

# HOUSE BILL REPORT

## HB 1490

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**As Reported by House Committee On:**  
Local Government & Housing  
General Government Appropriations

**Title:** An act relating to reducing greenhouse gas emissions through land use and transportation requirements.

**Brief Description:** Reducing greenhouse gas emissions through land use and transportation requirements.

**Sponsors:** Representatives Nelson, Pedersen, Goodman, Simpson, Upthegrove, Appleton, Dickerson, Lias, Morris, Roberts, White, Ormsby, McCoy and Miloscia.

**Brief History:**

**Committee Activity:**

Local Government & Housing: 1/28/09, 1/29/09, 2/2/09, 2/19/09 [DPS];

General Government Appropriations: 2/25/09, 2/26/09 [DPS(LGH)].

**Brief Summary of Substitute Bill**

- Establishes mandatory and optional provisions in the Growth Management Act pertaining to land use planning, transportation planning, and reducing greenhouse gas emissions.
- Establishes new planning requirements for qualifying regional transportation planning organizations.
- Establishes new environmental fee and exemption provisions under the State Environmental Policy Act (SEPA).
- Establishes land disposal and air rights donation provisions for regional transportation authorities.
- Removes time limitation provisions for sales and use taxes imposed by a transportation benefit district.
- Includes a December 1, 2011, effective date.

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**HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING**

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*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.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove, White and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Short.

**Staff:** Ethan Moreno (786-7386)

**Background:**

Growth Management Act - Introduction.

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

Comprehensive Land Use Plans.

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, including transportation, each of which is a subset of a comprehensive plan. Comprehensive plans must be coordinated and consistent with those of other counties and cities with which the county or city has common borders or related regional issues. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

Comprehensive plans must include a process for identifying and siting essential public facilities. Although not expressly defined in statute, the GMA specifies that essential public facilities include facilities that are typically difficult to site, such as airports, state education facilities, and state and local correctional facilities.

The transportation element of a comprehensive plan must include specified sub-elements, including a sub-element that addresses transportation mandates for forecasting, finance, coordination, and facilities and services needs. A provision of the sub-element for facilities and services needs requires planning jurisdictions to adopt level of service (LOS) standards for all locally-owned arterials and transit routes. Additionally, a sub-element of the transportation element includes collaborative effort requirements pertaining to pedestrian and bicycle community access, and the promotion of healthy lifestyles.

Planning jurisdictions must adopt and enforce ordinances prohibiting development approval if the proposed development will cause the LOS on a locally-owned transportation facility to decline below standards adopted in the transportation element. Exemptions to this "concurrency" prohibition may be made if improvements or strategies to accommodate development impacts are made concurrent with the development. These strategies may include:

- increased public transportation service;
- ride sharing programs;
- demand management; and
- other transportation systems management strategies.

"Concurrent with the development" means improvements or strategies that are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

Transportation elements may also include, in addition to improvements or strategies to accommodate the impacts of development authorized under the GMA, multimodal transportation improvements or strategies that are made concurrent with the development.

#### Planning Goals.

The GMA establishes planning goals in a non-prioritized list that must be used exclusively for guiding the development and adoption of comprehensive plans and development regulations. Examples of planning goals include the following:

- *Urban growth* - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Transportation* - Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- *Housing* - Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing stock.
- *Environment* - Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

#### Growth Management Planning and Environmental Review Fund.

Established in 1995, the Growth Management Planning and Environmental Review Fund (PERF or fund) is a grant program that is administered by the DCTED. Under the program, a grant may be awarded to a planning jurisdiction to assist with the costs of preparing an environmental analysis under the State Environmental Policy Act that is integrated with qualifying land use planning actions or activities. To qualify for a grant, a county or city must meet requirements set forth in statute.

In awarding grants, the DCTED must give preference to proposals that include one or more specific elements. Examples of these elements include: financial participation by the private sector or a public/private partnering approach; and furtherance of important state objectives

related to economic development, the protection of areas of statewide significance, and the siting of essential public facilities.

#### Climate Change and the GMA.

Legislation adopted in 2008 (*i.e.*, Engrossed Substitute Senate Bill 6580, enacted as Chapter 289, Laws of 2008) charged the DCTED with submitting a climate change report to the Governor and the appropriate committees of the House of Representatives and the Senate by December 1, 2008. Among other requirements, the report was required to include:

- descriptions of actions that counties and cities are taking to address climate change issues, and
- recommendations of changes, if any, to the GMA and other statutes that would enable state and local governments to address climate change issues and foreign oil dependence through land use and transportation planning processes.

The legislation directed the DCTED to convene a 25-member climate change advisory policy committee comprised of legislators, a representative of the Office of the Governor, elected representatives of counties and cities, and representatives of organizations meeting specified criteria. In accordance with ESSB 6580, the Land Use and Climate Change Advisory Committee completed their efforts in 2008.

#### Regional Transportation Planning Organizations.

Legislation enacted in 1990 authorized the creation of regional transportation planning organizations (RTPOs). The RTPOs are formed through the voluntary association of local governments within a county or within geographically contiguous counties. The RTPOs have duties prescribed in statute, including preparing and updating regional transportation strategies, and certifying that transportation elements of comprehensive plans conform with specified requirements.

The RTPOs must also prepare and update a regional transportation plan (plan) that is consistent with certain provisions of the GMA. The plan must be developed in cooperation with the Department of Transportation, transportation providers, local governments, and other specified entities. All transportation projects, programs, and demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and adopted regional growth and transportation strategies.

#### State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify possible environmental impacts that may result from governmental decisions, including the issuance of permits or the adoption of or amendment to land use plans and regulations. Any governmental action may be conditioned or denied pursuant to the SEPA, provided the conditions or denials are based upon policies identified by the appropriate governmental authority and incorporated into formally designated regulations, plans, or codes.

Provisions of the SEPA generally require a project applicant to complete an environmental checklist. An environmental checklist includes questions about the potential environmental impacts of the proposal. This checklist is then reviewed by the lead agency (one agency identified as such and responsible for compliance with procedural requirements of the SEPA) to determine whether the proposal is likely to have a significant adverse environmental impact. This process is referred to as making a threshold determination. The determination is made in a determination of significance (DS), a determination of nonsignificance (DNS), or a mitigated DNS (MDNS), which includes mitigation conditions for the project. A DS requires an environmental impact statement (EIS).

Local governments and state agencies must prepare an EIS for legislation and other major actions that significantly affect the quality of the environment. The EIS must include detailed information about the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided if the proposal is implemented, and alternatives, including mitigation, to the proposed action.

Categorical exemptions from the EIS and other requirements for actions meeting specified criteria are provided in the SEPA. Categories of government actions that are not considered to be potential major actions significantly affecting the quality of the environment are also defined in administrative rules.

Other exemptions to the SEPA requirements are provided in law. A "planned action" in a planning jurisdiction does not require a threshold determination or the preparation of an EIS. These actions, however, are subject to certain environmental review and mitigation measures provided in the SEPA.

A planned action is defined to mean one or more types of project action that meet certain criteria, including:

- being designated as planned actions by an adopted ordinance or resolution of a planning jurisdiction;
- having had the significant impacts adequately addressed in an EIS prepared in conjunction with: a comprehensive plan or subarea plan adopted under the GMA; or a fully contained community, a master planned resort, a master planned development, or a phased project; and
- being consistent with a comprehensive plan adopted under the GMA.

Planning jurisdictions must limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the local government. These jurisdictions may limit a planned action to a time period identified in the EIS or the ordinance or resolution, subject to statutory requirements.

#### Development Fees - Limits and Authority.

With some exemptions, counties, cities, towns, and other municipal corporation are prohibited from imposing any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of buildings, or on the development, subdivision, classification, or reclassification of land. This prohibition, however, does not prohibit cities, towns, counties,

or other municipal corporations from collecting reasonable permit fees, inspection fees, or preparing detailed statements required by the SEPA.

### Regional Transit Authorities.

In 1992 the Legislature authorized creation of regional transit authorities (RTA or authority) for the purpose of developing and operating high capacity transportation systems. An RTA may only consist of two or more contiguous counties, each having a population of 400,000 persons or more. A high capacity transportation system is an urban public transportation system that operates principally on exclusive rights-of-way and provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating mainly on general purpose roadways.

An RTA is governed by a board of representatives appointed by the county executive and confirmed by the legislative authority of each member county. Membership is proportioned among counties based on population. Established in 1993, Sound Transit is the only RTA formed in the state, with boundaries that include King, Pierce, and most of Snohomish counties.

### Transportation Benefit Districts.

A transportation benefit district (TBD or district) is a quasi-municipal corporation and independent taxing district. A county or city may establish one or more TBDs within its jurisdiction to fund improvements to city streets, county roads, and state highways. The boundaries of a TBD may be less than city- or county-wide, and may be comprised of more than one city or county.

A TBD is governed by the legislative authority of the jurisdiction proposing to create it, or by a governance structure prescribed in an interlocal agreement among multiple jurisdictions. Port districts and transit districts may participate in the establishment of a TBD but may not initiate district formation.

Transportation benefit districts may implement the following revenue measures, all of which are subject to voter approval:

- border area motor vehicle fuel taxes;
- local option sales and use tax (this tax may be imposed for a period not to exceed 10 years, but doing so requires voter approval);
- local option annual vehicle fee of up to \$100 on vehicle license renewals, a portion of which may be imposed without voter approval in certain circumstances as noted below; and
- tolls (subject to approval by the Transportation Commission).

Transportation benefit districts may issue general obligation and revenue bonds, and also have authority to impose the selected development and vehicle fees without voter approval.

### Greenhouse Gas Emission Reduction Requirements/Benchmarks for Vehicle Miles Traveled.

For purposes of Washington state regulations of greenhouse gas emissions, "*greenhouse gas and gasses*" include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Legislation adopted in 2008 (*i.e.*, Engrossed Second Substitute House Bill 2815, enacted as chapter 14, Laws of 2008), established the following greenhouse gas emissions limitations for the state:

- by 2020, reduce overall greenhouse gases emissions in the state to 1990 levels;
- by 2035, reduce overall greenhouse gases emissions in the state to 25 percent below 1990 levels; and
- by 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to 50 percent below 1990 levels, or 70 percent below the state's expected emissions that year.

Engrossed Second Substitute House Bill 2815 also established the following statewide benchmarks relating to the number of annual vehicle miles traveled (VMT) in the state:

- decrease the annual per capita VMT by 18 percent by 2020;
- decrease the annual per capita VMT by 30 percent by 2035; and
- decrease the annual per capita VMT by 50 percent by 2050.

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### **Summary of Substitute Bill:**

The GMA is amended to include numerous provisions pertaining to reducing greenhouse gas emissions.

#### Planning Goals.

The environmental goal of the GMA is amended to specify that part of the goal is to establish land use and transportation patterns that, at a minimum, support greenhouse gas emissions reductions requirements.

#### Comprehensive Plans - Transit-Oriented Development, Consistency, Transportation Elements, and Essential Public Facilities.

Comprehensive plans and development regulations should encourage development along transit lines and at major transit stations at levels that support transit-oriented communities. These plans and regulations should also:

- encourage walking, bicycling, and reduced vehicle trips;
- include design standards for streets, sidewalks, and buildings that encourage safe walking and bicycling;
- provide for a no net loss of affordable housing, and an adequate supply of housing that is affordable to low- and moderate-income households; and
- promote mixed-use and mixed-income developments.

Comprehensive plan consistency requirements are modified. Comprehensive plans of cities and counties must be consistent with the regional transportation plans adopted by regional

transportation planning organizations for the region within which the county or city is located.

Requirements for transportation elements of comprehensive plans are modified. Level of service (LOS) standards included within transportation elements for locally owned arterials and transit routes must, in respect to meeting regional transportation demands, consider all transportation modes. In adopting LOS standards for local arterials and transit routes, jurisdictions must also consider adopting multimodal LOS standards. Additionally, requirements for the sub-element of the transportation element pertaining to collaborative requirements for pedestrian and bicycle community access, are modified to include new provisions for connections between land uses and transportation modes.

Concurrency provisions for transportation elements are modified. Ordinances prohibiting development approval if the proposed development will cause the LOS on a locally-owned transportation facility to decline below adopted standards must consider multimodal improvements or strategies. Additionally, the list of multimodal transportation improvements or strategies that may be made concurrent with the development is expanded to include transit oriented development or other compact development strategies. "Transit oriented development" is defined as a type of compact development that provides compact, walkable communities with densities that support transit service and have convenient access to transit systems with frequent peak travel period service. "Compact development" is defined as an area designated for mixed-use, higher density development patterns that encourage walking, bicycling, and plans for a multimodal network that may include transit services and facilities.

Comprehensive plan provisions pertaining to essential public facilities are modified. The list of facilities that qualify as essential public facilities is expanded to include certain regional transit authority facilities.

#### Growth Management Planning and Environmental Review Fund.

Monies from the Growth Management Planning and Environmental Review Fund (Review Fund) may be used for grants and loans. New criteria for the administration of the Review Fund is specified. In awarding grants and loans from the Review Fund, the DCTED must, in addition to other criteria, give preference to proposals that include furtherance of greenhouse gas emissions reduction requirements.

#### Regional Transportation Planning Organizations.

Regional transportation planning organizations (RTPOs) encompassing at least one county fully planning under the GMA with 245,000 or more residents must adopt a regional transportation plan for those counties that implement goals to reduce annual per capita VMT.

When completing biennial regional transportation plan reviews for currency, RTPOs must provide notice reasonably calculated to inform the public of the review, and provide opportunities for the public to comment on the review and plan adoption.

#### State Environmental Policy Act.

New challenge exemptions and fee provisions are established in the SEPA. A project action that is consistent with the applicable comprehensive plan and development regulations may not be challenged for noncompliance under the SEPA because of greenhouse gas emissions if:

- the county, city, or town in which the project action is located has prepared an EIS for the area covered by the comprehensive plan or subarea plan that includes a greenhouse gas emissions analysis;
- the county, city, or town in which the project action is located has adopted a comprehensive plan or subarea plan and development regulations that meet certain requirements;
- the development will reduce greenhouse gas emissions and per capita VMT;
- the project action complies with the definition of compact development; and
- the project action is located in an urban growth area and a center designated by the county, city, or town comprehensive plan.

Cities and towns authorizing compact development in designated centers or participating in a qualifying regional transfer of development rights program may impose environmental fees on development activity as part of the financing for environmental review under the SEPA. These environmental fees:

- may only be for a qualifying subarea plan, or for a regional transfer of development rights program meeting specified requirements;
- may only be for environmental review costs that have been identified as reasonably related to the new development;
- may not exceed a proportionate share of the environmental review costs financed under the PERF, if any, or the costs of environmental review and holding costs that would have been borne by the development if no environmental review had occurred; and
- must be used to repay a loan authorized under the PERF, if applicable.

#### Regional Transit Authorities - Land Disposal and Donation of Air Rights.

An RTA that intends to dispose of land located within one-half mile of a major transit station must provide qualifying public or nonprofit entities an opportunity of first offer to develop the land. The RTA may provide that any agreement with a qualifying public or nonprofit entity be contingent upon receipt of a funding award within a reasonable period of time, be subject to approval by a federal granting agency, or include such other contingencies that the RTA may reasonably require.

An RTA may donate air rights over an RTA-owned parking facility associated with a major transit station to a qualifying public or nonprofit entity for the development of housing units. The RTA may provide that any agreement with a qualifying public or nonprofit organization be contingent upon receipt of a funding award within a reasonable period of time, be subject to approval by a federal granting agency, or include such other contingencies that the RTA may reasonably require. In addition, if the development within the donated air rights will increase the costs of or require modifications to the parking facility, the qualifying public or nonprofit entity must, as a condition to the donation of the air rights, agree to pay or provide

for the payment of those costs or modifications. The donation of air rights is declared to be a proper purpose of and for the benefit of a donating RTA.

For purposes of these first offer and air rights provisions, a "qualifying public or nonprofit entity" is an entity that is eligible for assistance from the Housing Trust Fund and meets other application, financial, and development requirements.

#### Transportation Benefit Districts.

Sales and use tax provisions for transportation benefit districts are modified. The sales and use tax may be imposed for more than 10 years without voter approval.

#### Transit-Oriented Development Facilitation Fund.

Each county legislative authority must establish and maintain a Transit-Oriented Development Facilitation Fund (TOD Fund) for the purpose of funding qualifying development projects. All receipts from gifts, grants, endowments from public or private sources, in trust or otherwise, and other designated public and private sources must be deposited in the TOD Fund. The Legislature may also appropriate moneys into the TOD Fund. Expenditures may only be used for:

- developing residential housing within single-family, multi-family, or mixed-use developments that are within one-half mile of a major transit stop and affordable to a person or household meeting specified income requirements;
- purchasing real property or development rights for qualifying residential housing; and
- administrative costs.

County legislative authorities must designate a lead agency or entity to administer the TOD Fund. Lead agencies and entities may either be a city or county housing authority, or an organization that is eligible to receive financial assistance from a specific housing assistance program. Lead agencies or entities may:

- purchase, rent, lease, sell, or operate qualifying residential housing;
- provide for the construction, reconstruction, improvement, alteration, or repair of any qualifying residential housing, or part thereof; and
- perform all other duties and actions deemed necessary and appropriate to implement provisions for the TOD Fund.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill makes numerous changes to the original bill, including:

- modifying the changes to the environment goal;
- removing housing element revisions;
- modifying LOS requirements for transportation elements;
- modifying concurrency requirements for transportation elements;
- modifying provisions for RTPOs;
- removing technical assistance requirements for the DCTED;
- deleting all CPP revisions;

- removing all comprehensive plan and development regulation requirements for transit-oriented development within one-half mile of a major transit station;
- specifying that comprehensive plans and development regulations should encourage development along transit lines and at major transit stations at levels that support transit-oriented communities;
- specifying that regional transit authority facilities are essential public facilities under the GMA;
- establishing land disposal requirements for RTAs;
- authorizing RTAs to donate air rights for the development of qualifying housing units;
- requiring county legislative authorities to establish and maintain transit-oriented development facilitation funds for qualifying residential housing;
- establishing provisions for transit-oriented development facilitation funds; and
- removing a modification to a definitions section for high-capacity transportation systems.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on December 1, 2011.

**Staff Summary of Public Testimony:**

(In support) This bill is recommended by the Land Use Climate Change Committee (LUCC), the Climate Action Team, and the Puget Sound Partnership. This bill is a reasonable compromise from ESHB 6580 of 2008, is one of the four major priorities of the environmental community, and is an important part of reducing greenhouse gasses.

One of the chief goals of the bill relates to the energy and transportation sectors, as this bill is about locking in reductions. Some emissions technology advancements are being made, including clean cars and clean fuels, but they are overcome by increases in VMT. Reductions in VMTs have been mandated. Voters have decided to significantly invest in light rail transit and this bill will help leverage that investment. Leveraging cannot happen if station areas become low-density areas. This bill includes a 50 units-per-acre density requirement, but some urban areas exceed this density. This bill allows density discretion by local governments. The bill requires design guidelines and allows parking requirements to be waived. The bill also includes mitigation provisions for persons displaced by development in station areas. This bill may never apply in some communities.

The recent and massive transportation investments have created a once-in-a-lifetime opportunity. If the state is going to experience population growth, policy makers will want to preserve existing housing and replace or mitigate housing losses for those displaced by growth. Current laws allow for the densification and gentrification of areas, but this bill will include provisions to avoid this. The Legislature should promote mobility and have people live where they work. The development community will benefit from density and growth

through higher property values and profits. Proponents of the bill are willing to work on its language with non-supporters. Affordability and equity are important, as many people cannot drive cars. The Legislature needs to promote areas where people can live, areas that have convenient access to services and reduced transportation costs.

High-capacity transportation systems are part of the solution to reducing greenhouse gas emissions and achieving climate change goals. Sound Transit is pursuing transit-oriented development, surplus property provisions, and authority to dispose of air rights over existing parking structures. Sound Transit is required to build and maintain high-capacity systems and it needs the authority to control surplus property and air rights to achieve objectives. Current restrictions and requirements limit conveyances of property. Accommodating housing in transit stations may delay the Sound Transit implementation schedule.

Cities and states need to work more closely on land use and transportation planning: the GMA does not promote this concept enough. Policy makers need to focus on reducing carbon emissions, not VMT.

Concern for the common good and care for all of creation should be priorities of the Legislature. This bill should be supported as it will support the poor and reduce carbon emissions.

This bill will help keep rural areas rural by increasing density in urban areas. Land use costs are increasing and this bill will help create more affordable housing. Eminent domain is not referenced in the bill. Density and net density are different concepts. High-density structures come in a variety of formats. Our grandchildren will benefit from our foresight or suffer from our shortsightedness.

There are intersections between climate change responses and the SEPA. Many land use and transportation planning provisions call for compact development: this is consistent with the Climate Action Team. This bill has promise to improve programmatic review through latecomers fees and other provisions.

This bill will help local governments prepare for the challenges of the 21st century. Local governments cannot wait for future technologies, they must act now. Transit-oriented communities will help reduce dependence on foreign oil.

Planners were part of the LUCC, the place of origin for this bill. Planners do not agree with all provisions of the legislation, but it should be supported and modified.

(With concerns) This bill may have unintended consequences for commercial areas. The GMA requires funding from the state. Local governments already have many planning requirements and they should ask the state for funds to implement this bill. The GMA is arguably the nation's premier climate change planning framework. How can policy makers make the GMA more climate and work friendly? The GMA is heavily litigated: it matters when words of the GMA are changed. This bill is significant and cities want to work with its sponsors and proponents. Station and transportation planning is not a one-size-fits-all issue. Some cities are planning effectively for density, but others may be affected in ways that do not align with transit-oriented proposals in the bill.

(Neutral) The goals of the bill are admirable, but the absolute numerical mandates are problematic, as they are, at best, arbitrary and do not fit. Absolute numerical mandates were avoided by the authors of the GMA, as they believed local governments should figure out details. If enacted, this bill would represent the only numerical mandates of the GMA, and that will be the beginning of a slippery slope.

(Opposed) Groups that live in areas affected by the bill are opposed to it because they've been left out of the legislation development process. This bill ignores years of station-area planning that has occurred. Very significant upzones would be required under this bill, and those upzones would affect low-income and largely minority populations. This bill is a blueprint for gentrification. The bill should require a review of areas and growth targets. This bill seeks societal goals at the expense of poor people. Key terms of the bill need to be defined, and numerous questions about the implementation of the bill exist. Though proponents of the bill have done an analysis on transit area development, they have not reached out to interested parties. This bill calls for higher-density than Mumbai, India. Is that environmentally sound?

This bill may lead to modifying eminent domain provisions in furtherance of climate change objectives. The bill is difficult to understand. Although the demand is growing, there is not a significant demand for high density housing. The Legislature should not concern itself with VMTs as vehicle emissions will decline. This is junk food legislation: it tastes good, but there is no nutritional value.

This business community shares the underlying goals of the bill, but the challenge is how to achieve them without damaging the economy, decreasing affordable housing, and putting people out of work. The principal concerns of the bill pertain to an amended planning goal, and new requirements for comprehensive plans and county-wide planning policies. The GMA currently reinforces compact development. The Legislature should improve the implementation of the GMA, not create a more complicated GMA. Climate change amendments to the GMA are premature, unnecessary, will increase costs, will divert resources from planning, and will likely increase litigation. What will this bill cost local governments and the state?

There are great goals in the GMA, but many of them are unfulfilled. How will jurisdictions know whether they meet greenhouse gas emission reduction requirements? This bill will disproportionately affect rural counties. In 1995, requirements for "best available science" were added to the GMA: Fourteen years later that term is undefined, but much has been spent determining its meaning. This bill might replicate those issues for climate change. The provisions in the bill that address affordable housing are positive. The greenhouse gas emissions provisions should be removed and the bill should focus on achieving reductions through housing and transportation policies. The Legislature should not create another financial burden for counties.

The state's polices seek to achieve VMT reductions, but this will decrease fuel tax revenues and could jeopardize funding for transportation projects. The GMA has been amended more than 100 times since its original enactment. Additional amendments should not be made without a cost-benefit analysis. An audit by the State Auditor is recommended.

**Persons Testifying:** (In support) Clifford Traisman, Washington Environmental Council and Washington Conservation Voters; Bill LaBorde, Transportation Choices Coalition; Sara Nikolic, Futurewise; Anna Markee, Housing Development Consortium and Washington Low-Income Housing Alliance; Nick Federici, Washington Low-Income Housing Alliance; David Hiller, Cascade Bicycle Club; Carol Moser; Steve Sheehy and Jennifer Belk, Sound Transit; Father Joseph Kramis; Martin Duke, Master Builders Association; Bob Derry; Don Vehige, GGLO Associate; Donna Albert, Olympia Climate Action; Blair Amundson, WashPIRG; Michael Shaw, American Planners Association; and Tom Clingman, Department of Ecology.

(Neutral) Dick Nelson.

(With concerns) Mayor Bill Baarsma, City of Tacoma; Dave Williams, Association of Washington Cities; Paul Inghram, City of Bellevue; and Kevin Snyder, City of Auburn.

(Opposed) Pat Murakami, Mount Baker Community Club; John Fox, Emory Bundy, and Bill Kirlin-Hackett, Seattle Displacement Coalition; Anna Nissen, Cities of Gig Harbor, Pasco, Spokane Valley, and Lakewood; Chris McCabe, Association of Washington Businesses; Dan Wood, Washington Farm Bureau; Ronald M. Momoda; Diane Oberquell; Brandon Housekeeper, Washington Policy Center; and Greg Wright, Washington Realtors.

**Persons Signed In To Testify But Not Testifying:** Michael Ennis, Washington Policy Center; Joe Tovar, American Planners Association; Jay Derr, Gordon Derr Attorneys; and David Kosmos, WashPIRG.

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Darneille, Chair; Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong and Short.

**Staff:** Charlie Gavigan (786-7340)

### **Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Local Government & Housing:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** None.

**Effective Date of Substitute Bill:** The bill takes effect on December 1, 2011.

**Staff Summary of Public Testimony:**

(In support) It is important to pass this bill to get reducing greenhouse gas effects considered as part of land use and transportation planning in the next round of Growth Management planning updates. This is a work in process and we are still working on integrating low-income housing issues and adding incentives rather than mandates. It is one of the environmental priorities for this session.

(With concerns) There should be incentives for compliance, not just mandates. The requirements of this bill can be folded into the ongoing planning that occurs under the Growth Management Act. The state should cover some of the local costs to implement the bill. While increasing density and lowering greenhouse gas emissions are important, the mandates especially for low-income housing do not provide enough flexibility; incentives should be provided for housing and retail around light rail facilities.

(Opposed) While there is general support for the underlying goals of the bill, this bill should not be enacted because of its cost and uncertainty. The Growth Management Act already has policies and provisions linking housing, transportation, and land use. There are too many mandates and some of the changes proposed by the bill will result in more litigation. This should not extend the Transportation Benefit Districts tax.

**Persons Testifying:** (In support) Nick Federici, Washington Low Income Housing Alliance; Randall Lewis, City of Tacoma; Clifford Traisman, Washington Conservation Voters and the Washington Environmental Council; and April Putney, Futurewise.

(With concerns) Dave Williams, Association of Washington Cities; and Jon Breiner, Roosevelt Development Group.

(Opposed) Chris McCabe, Association of Washington Business; and Jeanette McKegne, Washington Realtors.

**Persons Signed In To Testify But Not Testifying:** None.