
Environment & Energy Committee

HB 1099

Brief Description: Improving the state's climate response through updates to the state's comprehensive planning framework.

Sponsors: Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis.

Brief Summary of Bill

- Adds a goal of climate change mitigation to the listed goals of the Growth Management Act (GMA).
- 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 the climate change and resiliency element of the comprehensive plan of certain counties and cities to result in reductions in greenhouse gas emissions and vehicle miles traveled within the city or county adopting the comprehensive plan.
- Requires the climate change and resiliency element of the comprehensive plan of certain counties and cities to address the adverse impacts of climate change on people, property, and ecological systems.
- Requires the Department of Commerce (Commerce), in consultation with other state agencies, to publish guidelines that specify proportionate greenhouse gas emissions reductions associated with passenger cars and light trucks that must be made in certain areas of the state in order to achieve statewide greenhouse gas emissions reductions set forth in state law.
- Specifies the process by which the greenhouse gas emissions reduction sub-element of the climate change and resiliency element takes effect.

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.

- Requires Commerce to adopt guidance that creates a model climate change and resiliency element.
- Requires certain Regional Transportation Planning Organizations to adopt a regional greenhouse gas emissions and vehicle miles traveled reduction plan.
- Requires the Department of Ecology to update its Shoreline Master Program guidelines to require Shoreline Master Programs to address the impact of sea level rise and increased storm severity.

Hearing Date: 1/19/21

Staff: Robert Hatfield (786-7117).

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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, a land use element, and a 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 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. The next round of required comprehensive plan updates begins with King, Kitsap, Snohomish, and Pierce counties, and the cities within those counties, in 2024.

Greenhouse Gas Emissions 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.
- 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.

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.

Regional Transportation Planning Organizations.

A Regional Transportation Planning Organization (RTPO) is a voluntary association of local governments within a county, or within geographically contiguous counties, created primarily to prepare regional transportation plans, to ensure local and regional coordination of transportation planning, and to maintain a six-year regional transportation improvement program.

An RTPO can cover both urban and rural areas and receives state funding in support of its planning efforts. Federal legislation has created the Metropolitan Planning Organization (MPO).

An MPO covers an urbanized area and receives federal funding in support of its planning efforts. In urbanized areas, the RTPO under state law is the same as the MPO designated for federal transportation planning purposes.

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 of the state.

Summary of Bill:

Goals of the Growth Management Act - Climate Change.

The issue of climate change is added as a goal of the Growth Management Act (GMA). Under the climate change goal, comprehensive plans, development regulations, and regional plans must support state greenhouse gas emissions reduction goals and foster resiliency to climate impacts and natural hazards, among other requirements.

Growth Management Act - Elements of Comprehensive Plans.

The land use element of comprehensive plans should 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. The land use element must also reduce and mitigate the risk to lives and property posed by wildfires including, but not limited to, by reducing residential development in the wildland urban interface area.

The forecasts of traffic demand contained within the transportation element of comprehensive plans must address forecasts of multimodal transportation demand 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.

A development approval may not be denied because it fails to meet traffic level of service standards if it is possible to provide for the transportation needs of a development through pedestrian and bicycle facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

The park and recreation element of comprehensive plans must include a consideration of the health disparities map, published by the Department of Health (Health), to increase greenspace in the most pollution-burdened locations.

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 greenhouse gas emissions and must enhance resiliency to and avoid the adverse impacts of climate change. The climate change and resiliency element is divided into two sub-elements: a greenhouse gas emissions reduction sub-element

and a resiliency sub-element. The greenhouse gas emissions reduction sub-element is mandatory for the counties and cities described below, and encouraged for all other jurisdictions. The resiliency sub-element is mandatory for all counties and cities fully planning under the GMA, and is encouraged for all other jurisdictions.

The greenhouse gas emissions reduction sub-element of the comprehensive plan must be designed to:

- result in reductions in overall greenhouse gas emissions generated by the transportation and land use systems within the jurisdiction consistent with the guidelines published by the Department of Commerce (Commerce);
- result in reductions in vehicle miles traveled within the jurisdiction consistent with the guidelines published by Commerce; and
- prioritize reductions in communities that experience disproportionate impacts and harm due to air pollution in order to maximize the co-benefits of reduced air pollution.

The resiliency sub-element must, among other things, equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change on people, property, 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 may be adopted by reference to satisfy those requirements.

For the cities and counties described below, updates to comprehensive plans made during the update cycle that begins in 2024 do not need to comply fully with the greenhouse gas emissions reduction sub-element described above. For these jurisdictions, updates to comprehensive plans made during the update cycle that begins in 2024 must instead adopt goals, policies, and actions that are likely to result in reductions of greenhouse gas emissions and vehicle miles traveled.

The adoption and implementation of a climate action plan or similar document satisfies this requirement if such adoption and implementation achieves meaningful reductions in greenhouse gas emissions and vehicle miles traveled.

Applicability of the Greenhouse Gas Emissions Reduction Sub-Element.

The requirements of the greenhouse gas emissions reduction sub-element of the climate change and resiliency element apply only to those counties, and the cities within them, that meet either of the following criteria as of January 1, 2021:

- a county with a population density of at least 100 people per square mile and a population of at least 200,000; or
- a county with a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the Office of Financial Management.

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

If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction sub-element 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 greenhouse gas emissions reduction sub-element at the next scheduled update of the comprehensive plan.

Greenhouse Gas Emissions Reduction Guidelines.

Commerce, in consultation with the Department of Ecology (Ecology), Health, and the Department of Transportation (WSDOT), must publish guidelines that specify the proportionate reductions in greenhouse gas emissions associated with passenger cars and light trucks that must be accomplished within the geographical area of each Regional Transportation Planning Organization (RTPO) or Metropolitan Planning Organization (MPO) that comprises one or more of the jurisdictions described above. The guidelines must be set at levels that achieve proportionate shares of the statewide greenhouse gas emissions reductions required by the state Clean Air Act, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution.

In addition to a total proportionate share, Commerce must also publish an advisory proportionate share for each county and city described above in order to aid the RTPO or MPO in allocating reductions. The guidelines must be based on the most recent greenhouse gas emissions report prepared by Ecology and Commerce and the most recent city and county population estimates prepared by Commerce.

Vehicle Miles Traveled Reduction Guidelines.

Commerce, in consultation with WSDOT, must publish guidelines that specify the proportionate reductions in passenger car and light truck vehicle miles traveled that must be accomplished within the geographical area of each RTPO or MPO that comprises one or more jurisdictions described above. The guidelines must be set at levels that achieve proportionate shares of the transportation sector's statewide greenhouse gas emissions reductions required by the state Clean Air Act, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs.

In addition to a total proportionate share, Commerce must also publish an advisory proportionate share for each county and city described above in order to aid the RTPO or MPO in allocating reductions. The guidelines must be based on the most recent greenhouse gas emissions report prepared by Ecology and Commerce, the most recent city and county population estimates prepared by Commerce, and the most recent summary of vehicle miles traveled as compiled by WSDOT.

Both the greenhouse gas emissions reduction guidelines and the vehicle miles traveled guidelines

must be published no later than December 31, 2025, and must be updated every four years thereafter.

Greenhouse Gas Emissions Reduction Sub-element - Process for Adoption.

Upon receipt of a proposed greenhouse gas emission reduction sub-element, Ecology must first provide notice and an opportunity for comment to all persons, groups, and agencies that have requested in writing notice of the proposed sub-element. Ecology may, in its discretion, conduct a public hearing in the jurisdiction proposing the sub-element. The comment period must be at least 30 days.

Within 15 days of the close of the comment period, Ecology must request that the local government address the comments raised during the comment period and provide a written response as to how the proposal addresses the identified issues. Within 30 days of receiving the local government's response, Ecology must make written findings and conclusions regarding the consistency of the proposal with the requirements of the GMA and the applicable guidelines adopted by Ecology, and provide a response to the issues identified during the comment period. Ecology must either approve the greenhouse gas emissions reduction sub-element as submitted, recommend specific changes, or deny the sub-element in those instances in which no alteration of the greenhouse gas emissions reduction sub-element appears likely to be consistent with the policy of the GMA and the applicable guidelines.

If Ecology recommends changes to the proposed greenhouse gas emissions reduction sub-element, Ecology must require that the local government either agree to the proposed changes or submit an alternative greenhouse gas emissions reduction sub-element.

Ecology must approve a proposed greenhouse gas emissions reduction sub-element unless it determines that sub-element is not consistent with the policy of the GMA or the applicable guidelines.

A greenhouse gas emissions reduction sub-element takes effect once approved by Ecology. Ecology must maintain a record of each greenhouse gas emissions reduction sub-element, the action taken on any proposed greenhouse gas emissions reduction sub-element, and any appeal of the Department's action. The Department's approved document of record constitutes the official greenhouse gas emissions reduction sub-element.

Greenhouse Gas Emissions Reduction Sub-Element - Appeals.

Ecology's final decision to approve or reject a proposed greenhouse gas emissions reduction sub-element or amendment may be appealed to the Growth Management Hearings Board (GMHB). The GMHB's decision concerning an appeal of Ecology's final decision to approve or reject a proposed greenhouse gas emissions reduction sub-element or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction sub-element complies with the GMA's climate change goal, the guidelines adopted by Commerce related to

greenhouse gas emissions reductions and vehicle miles traveled reductions, or the State Environmental Policy Act.

Model Climate Change and Resiliency Element.

Commerce must develop, in collaboration with Ecology, the Department of Fish and Wildlife, the Department of Natural Resources, Health, and the Emergency Management Division of the Washington Military Department, 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.

Regional Emissions and Vehicle Miles Reduction Plan.

Each RTPO encompassing at least one jurisdiction required to adopt a greenhouse gas emissions reduction sub-element must adopt a regional emissions and vehicle miles reduction plan that addresses all jurisdictions comprising the RTPO. The plan must reduce greenhouse gas emissions, in aggregate, from the transportation sector consistent with the share of emissions reductions assigned by Commerce in its adopted guidelines.

Compilation of Vehicle Miles Traveled.

WSDOT must compile, maintain, and publish a summary of the vehicle miles traveled 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, and shoreline natural resources and the environment.

Appropriation: None.

Fiscal Note: Requested on January 12, 2021.

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