



Town of La Conner

Date: July 12, 2024

To: Planning Commission

From: Planning Staff

Subject: Growth Management Act Compliance

Recently, staff has learned of misunderstandings regarding the requirements of the Growth Management Act. In particular, we have heard from community members that the GMA contains “suggestions” rather than requirements. This is not the case.

To provide some legal background and context, counties planning under the Growth Management Act are obligated to adopt countywide planning policies (“CPPs”) in cooperation with the cities located within the county that establish a countywide framework from which county and city comprehensive plans are developed and which ensures that city and county comprehensive plans are consistent with each other. RCW 36.70A.210. To facilitate the development and updates of the Skagit County CPPs, in 2002 the county and the cities entered into a contract commonly known as the “Framework Agreement.” Under that agreement, a Steering Committee was created, consisting of an elected representative of each party to the agreement. The Steering Committee is supported by a Technical Advisory Committee, consisting of a staff member of each party to the agreement. The Steering Committee’s role is twofold: to reach consensus on the CPPs, including growth allocations and UGA expansions, and make recommendations on the CPPs to elected officials. Pursuant to the Framework Agreement, SCOG administers the process for growth projections and allocations.

In 2021, the Washington Legislature changed the way communities are required to plan for housing. House Bill 1220 (2021) amended the GMA and directed local governments to “plan for and accommodate” housing affordable to all income levels. The statute also directed the state Department of Commerce to project future housing needs for jurisdictions by income bracket and made significant updates to how jurisdictions are to plan for housing in the housing element of their comprehensive plans. These new changes to local housing elements include:

- **Planning for sufficient land capacity for housing needs**, including all economic segments of the population (moderate, low, very low and extremely low income, as well as emergency housing and permanent supportive housing).
- **Providing for moderate density housing options within Urban Growth Areas**, including but not limited to duplexes, triplexes and townhomes.
- **Making adequate provisions for housing for existing and projected needs for all economic segments of the community**, including documenting programs and actions needed to achieve housing availability.
- **Identifying racially disparate impacts, displacement and exclusion** in housing policies and regulations, and beginning to undo those impacts; and identifying areas at higher risk of displacement and establishing anti-displacement policies.

The Technical Advisory Committee made recommendations on the growth allocations to each urban growth area, including La Conner, to the Steering Committee, which in turn made recommendations to the Board of County Commissioners in December, 2023.

On December 20, 2023, the Growth Management Act Steering Committee approved initial allocations of population, housing and employment growth in Skagit County. These allocations are used by cities, towns and Skagit County as they begin their planning processes to update their comprehensive plans by June 30, 2025, consistent with the state's Growth Management Act.

If La Conner does not follow the requirements of the GMA in the La Conner Comprehensive Plan, then La Conner may be found in Noncompliance by the Growth Management Hearing Board. This is authorized in the following Revised Code of Washington:

RCW 36.70A.330: The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order... the board may recommend to the governor that the sanctions authorized by this chapter be imposed.

RCW 36.70A.345: The governor may impose a sanction or sanctions...on... (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

These sanctions could look like...

- State treasure withholding the motor vehicle fuel tax (\$18,145.89 in 2023)
- State treasurer withholding the sale and use tax (\$583,308.58 in 2023)
- The liquor profit tax (\$7,492.94 in 2023)
- The liquor excise tax (\$6,871.23 in 2023)
- No authority to collect real estate excise tax (\$93,314.56 in 2023)

If these sanctions were imposed on La Conner in 2023, the Town could have lost more than \$700,000.00 in revenue.

If we want to ensure that La Conner does not have sanctions imposed, then we need to stay in compliance with the GMA. If we want to stay in compliance with the GMA, then we need to plan for the County allotments of growth.