
SECOND SUBSTITUTE HOUSE BILL 2797

State of Washington

60th Legislature

2008 Regular Session

By House Appropriations (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 02/11/08.

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. This
35 subsection applies only to counties planning under RCW 36.70A.040 with
36 a population exceeding one hundred thousand and cities planning under
37 RCW 36.70A.040 with a population exceeding thirty thousand.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
2 to read as follows:

3 (1) The department must develop and provide advisory climate change
4 response methodologies and estimates to counties and cities that
5 include a range of methodologies and estimates. The advisory
6 methodologies and estimates must reflect regional and local variations
7 and the diversity of counties and cities planning under this chapter,
8 and, at a minimum, also must:

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** (1) With the use of funds provided by
2 specific appropriation, by December 1, 2008, the department of
3 community, trade, and economic development must provide to the governor
4 and appropriate committees of the house of representatives and the
5 senate, a report describing: (a) How counties and cities are
6 addressing climate change issues; and (b) a range of possible measures
7 that could be adopted as amendments to chapter 36.70A RCW or other
8 statutes that would enable counties and cities to effectively avoid,
9 mitigate, and adapt to global warming in the land use and
10 transportation planning process.

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

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

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

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

1 NEW SECTION. **Sec. 7.** If specific funding for the purposes of this
2 act, referencing this act by bill or chapter number, is not provided by
3 June 30, 2008, in the omnibus appropriations act, this act is null and
4 void.

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