

SENATE BILL REPORT

SB 5203

As Reported by Senate Committee On:
Local Government, Land Use & Tribal Affairs, February 9, 2023

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: Senators Lovelett, Liias, Frame, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Pedersen, Rolfes, Salomon, Stanford, Valdez and Wilson, C.; by request of Office of the Governor.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/17/23, 2/09/23 [DPS-WM, DNP].

Brief Summary of First Substitute Bill

- Adds a goal of climate change and resiliency 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 certain counties and cities to address the adverse impacts of climate change on people, property, and ecological systems, and identify actions the jurisdiction will take to reduce greenhouse gas emissions (GHG) 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 to adopt guidance that creates a model climate change and resiliency element, and to publish guidelines

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that specify a set of actions counties and cities have available to them to take related to GHG emissions reductions and per capita VMT reductions.

- 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.
- Adds requirements for a climate resiliency element for certain water system plans.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Kauffman.

Minority Report: Do not pass.

Signed by Senators Torres, Ranking Member; Short.

Staff: Maggie Douglas (786-7279)

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 ten 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 commence. 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 (GHGs) within the state. Those limits were modified by legislation enacted in 2020, such that Washington must limit anthropogenic emissions of GHGs to achieve the following reductions for the state:

- by 2020, reduce overall emissions of GHGs in the state to 1990 levels, or 90.5 million metric tons;
- by 2030, reduce overall emissions of GHGs in the state to 45 percent below 1990 levels, or 50 million metric tons;
- by 2040, reduce overall emissions of GHGs in the state to 70 percent below 1990 levels, or 27 million metric tons; and
- by 2050, reduce overall emissions of GHGs in the state to 95 percent below 1990 levels, or 5 million metric tons, and achieve net-zero GHG 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 vehicle miles traveled, 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 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 Master Programs. The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology (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. All counties and cities with shorelines of the state are required to adopt Shoreline Master Programs that regulate land-use activities in shoreline areas of the state.

Office of Drinking Water. The Department of Health (DOH), Office of Drinking Water (ODW) is responsible for ensuring public water systems provide their customers an adequate and safe drinking water supply at all times. When necessary, ODW acts or directs water system owners and operators to resolve known or suspected public health threats.

ODW also administers state Board of Health and DOH rules that cover the operation of public water systems. ODW has authority to adopt rules necessary to protect public health by ensuring safe and reliable drinking water. The rules set drinking water standards and requirements for monitoring, reporting, and responding to emergencies.

Water System Plans. The Board of Health is required to adopt rules for group A public water systems, necessary to assure safe and reliable public drinking water, and to protect public health, including rules relating to public water system planning and emergency response requirements.

A community water system designated as group A—those public water systems serving 15 or more year-round service connections, or 25 or more year-round residents—must submit a

water system plan, or plan update, to DOH for approval if it meets certain conditions, such as those systems serving 1000 or more connections, making infrastructure changes, or expanding their service area.

Water system plans must address several elements, including:

- description of the water system;
- basic planning data;
- demand forecasts;
- system analysis;
- water resource analysis; and
- other plans and documents.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Goals of the Growth Management Act—Climate Change. The issue of climate change and resiliency is added as a goal of the GMA. Under the climate change and resiliency goal, comprehensive plans, development regulations, and regional plans must support reductions in GHG emissions and per capita VMT, prepare for climate impact scenarios, foster resiliency to climate impacts and natural hazards, protect and enhance environmental, economic, and human health and safety, and advance environmental justice.

Growth Management Act—Elements of Comprehensive Plans. The land use element of comprehensive plans must give special consideration to achieving environmental justice in its goals and policies. The land use goal 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 by using land use planning tools, which may include, but are not limited to, reducing wildfire risks to residential development in high-risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protect existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

A capital facilities plan element must include an inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities.

A utilities element must consist of the general location, proposed location, and capacity of all existing and proposed utilities, including components of drinking water, stormwater, wastewater, and telecommunications systems. A county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include such information. If, after good faith effort, the county or city is unable to gather the information required from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under the GMA.

A transportation element must include, as one of its subelements, estimated multimodal level of service impacts to state-owned transportation facilities. 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 multimodal transportation 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. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to the highest number of roadway users.

A facilities and services needs subelement of the transportation element must include a transition plan for transportation as required in Title II of the Americans with Disabilities Act(ADA) of 1990. As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are required to develop a program access plan to address any deficiencies. The plan is intended to achieve the following:

- identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;
- describe the methods to be used to make the facilities accessible;
- provide a schedule for making the access modifications; and
- identify the public officials responsible for implementation of the transition plan.

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 of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

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. 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 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 VMT within the jurisdiction but without increasing emissions elsewhere in the state; and
- prioritize reductions that benefit overburdened communities in order to maximize the co-benefits of reduced air pollution and environmental justice.

Actions not specifically identified in the guidelines published by Commerce may be considered to be consistent with those guidelines only if they are projected to achieve GHG emissions reductions or 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 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. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts, and will be most impacted by natural hazards due to climate change.

Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

- identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;
- identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors that support adaptation to climate impacts consistent with environmental justice; and
- address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

A federal emergency management agency (FEMA) natural hazard mitigation plan or similar plan that complies with the applicable requirements of the GMA, prioritizes actions that benefit overburdened communities, and complies with the resiliency subelement may be adopted by reference to satisfy those requirements. If any of the substantive requirements of the subelement are not addressed or are inadequately addressed in the hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of the subelement.

If a county or city intends to adopt by reference a FEMA natural hazard mitigation plan in order to meet all or part of the resiliency subelement, and the plan does not comply with the requirements of the subelement, Commerce may grant the county or city an extension of

time to submit a natural hazard mitigation plan. Eligibility for an extension is limited to a city or county required to review its comprehensive plan on or before June 30, 2025, or for a city or county with an existing, unexpired FEMA natural hazard mitigation plan scheduled to expire before December 31, 2024. Extension requests after July 1, 2027, may be granted under certain conditions.

A city or county that wishes to request an extension to meet the requirements of the subelement must submit a request in writing to Commerce no later than the date in which the jurisdiction is required to review its comprehensive plan. A city or county may have an additional 48 months to either adopt by reference an updated FEMA natural hazard mitigation plan or adopt its own natural hazard mitigation plan and submit the plan to Commerce.

Applicability of Provisions of the Bill. 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 6000, that meet either 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.

Once a county meets either 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.

The requirements of the amendments to the transportation element of comprehensive plans apply to the counties and cities 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 6000.

The requirements of the amendments to the land use element of comprehensive plans apply to all counties and cities required to comply with the amendments to the transportation element, as well as all counties planning fully under the GMA that have a population greater than 20,000.

The requirements of the amendments to the rural element of comprehensive plans apply to all counties planning fully under the GMA that have a population greater than 20,000.

Any county or city required to include a climate change and resiliency element and the GHG emissions reduction subelement, and is required to review, and if necessary, revise its comprehensive plan on or before December 31, 2024, must incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report.

Greenhouse Gas Emissions Reduction and Vehicle Miles Traveled Reduction Guidelines. Commerce, in consultation with Ecology, DOH, and 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 measures that benefit overburdened communities, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the DOH to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed consistent with an environmental justice assessment, and must include an environmental justice assessment process.

The guidelines must be based on the most recent GHG emissions report prepared by Ecology and Commerce, the most recent city and county population estimates prepared by OFM, the locations of major employment centers and transit corridors for the purposes of increasing housing supply in these areas, and available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations.

Commerce, in consultation with 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 guidelines must be based on the most recent GHG emissions report prepared by Ecology and Commerce, the most recent city and county population estimates prepared by OFM, and the most recent summary of per capita VMT compiled by DOT. 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 evaluation must also address the impact locally adopted GHG emissions reduction subelements have had on meeting local housing goals and targets. Commerce must provide and prioritize options that support increased housing supply and diversity of housing types and that assist counties and cities in meeting GHG emissions reduction and other requirements established by the bill.

Commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled, as well as any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

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.

Not less than 120 days prior to applying for approval of a subelement, the county or city must notify Commerce in writing that it intends to apply for approval. Commerce must review the proposed subelements prior to final adoption and advise the county or city of actions necessary to receive approval. Commerce may consult with other relevant state agencies in making its determination, and must publish notice in the Washington State Register that a city or county has notified Commerce of its intent to apply for approval. Commerce must also post a copy of the notice on its public website.

After taking final action to adopt a GHG emissions reduction subelement, a city or county may apply to Commerce for approval of the subelement. The jurisdiction must submit its application to Commerce within ten days of taking final action. An application for approval must include, at minimum, the following:

- a cover letter from the legislative authority requesting approval;
- a copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the GHG emissions reduction subelement;
- a statement explaining how the adopted subelement complies with the provisions of the GMA; and
- a copy of the record developed by the city or county at any public meetings or public hearings at which action was taken on the GHG emissions reduction subelement.

Commerce must strive to achieve final action to approve or deny an application within 180 days of the date of receipt of the application. Commerce must issue its decision in the form

of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision. Commerce's issue decision must plainly state that it is Commerce's final decision and there will be no further modifications to the proposed GHG emissions reduction subelement.

Commerce must promptly public its decision on the application for approval as follows:

- notify the city or county in writing of its determination;
- public a notice of action in the Washington State Register;
- post a notice of its decision on the agency website; and
- notify other relevant state agencies regarding the approval decision.

Commerce must approve a GHG emissions reduction subelement unless it determines that the proposed subelement is not consistent with the mandatory elements 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 guidelines adopted by Commerce related to GHG emissions reductions and VMT reductions.

Model Climate Change and Resiliency Element. Commerce must develop, in collaboration with the departments of Ecology, Fish and Wildlife, Natural Resources, and 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.

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 co-benefits 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. 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, and 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.

Water System Plans. Beginning June 30, 2025, DOH must ensure water system plans for group A community public water systems serving 1000 or more connections include a climate resilience element at the time of approval. DOH must:

- update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources; and
- provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

Subject to available funding, the University of Washington Climate Impacts Group must assist DOH in developing technical assistance tools. To fulfill the planning requirements of this 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 project needs.

Climate readiness projects, including planning to meet the requirements of the climate resilience element and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under the Water System Acquisition and Rehabilitation Program.

Subject to available funding, DOH must provide financial assistance through a water system acquisition and rehabilitation program. DOH must adopt guidelines for the program, using the procedures and criteria of the drinking water revolving loan program as a model. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning requirements under the Shoreline Management Act. The maximum grant or loan to any eligible entity may not exceed 25 percent of funds allocated to the appropriation in any fiscal year.

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. Terms, including per capita VMT, active transportation, transportation system, environmental justice, active transportation facilities, greenspace, green infrastructure, vulnerable populations, and overburdened communities are defined.

Funding. Any county or city that is required to include a climate change and resiliency element in its comprehensive plan, and is also required to review, and if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report, if funds are appropriated and distributed by December 31, 2027.

Jurisdictions required to review, and if necessary, revise its comprehensive plan on or before June 30, 2025 must implement the requirements of this act. Any funding provided to cover applicable local government costs related to implementation of this act must be considered timely.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS COMMITTEE (First Substitute):

- Clarifies that the Shoreline Management Act is one of the 14 goals of GMA.
- Amends the land use element:
 1. removes the requirement in the land use element to create open space buffers between human development and wildfire prone landscapes; and
 2. requires the:
 - the reduction of wildfire risks to residential development in high risk areas and the wildland urban interface area;
 - the separation of human development and wildfire prone areas; and
 - the protection of existing residential development and infrastructure.
- Amends the utilities element:
 1. directs cities and counties to make a good faith effort to obtain information required in the utilities element from publicly-owned utilities; and
 2. provides that failure to obtain the information after a good faith effort is not grounds for a finding of non-compliance with the GMA.
- Amends the transportation element:
 1. adds multimodal levels of service standards to the transportation element requirements;
 2. requires the transportation demand forecast to prioritize the inclusion of transportation facilities and services providing the greatest multimodal safety benefit to the highest number of roadway users; and
 3. requires the transportation element to have an Americans with Disabilities Act

transition plan.

- Amends the parks and recreation element:
 1. requires the park and recreation element to include an evaluation of tree canopy coverage.
- Amends the GHG emissions reduction and resiliency subelements:
 1. specifies that the GHG emissions reduction and resiliency subelements must prioritize reductions that benefit overburdened communities;
 2. removes language requiring certain jurisdictions to make updates to their comprehensive plans relating to reductions in GHG emissions and per capita VMT; and
 3. changes population requirements for counties that must comply with the new climate change and resiliency element of the GMA.
- Amends requirements for Commerce:
 1. requires Commerce to update its comprehensive plan guidelines every five years instead of every four years;
 2. changes the evaluation of the impact of the adoption of the new climate change and resiliency element that must be conducted by Commerce to include meeting local housing goals and targets, rather than zoned housing capacity;
 3. provides clarifying language and additional elements to Commerce's approval process for proposed GHG emissions reduction subelements; and
 4. includes Commerce's approval or rejection of a proposed GHG emissions reduction subelement to the list of matters that the Growth Management Hearings Board may hear.
- Amends compliance requirements:
 1. removes provisions stating that local jurisdictions' compliance with new GMA and Shoreline Management Act requirements is contingent upon state funding; and
 2. requires planning jurisdictions that must update their comprehensive plans in the June 2025, update cycle to include the new climate change and resiliency element in their updated comprehensive plan, and provides that funding provided to cover applicable costs is considered timely, notwithstanding the provisions of RCW 36.70A.070(9).
- Amends the following definitions:
 1. environmental justice;
 2. overburdened communities; and
 3. vulnerable populations.
- Adds requirements for a climate resiliency element for water systems:
 1. requires DOH 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;
 2. specifies how water system plans can fulfill the climate resilience element; and
 3. allows climate readiness projects to be eligible for financial assistance.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: GMA planning counties have a responsibility once a decade to figure out a vision for what their communities must look like over the next decade. This bill helps to set a course to ensure communities are climate resilient. It considers how infrastructure is going to be able to deal with floods, wildfires, and droughts. It considers the planning of our urban centers, it ensures reducing greenhouse gas emissions and making sure transportation goals line up with housing goals. This bill puts density in rather than choosing to sprawl which harms communities by taking away open spaces that are less suitable to develop and goes against the goals of the GMA. This ensures that as Washington develops over time, growth is concentrated in areas that can best support that development. This makes our communities more livable, walkable, and encourages multimodal transportation to ensure past harms are being undone by looking through a lens of environmental justice. Addressing climate change and its effects will require intentional and cooperative action at all levels of government. This bill obligates our cities and counties in coordination with the state to ensure the climate crisis is addressed. It uses the comprehensive planning process to ensure that local plans, regulations, and policies adapt to and mitigate the effect of the changing climate. This bill would require Ecology to update rules for Shoreline Master Programs to address impacts of sea level rise and increased storm severity on people, property, and the environment. This bill requires the largest, fastest growing communities to plan for the reduction of greenhouse gas emissions and vehicle miles travelled.

CON: This bill needs stronger housing language that is consistent with the guidance of the Department of Commerce. This bill must ensure that appeals are limited to the GMA, not carbon reduction requirements or other climate change related statutes beyond what the growth board is empowered to deal with. The Wildland Urban Interface map (WUI) created by Department of Natural Resources (DNR) is not an appropriate tool for mapping wildfire risk. It is a tool for mapping where urban structures exist and wildlands intermix, not a wildfire risk map. DNR has stated that using it is not a good indicator for looking at development in terms of wildfire risk and many of the places that are included in the WUI map are also located within the UGA.

OTHER: Language in the bill regarding information specific to utilities are good additions. But most local governments don't own, operate, or maintain those facilities. There are services that are provided by other providers who are not obligated to plan under the GMA. It would make sense to address the issue of who is responsible for planning under the GMA.

Responsibility for planning under the greenhouse gas emission reduction sub element should be reconsidered. Third party appeals have been a challenge for local governments as part of the GMA structure over time. Section six is a potential model that could be expanded beyond just the greenhouse gas emissions supplement.

Persons Testifying: PRO: Senator Liz Lovelett, Prime Sponsor; Carl Schroeder, Association of Washington Cities; Micah Lusignan; Tanisha Sepulveda; John Flanagan, Office of Governor Inslee; Dave Andersen, Washington Department of Commerce; Tim Gates, Washington State Department of Ecology; Kerri Woehler, Washington State Department of Transportation; Tamar Shuhendler, Washington Bikes; Jessica Forsythe, Redmond Council President; Guillermo Rogel, Front and Centered; Bryce Yadon, Futurewise; Jamie Stroble, The Nature Conservancy; Clifford Traisman, Washington Conservation Action/Environmental Priorities Coalition; Leah Missik, Climate Solutions; Liz Schotman, Surfrider Foundation; Adam Maxwell, Audubon; Ryan Walters, Anacortes Councilmember; Kaylee Galloway, Whatcom County Councilmember; Kristiana De Leon, Black Diamond Councilmember; Kelli Refer, Move Redmond.

CON: Josie Cummings, Building Industry Association of Washington; Bill Clarke, WA Realtors.

OTHER: John Worthington; Paul Jewell, Washington State Association of Counties.

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