

# SENATE BILL REPORT

## SB 6335

---

As of January 21, 2020

**Title:** An act relating to addressing climate change through growth management.

**Brief Description:** Addressing climate change through growth management.

**Sponsors:** Senators Salomon, Wilson, C., Nguyen, Das and Lovelett.

**Brief History:**

**Committee Activity:** Local Government: 1/21/20.

**Brief Summary of Bill**

- Adds a climate change goal and climate change and natural hazards resiliency element to the planning requirements of the Growth Management Act for certain counties and cities within those counties.
- Requires the Department of Commerce to establish a share of greenhouse gas emissions reductions for these jurisdictions as part of the planning.
- Extends deadlines to 2025 for comprehensive plan reviews by counties and cities within those counties that were due in 2023 and 2024.
- Directs regional transportation planning organizations of these jurisdictions to adopt an emission and vehicle miles reduction plan.

---

### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Greg Vogel (786-7413)

**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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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, obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions fully planning under the GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of

---

*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.*

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.

The GMA establishes a series of planning goals to guide the development and adoption of comprehensive plans and development regulations of counties and cities required to, or that choose to, plan under the GMA.

The GMA requires planning counties to adopt countywide planning policies. A countywide planning policy is a written policy statement used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted. The policy must address certain issues, including policies for promoting orderly development and provision of urban services, for siting public capital facilities, and for joint county and city planning within urban growth areas.

Counties and cities within those counties must take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the GMA as follows:

- On or before June 30, 2015, and every 8 years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;
- On or before June 30, 2016, and every 8 years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and cities within those counties;
- On or before June 30, 2017, and every 8 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and
- On or before June 30, 2018, and every 8 years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Regional Transportation Planning Organizations. Regional transportation planning organizations (RTPO) are voluntary associations of local governments within a county, or within geographically contiguous counties, created primarily to prepare regional transportation plans and to ensure local and regional coordination of transportation planning within counties. An RTPO can cover both urban and rural areas and receives state funding in support of its planning efforts.

Vehicle Miles Traveled Goals. In 2008, the Washington State Department of Transportation (WSDOT) was directed to adopt statewide goals to reduce annual per capita vehicle miles traveled by 18 percent in 2020, 30 percent by 2035, and 50 percent by 2050. WSDOT was also required to establish and convene a collaborative process to develop a set of tools and best practices to assist state, regional, and local entities to make progress towards these benchmarks. According to WSDOT's 2018 Biennial Transportation Attainment Report, statewide vehicle miles traveled on all Washington state roads reached a new high of 61.4 billion miles in 2017. This is an increase of 7.4 percent from 2013, which was from 57.2 billion miles.

Greenhouse Gas Reduction Limits. At the state level, greenhouse gases (GHG) are regulated by the Department of Ecology (Ecology) under the state Clean Air Act. In 2008, Washington enacted legislation setting a series of limits on the GHG emissions within the state. Ecology is responsible for monitoring and tracking the state's progress toward the emission limits.

Current law requires the state to limit GHG emissions for achieving overall reductions as follows:

- by 2020, to 1990 levels;
- by 2035, to 25 percent below 1990 levels; and
- by 2050, to 50 percent below 1990 levels, or 70 percent below the state's expected emissions for that year.

The 2008 legislation also required Ecology to consult with the climate impacts group at the University of Washington regarding the science on human-caused climate change and provide a report to the Legislature making recommendations regarding whether the GHG emissions reductions needed to be updated.

In December 2019, Ecology issued its most recent report on Washington State GHG emission reduction limits. The report recommended reducing overall GHG emissions in the state:

- by 2030, to 45 percent below 1990 levels;
- by 2040, to 70 percent below 1990 levels; and
- by 2050, to 95 percent below 1990 levels, and achieve net zero GHG emissions in the state.

According to Ecology's report, "carbon neutrality or net zero means that any remaining emissions would be offset by carbon capture processes that remove GHG from the atmosphere."

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 issuance of permits or the adoption of land use plans. Except for exempt projects, SEPA generally requires a project applicant to submit an environmental checklist that includes answers to questions about potential impacts of the project on built and natural environments. The information collected through the SEPA review process may be used to condition a proposal mitigating environmental impacts or to deny a proposal when significant adverse environmental impacts are identified.

**Summary of Bill:** A climate change goal is added to the planning goals of the GMA. Under the goal, GMA planning jurisdictions must ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under countywide planning policies and regional transportation planning organizations:

- adapt to and mitigate the effects of a changing climate;
- support state GHG emission reduction requirements and state vehicle miles traveled goals;
- build resilient infrastructure; and
- nurture environmental, economic, and human health.

Climate change and natural hazards resiliency planning requirements are required of counties and cities within those counties meeting any of the following criteria:

- population greater than 100,000 in 2019 as determined by the Office of Financial Management (OFM) population estimates and are located west of the Cascade mountain range crest;
- population greater than 200,000 in 2019 as determined OFM population estimates, but with an unincorporated population of less than 40,000, and are located east of the Cascade mountain range crest;
- population greater than 90,000 as determined by OFM population estimates, but with an unincorporated population of less than 15,000, and are located east of the Cascade mountain range crest; or
- population greater than 500,000 as determined by OFM population estimates and are located east of the Cascade mountain range crest.

A climate change and natural hazards resiliency element is required as part of the comprehensive planning of counties and cities within those counties subject to climate change and natural hazards resiliency planning. The element must draw upon the land use and transportation elements of the comprehensive plan and be designed to:

- result in reductions in GHG emissions generated by the transportation and land use systems within the jurisdiction consistent with the share of emissions reductions assigned to the jurisdiction by the Department of Commerce (Commerce) to allow the state to achieve statewide GHG reduction limits;
- result in reductions in per capita vehicle miles traveled consistent with statewide vehicle miles traveled goals; and
- avoid and build resiliency to the worst impacts of climate change on people, property, and ecological systems through specific actions consistent with the best available science that institute adaptation and resiliency measures.

The climate change and natural hazards resiliency element must be finalized no later than two years prior to established comprehensive plan review and revision deadlines. Jurisdictions not required to do climate change and natural hazards resiliency planning, including those planning under the Planning Enabling Act, are encouraged but not required to develop a climate change and natural hazards resiliency element of the jurisdiction's comprehensive plan.

Commerce, in consultation with Ecology, the Department of Health, and WSDOT, must develop calculations of the proportionate shares of state emissions attributable to transportation and land use activities within:

- each region, for counties planning cooperatively and through formal governance structures; or
- each county and city, for counties not participating in multiple county planning.

The proportionate shares must rely upon 2017 emissions data as the baseline for establishing the proportionate share. Relative to this baseline, Commerce must establish a share of emission reductions each county or multicounty region would need to achieve by 2035 and 2050 to allow the state to achieve statewide GHG emissions limits. Each county or multicounty region must allocate to each county and city within its boundaries a portion of the regional or countywide proportionate share assigned by Commerce.

Commerce must develop and adopt guidance creating a model climate change and natural hazards resiliency element that may be used by counties, cities, and multiple county planning regions for developing and implementing climate change and natural hazards resiliency plans and policies. Until January 1, 2029, a county that implements in full the guidance adopted by Commerce shall be deemed to be in compliance with climate change and natural hazards resiliency planning requirements.

Deadlines for counties and cities within those counties to review and revise their comprehensive plans and development regulations to ensure compliance with the GMA are changed as follows:

- On or before June 30, 2025—previously 2015—and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties; and
- On or before June 30, 2025—previously 2016—and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and cities within those counties.

For counties subject to climate change and natural hazards resiliency planning requirements, countywide planning policies must include policies for reducing GHG emissions and mitigating the effects of climate change to implement the climate and natural hazards resiliency element, consistent with the share of emission reductions assigned to the jurisdiction by Commerce.

The following actions taken before January 1, 2029, are not subject to administrative or judicial appeals under SEPA:

- the adoption of a climate change and natural hazards resiliency comprehensive plan element that implements guidance adopted by Commerce or development regulations to implement the element;
- the adoption or update of countywide planning policies to implement climate change and natural hazards resiliency planning that implements guidance adopted by Commerce; or
- the adoption of a regional emission and vehicle miles reduction plan by an RTPO.

The following actions taken before January 1, 2029, are not subject to administrative or judicial appeals under the GMA:

- the adoption of a climate change and natural hazards resiliency comprehensive plan element that implements guidance adopted by Commerce or development regulations to implement that element;
- the adoption of countywide planning policies that implement guidance by Commerce regarding GHG reductions; and
- the amendment of a transportation element of a comprehensive plan to be in compliance with a regional emission and vehicle miles reduction plan.

The comprehensive plan of each county or city must be consistent with the regional transportation plan for the region within which the county or city is located.

Each RTPO encompassing at least one jurisdiction subject to climate change and natural hazards resiliency planning requirements must adopt a regional emission and vehicle miles reduction plan:

- implementing state vehicle miles traveled goals; and
- reducing GHG emissions, in aggregate, from the transportation sector consistent with the share of emission reductions assigned by Commerce.

**Appropriation:** None.

**Fiscal Note:** Requested on January 15, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: These bills are born of both local government experience and a desire to do something about climate change. Increasing access to public transportation, housing density, and other changes to planning affect greenhouse gas emissions. This bill gives communities the tools to mitigate the effects of flooding, intermittent drought, and other natural hazards.

The purpose of the GMA is to protect our natural environment. At present, we face the biggest challenge ever, which is the effects of climate change. The transportation sector accounts for the largest emissions of greenhouse gases and land use is a predictor of what the transportation sector looks like.

CON: These bills do not meet the GMA requirements related to the rural economy and regional differences, or protect rural lands. For the agricultural sector, there is uncertainty about how the vehicles miles traveled goals and greenhouse gas emission reduction goals would apply. There is also concern with the appeals exemptions and the people's right to due process.

There are concerns with the additional requirements related to costs and permitting requirements. The requirements place a burden on local governments that are already overburdened with land use planning. The bills do not include all jurisdictions, since not every county is involved in growth management. Whatever needs to be done with regards to climate change involves all counties.

The GMA is not the best way to address climate change. There are already 14 coequal goals, which already fight with each other. Counties already argue about population assignments, we can only imagine what fights about assigned greenhouse gas targets would look like. The GMA is supposed to allow for all types of housing and allow people to choose how they would like to live. These requirements would push only one type of housing--dense development

OTHER: There are a lot of complicated ideas with these proposals and how they would actually work on the ground. There are questions surrounding what "ensure" means and how jurisdictions would ensure goals are met. What do these requirements means for growth

outside of areas with no good transit access? It should be full burden response that falls on the rest of the state, including a commensurate approach by the state itself.

Climate change is a significant threat to the health and prosperity of the state, and the GMA has a place in mitigating the effects of climate change. Each community has a unique set of challenges and opportunities. Defining and implementing measures should be the first priority and the framework should allow flexible approach to adopting climate change goals.

Elevating climate change as a goal and element raises a lot of issues related to capacity, technical ability, and cost. Many jurisdictions lack the technical personnel to work on these issues. It is going to take significant financial resource and state support in order to do this planning. However, there has not been a strong history of state support for planning.

**Persons Testifying:** PRO: Senator Jesse Salomon, Prime Sponsor; Phyllis Farrell, League of Women Voters; Bryce Yadon, Futurewise.

CON: Tom Davis, Washington Farm Bureau; Michael Ennis, Association of Washington Business; Ron Averill, Lewis County Farm Bureau; Jan Himebaugh, Building Industry Association of Washington.

OTHER: Carl Schroeder, Association of Washington Cities; Dave Andersen, Commerce; Paul Jewell, Washington State Association of Counties; Rick Hughes, San Juan County Commissioner; Lauren Jenks, Washington State Department of Health.

**Persons Signed In To Testify But Not Testifying:** No one.