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**SUBSTITUTE HOUSE BILL 2797**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Local Government (originally sponsored by Representatives Simpson, Eddy, Campbell, Ormsby, Dunshee, Linville, Nelson, Jarrett, Springer, Wallace, Fromhold, Takko, Williams, Dickerson, Flannigan, Morrell, Chase, Lantz, Sells, Hunt, Pedersen, McCoy, Conway, Sullivan, Kenney, Darneille, McIntire, Green, Hudgins, Hasegawa, and Ericks)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to mitigating the impacts of climate change through  
2 the growth management act; amending RCW 36.70A.020; adding a new  
3 section to chapter 36.70A RCW; creating new sections; and providing  
4 expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the  
7 profound implications of a changed climate will affect the peoples,  
8 institutions, and economies of Washington. While no single local  
9 government can substantially influence greenhouse gas emissions or  
10 climate change trends, the legislature recognizes that the state,  
11 including its local governments and residents, must do its part to  
12 reduce greenhouse gas emissions.

13 (2) The legislature further recognizes that: (a) Patterns of land  
14 use development significantly influence transportation-related  
15 greenhouse gas emissions; (b) fossil fuel-based transportation is the  
16 largest source of greenhouse gas emissions in Washington; and (c) the  
17 state and its residents will not achieve emission reductions  
18 established in RCW 80.80.020 without a significant decrease in  
19 transportation emissions. To this end, the legislature finds that

1 local land use and state and local transportation plans should be  
2 developed to: Minimize greenhouse gas emissions associated with new  
3 development and transportation improvements; and reduce overall  
4 greenhouse gas emissions in accordance with RCW 80.80.020.

5 (3) The legislature finds that comprehensive land use plans of  
6 local governments can be a significant tool for meaningfully addressing  
7 these difficult issues. The legislature recognizes that locally  
8 adopted plans should: (a) Minimize land use patterns that increase  
9 vehicle usage; (b) encourage compact communities, in-filling, denser  
10 development, linkages with transit options, and other practices that  
11 reduce the number of vehicle miles traveled; and (c) encourage green  
12 jobs and the provision of affordable housing in areas near employment  
13 and service centers.

14 (4) The legislature also finds that the effects of global warming  
15 are becoming evident in Washington, adversely affecting its residents,  
16 economy, and environment. It is critical that Washington and its  
17 counties and cities plan to adapt to these adverse effects and take  
18 steps to prevent problematic circumstances from becoming worse. The  
19 legislature, however, does not intend for the delayed effective date  
20 for the climate change goal established in RCW 36.70A.020 to impede  
21 ongoing efforts by counties and cities to address climate change  
22 issues.

23 (5) The legislature further finds that addressing land use-related  
24 climate issues will simultaneously advance many other land use planning  
25 goals and provide public dividends, including: (a) Realizing  
26 reductions in the costs of providing public facilities and services  
27 through more compact development; (b) increasing housing affordability  
28 through lower public costs and more compact patterns of growth; (c)  
29 lessening transportation costs through reductions in the number of  
30 vehicle miles traveled; and (d) accomplishing goals for the protection  
31 of the environmental resources of rural areas and resource lands by  
32 reducing sprawl. The legislature also recognizes that alternative  
33 fuels, and vehicles that use alternative fuels or have increased  
34 efficiencies, will contribute to lessening greenhouse gas emissions and  
35 will encourage investment in these fuels, energy sources, and  
36 technologies.

37 (6) Without prompt, effective, and comprehensive responses to the  
38 environmental and governance challenges of climate change, meaningful

1 solutions to these borderless issues will continue to elude the state  
2 and its residents. The legislature recognizes that many Washington  
3 counties and cities have begun to independently address climate change.  
4 The legislature further finds that to achieve the state's emission  
5 reduction goals, a collaborative effort is needed. This act is the  
6 first step toward providing local governments with the tools that are  
7 necessary to accomplish the state's emission reduction goals.

8 **Sec. 2.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read  
9 as follows:

10 The following goals are adopted to guide the development and  
11 adoption of comprehensive plans and development regulations of those  
12 counties and cities that are required or choose to plan under RCW  
13 36.70A.040. The following goals are not listed in order of priority  
14 and shall be used exclusively for the purpose of guiding the  
15 development of comprehensive plans and development regulations:

16 (1) Urban growth. Encourage development in urban areas where  
17 adequate public facilities and services exist or can be provided in an  
18 efficient manner.

19 (2) Reduce sprawl. Reduce the inappropriate conversion of  
20 undeveloped land into sprawling, low-density development.

21 (3) Transportation. Encourage efficient multimodal transportation  
22 systems that are based on regional priorities and coordinated with  
23 county and city comprehensive plans.

24 (4) Housing. Encourage the availability of affordable housing to  
25 all economic segments of the population of this state, promote a  
26 variety of residential densities and housing types, and encourage  
27 preservation of existing housing stock.

28 (5) Economic development. Encourage economic development  
29 throughout the state that is consistent with adopted comprehensive  
30 plans, promote economic opportunity for all citizens of this state,  
31 especially for unemployed and for disadvantaged persons, promote the  
32 retention and expansion of existing businesses and recruitment of new  
33 businesses, recognize regional differences impacting economic  
34 development opportunities, and encourage growth in areas experiencing  
35 insufficient economic growth, all within the capacities of the state's  
36 natural resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for  
2 public use without just compensation having been made. The property  
3 rights of landowners shall be protected from arbitrary and  
4 discriminatory actions.

5 (7) Permits. Applications for both state and local government  
6 permits should be processed in a timely and fair manner to ensure  
7 predictability.

8 (8) Natural resource industries. Maintain and enhance natural  
9 resource-based industries, including productive timber, agricultural,  
10 and fisheries industries. Encourage the conservation of productive  
11 forest lands and productive agricultural lands, and discourage  
12 incompatible uses.

13 (9) Open space and recreation. Retain open space, enhance  
14 recreational opportunities, conserve fish and wildlife habitat,  
15 increase access to natural resource lands and water, and develop parks  
16 and recreation facilities.

17 (10) Environment. Protect the environment and enhance the state's  
18 high quality of life, including air and water quality, and the  
19 availability of water.

20 (11) Citizen participation and coordination. Encourage the  
21 involvement of citizens in the planning process and ensure coordination  
22 between communities and jurisdictions to reconcile conflicts.

23 (12) Public facilities and services. Ensure that those public  
24 facilities and services necessary to support development shall be  
25 adequate to serve the development at the time the development is  
26 available for occupancy and use without decreasing current service  
27 levels below locally established minimum standards.

28 (13) Historic preservation. Identify and encourage the  
29 preservation of lands, sites, and structures, that have historical or  
30 archaeological significance.

31 (14) Effective December 31, 2010, climate change. Reduce climate  
32 change impacts by lessening emissions of greenhouse gases and adapt to  
33 the effects of climate change through sustainable energy,  
34 transportation planning, and land use management practices.

35 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW  
36 to read as follows:

37 (1) The department must develop and provide advisory climate change

1 response methodologies and estimates to counties and cities that  
2 include a range of methodologies and estimates. The advisory  
3 methodologies and estimates must reflect regional and local variations  
4 and the diversity of counties and cities planning under this chapter,  
5 and, at a minimum, also must:

6 (a) Identify the greenhouse gas emission reductions that various  
7 land use and building measures are estimated to produce. The  
8 methodologies developed under this subsection (1)(a) may be expressed  
9 as a methodology or a quantification of probable reductions. The  
10 methodologies must be capable of considering documented benefits of  
11 accommodating growth within urban centers that provide for compact  
12 development, appropriate mixes of uses, transit, nonmotorized travel  
13 choices, and a balance of employment and housing; and

14 (b) Identify potential policies, regulatory programs, and other  
15 measures counties and cities can implement to adapt to the likely  
16 adverse effects of global warming and climate change.

17 (2) The department must complete and make available the advisory  
18 climate change response methodologies and estimates required by this  
19 section by December 1, 2009. These advisory climate change response  
20 methodologies and estimates must also be updated two years before each  
21 completion date established in RCW 36.70A.130(4)(a).

22 (3) The department must create or contract to update an existing  
23 computer program for use by counties and cities to inventory, estimate,  
24 and project greenhouse gas emissions and identify greenhouse gas  
25 reductions. The computer program must include features for: (a)  
26 Estimating 1990 greenhouse gas emissions by sector. If the data to  
27 complete the estimates required by this subsection (3)(a) is not  
28 available, the computer program must include features for completing  
29 these estimates at the earliest date after 1990 for which the required  
30 data is available; (b) inventorying and estimating current emissions by  
31 sector; (c) projecting future emissions by sector; (d) estimating the  
32 number of vehicle miles traveled; (e) estimating the greenhouse gas  
33 emissions generated by motor vehicles; and (f) determining measures to  
34 reduce greenhouse gas emissions by lessening vehicle travel.

35 (4) In preparing the methodologies and estimates, the department  
36 must periodically consult with the advisory team required by section  
37 5(3) of this act.

1        NEW SECTION.    **Sec. 4.** (1) A global warming mitigation and  
2 adaptation program is established. The program must be administered by  
3 the department of community, trade, and economic development. The  
4 department must, through a competitive process, select at least three  
5 counties and six cities for the program. At least one county and one  
6 city selected for the program must have potential to be adversely  
7 impacted by global warming through sea-level increases, storms,  
8 flooding, or other adverse effects. At least one county and one city  
9 must be located east of the crest of the Cascade mountains. At least  
10 one county and one city must be located west of the crest of the  
11 Cascade mountains and outside the central Puget Sound region. Counties  
12 selected must reflect a range of opportunities to address climate  
13 change in urbanizing, resource, or agricultural areas. Cities selected  
14 must reflect a range of sizes, geographic locations, and variations  
15 between those that are highly urbanized and those that are less so and  
16 include more residential dwellings than employment positions.

17        (2) The program is established to assist counties and cities that  
18 are addressing climate change through their land use and transportation  
19 planning, and those that aspire to do so but lack necessary resources.  
20 The department may fund proposals to inventory global warming  
21 emissions, mitigate global warming emissions, or adapt to the adverse  
22 impacts of global warming using criteria established by the department  
23 to accomplish the objectives of this act.

24        (3) The department must provide grants and technical assistance to  
25 aid the selected counties and cities in their efforts to anticipate,  
26 mitigate, and adapt to global warming and its associated problems.

27        (4) The program must conclude by June 30, 2010.

28        (5) If specific funding for the purposes of this section,  
29 referencing this act by bill or chapter number and section number is  
30 not provided by June 30, 2008, in the omnibus appropriations act, this  
31 section is null and void.

32        (6) This section expires January 1, 2011.

33        NEW SECTION.    **Sec. 5.** (1) With the use of funds provided by  
34 specific appropriation, by December 1, 2008, the department of  
35 community, trade, and economic development must provide to the governor  
36 and appropriate committees of the house of representatives and the  
37 senate, a report describing:    (a) How counties and cities are

1 addressing climate change issues; and (b) a range of possible measures  
2 that could be adopted as amendments to chapter 36.70A RCW or other  
3 statutes that would enable counties and cities to effectively avoid,  
4 mitigate, and adapt to global warming in the land use and  
5 transportation planning process.

6 (2) The report must address, as appropriate and with information  
7 that is readily available: (a) What counties and cities have  
8 voluntarily done to identify the greenhouse gas emissions of their  
9 communities, including those created by counties and cities through  
10 governmental activities; (b) the range of strategies chosen by  
11 jurisdictions to reduce emissions from their own activities and those  
12 of the entire community; (c) a description of obstacles and  
13 opportunities to achieve emission reductions in a variety of urban and  
14 rural areas; (d) recommendations for statutory amendments, if any, that  
15 are necessary to facilitate emission reductions and adaptation to  
16 climate change impacts at the local level through any combination of  
17 enhanced state and local planning and investment strategies; and (e)  
18 recommendations for funding to assist counties and cities in fulfilling  
19 the recommendations within the report.

20 (3) In preparing the report, the department must convene and  
21 consult with an advisory team comprised of the following interests:  
22 (a) One representative each from six or fewer counties and ten cities.  
23 In selecting these representatives, the department must endeavor to  
24 have statewide geographical representation; (b) one representative each  
25 from two regional transportation planning organizations; and (c)  
26 representatives from other interested public agencies and interest  
27 groups. The number of representatives selected under this subsection  
28 (3)(c) may not exceed the sum total of representatives selected under  
29 (a) and (b) of this subsection.

30 (4) This section expires December 31, 2008.

31 NEW SECTION. **Sec. 6.** This act is not intended to amend or affect  
32 chapter 353, Laws of 2007.

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