

Land Use & Climate Change Advisory Committee
Meeting Highlights

September 12, 2008, 9:00 a.m. to 2:00 p.m.

Red Lion Hotel, 18220 International Boulevard, SeaTac, WA

Attendance

Committee Members:

Glenn Amster	Industrial & Office Properties
Rod Brown	Washington Environmental Council
Andy Cook	Building Industry Association of Washington
Kate Diamond	Association of Architects
Mike Doherty	Clallam County
Doug Ericksen	State House of Representatives
Linda Evans Parlette	State Senate
Jake Fey	City of Tacoma
Jeanne Harris	City of Vancouver
Bill LaBorde	Transportation Choices Coalition
Roberta Lewandowski	Futurewise
Chris Marr	State Senate
Sharon Nelson (by phone)	State House of Representatives
Merrill Ott	Stevens County
Keith Phillips (by phone)	Governor's Office
Paul Roberts	City of Everett
Karen Rogers (by phone)	City of Port Angeles
Bill Riley	Washington Realtors
Joe Tovar	American Planning Association (WA)
Tayloe Washburn	Association of Washington Business
Daryl Williams	Tribal Representative
Dan Wood	Farm Bureau

Absent:

Josh Brown	Kitsap County
Rich Munson	City of Spokane Valley
Josh Weiss	Washington Forest Protection Association

Support

Leonard Bauer	WA Department of Community Trade and Economic Development
Karen Larkin	WA Department of Community Trade and Economic Development
Joyce Phillips	WA Department of Community Trade and Economic Development
Rob Greenwood	Ross & Associates Environmental Consulting, Ltd.
Roma Call	Ross & Associates Environmental Consulting, Ltd.

Call to Order/Opening Remarks

- Rob Greenwood invited members and visitors to introduce themselves. He reviewed the agenda and provided an overview of the meeting objectives and plan for the remainder of the LUCC process.
 - Committee members will receive draft recommendations for review before the October 17th meeting when a formal vote on the recommendations will be held.
 - CTED staff and the technical team will carry out further analysis of the ideas the Committee has put forward. Members were asked to assist CTED in prioritizing this work and focusing their efforts during the remaining months.
- CTED staff provided an update on the progress of the computer modeling component of the report (ESSB 6580 Section 4 (1) (a) (iii)). A consultant, Fehr & Peers/Mirai, partnered with EDAW, has been hired to begin this work. CTED anticipates having a list of some existing modeling programs available for LUCC members at the next meeting.
- CTED provided hand-outs (copies of materials emailed on September 5th) to the Committee summarizing the analysis completed to date on the seven ideas put forward by the group at the last meeting.
- A summary of actions taken by other climate groups on issues that are cross-cutting with the LUCC Committee was provided as a hand-out to the group.

Discussion: GMA Goal

- The Committee discussed the idea of adding a new GMA goal or modifying an existing goal.
- Members raised the issue of avoiding unfunded mandates for cities and counties. Members suggested that the Committee alternatively provide incentives for addressing climate change.
- Members suggested that more information on the positive and negative impacts of a new or modified GMA goal to local governments was needed before a decision could be made. It was noted that the analysis of impacts would take place before the next meeting, based on suggestions by the Committee for the technical team.
- A member commented that legal challenges to local governments that are attempting to meet any new or modified goal will be likely and made more difficult by a lack of established expectations for what it means to address climate change. A member suggested that, at least during an initial, trial period of implementation, a new or modified GMA goal could be linked with a provision limiting or providing full protection from appeals. Other members suggested that local governments would face appeals for failure to address climate change even without a new or modified goal making a new planning framework beneficial as a basic blueprint for action.
- A member suggested that a new or modified goal was a critical action for the work of the Climate Action Team's Transportation Implementation Workgroup and for reaching the state's greenhouse gas emission reduction goals.
- A member suggested that an amended goal should allow for multiple types of transportation and planning solutions for a variety of communities, rather than a singular land use pattern. Another member commented that CTED should identify a list of ways to comply with the intent of the amended goal for reducing greenhouse gas emissions.
- A member suggested that a failure to add a new, climate focused goal would generate the need to modify more than just the Environmental goal, including changes to transportation and natural resources industries areas. A third alternative for implementing multiple GMA goal amendments was proposed.
- A member proposed that the group work over the next month to develop a goal amendment that would provide incentives and funding for local governments, a phased approach, and flexible solutions for smaller and larger communities, while also addressing climate change.

Discussion: State Environmental Policy Act

- The group discussed a proposal for increasing local government use of existing SEPA programmatic review procedures to incentivize sustainable development.
- Members discussed the option of charging developers a proportionate share of the programmatic review costs, in addition to recommending funding for the existing, but unfunded, Planning and Environmental Review Fund (PERF).
- Members discussed the need to provide the option of integrating mitigation identified in upfront programmatic SEPA review into subarea development regulations potentially requiring a modification to the existing GMA statutory approach to programmatic SEPA.

Discussion: Developer Incentives

- The Committee discussed ways to better enable local governments to utilize developer incentives for encouraging compact development.
- A member suggested that CTED develop a tool kit for incentivizing compact development that would enable local governments to fit the right tool for the size and needs of each community. Another member emphasized the need to provide information about a variety of incentives for different sized cities and a range of development contexts.
- Options for changing building codes, exempting development fees were suggested as potential incentives.
- A member suggested that, if we have mandates through a GMA goal, then we should also require local governments to adopt developer incentives. A jurisdiction should also be considered compliant by the Growth Management Hearings Board if adopting the SEPA recommendation. Another member commented that incentives should not be mandatory.
- Members suggested that incentives for affordable housing should be considered in this recommendation as well.

Discussion: Transportation Concurrency

- The Committee discussed ways to encourage and assist local governments to develop multi-modal transportation concurrency methods.
- A member remarked that the group should not require new development to pay for alternative transportation systems that are lacking. It was suggested that state funds should pay for mass transit rather than developers. A member commented that if a jurisdiction has not set up corridor plans, developers should not be required to pay for new transit systems.
- A member suggested that CTED provide multi-modal concurrency models for communities to adopt.
- A member commented that the recommendation should consider the different needs of low density versus high density communities.

Discussion: County-wide Planning

- The Committee discussed ways to require fully planning counties to reduce greenhouse gas emissions and dependence on foreign oil.
- A member commented that county-wide planning requirements would result in more appeals. Another member suggested that a county-wide planning requirement would protect local jurisdictions from appeals.
- Members commented that county-wide planning requirements would add to the cost of housing, and that affordable housing should be a consideration. A member commented that housing costs were not germane to the county-wide planning discussion, since the costs were vastly different in each area. It

was suggested that the purpose of county-wide planning was to apply the GMA to the specific needs of each county.

- A member commented that transportation planning is already covered under the county-wide planning regulations and policies.

Discussion: Infrastructure Funding

- The Committee discussed ways to prioritize state infrastructure funding to support compact development and transportation choices.
- A member indicated discomfort with recommending or in any way planning for the use of funds from currently non-existent sources (e.g., state carbon tax or cap and trade program auction revenues).
- A member commented that infrastructure maintenance costs are currently unfunded in many cities. Members discussed the need to provide funds for infrastructure in urban centers while also reserving funds for the maintenance of existing services.
- A member suggested that the group identify a variety of tools for funding infrastructure, such as an excise tax, sales tax, bonds, stormwater fees, and other methods, in addition to any funds that might be available related to a new state carbon tax or cap and trade system.
- A member suggested that the recommendation include telecommunication and broadband as part of the state's infrastructure needs. Another member suggested that schools should be a consideration for infrastructure funding.

Discussion: Transfer of Development Rights

- The Committee discussed ways to encourage higher density in urban growth areas and support the conservation of resource lands through regional transfers of development rights.
- Members discussed the need to make TDR's optional for developers.
- A member suggested that if cities are required to accept additional density, then funding opportunities should be identified.
- A member commented that TDRs are most appropriate for small lots in rural areas.
- A member remarked that TDRs should not become a backhanded strategy for achieving lower density development in rural areas.
- A member commented that CTED's TDR Committee is addressing this issue in detail, in addition to the Forestry Sector Workgroup. The group discussed supporting TDR programs as a valuable tool and identifying the critical considerations discussed, while leaving the details of the proposal for the other committees as appropriate.

Preliminary Voting by LUCC Members

- Draft statements summarizing the initial recommendations were modified to reflect the meeting discussion and were made available to the Committee for preliminary voting.
- Prior to initial voting on the substantive recommendations, a Committee member, followed by a second, called for a procedural vote relating to the appropriateness of holding even preliminary voting on recommendations in the absence of further CTED impacts analysis on the emergent recommendations. This motion did not receive majority support from voting members.
- The Committee's preliminary voting indicated a varying level of voting member support across the recommendation areas with some receiving strong majority support, several receiving basic majority support, and some receiving less than majority support. All recommendation areas will receive refinement based on Committee deliberations and provided to Committee members for a final, formal vote at the October meeting.

- The draft recommendation statements and results of the preliminary voting are provided as an attachment to this meeting summary.

Immediate Path Forward

- CTED staff, the technical team and six LUCC member volunteers will work to further develop the analysis required under ESSB 6580 before the next meeting.
- The Committee will receive a homework assignment to develop ideas for additional funding to implement the recommendations (as required by ESSB 6580 Section 4 (1) (a) (vi)).
- CTED and the technical team will provide draft recommendations based on the meeting discussion to Committee members for review and comment.
- The next meeting will involve formal voting of the revised draft recommendations by LUCC voting members.

Public Comments

- Dave Williams announced that Andy Cook, representative for Building Industry Association of Washington, will soon be leaving the state. He remarked that it has been a pleasure working with Andy and wished him well.

Next Meeting

The next meeting of the LUCC Committee will be held on October 17th from 9:00 a.m. to 2:00 p.m. at the Red Lion Hotel, 18220 International Blvd., SeaTac, WA.

Land Use & Climate Change Advisory Committee

Preliminary Vote on Initial Recommendations

During its September 12, 2008 meeting, the Land Use and Climate Change Advisory Committee took a preliminary vote on seven draft statements, and their alternate parts, describing the Committee’s initial recommendations. The draft statements and the results of preliminary voting are provided below. CTED and the technical team will make revisions to the draft recommendations for Committee review and a final vote at the October 17th LUCC meeting.

Motion to Postpone Preliminary Voting

Prior to initial voting on the substantive recommendations, a Committee member, followed by a second, called for a procedural vote relating to the appropriateness of holding even preliminary voting on recommendations in the absence of further CTED impacts analysis on the emergent recommendations. This motion did not receive majority support from voting members.

Result of the Vote on a Motion to Postpone Preliminary Voting

Motion to Postpone
Yes – 3; No - 10

Initial Recommendation Statements and Results of Preliminary Voting

R-1 GMA Goal: Prompt local governments to consider GHG and foreign oil dependence reduction. The LUCC recommends prompting local governments and the public to consider how to reduce greenhouse gas emissions as part of comprehensive planning by:

Part 1 - Amending the current GMA Environment Goal at RCW 36.70A.020 (10)

Part 2 - Adding a new Climate Change Goal at RCW 36.70A.020)

Part 3 - Absence of a new goal will require possible amendments to goals other than the environmental goal

Result of Preliminary Voting – GMA Goal

Part 1	Part 2	Part 3
10 – Yes/ 3 - No	5 – Yes/ 8 - No	5 – Yes/ 8* – No

***Qualifier** – Five members gave a qualified “no” vote for Part 3, in the absence of more detailed information regarding which goals, other than the environmental goal, are proposed to be amended and what the amendments would entail.

R-2 County-wide Planning: Prompt fully planning counties to address GHG and foreign oil dependence reduction.

Part 1 - The LUCC recommends prompting all fully planning counties and cities located within them to address greenhouse gas reduction and dependence on imported foreign oil by amending current GMA county-wide planning policy requirements at RCW 36.70A.110.

“Policies to address greenhouse gas emission reductions and dependence on imported foreign oil.”

As an alternative to amending RCW 36.70A.210 re: Countywide Planning Policies to achieve coordination of comprehensive plans, instead add language to RCW 36.70A.100.

Part 2 - RCW 36.70A.100 Comprehensive Plans – Must be coordinated.

Each city and county comprehensive plan required by RCW 36.70A.070 shall be consistent with the regional transportation plan required by RCW 47.80.030 which includes that city or county.

Result of Preliminary Voting – Countywide Planning

Part 1	Part 2
5 – Yes/ 8 - No	9 – Yes/ 3 - No

R-3 SEPA: Increase local government use of existing SEPA programmatic review procedures to incentivize sustainable development.

The LUCC recommends incentivizing compact development in urban growth areas to promote state climate change and VMT objectives through increased local government utilization of existing upfront SEPA Programmatic Review procedures.

Part 1 - To increase local government use of SEPA Programmatic Reviews the LUCC recommends funding the Planning and Environmental Review Fund (PERF) at RCW 36.70A.490\,500 along with statutory modifications enabling local governments to charge developers a proportionate share of programmatic review costs at the time of project review.

Part 2 - Revise Planned Action statute as needed to give cities the option to integrate mitigation identified in upfront Programmatic SEPA Review into subarea development regulations.

Result of Preliminary Voting - SEPA

Part 1	Part 2
12 – Yes/ 1 - No	12 – Yes/ 1 - No

R-4 Transportation Concurrency: Better enable GMA Transportation Concurrency to address all modes of transportation.

The LUCC recommends encouraging and assisting local governments to develop multi-modal transportation concurrency methods by

- 1) Directing relevant state agencies to develop and deliver guidance specifically addressing how multi-modal considerations can be assessed during concurrency analyses; and/or
- 2) Amending RCW 36.70A.070 (6)(a)(iii)(b) to require using a multi-modal approach and amending RCW 36.70A.070 (6)(b) to require consideration of multi-modal improvements or strategies.

Result of Preliminary Voting – Transportation Concurrency

R-4
11* – Yes/ 2 - No

***Qualifier** – Five members have concerns with the second section of the statement due to a need for more detailed information about the proposed amendments. The members are concerned about requirements for developers to fund new transit systems and impacts to cities and counties. The five members voted “yes” to the first section of the statement, with a qualified “yes” to the second section, pending more detailed information.

R-5 Developer Incentives: Better enable local governments to utilize developer incentives for encouraging compact development.

The LUCC recommends directing relevant state agencies to develop technical guidance providing local governments with a menu of developer incentive options and the strengths/ weaknesses associated with those options for use in local land use plans or codes.

Result of Preliminary Voting – Developer Incentives

R-5
10* – Yes/ 3 - No

***Qualifier** – Seven members gave a qualified “yes” vote to this statement pending more detailed information about what the recommendation would entail. Members have an interest in developing a variety of incentives for different sized cities and a range of development contexts.

R-6 Infrastructure Funding: Orient state infrastructure funding priorities to support compact development and transportation choice.

Part 1 - The LUCC recommends the Office of Financial Management’s Infrastructure Steering Committee include in its strategic infrastructure investment plans the ability to target state funding for water, stormwater, sanitary sewers, transportation, *and telecommunication* infrastructure to those communities promoting compact development and transportation choices consistent with state GHG emission and dependence on foreign oil reduction goals.

Part 2 - The LUCC further recommends the authorization of new funding (specific ideas pending) for urban centers creating mixed use, transit-oriented, affordable infill projects that exceed a minimum residential density and employment density

Result of Preliminary Voting – Infrastructure Funding

Part 1	Part 2
10* – Yes/ 3** – No	10* – Yes / 3** – No

***Qualifier** – Six members gave a qualified “yes” vote for both Part 1 and Part 2 of this statement. These members would like to ensure that funding is provided to local governments for infrastructure in urban centers while also reserving funds for the maintenance of existing services.

****Qualifier** – Two members gave a qualified “no” vote for both Part 1 and Part 2 of this statement, due to a need for more detailed information about infrastructure funding strategies.

R-7 Transfer of Development Rights: Encourage higher density in UGAs and support conservation of resource lands through regional TDR initiatives.

The LUCC has identified TDR programs that transfer development rights into receiving sites inside UGAs as a potentially important tool for promoting compact development and conservation of resource lands, while the Committee identified several critical considerations including: (as examples, development community not mandated, cities not required to use, additional funding, appropriate market manipulation constraints in place, and strike an effective balance between competing policy goals).

Result of Preliminary Voting - TDRs

R-7
12* – Yes/ 1 - No

***Qualifier** – Two members gave a qualified “yes” vote on this statement, pending more detailed information. One member would like to ensure that the location and size of the lots is beneficial for meeting the state’s goals. Another member would like to ensure that a variety of TDR options are considered, rather than a singular model.