

SENATE BILL REPORT

ESSB 6580

As Amended by House, March 6, 2008

Title: An act relating to mitigating the impacts of climate change through the growth management act.

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 History:

Committee Activity: Government Operations & Elections: 1/22/08, 2/05/08 [DPS-WM, w/oRec].

Ways & Means: 2/11/08, 2/12/08 [DPS(GO), DNP, w/oRec].

Passed Senate: 2/19/08, 31-18.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6580 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach, Ranking Minority Member.

Staff: Khalia Gibson (786-7460)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6580 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Carrell, Honeyford, Parlette, Roach and Schoesler.

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.

Minority Report: That it be referred without recommendation.

Signed by Senator Brandland.

Staff: Richard Ramsey (786-7412)

Background: The Growth Management Act (GMA) includes 13 goals to guide the development and adoption of comprehensive plans and development of regulations for jurisdictions planning under the GMA.

Jurisdictions planning under the GMA must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must satisfy requirements for specified elements, each of which is a subset of a comprehensive plan.

There are currently eight elements to be addressed in comprehensive plans: a land use element; a housing element; a capital facilities plan element; a utilities element; a rural element; a transportation element; and a park and recreation element.

Any new or amended elements are to be adopted concurrent with the scheduled update for the planning jurisdiction. Funds sufficient to cover applicable local government costs must be appropriated and distributed by the state to local governments when new or amended elements are required.

Summary of Engrossed Substitute Bill: The Department of Community, Trade and Economic Development (CTED) must: (1) develop and provide counties and cities with a range of advisory climate change response methodologies, a computer modeling program, and estimates of greenhouse gas emissions reductions which must reflect regional and local variations of the county or city by December 1, 2009; (2) work with the DOT to reduce vehicle miles traveled; (3) administer a local government global warming mitigation and adaptation program, which must conclude by June 30, 2010. Counties and cities are selected for the program through a competitive process; (4) 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; (5) prepare a report of program findings and recommendations to the Governor and Legislature by January 1, 2011; and (6) prepare an additional report including descriptions of actions that counties and cities are taking to address climate change, among other items, by December 1, 2008. An advisory policy committee must prepare the report.

A Growth Management Hearings Board is not authorized to hear petitions alleging non-compliance with this act. Emergency, and null and void clauses are added.

Specifies that CTED, in administering the local government global warming mitigation and adaption program, must select six or fewer cities, rather than six cities, for the program. Deletes a provision specifying that recommendations in a climate change report produced by CTED must be approved by a majority of an advisory policy committee established in the underlying amendment. Inserts a provision specifying that recommendations in the report must be approved by a majority of the voting members of an advisory policy committee.

Specifies that a report produced by CTED for the local government global warming mitigation and adaptation program must consider the positive and negative impacts to affordable

housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level. Directs CTED to, when developing a climate change report, consider positive and negative impacts to affordable housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level. Requires city and county members serving on the climate change advisory policy committee to be elected officials. Adds a member representing an association of commercial forestry interests to the list of nonvoting ex officio members serving on the climate change advisory policy committee.

Appropriation: None.

Fiscal Note: Available on SHB 2797 – House Companion Bill.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Government Operations & Elections): PRO: Local solutions to global warming will provide local governments with the tools and support to fulfill our pledge to reduce global warming pollution through responsible growth management. We need to move forward together on a problem that affects us all. Adding climate change elements to the goals and comprehensive plan elements under the GMA is the best way to address climate change solutions. The GMA is a planning tool, and it is important to address how greenhouse gasses will affect the community. Failure to include a climate change element in the GMA would require the implementation of a new GMA-like system. Climate change is one of four community priorities, so there is no time to waste. Climate change is a local, state, and personal issue. The main contributing factor to global warming and greenhouse gas emissions is transportation and it needs to be addressed immediately. Cleaning up cars and the fuel supply must also be a part of this solution. Global warming solutions will also provide some solutions to the fossil fuel dependency problem. Over 700 cities have taken on similar goals regarding climate control, 29 of those cities are in Washington state. Many counties and cities wish to minimize their communities' greenhouse gas emissions, but lack the required expertise. Large cities have the resources to implement computer monitoring programs, but smaller cities need CTED to assist in the implementation of the computer models. These models would give local governments some tools that may allow those jurisdictions to move forward.

CON: This bill wrongly assumes climate change is human caused and human influenced while there is no scientific conclusion to support this theory. By looking at the history of other areas such as Portland, one can see that legislation such as this does not work. Studies show that only 7 to 9 percent of people want to live closer to the city and public transportation. This bill adds more costs to the already existing housing market problem by limiting the ability to increase urban growth areas and requiring builders and developers to take emission mitigation measures. Studies show that land use regulations add approximately \$133,000 to the price of homes in the Seattle area, and other significant costs throughout Washington State. The GMA is not the right place for climate change proposals because it is already ripe with litigation. There would be numerous appeals to Growth Management Hearings Boards (GMHB), and it would open the flood gates to more litigation. The current GMA goals are sufficient, and the focus needs to be on making sure that the existing goals are

adequately accomplished before adding more. Adding another goal would add more litigation issues to the best available science standard as well. The bill does not indicate how to measure success or the standards used by GMHBs and courts. There is no indication of the cost to local governments and communities to implement the climate elements. As an alternative, a performance audit can be done on the GMA as a whole and determine the issues from there. The business community is opposed to the bill, but not opposed to implementing local solutions to global warming. There needs to be a collaborative process where everyone is working on an approach to global warming together. The most effective way to mitigate greenhouse gas emissions is through carbon sequestration.

OTHER: There needs to be input from numerous cities before implementing this bill. The cities have already laid out their concerns in discussions with proponents, and everyone is working on significantly narrowing the scope of the bill. There will be GMA work groups during the interim to address these issues. It is important for the cities to determine the source of funding for this legislation. We cannot look at this issue through urban colored glasses, it is important to first pilot some projects to see how other cities and counties look at climate change. The counties are committed to climate change, but also want to ensure that the plan is well thought out before it is implemented. This may not be the time to put a climate element in the GMA. We need to work on the elements that are already required and how land use connects to climate change.

Persons Testifying (Government Operations & Elections): PRO: Cliff Traisman, Washington Environmental Counsel; K.C. Golden, Climate Solutions; Kevin Raymond, Earth Ministry/Pacific Forest Trust; Mike Shaw, American Planning Association; Rhenda Strub, City of Olympia; April Putney, Futurewise; Bill LaBorde, Environment Washington; Joseph Tovar, American Planning Association; Bill Baarsma, Mayor of Tacoma.

CON: Wesley L. McCart, Stevens County Farm Bureau; Andrew Cook, Building Industry Association of Washington; Chris McCabe, Association of Washington Businesses; Dan Wood, Farm Bureau; Van Collins, Associated General Contractors.

OTHER: Dave Williams, Association of Washington Cities; Eric Johnson, Washington State Association of Counties; Bill Clarke, Washington Realtors.

Staff Summary of Public Testimony on Substitute Bill (Ways & Means): PRO: This bill is still a work in progress. We're working to refine and address concerns. Nearly 50 percent of the greenhouse gas emissions are attributable to transportation. How we reduce the demand for driving single occupancy vehicles is a land use decision. Ecology may be a better place than CTED for tracking greenhouse gas emissions. The objective is to have local government make decisions under a broad goal, rather than have a state mandate.

CON: Through the Governor's executive order and implementing legislation, Washington has taken the lead among others in addressing climate change. The state has done a lot; we're concerned we may go too far, too fast. By adding another goal to the GMA, further challenges local government already struggling to meet the existing goals. Doing so will also increase the number of appeals to the growth management hearings boards and increase litigation. We're also concerned that we'll competitively disadvantage Washington businesses and citizens with respect to other states. The tracking of greenhouse gas emissions by CTED may complicate that which Ecology is doing already.

OTHER: Every seven years comprehensive plans are subject to review. The next review is in 2011; however, local governments will begin their reviews in 2009. Adding a climate change goal will complicate and confuse those reviews. Whether a new goal is added now or not, local governments need the pilot program, models, and inventory/tracking support now. If there is a goal, it will be subject to challenges under SEPA.

Persons Testifying (Ways & Means): PRO: Cliff Traisman, Washington Conservation Voters & Washington Environmental Council.

CON: Andrew Cook, Building Industry Association of Washington; Chris McCabe, Association of Washington Business.

OTHER: Dave Williams, Association of Washington Cities.