

King County SEPA and Climate Change Legislation



King County

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Greening In Place Conference
9/16/2008

Key Points

- ☑ Why do we need to act?
- ☑ What are others doing?
- ☑ What has King County done so far?



King County SEPA and Climate Change Action, Recent Related History

- Feb. 07 — KC Climate Plan
- April — Mass. vs EPA
- October — KC SEPA and Climate Change Executive Order
- Jan. 08 — KC Stakeholder working group convenes
- March — House Bill 2815 Signed →
 - 1990 levels by 2020
 - 25% below 1990 levels by 2035
 - 50% below 1990 levels by 2050
- May — Original draft ordinance
- May — First meeting of CAT SEPA Implementation Work Group
- September — Comments on second version of draft ordinance complete



PNW Impacts of Climate Change

Climate changes in ... will impact... and affect...

- Temperature
- Precipitation
- Snowpack
- Sea Level



Fire damage in the North Cascade Mountains

- Snowpack, streamflow and water supply
- Soil and water for agriculture
- Flooding, stormwater and wastewater
- Wildfire risk
- Infrastructure
- Hydropower
- Coastal Zones
- Forest health
- Salmon and biodiversity

- Public health
- Economic Health
- Financial sector
- Insurance industry
- Individual comfort
- Recreation



A male Coho Salmon



Source: Climate Impacts Group

2007 King County Climate Plan and 2007 Climate Plan Update



King County

- Public transit and transportation choices
- Land use, built environment and sustainable materials
- Waste-to-energy
- Clean fuel and technology purchases

***To reduce annual emissions to 1990 levels by 2020
and to 80% below 2007 emissions by 2050***



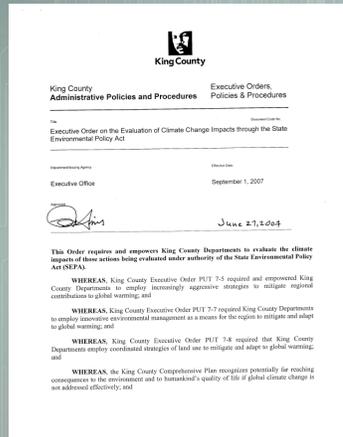
<http://www.kingcounty.gov/globalwarming>

Overview of Washington State Environmental Policy Act (SEPA) Process

- Unless exempt, requires environmental review by local lead agencies of development proposals that may have a significant adverse impact on the environment
- SEPA checklist includes requirement to evaluate air quality, including climate
- For each project, the lead agency decides:
 - Determination of Non-Significance (DNS)
 - Mitigated Determination of Non-Significance (MDNS)
 - Mitigation measures become conditions of the permit
 - Determination of Significance (DS)
 - Environmental Impact Statement (EIS) Required



SEPA 2007 Executive Order



NOW, THEREFORE, I Ron Sims, King County Executive, do hereby order and direct all King County departments, effective *October 15, 2007*, **to require that climate impacts, including but not limited to those pertaining to greenhouse gases, be appropriately identified and evaluated when such departments are acting as the lead agency in reviewing the environmental impacts of private or public proposals pursuant to the State Environmental Policy Act.**



Legal Liability

- Massachusetts v. Environmental Protection Agency, 127 S.Ct. 1438, 75 USLW 4149, April 02 2007 (No. 05-1120) "greenhouse gases fit well within the Clean Air Act's capacious definition of air pollutant"
- Center for Biological Diversity v. Nat'l Highway Traffic Safety Administration, 503 F.3d 508 (9th Cir. 2007): an agency must assess the GHG implications of its rulemaking, the cumulative impact of its rules, and must analyze a reasonable range of alternatives



Settlements in California

- San Bernardino County, California
- Port of Los Angeles, California
- Conoco Phillips and Contra Costa County, California
- Great Valley Ethanol, LLC



Our Assertion

In order to meet the County goal and WA State requirement of reducing GHG emissions to 1990 levels by 2020, we must build more efficiently, both in terms of building envelope and corresponding downstream energy and transportation use.



King County SEPA and Climate Change Stakeholder Work Group

Development Community

- National Association of Industrial and Office Properties (NAIOP)
- Master Builder's Association (MBA) of King and Snohomish Counties
- Quadrant Homes/MBA
- Associated General Contractors of Washington
- Mithun

Environmental Community

- Stockholm Environment Institute
- Center for Biological Diversity
- Sierra Club

Regional Policy Makers

- WA Department of Ecology
- Puget Sound Clean Air Agency
- City of Seattle, Department of Planning and Development
- Downtown Seattle Organization



KC Draft Ordinance

Who

- Project and non-project actions already subject to SEPA
- Both public and private actions

What

- Account
 - Using King County-approved tools and methodologies
- Mitigate
 - At least 15% better than unmitigated scenario, unless not economically feasible over lifespan of project

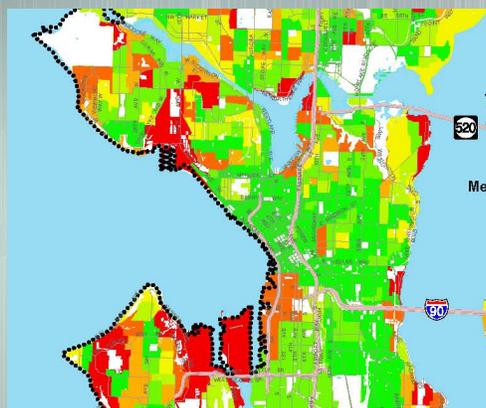


Emissions Addressed

- What sources?
 - **Section 2, Article B, lines 146-156**
 - Embodied Emissions
 - Downstream energy
 - Downstream transportation
- Uses “business-as-usual” as baseline (**Section 2, Article 2, line 135**): assumes compliance with minimum county, state and federal regulations
- Tools and methodology is up to the project proponent, but KC will provide pre-approved resources



Residential Transportation Emissions Modeling



- **Red** = Higher Residential Transportation Emissions
- **Green** = Lower Residential Transportation Emissions

Mitigation Threshold of 15%

- If the project is located within urban growth area with higher than average transportation emissions, transportation mitigation measures will be given a bonus in calculating reductions (**Section 2, Article C**)
- If project can prove emissions have been reduced to economically feasible limit, it may be approved even if it has not met 15% (**Section 2, Article D**)



Mitigation Strategies

Category	Examples
Construction	Reducing energy demands throughout the course of the construction activity, reducing waste, using more efficient construction techniques and equipment
Materials/Embodied	Low emissions materials, paints, insulation, glazing, pavement, roofs
Site	Daylighting, building orientation, shading, mixed use, landscaping elements, landscaping
Operations	BuiltGreen, LEED, advanced energy codes, waste reduction and recycling, facility maintenance
Transportation	Availability of services, multi-modal opportunities, capacity to support bikes and other alternative transportation methods, reducing employee VMT to and from job site



Can A Developer Do Better?

- Proposed Incentives for reducing more than 30%
 - Density Bonus
 - Priority Processing
 - Technical Assistance
 - Cost Sharing and Fee Discounts



Co-benefits

- Reduces other types of pollution
- Reduces the use of natural resources
- Reduces energy and other operating costs
- Enhances asset value
- Optimizes building performance
- Healthier lifestyles and environments



Other Jurisdictions

Massachusetts and MEPA

- requires projects to quantify "baseline emissions"; emission reductions after preferred mitigation; emission reductions of alternatives and why these are not preferred

California and CEQA

- developing standards so new development complies with AB 32 requirements
- in the meantime, the State A.G. continues to aggressively pursue large developments and plans

Northern California Home Builders Association

- supported mandatory adoption of the Build It Green's Green Point Rated standards -- a minimum of 15% energy efficiency improvements better than the CA energy code, Title 24, which is stricter than WA's code

London

- requires 10-20% GHG emissions reductions based on building heating and cooling system type and square footage

New South Wales, Australia

- targets vary depending on building type and location, but the average greenhouse gas reduction for all building types is 36%



King County

Connecting the Dots

□ WA State Climate Action Team, SEPA IWG

□ CA SB 375 (passed House/Senate, waiting signature by Governor)

- Metropolitan Planning Organizations must develop regional transportation plans, including a "sustainable communities strategy", that reduce GHG emissions in accordance with specific limits given by the State Air Resources Board
- Transit priority projects would be exempt or required to do limited review through CEQA if the projects are part of a sustainable communities strategy
- For residential and mixed use projects meeting certain requirements, they would not have to consider the vehicle trip growth inducing impacts in CEQA



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