
Local Government Committee

ESSB 6580

Brief Description: Addressing the impacts of climate change through the growth management act.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice and McDermott).

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Community, Trade, and Economic Development (DCTED) to develop and provide counties and cities with advisory climate change response methodologies, computer modeling programs, and estimates meeting specified criteria.
- Establishes a local government global warming mitigation and adaptation program that must be administered by the DCTED.
- Requires the DCTED to provide a climate change report to the Governor and appropriate committees of the House of Representatives and the Senate.

Hearing Date: 2/26/08

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions. The Department of Community, Trade, and Economic Development

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

(DCTED) provides technical and financial assistance to jurisdictions that must implement the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with their comprehensive plan. Additionally, comprehensive plans and development regulation adopted by counties and cities must be guided by non-prioritized planning goals established in the GMA.

Climate Change and Global Warming

The Department of Ecology (DOE or agency), describes "climate change" as the rapid changing of climates around the world. The agency indicates that climate change is partially attributable to burning fossil fuels and deforestation: actions that create a blanket of greenhouse gases (carbon dioxide, methane, chlorofluorocarbons, et. cetera) in the atmosphere that prevent the earth's solar-based heat from returning to space. This trapped atmospheric energy causes global temperatures to rise.

"Global warming," according to the DOE, refers to rising global temperatures resulting from an increased quantity of greenhouse gases in the atmosphere that are attributable to human activities. The agency indicates that rising global temperatures are causing the climate to change, and that a warmer earth will lead to different rainfall patterns, rising sea levels, and a wide range of impacts on plants, wildlife, and humans.

Summary of Bill:

Advisory Methodologies and Estimates

New climate change responsibilities are specified for the DCTED. The DCTED must develop and provide counties and cities advisory climate change response methodologies, computer modeling programs, and estimates that include a range of methodologies and estimates. The methodologies, computer programs, and estimates must reflect regional and local variations of planning jurisdictions. The methodologies, computer programs, and estimates also must:

- identify the greenhouse gas emission reductions that various land use and building measures are estimated to produce. The developed methodologies must be capable of considering documented benefits of certain land use planning actions;
- consider potential policies, regulatory programs, and other measures counties and cities can implement to adapt to the likely adverse effects of global warming. These policies, programs, and measures must be consistent with the preparation and adaption work groups of the DOE;
- identify potential measures to reduce greenhouse gas emissions by lessening vehicle travel; and
- estimate the number of vehicle miles traveled.

The DCTED must complete and release the methodologies and estimates by December 1, 2009. The methodologies and estimates must be updated every seven years according to a specified schedule.

Global Warming Mitigation and Adaptation Program

A local government global warming mitigation and adaptation program (program) is established and must be administered by the DCTED. The stated purpose of the program is to assist counties and cities that are addressing climate change through land use and transportation planning, and those that aspire to do so but lack necessary resources. A report of program findings and recommendations must be prepared by the DCTED and submitted to the Governor and the appropriate committees of the House of Representatives and the Senate on or before January 1, 2011, the date provisions authorizing the program expire.

The DCTED must, through a competitive process, select at least three counties and six cities for the program. Geographic and other criteria are established for jurisdictions that may be selected for the program, including:

- at least one county and one city must have potential to be adversely impacted by global warming through sea-level increases, storms, flooding, or other adverse effects;
- at least one county and one city must be located east of the crest of the Cascade mountains; and
- at least one county and one city must be located west of the crest of the Cascade mountains and outside the central Puget Sound region.

The DCTED must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems. Additionally, the DCTED may fund proposals to inventory global warming emissions, mitigate global warming emissions, or adapt to the adverse impacts of global warming using criteria established by the DCTED.

If specific funding for the program is not provided by June 30, 2008, in the omnibus appropriations act, all program requirements are null and void.

Climate Change Report

The DCTED is charged with, by December 1, 2008, providing a climate change report to the Governor and the appropriate committees of the House of Representatives and the Senate. The report must include:

- a description of what actions counties and cities are taking to address climate change issues;
- a recommendation of what changes, if any, to the GMA and other statutes are necessary to enable state and local governments to address climate change issues through land use and transportation planning processes;
- an assessment of state and local resources, financial and otherwise, needed to fully implement the recommendations for statutory changes; and
- recommendations for funding to implement to implement the statutory changes that is consistent with the assessment of state and local resources.

The report must address, as appropriate and with information that is readily available, the following topics:

- what counties and cities have voluntarily done to identify the greenhouse gas emissions of their communities;
- the range of strategies chosen by jurisdictions to reduce emissions from their own activities and those of the entire community;

- a description of obstacles and opportunities to achieve emission reductions in a variety of urban and rural areas; and
- recommendations for statutory amendments, if any, that are necessary to facilitate emission reductions at the county and city levels.

In preparing the report, the DCTED must convene and consult with an advisory team comprised of legislators, representatives of state agencies, and representatives of organizations meeting specified requirements. Appointments to the advisory team must be made in accordance with prescribed provisions.

The DCTED is also required to periodically consult with the advisory team when developing its advisory climate change response methodologies and estimates.

ESSB 5248 (2007)

The act is not intended to affect the provisions of ESSB 5248 (2007), legislation that modified county and city requirements for critical areas, and charged the William D. Ruckelshaus Center with examining conflicts between agricultural activities and regulations adopted under the GMA to protect critical areas.

Appropriation: None.

Fiscal Note: Requested on 2/21/2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.