will be zoned for much higher density housing. However, there is a wide range of transit services and transportation corridor types where middle housing may not be provided for. This could be an opportunity to define terms, map these areas with zoning overlays, and see where there may be opportunities to make recommendations for housing and needed housing types. This process could provide a clearer picture of exactly the problem we are working to solve with housing legislation.
- **Severe lack of affordable homeownership opportunities:** A main thrust of the middle housing legislation has been the lack of affordable opportunities for homeownership for first-time homebuyers, those looking to downsize, and lower-income potential homebuyers. The median single-family home is unaffordable to the median family in many areas of the state, and requiring middle housing in some areas could result in the construction of more affordable housing types.

### Preliminary recommendation options:

26. **Define middle housing.** This could include a change in statute and/or administrative code to assist the Department of Commerce and local jurisdictions in implementation of new statutes targeting middle housing.
27. **Define major arterials and major transit stops.** This could include a change in statute and/or administrative code to assist the Department of Commerce and local jurisdictions in implementation of new statutes targeting middle housing.
28. **Map areas when definitions are prepared and overlay zoning to see how legislation would or would not impact communities.** This work could help inform changes to legislation during the 2023 session.

**Category:** *Housing*

**Topic:** Defining and applying important terms and parameters related to provision of middle housing

**How these problems are impacting people/groups:**

- Inadequate provision of middle housing is extending and deepening the crisis of housing availability and affordability that has plagued the region for years.
- The jobs-housing imbalance, which is significantly affected by the mix of housing and transportation, poses major issues for the many people who cannot afford to live near where they work and/or do not commute by car. These issues affect everyone, but particularly people with incomes significantly below the median and members of historically marginalized groups.

**Statutory changes:**

Several statutes could be impacted (including but not limited to the following). This could also require corresponding Washington Administrative Code (WAC) updates if legislative changes are made.

[RCW 36.70A.030](#)

[RCW 36.70A.070\(2\)](#)

[RCW 36.70A.210](#)

[RCW 36.70A.600](#)

**Budgetary impacts:**

- A recommendation that the legislature fund a research and analysis effort could have a budget impact.

**New statutes or revision to existing statutes?**    New     Revision

**Complexity – time to develop recommendations:** Low     Medium     High

**Are the required changes technical, substantive, or both? Technical changes alone could be run through working groups primarily, while substantive changes (new GMA comp plan elements, for example) would have to be worked extensively through the Task Force.**

Technical

Substantive

**Category:** *Housing*

**Topic:** Defining and applying important terms and parameters related to provision of middle housing

**Is this issue based on recent legislation?** Yes  No

**If yes, link to the most recent legislation.**

[HB 1220](#)

[HB 1099](#)

[HB 1782](#)

## ATTACHMENT A

### A Road Map to Washington's Future (Roadmap I)

#### HOUSING

A number of reports have been issued in recent years examining the availability of housing and home ownership by different segments of the population. These include *The Invisible Crisis: A Call to Action on Middle Income Housing Affordability*, Challenge Seattle (2019); *Where Will We Live?, Our Valley, Our Future*, (2018), the Regional Affordability Task Force Final Report, King County (2018); the Housing Affordability Response Team (HART) Recommendations (2017); and many more. Cities and counties across the state are exploring ways to apply the findings and recommendations from these and other housing reports. The lack of housing for the "missing middle," and the impacts of short term-rentals, were mentioned by Road Map participants from Walla Walla to Seattle, from the San Juan Islands to the Wenatchee Valley.

The State Department of Commerce could continue the work of the Affordable Housing Advisory Board and work with university and other partners to review these many reports. One objective might be to distill a suite of portable and scalable best practices to be shared with communities across the State. The associations of cities and counties could provide effective venues to disseminate information to communities across the state. Additional methods to share the results of such efforts could be explored by the Department of Commerce.

- Address availability of middle- income housing, low and middle-income homeownership, and the impacts of short-term rentals and investment homes on housing availability and affordability. (p. 96, Key Reforms)

### Updating Washington's Growth Policy Framework (Roadmap II)

#### ISSUE AREA #3. HOUSING

Housing is a very broad issue, with many components that have been, and will be, studied and debated by many people, local governments, private sector, non-profit and academic sector organizations, state agencies and committees of the Legislature. Participants in the UW process were interested in many of those components, ranging from how to increase housing supply, both market rate and government subsidized, farmworker housing, homelessness, gentrification and displacement. Taking on all those components was clearly beyond our capacity, so our focus was on two areas: (1) middle housing as one component of potential future housing stock, and (2) potential improvements to development regulations and permit processes, which was actually addressed as a related but separate Issue area #4.

A presentation about "missing middle" housing was given at one of the group convenings by Chris Collier, the Program Manager at the Snohomish County Alliance for Affordable Housing. Using a slide deck (Appendix D) he cited data demonstrating the growing gap between housing costs and incomes in King and Snohomish County, and the relative dearth of housing that has been built in the "middle" between single family homes at one end of the scale and multifamily housing at the other end. He cited building statistics for the past decade showing the relatively small numbers being built in this "middle" category.

Mr. Collier said that up to 75% of the land area in the cities of these two counties is zoned exclusively for detached housing, thereby excluding the opportunity for middle housing forms such as duplexes, triplexes, courtyard apartments, etc. He pointed out that, by their exclusionary nature, zoning districts that allow only housing that is affordable to the wealthy necessarily exclude people who are not wealthy. For that reason, he pointed out, both the City of Minneapolis and the State of Oregon have recently reformed their land use laws to effectively prohibit exclusion of middle housing. The reception to the idea of middle housing was mixed. Some saw it as an opportunity to increase housing supply and choice within urban growth areas. Others saw it as an inappropriate "one size fits all" approach that could not assure that any of the units would be affordable. Local government representatives said that they preferred approaches such as the grants authorized by HB 1923, the bill report for which is in Appendix C. They believed that this allowed for more local discretion and locally appropriate responses to the housing crises. It was pointed out that middle housing is already allowed in some cities in Washington, although that data was not readily available. What was available was information about the number of cities in the Central Puget Sound region who have been awarded HB 1923 planning grants to explore the middle housing alternative. That information is on Table 4.

There was no strong support for pursuing the middle housing reforms that were shared. There was likewise no enthusiasm for another proposal offered, which was to amend the GMA to make what are now advisory housing WAC into binding ones with the force of law. That was felt by many to take too long, up to three years, and some argued that it would also constitute a pre-emptive state role at the expense of local control.

No group consensus was reached on what, if any, action should be taken regarding GMA housing reforms. Going forward, it may be useful to gather data and measure the potential increase of housing supply under different approaches. For example, applying the middle housing approach that was described as one alternative (allowing it within ¼ mile of transit lines in the Central Puget Sound region) yielded a preliminary estimate of a potential gain in housing supply on the order of hundreds of thousands. See Table 5 and Figure 10. It would require a more sophisticated analysis of the GIS parcel data in the region to create a firmer estimate of potential increase in capacity, but that may be a worthwhile exercise. In any case, more data gathering, information, and analysis would seem appropriate to consider what the most timely and effective approaches there might be to address the existing and worsening housing shortage. (p. 31, Issue Area #3: Housing)

## **ATTACHMENT B**

### **RCW 36.70A.070(2)**

(2) 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, as provided by the department of commerce, including:

[...]

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

### **HB 1782 (2022 legislative session, did not pass)**

(19) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays; or

(f) Washington state ferry terminals.

(20) "Middle housing" means duplexes, triplexes, fourplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses, and courtyard apartments.

### **HB 1099 (2022 legislative session, did not pass)**

(9) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change. The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 3(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(a)

[...] (iv)(A) Until December 31, 2034, actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act, or considered to be consistent with those guidelines according to the process established in (a)(ii) of this subsection (9), must still be considered to be sufficient to meet the requirements of the greenhouse gas emissions reduction subelement, and must be approved by the department pursuant to section 6 of this act, if the actions provide for the authorization of the development of middle housing types.

(B) Nothing in this subsection (9)(a)(iv) prohibits the authorization of the development of single-family residences.

(C) For the purposes of this subsection (9)(a)(iv), "middle housing types" means accessory dwelling units and at least one of the following housing types: Duplexes; triplexes; or quadplexes, in all zoning districts within an urban growth area that permit detached single-family residences.

(D) For the purposes of this subsection (9)(a)(iv), an action must be deemed to provide for the authorization of the development of middle housing types, if the action:

(I) Authorizes middle housing types on a lot or parcel under the same administrative process as a detached single-family residence in the same zoning district;

(II) Establishes lot or parcel sizes that are sufficient to allow for the construction of middle housing types;

(III) Establishes maximum density requirements that allow the development of middle housing types on each lot or parcel that allow for single-family residences;

(IV) Establishes applicable siting or design standards that do not individually or cumulatively cause unreasonable costs, fees, or delays to the development of middle housing types; and

(V) Either does not establish parking regulations for middle housing types, or, if the action does establish parking regulations for middle housing types, the action:

(1) Does not require off-street parking spaces for lots or parcels with an accessory dwelling unit or a duplex, or for lots or parcels that are less than 3,000 square feet;

(2) Does not require more than one off-street parking space for lots or parcels that are greater than or equal to 3,000 square feet but are less than 6,000 square feet;

(3) Does not require more than 0.5 off-street parking spaces for each dwelling unit for lots or parcels greater than or equal to 6,000 square feet;

(4) May allow on-street parking credits to satisfy off-street parking requirements;

(5) Allows, but does not require, off-street parking to be provided as a garage or carport; and

(6) Applies the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single family residences in the same zoning district.