

# HOUSE BILL REPORT

## E2SHB 1181

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### As Amended by the Senate

**Title:** An act relating to improving the state's climate response through updates to the state's planning framework.

**Brief Description:** Improving the state's response to climate change by updating the state's planning framework.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger; by request of Office of the Governor).

### Brief History:

#### Committee Activity:

Local Government: 1/17/23, 1/25/23 [DPS];  
Appropriations: 2/6/23, 2/9/23 [DP2S(w/o sub LG)].

#### Floor Activity:

Passed House: 3/3/23, 57-41.  
Senate Amended.  
Passed Senate: 4/7/23, 29-20.

### Brief Summary of Engrossed Second Substitute Bill

- Updates existing goals of the Growth Management Act (GMA) and adds a climate change and resiliency goal.
- Updates mandatory elements of the comprehensive plan to include various climate-related provisions.
- Adds a climate change and resiliency element to the list of elements that must be included within the comprehensive plans that certain counties and cities must adopt under the GMA.
- Requires certain counties and cities to address the adverse impacts of

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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 part of the legislation nor does it constitute a statement of legislative intent.*

climate change on people, property, and ecological systems, and identify actions the jurisdiction will take to reduce greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) under the climate change and resiliency element of their comprehensive plan.

- Specifies the process by which the GHG emissions reduction subelement of the climate change and resiliency element takes effect.
- Requires the Department of Commerce (Commerce), in consultation with other state agencies, to adopt guidance that creates a model climate change and resiliency element, and publish guidelines that specify a set of actions counties and cities have available to them to take related to GHG emissions reductions and per capita VMT.
- Exempts certain actions related to the GHG emissions reductions element from appeals under the State Environmental Policy Act.
- Requires the Department of Transportation to annually publish a summary of per capita VMT.
- Requires the Department of Ecology to update its Shoreline Master Program guidelines to address the impact of sea level rise and increased storm severity.
- Adds consideration of climate change impacts to the list of elements that must be contained in optional comprehensive flood control management plans.
- Requires the Department of Health to ensure certain water system plans initiated after June 30, 2025, include a climate resilience element at the time of approval, and to update its guidebook to assist with the implementation of a climate resilience element.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Griffey.

**Staff:** Elizabeth Allison (786-7129).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Hansen, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Connors, Couture, Dye, Harris, Rude, Sandlin, Schmick and Steele.

**Staff:** Jackie Wheeler (786-7125).

### **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 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes referred to as "fully planning" under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent, comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain required elements, including a transportation element, land use element, utilities element, and capital facilities plan element, among others. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute, including, for example, urban growth, housing, and economic development.

#### Growth Management Act—Comprehensive Plan Updates.

Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every 10 years. Counties, and the cities within them, are grouped into four classes based on the year that their obligation to review and revise their comprehensive plans commences. The next round of required comprehensive plan updates begins with King, Kitsap, Snohomish, and Pierce counties, and the cities within those counties, in 2024.

#### Implementation Progress Report.

Counties and cities planning under the GMA that meet certain population criteria must provide the Department of Commerce (Commerce) with an implementation progress report

detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. If a city or county has not implemented any specific actions identified in the most recent update to their comprehensive plan, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

#### Greenhouse Gas Emissions and Per Capita Vehicle Miles Traveled Reductions.

Washington first enacted legislation in 2008 that set a series of limits on the emission of greenhouse gases within the state. Those limits were modified by legislation enacted in 2020, such that Washington must limit anthropogenic emissions of greenhouse gases to achieve the following reductions for the state:

- by 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels, or 90.5 million metric tons;
- by 2030, reduce greenhouse gas emissions to 45 percent below 1990 levels, or 50 million metric tons;
- by 2040, reduce overall emissions of greenhouse gases in the state to 70 percent below 1990 levels, or 27 million metric tons; and
- by 2050, reduce overall emissions of greenhouse gases in the state to 95 percent below 1990 levels, or 5 million metric tons, and achieve net-zero greenhouse gas emissions.

The legislation enacted in 2008 also required the Department of Transportation (DOT) to adopt statewide goals to reduce annual per capita vehicle miles traveled (VMT) by 2050. Using a statewide baseline of 75 billion VMT, Washington must achieve the following reductions for the state:

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

#### Environmental Justice.

Legislation enacted in 2021 defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with the respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

#### State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local

governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

#### Comprehensive Flood Control Management Plans.

Counties may adopt comprehensive flood control management plans for any drainage basin that is located wholly or partially within the county. Whenever any river flows through two counties, the counties may contract with each other for purposes of flood control and settling disputes regarding flood control.

#### Shoreline Management Program.

The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of the SMA. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master programs that regulate land use activities in shoreline areas.

#### Technical Assistance.

Commerce is required to assist cities and counties, both with funding and with technical assistance, in the adoption of comprehensive plans. Commerce's assistance program must include a priority list for funding and technical assistance based on a county's or city's growth rate, commercial and industrial development rate, and the existence and quality of a comprehensive plan, among other factors. Commerce is also required to administer a grant program to provide direct financial assistance to local governments for the preparation of comprehensive plans. Other technical assistance required includes utilizing Commerce's staff and the staff of other agencies to assist in the development of comprehensive plans, including the provision of model land use ordinances, the adoption of procedural criteria, and regional education and training programs.

#### Water System Plans.

Certain water systems are required to submit water systems plans (WSP) to the Department of Health for review and approval. A WSP must develop and implement a technical, managerial, and financial plan appropriate to the system's size, complexity, and performance, as well as demographic changes, community-specific resource complaints, and planning history. A WSP must also be consistent with the GMA. The goal of a WSP is to identify current demands and future needs and apply available resources efficiently to provide high quality service at a low cost while protecting community health.

A Group A community water system is classified as a community system with 15 or more

connections that serves 25 or more people per day for 60 days or more per year. A Group A community water system must submit a WSP if it meets any of the following conditions:

- serves 1,000 or more connections;
- is a new Group A water system;
- proposes to do any of the following:
  - make infrastructure changes to increase the approved number of connections;
  - expand the service area identified in a previously approved planning document or engineering project; or
  - expand the geographical area where direct service is already provided if a planning or engineering document has not been previously approved;
- seeks to be eligible for the "document submittal exception" process;
- is directed to submit a WSP because of demonstrated operational, managerial, or financial problems;
- is municipally owned or located in a critical water supply area; or
- seeks to be eligible for the Drinking Water Revolving Fund resources and does not have a current WSP that addresses the proposed project.

### **Summary of Engrossed Second Substitute Bill:**

#### Goals of the Growth Management Act.

The goals of the Growth Management Act (GMA) must guide development of regional policies, plans, and strategies in addition to comprehensive plans and development regulations. Goals are amended as follows.

#### *Transportation.*

The transportation goal must encourage efficient multimodal transportation systems that will reduce greenhouse gas (GHG) emissions and per capita vehicle miles traveled (VMT).

#### *Open Space and Recreation.*

The open space and recreation goal must retain green space and enhance fish and wildlife habitat.

#### *Citizen Participation and Coordination.*

The citizen participation and coordination goal must encourage the participation of vulnerable populations and overburdened communities in the planning process.

#### *Climate Change and Resiliency.*

The issue of climate change is added as a goal of the GMA. Under the climate change goal, comprehensive plans, development regulations, and regional plans must support state GHG emissions reduction goals and per capita VMT and foster resiliency to climate impacts and natural hazards, among other requirements.

#### Applicability.

The requirements of the GHG emissions reduction subelement of the climate change and

resiliency element apply only to those counties that are required or that choose to plan fully under the GMA, and the cities within them with a population greater than 6,000, that meet any of the following criteria as of April 1, 2021:

- a county with a population density of at least 100 people per square mile and a population of at least 200,000;
- a county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or
- a county located to the west of the crest of the Cascade Mountains with a population of at least 130,000 people.

Once a county meets any of the sets of criteria described above, the requirement to conform with the GHG emissions reduction subelement of the climate change and resiliency element remains in effect, even if the county no longer meets one of these sets of criteria.

The resiliency subelement is mandatory for all counties and cities fully planning under the GMA and is encouraged for all other jurisdictions.

If the population of a county that previously had not been required to conform with the GHG emissions reduction subelement of the climate change and resiliency element changes such that the county meets either of the sets of criteria described above, the county, and the cities within that county, must adopt a GHG emissions reduction subelement at the next scheduled update of the comprehensive plan.

The requirements of the amendments to the transportation element of comprehensive plans apply to the counties and cities that are required to comply with the GHG emissions reduction subelement, as well as all cities planning fully under the GMA that have a population greater than 6,000.

The requirements of the amendments to the land use element of comprehensive plans apply to all counties and cities that meet the population criteria for the GHG emissions reduction subelement and counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or choose to plan under the GMA.

Population criteria must be based on data as determined by the Office of Financial Management.

#### Growth Management Act—Elements of Comprehensive Plans.

The land use element of comprehensive plans must include green spaces and, in urban growth areas, urban and community forests, in its designation of the proposed general distribution and extent of the uses of land. It must give special consideration to achieving environmental justice in its goals and policies. In addition, the land use element must avoid creating or worsening environmental health disparities and reduce per capita VMT without increasing GHG emissions elsewhere in the state. The land use element must also reduce and mitigate the risk to lives and property posed by wildfires by using land use planning

tools, which may include reducing residential development pressure in the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development.

The inventory of existing capital facilities owned by public entities within the capital facilities plan element must include green infrastructure.

The utilities element must include components of drinking water, stormwater, wastewater, electrical, telecommunications, and natural gas systems. Cities and counties must make good faith efforts to obtain information required in the utilities element from publicly owned utilities. Failure to obtain the information after a good faith effort is not grounds for a finding of noncompliance with the GMA.

The forecasts of traffic demand contained within the transportation element of comprehensive plans must address forecasts of multimodal transportation demands and needs within cities and urban growth areas and forecasts of traffic demands and needs outside of cities and urban growth areas to inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Estimated multimodal level of service impacts must also be included. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility. The facilities and services needs under this element must include an inventory of active transportation facilities and multimodal level of service standards for all locally owned arterials, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas, and active transportation facilities. A development approval may not be denied for causing the level of service on a locally owned, or locally or regionally operated, transportation facility to decline below the standards adopted in the transportation element, where such impacts could be adequately mitigated through transportation systems management strategies funded by the development. The transportation element must also include an Americans with Disabilities Act transition plan.

The park and recreation element must include an evaluation of tree canopy coverage within the urban growth area.

#### Growth Management Act—Climate Change and Resiliency Element.

Comprehensive plans must include a climate change and resiliency element. The element must be designed to result in reductions in overall GHG emissions and must enhance resiliency to, and avoid the adverse impacts of, climate change, which must include efforts to reduce localized GHG emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities. The climate change and resiliency element is divided into two subelements: a GHG emissions reduction subelement and a resiliency subelement.



The GHG emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle, consistent with the guidelines published by the Department of Commerce (Commerce), that will:

- result in reductions in overall GHG emissions generated by the transportation and land use systems within the jurisdiction, but without increasing emissions elsewhere in the state;
- result in reductions in per capita VMT within the jurisdiction but without increasing emissions elsewhere in the state; and
- prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

Actions not specifically identified in the guidelines developed by Commerce may be considered to be consistent with those guidelines only if they are projected to achieve GHG emissions reductions or per capita VMT reductions equivalent to what would be required of the jurisdiction under Commerce's guidelines, and they are supported by scientifically credible projections.

A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements of the GHG emissions reduction subelement.

The resiliency subelement must, among other things, equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios.

A natural hazard mitigation plan, or similar plan that complies with the applicable requirements of the GMA and prioritizes actions that benefit overburdened communities, may be adopted by reference to satisfy those requirements. If any of the substantive requirements of the resiliency subelement are not addressed in the natural hazard mitigation plan, a jurisdiction must supplement the plan so that the adopted resiliency subelement fully complies with the substantive requirements.

If a county or city intends to incorporate by reference a Federal Emergency Management Agency natural hazard mitigation plan in order to meet the requirement of the resiliency subelement, and the most recently adopted natural hazard mitigation plan does not comply with the requirements of the resiliency subelement, Commerce may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

Ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city for the GHG emissions reduction subelement, or measures adopted by Commerce as part of updated comprehensive plans in the 2024 update cycle, are not subject to administrative or judicial appeal under the State

Environmental Policy Act (SEPA).

Greenhouse Gas Emissions Reduction and Vehicle Miles Traveled Reduction Guidelines.

Commerce, in consultation with the Department of Ecology (Ecology), the Department of Health, and the Department of Transportation (DOT), must publish guidelines that specify a set of measures that counties and cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce GHG emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions that benefit overburdened communities that have experienced disproportionate harm due to air pollution. The guidelines must be developed consistent with an environmental justice assessment and must include environmental justice assessment processes.

Commerce, in consultation with the DOT, must also publish guidelines that specify a set of measures that counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita VMT. The measures must be designed to be achievable throughout the state, including in small cities and rural cities.

Commerce must publish the full set of GHG emissions reduction and VMT reduction guidelines no later than December 31, 2025. Commerce must update the guidelines at least every five years based on the most recently available data, and must provide a process for local governments and other interested parties to submit alternative actions for possible inclusion into the guidelines at least once per year. Commerce must publish an intermediate set of guidelines no later than December 31, 2023, for use by local governments whose comprehensive plan updates are required to occur prior to December 31, 2025.

In any updates to the guidelines published after 2025, Commerce must include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local GHG emissions and per capita VMT reduction goals. The updates must also include an estimate of the impacts that locally adopted climate change and resiliency elements will have on achieving local GHG emissions and per capita VMT reduction goals. The estimate and evaluation must also include an estimate of the impact that locally adopted GHG emissions reduction subelements will have on meeting local housing goals and targets. Commerce may also include additional measures that cities and counties should take to make additional progress on local reduction goals.

Commerce may not propose or adopt any guidelines directing local governments to regulate tax transportation service providers, delivery vehicles, or passenger vehicles.

In developing the guidelines, Commerce must provide and prioritize options that support increased housing supply and diversity of housing types and assist counties and cities in meeting GHG emissions reduction and other requirements.

#### Greenhouse Gas Emissions Reduction—Process for Adoption.

A county or city required to complete the GHG emissions reduction subelement may submit the subelement to Commerce for approval, and it becomes effective when approved by Commerce. If a county or city does not seek Commerce's approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

The city or county must provide Commerce a notice of intent to apply for approval at least 120 days prior to applying for approval. A city or county may seek approval after taking final adoption of a GHG emissions reduction subelement. Commerce may consult with other relevant state agencies in making its determination.

Commerce must publish notice of a city or county's intent to seek approval in the Washington State Register. Steps for counties and cities to take to seek approval are provided. Commerce must strive to issue its decision within 180 days of receipt of an application.

Commerce must approve a proposed GHG emissions reduction subelement unless it determines the proposed subelement is not consistent with the policy of the GMA or the applicable guidelines.

#### Greenhouse Gas Emissions Reduction—Appeals.

Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment may be appealed to the Growth Management Hearings Board (GMHB). The GMHB's decision concerning an appeal of Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment must be based solely on whether the adopted or amended GHG emissions reduction subelement complies with the GMA's climate change goal, the guidelines adopted by Commerce related to GHG emissions reductions and per capita VMT reductions, or SEPA.

#### Technical Assistance.

Priority for technical assistance shall also be based on the presence of overburdened communities. Commerce must establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

#### Model Climate Change and Resiliency Element.

Commerce must develop, in collaboration with the departments of Ecology, Fish and Wildlife, Natural Resources, and Health; the Emergency Management Division of the Washington Military Department; and any federally recognized tribe that chooses to participate, and adopt by rule, a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies.

The model element must establish minimum requirements for fulfilling the requirements of the climate change and resiliency element, and should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts. The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change. The rule must recognize and promote as many cobenefits of climate resilience as possible, such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

Compilation of Vehicles Miles Traveled.

The DOT must compile, maintain, and publish a summary of the per capita VMT annually in each city in the state, and in the unincorporated portions of each county in the state.

Shoreline Master Program Guidelines.

Ecology must update its Shoreline Master Program guidelines to require Shoreline Master Programs to address the impact of sea level rise and increased storm severity on people, property, shoreline natural resources, and the environment.

Comprehensive Flood Control Management Plan.

A comprehensive flood control management plan, if a county chooses to adopt one, must include a consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

State Environmental Policy Act—Appeals.

The adoption of ordinances, amendments to comprehensive plans, and other related nonproject actions taken by a county or city to implement the guidelines published by Commerce are not subject to appeal under SEPA.

Growth Management Act—Definitions.

Per capita VMT, active transportation, transportation system, environmental justice, active transportation facilities, greenspace, and green infrastructure are defined.

Funding.

Jurisdictions that must update their comprehensive plans in the June 2025 update cycle must include the new climate change and resiliency element in their updated comprehensive plan. Funding provided to cover applicable costs for this purpose is considered timely, notwithstanding the requirement in the GMA that funding for new elements be provided two years before comprehensive plans must be updated.

Implementation Progress Report.

Counties or cities required to include a climate change and resiliency element in their comprehensive plans, and that must review or revise their comprehensive plan by December 31, 2024, must incorporate the climate change and resiliency element into their comprehensive plans as part of the first implementation progress report.

### Water System Plans.

Beginning with any water system plan (WSP) initiated after June 30, 2024, the Department of Health must ensure that WSPs for Group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval. The Department of Health must update its Water System Planning Guidebook to assist water systems in implementing the climate resilience element, and must also provide technical assistance. Subject to funds appropriated for this specific purpose, the University of Washington Climate Impacts Group must assist the Department of Health with developing the technical assistance.

To fulfill the requirements of the climate resilience element, water systems must:

- determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;
- assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and
- generate reports describing the costs and benefits of the system's risk reduction strategies and capital projects needs.

Climate readiness projects, including planning to meet the above requirements, are eligible for financial assistance through the Water System Acquisition and Rehabilitation Program. The Department of Health must adopt guidelines for the program. Financing provided may be in the form of grants or loans.

### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment adds the adoption of the Wildland Urban Interface Code developed by the International Code Council and developing building and maintenance standards consistent with the Firewise USA Program or a similar program designed to reduce wildfire risk to the land use planning tools for reducing and mitigating the risk posed by wildfires.

A fully planning city or county must identify all public entities that own capital facilities and endeavor in good faith to gather and include the information required by the capital facilities element in comprehensive plans. If, after good faith effort, the jurisdiction is unable to gather the information required by this element, the failure to include the information shall not be grounds for finding of noncompliance or invalidity under the GMA.

The utilities element must include the general location, proposed location, and capacity of all existing and proposed utilities, including electrical, telecommunications, and natural gas systems, rather than components of drinking water, stormwater, wastewater, electrical lines, telecommunication lines, and natural gas lines.

“Good faith effort” is defined for purposes of the capital facilities and utilities elements.

Jurisdictions whose periodic updates are due on or before June 30, 2025, may utilize the intermediate set of guidelines published by the Department of Commerce to meet the requirements of the climate change and resiliency element.

Technical and internal corrections are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Local Government):**

(In support) The distance you can walk and drive, and taxes for roads and other infrastructure, is due to land use planning. In the short term it is cheap not to plan, to build on flood plains, and have sprawl, but it in the long term it is far more expensive. It is more expensive to rebuild due to climate change and natural disasters. Urban sprawl costs more because services have to be built out. Washington can do better with planning for climate change and prepare for rising sea levels and floods. Its residents can live in safe neighborhoods suitable for walking and biking. This bill is about better planning. Many cities and counties chose to adopt the bill's measures after it died during the last legislative session. This is the third year this bill has been brought forward and this version is the result of hard work and agreements.

Some cities have voluntarily adopted climate action plans that establish the actions a city can take to reduce greenhouse gas (GHG) emissions and reach carbon neutrality by the year 2050. Those cities have already incorporated these elements into their comprehensive plans because they see the value such actions bring. Cities have a critical role to play in addressing climate change and mitigating its effect on children. This bill allows cities to direct their planners to other duties and requires all communities to incorporate climate planning into their comprehensive plans. The Legislature should pass this bill and provide resources for communities to implement these important plans to address climate change. Statewide passage will support cities as they plan for the effects of climate change.

Climate change impacts all residents, public infrastructure, and emergency response by counties and other local governments. Some counties are voluntarily addressing climate change in their comprehensive plans, and if all counties follow the same process there will be greater oversight and compliance. Some counties are using state grant money to cover work addressing climate change because funding for this process is critical. There is some concern about treaty rights. Counties do not have jurisdiction on tribal land and tribes are exempt from the Growth Management Act (GMA). Clarifying language would be helpful to ensure that there is no conflict with treaty rights. There could also be additional

clarifying language around flooding and sea level rise, as the bill as written could affect homeowners' flood insurance. Language asking counties and other jurisdictions to provide gas systems rather than gas lines needs to be clarified as well. Some jurisdictions could have difficulty collecting the required data under the infrastructure requirement of the capital facilities plan.

The effects of climate change can be seen firsthand. Heatwaves, drought, smoke, coastal river flooding, and extreme weather are all real threats of climate change. The threats must be addressed at every level of government as there is a large cost for not preparing. Climate change will increase the frequency and intensity of floods. Reducing GHG emissions is a priority but counties need state help. It is important for the state to invest in a framework to help reduce GHG emissions and vehicle miles traveled (VMT) through increased funding for comprehensive plan grants and technical assistance.

It is beyond time to act on common sense climate change legislation. It is disgraceful and outrageous that it has taken so long. It is ridiculous that the existing framework is from the 1990s. The younger generation will pay the price of the inaction during the 1990s. Action needs to be taken immediately and the bare minimum that can be done is in this bill.

Addressing climate change requires intentional and cooperative action at all levels of government. Climate change is not just a threat of the future but a threat now. Every year the state delays impacts the effects of climate change. The proposed framework in the bill is already being adopted by the Department of Commerce. This bill has an integrated approach that focuses on local planning that will promote environmental justice. The Department of Transportation is working in close partnership with local governments to address targets for VMT and GHG emissions. This is a comprehensive approach to update land use laws to reduce GHG emissions and build community resilience. The bill would also require the Department of Ecology to update rules for the Shoreline Management Act and sea level rise. The GMA and model codes would build on existing collaborative efforts and provide more consistency and compliance.

If this bill had been passed 10 years ago, Washington would not be in this crisis. Cities that have already completed climate change elements know firsthand how expensive it can be. Local jurisdictions can do all the planning and investments, but if neighboring jurisdictions don't follow suit, change won't happen.

Earlier versions of this bill would have asked cities to develop plans for mitigation and resiliency and attempt to address VMT through VMT targets and baselines, which would be very difficult. This version has made the process implementable and achievable by targeting the requirements toward the size of communities. Smaller rural areas are not expected to do the resilience element. The bill contains compromises between parties and should move forward.

It is important to keep wheelchair users in mind for future planning. Wheelchair users are

humans too and deserve housing and transportation in multiple areas, not just designated areas. Access to transit and affordable housing is an overwhelming issue.

Components of the bill that have been worked and addressed through compromise should remain, but level of service language needs to be adjusted to address safety and Americans with Disabilities Act transition plans.

Communities understand the importance of long term planning and that the GMA is working to undo past harm. Requiring climate mitigation is a step in the right direction. The planning process must include direct participation by communities that are most affected. The transportation bill of rights is rooted in mobility justice and environmental justice.

The bill makes updates to the GMA to meet the challenges of climate change. It is crucial to plan for climate change and smart planning is very much connected. The siting of housing can result in reduction of VMT and GHG emissions. Washington has legally bound itself to reducing emissions and the GMA aligns with other state laws.

Climate change is a threat to cultural communities. The Shoreline Master Program elements protect vulnerable infrastructure along the coast and ensure that building is not done in harm's way. Habitat protection along shorelines helps salmon that rely on shorelines. It is critical that states and local governments work together on this issue.

These updates to the GMA are an opportunity to plan ahead for collective benefit.

Blind and legally blind folks can get around independently in certain cities. This can provide dignity.

Everyone deserves safe and affordable transportation. The bill will transform how transportation is planned by addressing bike and pedestrian infrastructure. Low-income and other vulnerable communities are prioritized.

(Opposed) The bill language has been softened regarding wildfire risk and development, but there is still room for wildland urban interface code and maps to further limit development. The wildland urban interface is not always in woodland or high-fire areas and should not be used as a wildfire tool. There are areas within urban growth areas that are wildland urban interface areas. There was stronger language in past versions of the bill.

The bill has many improvements from last year. Washington is fiftieth in the nation on creating new housing units, but first in the nation on aggressive climate areas. The wildland urban interface area needs additional work so it is not affecting urban growth areas where housing should go. Growth management cases that go to the Growth Management Hearings Board have frequently gotten into subject matters, so it is important to make sure that any appeal of climate related actions relates to the GMA and not other laws. There also needs to



be stronger language around housing.

(Other) The improvements made in this version compared to older versions are appreciated. The bill amends the utilities element by adding language around wastewater and stormwater facilities, but counties often do not own or operate these facilities. They must reach out to other providers for the information. Some language saying that if counties do not receive a response to a request for information then they will not be found noncompliant would be appreciated. Funding is critically important.

The bill is conflating VMT with carbon emissions and choosing a planning approach rather than an innovative one. This bill will do nothing to reduce carbon emissions and there is already a carbon cap. The bill just makes the process more bureaucratic. There is a cost to wasting money that doesn't produce results.

### **Staff Summary of Public Testimony (Appropriations):**

(In support) This bill has been three years in the making and we continue to make improvements from previous versions of the bill. The Association of Washington Cities is generally supportive of the work with some additional details that need to be worked out. Updating the Growth Management Plan is an opportunity to ensure the safety and wellbeing of our communities across Washington. We have seen the firsthand effects of climate change and how drought, extreme heat, fire, rising sea levels, and flooding are making it more difficult to care for our lands and communities. We are currently underinvesting in climate preparedness, and it will cost us in the long run. Cities like Redmond have adopted an environmental sustainability plan, passed a locally adopted climate change element, and conducted a vulnerability assessment to better inform climate preparedness efforts and better understand systems and community members who may be most vulnerable to a changing climate. However, all jurisdictions need to take these steps in order to accomplish meaningful reductions of greenhouse gas emissions.

As this planning work can be expensive for local governments, funding for cities and counties is critical to make this all work. The timing of that funding should be clear in the legislation. The language should clarify that the work included in the bill is required in the five-year comprehensive plan check-in and be subject to appropriations from the state. The bill should also address urban and community forests as they are critical to climate resilience in urban areas and is a budgetary issue at the state and federal level. The Governor's budget includes full funding for implementation costs for local governments as well as costs to the agencies. It was always intended to include an additional \$10 million in the overall funding proposal to allow some jurisdictions to comply and get a head start on implementing the bill before they are required to.

(Opposed) We all know we have a housing shortage, and the Growth Management Act (GMA) has underproduced housing for our state. There are concerns about adding regulations and elements to the GMA before fixing other issues. Previous versions of the

bill had some stronger language around housing to ensure that the work outlined here works in tandem with other legislation we see this year. There should be further softening of the language around implementing the wildland urban interface code as we have seen an increase of between \$25,000 and \$41,000 to the costs of homes in states that have implemented that code.

Ecology tried to get an exemption from ocean emissions last year. The shipping emissions go up to the jet stream and we have been breathing it in for years. This is another bill to hurt local America to put another ship in the harbor. Nautical miles are not being tracked. We spent \$150 million to move overburdened communities into the sound transit corridor and before it is even full, the same repurposed attack is being used to bring the ships and trucks in.

**Persons Testifying (Local Government):** (In support) Representative Davina Duerr, prime sponsor; Carl Schroeder, Association of Washington Cities; Tanisha Sepulveda; Micah Lusignan; Guillermo Rogel, Front and Centered; John Flanagan, Office of the Governor; Dave Andersen, Washington Department of Commerce; Tim Gates, Washington State Department of Ecology; Kerri Woehler, Washington State Department of Transportation; Tamar Shuhendler, Washington Bikes; Grace Doleshel, Our Climate; Melanie O'Cain, City of Kenmore; Bryce Yadon, Futurewise; Jamie Stroble, The Nature Conservancy; Clifford Traisman, Washington Conservation Action and Environmental Priorities Coalition; Leah Missik, Climate Solutions; Liz Schotman, Surfrider Foundation; Adam Maxwell, Audubon; Megan Dunn, Snohomish County; Kaylee Galloway, Whatcom County; Breean Beggs, City of Spokane; Kristiana De Leon, Black Diamond County; Mason Thompson, City of Bothell; Krystal Monteros, Disability Mobility Initiative; and Jessica Forsythe, City of Redmond.

(Opposed) Josie Cummings, Building Industry Association of Washington; and Bill Clarke, Washington Realtors.

(Other) Todd Myers, Washington Policy Center; and Paul Jewell, Washington State Association of Counties.

**Persons Testifying (Appropriations):** (In support) Angela Birney, Mayor of the City of Redmond; Bryce Yadon, Futurewise; Skippy Shaw, The Nature Conservancy; John Flanagan, Office of the Governor; and Steve Zemke, Friends of Seattle's Urban Forest.

(Opposed) John Worthington; and Josie Cummings, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying (Local Government):** John Worthington.

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