

HOUSE BILL REPORT

ESHB 2427

As Passed House:
February 16, 2020

Title: An act relating to tackling climate change as a goal of the growth management act.

Brief Description: Tackling climate change as a goal of the growth management act.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman and Wylie).

Brief History:

Committee Activity:

Environment & Energy: 1/23/20, 2/4/20 [DPS].

Floor Activity:

Passed House: 2/16/20, 59-37.

Brief Summary of Engrossed Substitute Bill

- Adds, for specified counties and cities, climate change to the planning goals that guide the development and adoption of city and county comprehensive plans and development regulations under the Growth Management Act (GMA).
- Requires the consideration of the climate change planning goal by regional transportation planning organizations and in countywide planning policies under the GMA.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Doglio, Fey, Mead, Robinson and Shewmake.

Minority Report: Do not pass. Signed by 3 members: Representatives Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Staff: Jacob Lipson (786-7196).

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.

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA (planning jurisdictions) to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every eight years. Counties, and the cities within them, are grouped into four different year classes for purposes of when the obligation to review and revise their comprehensive plans commences. King, Pierce, and Snohomish counties are required to review and revise their comprehensive plans no later than June 30, 2015, and every eight years thereafter. Ten other counties—Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom—are required to review and revise their comprehensive plans no later than June 30, 2016, and every eight years thereafter. The remaining counties are divided into the 2017 and 2018 year classes for comprehensive plan review and revision.

The GMA requires King, Snohomish, Pierce, Clark, Thurston, Kitsap, and Whatcom counties to establish a growth review and evaluation program known as the Buildable Lands Program. In establishing their Buildable Lands Program, these counties must consult with the cities within them. The stated purpose of the Buildable Lands Program is to determine whether the counties and cities are achieving urban growth within Urban Growth Areas (UGAs). This determination is accomplished by comparing actual growth and development with the growth and development that was assumed or forecasted in comprehensive plans and planning policies.

Under the GMA, planning jurisdictions must consider 13 nonprioritized goals set forth in statute for the purpose of guiding the adoption of comprehensive plans and development regulations. The GMA planning goals address transportation, housing, urban growth, reducing sprawl, and economic development, among other topics. In addition, the goals and policies of the Shoreline Management Act have been added as a fourteenth goal of the GMA.

Under the GMA, counties that are planning jurisdictions must develop countywide policies that are used to establish a framework from which county and city comprehensive plans are developed and adopted. Countywide planning policies must address certain issues, including policies for adopting urban growth areas and promoting orderly development and provision of urban services, for siting public capital facilities and transportation facilities, and for joint county and city planning within UGAs.

Transportation Planning and Emissions.

As part of the GMA's enactment beginning in 1990, the formation of Regional Transportation Planning Organizations (RTPOs) was authorized. The RTPOs are voluntary associations of local governments within a county, or within geographically contiguous counties, created primarily to prepare a regional transportation plan and to ensure local and regional coordination of transportation planning within a county or counties. There are currently RTPOs covering 38 of the 39 counties in Washington. San Juan County is not part of any RTPO.

In 2008 the Washington State Department of Transportation was directed to adopt statewide goals to reduce annual per capita vehicle miles traveled by 18 percent by 2020, by 30 percent by 2035, and by 50 percent by 2050.

Greenhouse Gas Emissions Limits and Climate Change Response Strategy.

In 2008 state limits were established for the emissions of greenhouse gases (GHGs) as follows:

- By 2020, overall GHG emissions in the state must be reduced to 1990 levels.
- By 2035, overall GHG emissions in the state must be reduced to 25 percent below 1990 levels.
- By 2050, overall GHG emissions in the state must be reduced to 50 percent below 1990 levels, or 70 percent below the state's expected emissions for that year.

In 2012 at the direction of the Legislature, and in coordination with other state agencies, the Department of Ecology published an integrated climate change response strategy intended to better enable state and local agencies, among others, to prepare for, address, and adapt to the impacts of climate change.

Heat island effect, according to the United States Environmental Protection Agency, describes the phenomena of built-up areas being warmer than surrounding rural areas. Urban heat island effects may be especially pronounced at night.

Summary of Engrossed Substitute Bill:

A climate change goal is added to the Growth Management Act (GMA). The climate change goal is to:

- help achieve state greenhouse gas emission reduction limits;
- adapt to the effects of a changing climate;
- build resilient infrastructure; and
- protect people and property from natural hazards exacerbated by the changing climate.

The climate change goal is to be considered a goal for purposes of regional policies, plans, and strategies adopted by Regional Transportation Planning Organizations or as part of county-wide planning policies, as well as in comprehensive plans and development regulations.

The climate change goal applies to counties with a population of at least 300,000, as determined by the Office of Financial Management, or to counties required to develop a Buildable Lands Program, as well as to the cities within those counties. Other counties and cities are encouraged to consider climate change to be a GMA goal. The state is declared to recognize that cities and counties vary in their capacity to help achieve greenhouse gas emission limits through GMA planning.

It is declared to be the intent of the Legislature that new or amended goals under the GMA be adopted at the same time as the next required update of county and city comprehensive plans.

The Office of Financial Management must contract with researchers at the University of Washington or Washington State University for a report to be submitted to the Legislature by July 1, 2021, that assesses ecological and salmonid impacts of urban heat island effects from Washington cities with a population of at least 100,000. The report must also assess how the intensity of urban heat island effects are likely to change with anticipated population growth through 2050, and to evaluate best case scenarios in which mitigation of urban heat island effects is undertaken, and worst case scenarios in which no policy measures are undertaken.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Climate change can only be addressed by collective work by everyone. Not every city or county currently plans for climate change, because it is not a Growth Management Act (GMA) requirement. The GMA goals are a consideration in the development of comprehensive plans. It is important that the language around climate change in the bill be strong.

(Opposed) Many recommendations to reform the GMA will increase costs and permitting time for development projects. This bill will burden local governments and opens the door to litigation. Vehicle-miles-traveled goals are unachievable. Extra planning costs will make housing more expensive and hurt housing affordability goals.

(Other) Climate issues are worthy of attention, and many cities are already active in thinking about climate change in the context of growth planning. Even jurisdictions that are already planning for climate change might not meet the requirements of the goal as currently written. Small communities are not capable of ensuring that the state meets greenhouse gas emission targets. The bill could create liability for local governments, if the wording of the goal is not carefully crafted. Creating a new goal could create a need for local governments to add planning staff. The bill should not link to vehicle-miles-traveled goals. Counties have been left out of conversations about the development of bill language. The Legislature should address needed reforms to the GMA comprehensively, not on a piecemeal basis.

Persons Testifying: (In support) Representative Duerr, prime sponsor; Kelli Curtis, City of Kirkland; and Bryce Yadon, Futurewise.

(Opposed) Mike Ennis, Association of Washington Business; and Steve Gano, Building Industry Association of Washington.

(Other) Carl Schroeder, Association of Washington Cities; Paul Jewell, Washington State Association of Counties; Derek Young, Pierce County Council; Laura Osiadacz, Kittitas County Commission; Rick Hughes, San Juan County Council; Dave Windom, Mason County; Philip Morley, Jefferson County; and Tim Crose, Pacific County.

Persons Signed In To Testify But Not Testifying: None.