

# SENATE BILL REPORT

## SB 5651

---

---

As of February 6, 2023

**Title:** An act relating to equity and environmental justice in the growth management act.

**Brief Description:** Concerning equity and environmental justice in the growth management act.

**Sponsors:** Senators Lovelett, Saldaña, Hasegawa, Hunt, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Trudeau, Valdez and Wellman.

**Brief History:**

**Committee Activity:** Local Government, Land Use & Tribal Affairs: 2/07/23.

**Brief Summary of Bill**

- Establishes environmental justice as a listed goal of the Growth Management Act.
- Amends the citizen participation goals to include participation from vulnerable populations and overburdened communities.
- Adds an environmental justice element to the list of elements included in comprehensive plans.
- Requires the Department of Commerce (Commerce) to prepare best practices to achieve equitable and inclusive public participation.
- Requires fully planning jurisdictions to use best practices established by Commerce to support the participation of overburdened communities and vulnerable populations in the formation of public policy.
- Defines environmental justice and related terms.

---

**SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS**

**Staff:** Maggie Douglas (786-7279)

---

*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.*

**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 Originally enacted in 1990 and 1991, the GMA establishes land use designation, and environmental protection requirements for all Washington counties and cities.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 citizen participation.

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 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.

Growth Management Act—Citizen Participation. Cities and counties must establish a public participation program that provides notice to various interested or impacted individuals and organizations, including Indian tribes, who can be involved in the development and amendment of comprehensive land use plans and development regulations implementing such plans.

Tribes with a reservation or ceded lands within a county are required to be invited to participate in the countywide planning process. Countywide planning policies must include policies that address the protection of tribal cultural resources in collaboration with tribes that choose to participate in the process.

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.

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 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.

**Summary of Bill:** Goals of the Growth Management Act. The citizen participation goal of the GMA must include specific efforts to involve and collaborate with vulnerable populations and overburdened communities.

Environmental justice is added as a goal of the GMA. Under the environmental justice goal, fully planning jurisdictions must develop and apply fair land use and environmental policy based on respect and justice for all peoples. Fully planning jurisdictions must:

- identify and plan for the reduction and prevention of environmental and health disparities; and
- work towards eliminating disparate harms and disproportionate environmental and health impacts by prioritizing vulnerable populations and overburdened communities; and the equitable distribution of resources and benefits.

Environmental Justice Element. Comprehensive plans must include an environmental justice element. The element must include goals, objectives, timelines, policies, and measures, and their application in appropriate elements that reduce environmental harms, that create environmental benefits, that work toward eliminating environmental health disparities, and promote public participation in decision-making by vulnerable populations and overburdened communities.

The environmental justice element of a comprehensive plan must:

- identify overburdened communities and vulnerable populations within the planning area using guidance developed by Commerce; and
- address how each mandatory element of a comprehensive plan individually, and how the entirety of the comprehensive plan collectively reflects considerations of environmental justice; addresses any cumulative environmental health impacts faced by vulnerable populations or overburdened communities; and advances the equitable distribution of environmental benefits.

The environmental justice element may address subjects including, but not limited to, regulations, decisions on siting and permitting, resource allocations, enforcement, and monitoring and reporting exposures to environmental health hazards.

Citizen Participation. Commerce must prepare and disseminate to fully planning cities and counties best practices to achieve equitable and inclusive public participation in order to engage those members of the public and populations who have been historically underserved and underrepresented in the formation of public policy. Best practices developed by Commerce must emphasize and provide resources to support the participation of overburdened communities and vulnerable populations, including community-based organizations, and with special consideration for people with limited English proficiency, low incomes, and other barriers to participation. Procedures should also support the voluntary collaboration and coordination with any federally recognized Indian tribe that has entered into a memorandum of agreement and whose reservation or ceded lands lie within the county or city. Cities and counties must determine which of these practices to incorporate in updated public participation programs no later than June 30, 2024.

Comprehensive Plan Updates. Any county or city required to include an environmental justice element as part of its comprehensive plan and is required to review, and if necessary, revise its comprehensive plan on or before June 30, 2025, must incorporate an environmental justice element into its comprehensive plan as part of its first implementation progress report.

Definitions. Terms, including environmental justice, environmental benefits, environmental harm, equitable distribution, overburdened community, and vulnerable populations are defined.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2023.

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

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