



January 27, 2009

The Honorable Geoff Simpson  
Chair, House Local Government and Housing Committee  
426 John L. O'Brien Building  
Olympia, WA 98504-0600

RE: HB 1490: relating to reducing Greenhouse Gas Emissions through land use and transportation requirements

Dear Representative Simpson:

This is a time of great crisis for Washington. Today we face unprecedented environmental and financial crises at the state, national and global levels. Several recent state reports have documented the impacts of climate change, the declining health of Puget Sound, unmet infrastructure needs, and the ongoing loss of agricultural lands. All of these reports share one central conclusion - "business as usual" is not working. Our state's planning statutes, including the Growth Management, Shoreline Management and State Environmental Policy Acts, have been in place for decades, yet it is clear that meaningful statutory reform is urgently needed.

Because a time of great crisis is also a time of great opportunity, the Washington Chapter of the American Planning Association (APA Washington) urges the legislature to seize the opportunity presented by House Bill 1490. We have done a thorough review of HB 1490, as well as the various reports whose conclusions are the basis for many of the provisions in this bill. Although we do not agree with all of the provisions of this draft, we strongly believe that some version of this legislation must be passed this session. We offer our conclusions and recommendations below.

[Section 1](#)

Amends RCW 36.70A.020(10) – the "environment" Planning Goal

APA Washington supported amending Goal 10 in the 2008 session and continues to support it today. Including GMA goal language related to



climate change recognizes that reducing vehicle miles traveled and greenhouse gas emissions is a compelling public interest that must be considered in local comprehensive plans, development regulations and capital budgets.

The draft language in Section 1 correctly identifies the important role that “land use” and “transportation” patterns can play in reducing greenhouse gas emissions, however, the draft goal amendment reads like a substantive requirement or regulation and incorrectly presumes that specific state or federal requirements have been adopted.

GMA goals convey aspirational intent, not substantive requirements, and we would support revised Goal 10 language to better reflect that. We would like to work with the committee and stakeholder groups to further refine appropriate language. One initial suggestion would be to instead amend Goal 10 with the added sentence: “Increase transit supportive land use patterns and invest in transportation systems in order to reduce greenhouse gas emissions.”

## [Section 2](#)

Amends RCW 36.70A.070 Comprehensive Plans – Mandatory Elements.

We support the intent of this section, and some specific actions, but believe that the treatment of jobs-housing balance in Sec 2 (1) requires additional work – in particular to modify objectives such that they can be accomplished with tools available to local governments.

The use of the words “and requirements” at Sec 2(2)(b) incorrectly implies that all local governments can “provide housing.” Some cities do operate housing authorities, however, the vast majority do not. The direction to include incentives is appropriate, but must recognize that making an incentive available does not guarantee that the market will respond.

Sec 2(2) (f) makes reference to “densities that support transit services” without defining what such densities are, or even a process to determine what they are. Transit supportive densities are highly context and mode dependent, and it would be problematic to place a state-wide standard or definition in statute. Instead, we recommend that individual counties or regions be tasked with defining such thresholds locally, perhaps



through the countywide planning policies or other regional processes that involve both counties and cities.

We strongly support coordination with the OFM ten-year investment program and further support the idea that the OFM program be expanded to include all state transportation investments.

### Section 3

Amends RCW 36.70A.100 Comprehensive Plans – Must be coordinated

This section adds a GMA requirement that the comprehensive plan be “Consistent with the regional transportation plans required under RCW 47.80.030 for the region...” Achieving land use patterns and transportation systems that will reduce vehicle miles traveled and greenhouse gas emissions will require local actions based on collaboratively established regional strategies. The Regional Transportation Planning Organizations (RTPOs) operating under the authority of Chapter 47.80 RCW are already engaged in this regional work in cooperation with local governments. APA Washington strongly supports Section 3.

### Section 4

Amends RCW 36.70A.108 Comprehensive Plans – Transportation element – Multimodal transportation improvements and strategies

We strongly support compact development as a strategy to meet growth, transportation and climate change objectives. While we have no quarrel with the definitions offered in this section, as we have observed above, the determination of appropriate “densities that support transit service” may vary in different regions of the state. We would like to see CTED rule-making to further define “compact development” and “transit oriented development” in a manner that considers regional differences and specific transit modes and levels of service.

### Section 5

Amends RCW 36.70A.190 Technical assistance, procedural criteria, grants, and mediation services.

We recognize that the state’s budget challenges make funding for any program difficult. Nevertheless, we believe an allocation to CTED to



prepare procedural criteria to implement this Act (including necessary rule-making) would be a very wise investment. There are a number of stakeholder groups with expertise, including APA Washington, the American Institute of Architects, the Master Builders' Associations, Futurewise, and the Cascade Land Conservancy, who would be eager to support and inform such an effort. In addition, the resources of other agencies, such as the University of Washington, Eastern Washington University and the Puget Sound Regional Council, could be brought to bear to assist. In any event, the technical assistance should include work on the definitions in Section 2.

### Section 6

Amends RCW 36.70A.210 County-wide planning policies by adding two new items to be addressed.

APA Washington supports this section, with one minor revision. We recommend deletion of the words "and achieve" at p.16, line 14. The CPPs are a valuable and appropriate existing mechanism in the GMA to facilitate cooperative policy development by cities and counties to address the reduction of greenhouse gas emissions. However, the CPPs themselves will not achieve these ends. Only the subsequent actions of counties and cities will.

Further, we believe that policies for reducing dependence on foreign oil may be a laudable national goal, but are beyond the direct scope of local government actions. Oil is a commodity; refiners will buy oil on the world market at the prevailing price. If we can reduce dependence on fossil fuels through transit supportive land use patterns and investing in transportation systems, we will almost certainly reduce refinery demand for foreign fuels.

### Section 7

Amends RCW 36.70A.490 Growth management planning and environmental review fund – Established

We support the idea of expanding the PERF program from a grant program to one which also makes loans to local governments engaged in proactive environmental review.



### Section 8

Amends RCW 36.70A.500 Growth management planning and environmental review fund -- Establishes "Furtherance of greenhouse gas emission reduction requirements" to the preference list for awards.

APA Washington supports the idea of giving preference to PERF proposals that further policies and development regulations that reduce GHG emissions.

### Section 9

Adds a new section to chapter 36.70A - Requires that comprehensive plans and development regulations must authorize transit oriented development within one-half mile of a major transit station with a net density of 50 dwelling units per acre, and include a variety of other requirements, including provisions for affordable housing.

APA Washington lauds the intent of this section and agrees with the apparent underlying premise that major capital investments made in transit improvements in the central Puget Sound region provide the logical places to focus significant portions of future growth. However, we believe that the specific language of this section is too sweeping in some ways and too restrictive in others. There are a number of provisions of this section, as drafted, that are problematic.

For example, the half-mile radius measured from a "transit station," at a net density of 50 units per acre, could yield cumulative residential development in the neighborhood of 15,000 units, or approximately 30,000 people. That would be an extremely ambitious increment of growth even in the metropolitan centers of the Puget Sound region – and completely out of scale with many other station-area locations in most cities. Likewise, the half-mile radius in Section 9 is twice the commonly accepted distance that people are likely to walk to transit.

This is not to say that projects of 50 units per acre are necessarily out of scale within ¼ mile of, for example, Sound Transit's light rail stations. Residential and mixed-use projects upwards of 80 or 100 units per acre will "fit" within a mid-rise building form of 6 stories, a common zoning category in most suburban cities in the central Puget Sound region. Some cities may elect to authorize even taller building forms with



resultant higher localized densities, but that is the sort of design detail that is best addressed at the local level.

Another problem is that Section 9 seems to ignore the need for non-residential development – employment centers – that are also in proximity to the transit system. Specific density requirements, whether population or employment, set forth in statute are unworkable – these requirements need to be developed within the specific performance framework of the affected transit system and emphasize system and corridor performance, not simply density around stations.

In the central Puget Sound region, it makes more sense that station-area planning and specific growth targets for each station be linked to the centers designation and growth targeting exercises currently underway by the Puget Sound Regional Council, its four counties and their cities. To be clear, APA Washington believes that in order to achieve significant reductions in GHG emissions, we must achieve meaningful increases in urban densities throughout urban growth areas, but particularly in areas served by transit. If the legislature agrees with this premise, and wishes to put the intent of Section 9 into the necessary regional context, the appropriate mechanisms are described in Sections 3 and 6 discussed above.

APA Washington looks forward to working with bill sponsors and other stakeholder groups to identify more practical and effective ways to achieve these important objectives.

### [Section 10](#)

Amends RCW 47.80.030 Regional transportation plan – Contents, review, use. Requires that larger (involving one or more counties with 100K population) single county or multi-county RTPOs must ensure that regional transportation plans implement per capita Vehicle Miles Traveled (VMT) goals under RCW 47.01.440.

APA Washington supports the policy clarification of the role of regional transportation planning organizations in achieving VMT reduction targets under RCW 47.01.440.



### Section 11

Amends RCW 43.21C.240 Project review under the growth management act - Establishes safe harbor from challenge for “project actions consistent with the applicable comprehensive plan” under greenhouse gas requirements.

In general, we support the intent of this section, but have concerns with some language. In particular, the language at line 7, page 26, that “the comprehensive plan will reduce greenhouse gas emissions ... and per capita miles traveled” mis-states the role of a comprehensive plan in the land development regime under GMA. The plan can include policies and recommendations designed to achieve those goals, but the plan can’t itself reduce emissions or VMT.

APA Washington also supports the development of approved methodologies or guidance for computing potential GHG reductions from plan proposals. We support continued funding for CTED to develop this guidance, some of which is already within CTED’s current mandate.

### Section 12

Adds a new section to RCW 43.21C State Environmental Policy Act which allows the imposition of environmental fees with conditions by cities and towns authorizing compact development in designated centers *or* participating in regional TDR programs under RCW 43.362.

We support allowing jurisdictions this financial tool to help defray the costs of upfront environmental review.

### Section 13

Amends RCW 81.104.015 (High capacity transportation systems) including definitions of “regional transit systems” as implementing component of “high capacity transportation system”

APA Washington cannot support this section without further explanation of the intent of this language and the effect of this change on existing definitions in other sections of the bill.



### Section 14

Adds a new section to RCW 81.112 Regional transit authorities (formerly regional transportation authorities) - Requires RTAs that hold surplus land within ½ mile of a major transit station to provide local government or qualified housing agency rights of first refusal to develop the land

We support the concept in general, but are concerned about the apparent limitation to housing. In certain circumstances, housing or even mixed use development might not be the best choice for maximizing transit efficiencies. If the intent is to limit qualification to the defined entity – but not limit development to housing – then APA Washington can support.

### Section 15

Amends RCW 82.14.0455 Sales and use tax for transportation benefit districts and Removes current ten-year time limits on sales and use tax for transportation benefit districts

Local governments will need as many authorities and as much flexibility as possible to address important transportation infrastructure needs. Therefore, APA Washington strongly supports this section.

### Section 16

Sets effective date as December 1, 2011 (after next round of GMA updates)

We understand the desire to avoid fiscal impacts in the short term, but are concerned about anything that delays taking meaningful steps to address the vital issue of climate change. APA Washington stands ready to work with CTED, other state agencies, and stakeholder groups, to help our communities prepare for a post-2011 world, regardless of the effective date of HB 1490. The threat of climate change, and ancillary threats to water quality and loss of productive agricultural lands, will take decades to meaningfully address. However, given what is at stake, it is imperative that the important work before state and local governments commence sooner rather than later.



American Planning Association  
**Washington Chapter**

*Making Great Communities Happen*

Thank you for the opportunity to comment. If I can answer any questions about this position statement, or these issues generally, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'J. Tovar', with a long, sweeping horizontal stroke extending to the right.

Respectfully,  
Joseph W. Tovar, FAICP  
Washington Chapter of the American Planning Association  
President

cc Members of the House Local Government and Housing Committee