

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	34,000	0	0	37,000	0	0	0
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>34,000</b>	<b>0</b>	<b>0</b>	<b>37,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other		19,584,869		11,681,956		25,439,032
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.					
Local Gov. Total		19,584,869		11,681,956		25,439,032

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.1	0	0	34,000	.1	0	0	37,000	.0	0	0	0
Department of Commerce	9.0	3,321,700	3,321,700	3,321,700	7.8	2,618,010	2,618,010	2,618,010	7.8	2,618,010	2,618,010	2,618,010
Military Department	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.5	165,000	165,000	165,000	.0	0	0	0	.0	0	0	0
Department of Transportation	1.5	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	4.1	0	0	1,174,721	1.8	0	0	565,916	.0	0	0	0
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	3.0	1,026,000	1,026,000	1,026,000	3.0	1,026,000	1,026,000	1,026,000	3.0	1,026,000	1,026,000	1,026,000
Department of Natural Resources	Fiscal note not available											
<b>Total \$</b>	<b>18.2</b>	<b>4,512,700</b>	<b>4,512,700</b>	<b>5,721,421</b>	<b>12.7</b>	<b>3,644,010</b>	<b>3,644,010</b>	<b>4,246,926</b>	<b>10.8</b>	<b>3,644,010</b>	<b>3,644,010</b>	<b>3,644,010</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other			19,584,869			11,681,956			25,439,032
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			19,584,869			11,681,956			25,439,032

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Military Department	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

### Estimated Capital Budget Breakout

<b>Prepared by:</b> Gwen Stamey, OFM	<b>Phone:</b> (360) 790-1166	<b>Date Published:</b> Final
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 075-Office of the Governor
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Tracy Sayre	Phone: 360-890-5279	Date: 01/12/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/12/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/12/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The bill doesn't require the Governor's Office to participate in any workgroups, committees, or activities and therefore doesn't have a fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	17,000	17,000	34,000	37,000	
<b>Total \$</b>	17,000	17,000	34,000	37,000	

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.0
<b>Account</b>					
Legal Services Revolving Account-State 405-1	17,000	17,000	34,000	37,000	0
<b>Total \$</b>	17,000	17,000	34,000	37,000	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Cam Comfort	Phone: (360) 664-9429	Date: 01/17/2023
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 01/17/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/17/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 amends RCW 36.70A.020 to guide the development of regional plans, policies, and strategies adopted under RCW 36.70A.210 and RCW 47.80. Language is added relating to achieving statewide targets for the reduction of greenhouse gas emissions and per capita vehicle miles traveled, to encourage the participation of vulnerable populations and overburdened communities, and to mitigate the effects of a changing climate.

Section 2 amends RCW 36.70A.480 to reflect the increase in the number of goals set forth in RCW 36.70A.020 from 14 to 15.

Section 3 amends RCW 36.70A.070 to add elements that a county or city must consider in developing comprehensive plans under RCW 36.780A.040, including green spaces, achieving environmental justice, reducing per capita vehicle miles within the jurisdiction, and reducing and mitigating the risk to lives and property posed by wildfires. Such plans also must include a climate change and resiliency element designed to address environmental related problems specific to the jurisdiction.

Section 4 adds a new section to RCW 36.70A and establishes various thresholds for counties and cities.

Section 5 adds a new section to chapter RCW 70A.45 to require the Department of Commerce (COM), in consultation with the Department of Ecology (Ecology), the Department of Health (DOH), and the Department of Transportation (DOT), to publish guidelines relating to increasing increase housing capacity within urban growth areas, reducing greenhouse gas emissions, and reducing per capital miles traveled.

Section 6 adds a new section to chapter RCW 36.70A allowing counties and cities that are required to complete a greenhouse gas emissions reduction subelement to submit the subelement to COM for approval. Criteria for COM review is provided, including striving to achieve final action on a submitted greenhouse gas emissions reduction subelement within 180 days of receipt.

Section 7 amends RCW 36.70A.320 to add a reference to an effective date.

Section 8 amends RCW 36.70A.190 to require COM to 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. COM is required to develop, in collaboration with Ecology, the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), DOH, the Military Department's Emergency Management Division (EMD), and federally recognized tribes that choose to participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions. Various requirements are listed.

Section 9 adds a new section to RCW 47.80 require DOT to compile, maintain, and publish the per capita vehicle miles travelled annually in each city in the state and each unincorporated portions of each county.

Section 10 adds a new section to chapter RCW 90.58 to require Ecology to update its shoreline master program guidelines to require that the impact of sea level rise and increased storm severity be addressed.

Section 11 amends RCW 86.12.200 to require consideration of climate change impacts.

Section 12 adds a new section to RCW 43.21C to provide that the adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other non-project actions taken by counties and cities pursuant to RCW 36.70A.070(9)(d) or (f) to implement COM measures pursuant to Section 5 are not subject to administrative or judicial

appeals.

Section 13 is a new section providing that certain obligations by local governments are contingent on state funding to local governments.

Section 14 amends RCW 36.70A.030 to provides additional definitions.

Section 15 amends RCW 36.70A.130 to require certain counties or cities that revise their comprehensive plan on or before December 31, 2024, to incorporate a climate change and resiliency element into its comprehensive plan as part of the first progress implement report as required by subsection (9) of this section.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Ecology. The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

### **AGO AGENCY ASSUMPTIONS:**

Department of Ecology will be billed for non-Seattle rates:

FY 2024 and FY 2025: \$ 14,000 for 0.05 Assistant Attorney General (AAG) and 0.03 Legal Assistant (LA).

FY 2026: \$37,000 for 0.15 AAG and 0.08 LA.

Department of Commerce will be billed for non-Seattle rates:

FY 2024 and FY 2025: \$ 3,000 for 0.01 AAG and 0.01 LA.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing housed is assumed to be in a non-Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 FTE Assistant Attorney General (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

Assumptions for AGO Ecology Division's (ECY) Legal Services for the Department of Ecology (Ecology):

The AGO will bill Ecology for legal services based on the enactment of this bill.

ECY will provide legal services to support controversial and complex rulemaking under Section 10, and support Ecology consultation role under other sections. ECY will also provide legal services to support final rule language and response to comments in controversial and complex rulemaking under Section 10, and support Ecology consultation role under other sections.

ECY: Total non-Seattle workload impact:  
FY 2024 and FY 2025: \$14,000 for 0.05 AAG and 0.03 LA  
FY 2026: \$37,000 for 0.15 AAG and 0.08 LA.

The AGO Agriculture & Health Division (AHD) has reviewed this bill and has determined that minimal legal advice would be required in representing the Department of Commerce (COM) with developing guidelines under Sec. 5 relating to increasing housing capacity within urban growth areas, reducing greenhouse gas emissions, and reducing per capital miles traveled.

Section 8 would require COM to develop & administer a grant program, and to adopt by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations and to provide services to facilitate resolution of disputes between tribes and a city or county regarding comprehensive plans and development regulations, COM is to arrange a facilitated process using a suitable expert to be paid by COM.

Since COM itself would not be doing the mediation, only minimal legal services will be required for advice related to procurement and contracting with an appropriate expert.

AHD: Total non-Seattle workload impact:  
FY 2024 and FY 2025: \$3,000 for 0.01 AAG and 0.01 LA

The AGO Transportation and Public Construction Division (TCP) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Military Department's Emergency Management Division (EMD). EMD's requirement under section 8(8) the bill is to coordinate with COM during COM's rulemaking. New legal services are nominal, and costs are not included in this request.

The AGO TCP Division has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Washington State Department of Transportation (WSDOT). WSDOT is required under section 5 (1) of the bill to consult with COM during COM's creation of guidelines regarding comprehensive plans and development regulations. WSDOT is required under section 9 to compile, maintain, and publish a summary of the per capita vehicle miles travelled. New legal services are nominal, and costs are not included in this request.

The AGO Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Environmental Land Use and Hearings Office. New legal services are nominal, and costs are not included in this request.

The AGO LAL Division has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Growth Management Hearings Board. New legal services are nominal, and costs are not included in this request.

The AGO Public Land Conservation Division (PLC) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Natural Resources (DNR) or the Department of Fish

and Wildlife (DFW).

Section 8(8) of the bill indicates that DNR and DFW will collaborate with COM (among other agencies) on rules COM will adopt to develop and implement climate change and resiliency plans and policies required by RCW 36.70A.070(9). DNR & DFW are not responsible for any direct rulemaking. New legal services are nominal, and costs are not included in this request.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	17,000	17,000	34,000	37,000	0
<b>Total \$</b>			17,000	17,000	34,000	37,000	0

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	
A-Salaries and Wages	11,000	11,000	22,000	25,000	
B-Employee Benefits	4,000	4,000	8,000	8,000	
E-Goods and Other Services	2,000	2,000	4,000	4,000	
<b>Total \$</b>	17,000	17,000	34,000	37,000	0

#### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.1	0.1	0.1	0.1	
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	
Management Analyst 5	91,524	0.0	0.0	0.0	0.0	
<b>Total FTEs</b>		0.1	0.1	0.1	0.1	0.0

#### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Agriculture & Health Division (AHD)	3,000	3,000	6,000		
Ecology Division (ECY)	14,000	14,000	28,000	37,000	
<b>Total \$</b>	17,000	17,000	34,000	37,000	

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

#### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 103-Department of Commerce
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	8.9	9.0	9.0	7.8	7.8
<b>Account</b>					
General Fund-State 001-1	1,620,645	1,701,055	3,321,700	2,618,010	2,618,010
<b>Total \$</b>	1,620,645	1,701,055	3,321,700	2,618,010	2,618,010

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Buck Lucas	Phone: 360-725-3180	Date: 01/23/2023
Agency Approval: Jason Davidson	Phone: 360-725-5080	Date: 01/23/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/23/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Sections 1-4 amend chapter RCW 36.70A, the Growth Management Act (GMA) to create a new climate change goal and new climate change and resiliency element required for all fully planning counties and cities.

Section 3 amends RCW 36.70A.070 changing several required elements for comprehensive plans under GMA, including new climate change provisions, and it adds a new climate change and resiliency element requirement for comprehensive plans under GMA, including new greenhouse gas (GHG) and resiliency sub-elements. The section outlines these new elements in detail.

Section 4 adds a new section to RCW 36.70A creating a new section in the GMA that outlines the applicability and requirements for the GHG sub-element of the climate change and resiliency element. It further outlines the applicability to local jurisdictions of several amendments to elements in, under Section 3 of this bill.

Section 5 adds a new section to RCW 70A.45 requiring the Department of Commerce (department) to publish guidelines and measures that will provide jurisdictions the option to reduce greenhouse gas (GHG) through increased housing capacity. This section further requires the department to publish intermediate guidelines by December 31, 2022 and adopt by rule, a full set of guidelines by December 31, 2025. After 2025, the department is required to evaluate the impact of the climate change element.

Section 6 adds a new section to RCW 36.70A creating a new section to the GMA that allows a county or city to submit a GHG sub-element for approval to the department, which (if approved) would become effective on the date of approval by the department.

Section 8 amends RCW 36.70A.190 creating a grant program for community-based organizations, and it directs the department to collaborate with state agencies to create a model climate and resilience element and guidance by rule.

Section 14 amends RCW 36.70A.030 adding definitions to the GMA related to provisions of this bill.

Section 15 amends RCW 36.70A.130 adding a requirement to the GMA that counties and cities with comprehensive plan and development regulation updates due by December 31, 2024, must incorporate climate change and resiliency element in as part of the first implementation progress report.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Agency Assumptions:

- The department received funding in the biennial budget to cover costs necessary to begin implementation of the GHG reduction framework in Section 5 and to the development of the model climate resilience element required in Section 8. The department assumes these staff will continue with the program past FY23 and do not represent new costs until FY24.

- If any updates to the guidance are published after 2025, then the department will need to provide an evaluation of the impact that the climate change elements have had on zoned housing capacity, and reduction of GHG emissions and VMT (Section 5).
- The department would undertake rulemaking under Section 8 for development of a model climate element that is developed in collaboration with the departments of Ecology, Fish and Wildlife, Transportation, Natural Resources, and Health, and the Emergency Management Division of the Washington Military Department.
- The department assumes 246 fully planning counties and cities under the GMA will be required to develop and adopt the new climate change and natural hazard resiliency element within their comprehensive plans, beginning during the next GMA periodic update cycle in FY24-FY27. Based on current GMA review and comment technical assistance for comprehensive plan periodic updates, the department estimates approximately 40 hours to review each climate change element, and additional criteria for other plan elements, required under Section 4. This equals approximately 9,840 hours (246 x 40 hours) of professional planner and administrative time.
- In addition, 109 local jurisdictions, comprised of 13 fully planning counties, and cities within those counties, will be required to develop and adopt the GHG sub-element and resiliency sub-element, based on population density criteria in Section 4. Based on current GMA review and comment technical assistance for comprehensive plan periodic updates, the department estimates approximately 40 hours to review and approval for each local sub-element, including related administrative work. This equals approximately 4,360 hours (136 x 40 hours) of professional planner and administrative staff time.
- The department assumes this bill will require adjustments to the climate program work that began with the 2021 budget proviso. The bill will require adjusting the technical guidance. The department assumes that staff will need to develop training for fully planning counties and cities to implement the new climate change element and sub-elements outlined in Sections 1-4; development and ongoing review and publication of the guidance under Section 5; initial development and ongoing administration of the sub-element approval program and rulemaking under Section 6; and creation of the model element for climate change.
- The department assumes this bill will require the expansion to the current Climate Program beyond the 2021 budget proviso, which is currently staffed with 3.0 FTE.
- This bill will require sufficient staff levels for increased plan review, with specific climate change and land use planning expertise under the GMA. Additional 3.0 FTE Commerce Specialist 3 will be required in FY22-FY27 to provide ongoing technical assistance to local government.
- The department must develop a model climate change and resiliency element for local governments under Section 8.
- The department must develop and manage a new environmental justice program under Section 8, including the management of an indeterminant grant program to community-based organizations. The department assumes a \$100,000 per year as a service contract to support an organization(s) within the region with advancing participation of vulnerable populations.
- The department assumes \$10,000 per fiscal year, FY24-FY25, in AAG rulemaking review and consultation for rulemaking required throughout this bill, including guidelines in Section 5, and model element adopted by rule under Section 6, and general guidance updates, based on similar high level GMA guidance and rulemaking review.
- Additional department IT work will be required to upgrade its internal planning data system for the new sub-element review and approval process and tracking submitted materials, FY24-FY25, along with the development of online interactive climate guidance, which will support the creation of the new climate element. The department assumes \$25,000 a year for the first two years for contractor assistance, and 0.3 FTE for two IT staff to maintain Plan View throughout the program.

- Without sufficient funding appropriated to local governments, Section 13 will render the timelines requiring counties and cities to comply with the new climate change elements null and void.
- Significant development of new climate change planning guidance through rulemaking is required that will revise guidance on comprehensive elements, including the initial creation and adoption of a climate change element and sub-elements under Section 4 during the upcoming periodic update cycle under RCW 36.70A.130(5).
- Immediate work will begin to develop a new approval program for GHG and resiliency sub-elements, as required under Section 6. This will require increased workload and IT support in FY24 and FY25 as noted above.
- Based on prior grant programs administered for local comprehensive plan review and updates, the department assumes a grant program will be needed to assist counties and cities with implementation of this bill. If sufficient funding is appropriated, per Section 13, the department assumes it would develop and administer a grant program, based on prior GMA planning grants provided for local comprehensive plan updates schedule to with deadlines in FY24-FY27 (December 2024-June 2027). The department assumes that all counties and cities will continue to receive sufficient periodic update grant during the next scheduled update deadlines under RCW 36.70A.130(5).

All Sections:

1.0 FTE Managing Director WMS2 (2,088 hours), FY24-FY29, to provide leadership, oversight, supervision, rules coordination and decision-making over all elements of the program. Staff provides expert policy advice or consultation on a range of issues specific to the Climate Program and to areas that have agency wide implications.

1.0 FTE Commerce Specialist 4 (2,088 hours), FY24-FY29, to function as an agency expert for Climate Program. Staff may represent the agency at legislative hearings or state and national meetings; provide high-level consultative assistance to other recognized experts; developing, negotiating and monitoring complex contracts with local governments, public and private entities as well as with community organizations.

3.0 FTE Commerce Specialist 3 (6,264 hours), FY24-FY29, during the GMA periodic update cycle (RCW 36.70A.130), in which there are 136 counties and cities, comprised of ten fully planning counties, and cities within those counties that may voluntarily develop and adopt the greenhouse gas (GHG) sub-element and resiliency sub-element, along with the mandated updates. Based on current GMA review and comment, and technical assistance for comprehensive plan periodic updates, the department estimates approximately 40 hours to review each local sub-element. This includes approximately 2,720 hours a biennium of professional planner (3.0 FTE) and administrative staff time.

1.0 FTE Commerce Specialist 2 (2,088 hours), FY24-FY29, for grant assistance. This position would provide administrative support concerning billing, communication and other tasks associated with administration of two grant programs.

1.0 FTE Management Analyst 4 (2,088 hours), FY24- FY25, for rule making assistance and research. To serve as a consultant to executive management, implementing legislative directives, and developing policies and procedures. Activities could include identifying problems; analyzing and evaluating operating deficiencies or difficulties; providing alternatives and recommended courses of action.

0.3 FTE for IT Business Analyst Journey (626 hours), FY24-FY29, to maintain the Plan View database throughout the program.

0.3 FTE for IT Application Developer Journey (626 hours), FY24-FY29, to maintain the Plan View database throughout the program.

Attorney General costs:

\$10,500 each fiscal year, FY24-FY25 each year, for legal review of draft guidelines adopted by rule for the new Section

1-4 guidance through rulemaking, the Section 5 guidelines adopted by rule and procedures adopted by rule for the sub-element approval program under Section 6.

IT costs:

\$50,000 each fiscal year, FY24-FY25, for changes to the plan review tracking data system, including major data system upgrades for the new program.

Salaries and Benefits:

FY24: \$918,237

FY25: \$949,267

FY26-FY29: \$829,353 per fiscal year

Professional Contracts:

Section 1-15:

\$80,000, in FY24-FY29, each year, to provide support to small local jurisdictions to conduct vulnerability assessments, following success of FY23 Pilot Program (Section 4).

\$80,000, in FY25, for development of evaluation tool for Climate Element (Section 5).

\$50,000, in FY24-FY25, each year, for support to create a new grant program (Section 6).

Section 3(9):

\$50,000, in FY24-FY25, each year, for development of GHG reduction measures.

FY24: \$180,000

FY25: \$260,000

FY26-FY29: \$80,000 per fiscal year

Goods and Services:

Attorney General costs: \$10,500 in FY22-FY23 for 50 hours at \$210 per hour each fiscal year. The department assumes legal review of draft guidelines adopted by rule for the new Section 1-4 guidance through rulemaking, the Section 5 guidelines adopted by rule and procedures adopted by rule for the sub-element approval program under Section 6.

FY24: \$166,128

FY25: \$166,179

FY26-FY29: \$113,495 per fiscal year

Travel:

Travel includes stakeholder outreach and necessary collaboration with state agencies.

FY24-FY29: \$13,300 per fiscal year

Equipment:

Seven standard workstations in fiscal year 2024 to include a computer/tablet.

FY24: \$40,880

Intra-Agency Reimbursements:

FY24: \$302,100

FY25: \$312,309

FY26-FY29: \$272,857 per fiscal year

Note: Standard goods and services costs include supplies and materials, employee development and training, Attorney General costs, central services charges and agency administration. Intra-agency-administration costs (e.g., payroll,

HR, IT) are funded under a federally approved cost allocation plan.

Total Costs:

FY24: \$1,620,645

FY25: \$1,701,055

FY26-FY29: \$1,309,005 per fiscal year

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,620,645	1,701,055	3,321,700	2,618,010	2,618,010
<b>Total \$</b>			1,620,645	1,701,055	3,321,700	2,618,010	2,618,010

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	8.9	9.0	9.0	7.8	7.8
A-Salaries and Wages	686,315	706,903	1,393,218	1,236,210	1,236,210
B-Employee Benefits	231,922	242,364	474,286	422,496	422,496
C-Professional Service Contracts	180,000	260,000	440,000	160,000	160,000
E-Goods and Other Services	166,128	166,179	332,307	226,990	226,990
G-Travel	13,300	13,300	26,600	26,600	26,600
J-Capital Outlays	40,880		40,880		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	302,100	312,309	614,409	545,714	545,714
9-					
<b>Total \$</b>	1,620,645	1,701,055	3,321,700	2,618,010	2,618,010

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Services-Indirect	111,168	1.3	1.4	1.4	1.2	1.2
Commerce Specialist 2	70,799	1.0	1.0	1.0	1.0	1.0
Commerce Specialist 3	82,056	3.0	3.0	3.0	3.0	3.0
Commerce Specialist 4	86,212	1.0	1.0	1.0	1.0	1.0
IT APP Development	120,457	0.3	0.3	0.3	0.3	0.3
IT Business Analyst	86,212	0.3	0.3	0.3	0.3	0.3
Management Analyst 4	86,212	1.0	1.0	1.0		
WMS Band 2	122,841	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		8.9	9.0	9.0	7.8	7.8

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Rulemaking is needed to revise chapter 365-196 WAC:

Sections 1-4: New guidance for counties and cities to update the requirements to comprehensive elements and to develop guidance for applicability of the new requirements and develop general guidance for updates to the GMA.

Section 5: Additional guidelines that specify the proportionate reductions of GHG and VMT. The department assumes these will be guidelines adopted by new rule and subsequently amended every four years.

Section 6: Development of the process requiring the department to approve GHG emission reduction sub-elements. A corresponding new rule to adopt new procedures would be required to establish parameters of department approval.

Section 7: New guidance for the requirements in the new climate change and resiliency element to the comprehensive plan.

Section 8: Development of a new model climate change and resiliency element by rule for local governments.

Section 14: New guidance for an amendment to GMA definitions.

Section 15: Additional guidance for the periodic update and first implementation progress report.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 245-Military Department
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Serina Roberts	Phone: 2535127388	Date: 01/12/2023
Agency Approval: Timothy Rajcevich	Phone: 2535127596	Date: 01/12/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/12/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

There is no fiscal impact to the Military Department in this bill. All items in the bill related to the Military Department are currently part of the Emergency Management Division's normal business and will not increase workload or costs.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.0	0.0
<b>Account</b>					
General Fund-State      001-1	83,000	82,000	165,000	0	0
<b>Total \$</b>	83,000	82,000	165,000	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/13/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/13/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/18/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

There are two tasks in bill 5203 that will have a fiscal impact on Department of Health (DOH).

Section 5: Commerce will lead a process in consultation with DOH and other agencies to publish guidelines that specify a set of measures counties and cities have available for both climate change mitigation (reducing GHG emissions) and adaptation (addressing impacts of a changing climate). The work on these tasks started last session when a version of this bill did not pass but was funded in the budget. The work calls on the use of, but no changes to, the Washington Tracking Network.

Section 8: Commerce will lead rulemaking, in collaboration with other state agencies including the Department of Health. The rule will create a model climate change and resiliency element of the Growth Management Act (GMA).

This governor's request bill 5203 updates the Growth Management Act. It adds a Climate change and resiliency goal to the existing GMA goals and specifies both mitigation and adaptation and specifically names protecting human health and safety under the climate goal. It also adds environmental justice and wildfire risk reduction considerations to the existing land use element.

The bill also requires state agency coordination, with Commerce as lead, on climate change mitigation and adaptation guidance for city and county planning departments. It also requires a similar coordination, with Commerce as lead, on creating a model climate change and resiliency element of the GMA.

The legislature provided Commerce and other state agencies a head start on the development of this model element during the 2021 session with a proviso for the Climate Program that closely matches the description of Section 8.

The Climate and Health section will be impacted and other programs at DOH may be affected depending on how the policy is implemented by cities and counties. For example, the guidance may include recommendations about active transportation. If a city implemented that recommendation, it would impact DOH's healthy eating active living program. Drinking water, septic systems, and shellfish may also be impacted. It is not possible to estimate fiscal impacts to these programs at this time, but they would most likely be minimal.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Sections 5 and 8

This governor's request bill 5203 updates the Growth Management Act. It adds a Climate change and resiliency goal to the existing GMA goals and specifies both mitigation and adaptation and specifically names protecting human health and safety under the climate goal. It also adds environmental justice and wildfire risk reduction considerations to the existing land use element.

The bill also requires state agency coordination, with Commerce as lead, on climate change mitigation and adaptation guidance for city and county planning departments. It also requires a similar coordination, with Commerce as lead, on creating a model climate change and resiliency element of the GMA.

The following is an estimate of staffing for the biennium and correlates with assumptions that Commerce made in HB1099.

Health Service Consultant 4 (0.50 FTE). The HSC4 will continue the work started in the previous fiscal year on the climate change mitigation and adaptation guidance documents led by the Department of Commerce. The HSC4 will also serve as technical support on the use of the Environmental Health Disparities Map and liaison to the Washington Tracking Network. And will also collaborate with Commerce and support them in the rulemaking process.

Cost for Health Service Consultant 4:  
 Fiscal Year (FY) 2024 \$83,000 and 0.50 FTE  
 Fiscal Year (FY) 2025 \$82,000 and 0.50 FTE

Total Cost for FN  
 FY2024: \$83,000 and 0.50 FTE  
 FY2025: \$82,000 and 0.50 FTE

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	83,000	82,000	165,000	0	0
<b>Total \$</b>			83,000	82,000	165,000	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5		
A-Salaries and Wages	43,000	44,000	87,000		
B-Employee Benefits	16,000	16,000	32,000		
E-Goods and Other Services	18,000	18,000	36,000		
J-Capital Outlays	2,000		2,000		
T-Intra-Agency Reimbursements	4,000	4,000	8,000		
9-					
<b>Total \$</b>	83,000	82,000	165,000	0	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
HEALTH SERVICES CONSULTAN 4	82,896	0.5	0.5	0.5		
<b>Total FTEs</b>		0.5	0.5	0.5		0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

New rulemaking is required in Section 8 (8) for a climate resiliency element in the GMA for planning organizations, but Commerce is the lead agency with Department of Health (DOH) listed as a collaborator.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	1.5	1.5	0.0	0.0
<b>Account</b>					
<b>Total \$</b>					

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Alon Bassok	Phone: 206-464-1271	Date: 01/13/2023
Agency Approval: Kerri Woehler	Phone: 360-705-7958	Date: 01/13/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/13/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached WSDOT fiscal note.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	1.5	1.5		
<b>Total \$</b>					

**III. C - Operating FTE Detail:** List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Transportation Planning Specialist 4 (TPS4)	66	0.5	0.5	0.5		
Transportation Planning Specialist 5 (TPS5)	144	1.0	1.0	1.0		
<b>Total FTEs</b>		1.5	1.5	1.5		0.0

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate Change/Planning	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

Use the fiscal tables provided below to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. For **NO FISCAL IMPACT**, check the box below, skip fiscal tables, and go to **Part II to explain briefly**, why the program believes there will be no fiscal impact to the department.

- NO FISCAL IMPACT**  
 **PARTIALLY INDETERMINATE**  
 **INDETERMINATE**

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

### Dollars in Thousands

		2023-25 Biennium		2025-27 Biennium		2027-29 Biennium		
Expenditures		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
218-1-MULTIMODAL TRANSPORTATION		\$254.0	\$246.0					
<b>Total Expenditures</b>		<b>\$254.0</b>	<b>\$246.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	
<b>Biennial Totals</b>		<b>\$500.0</b>		<b>\$0.0</b>		<b>\$0.0</b>		
FTEs		Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Transportation Planning Specialist 5 (TPS5)		\$144	1.0	1.0				
Transportation Planning Specialist 4 (TPS4)		\$66	0.5	0.5				
<b>Annual Average</b>			<b>1.5</b>		<b>0.0</b>		<b>0.0</b>	
Objects of Expenditure		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
A - SALARIES AND WAGES		\$154.0	\$154.0					
B - EMPLOYEE BENEFITS		\$55.5	\$55.5					
E - GOODS AND SERVICES		\$31.0	\$31.0					
G - TRAVEL		\$1.5	\$1.5					
J - CAPITAL OUTLAYS		\$12.0	\$4.0					
Expenditures by Program		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
PROGRAM T		\$254	\$246					

## Part I: Estimates (continued)

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.  
 If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).  
 Capital budget impact, complete Part IV. (This section refers to the State Capital Budget not the Transportation Budget Capital Budget funding.)  
 Requires new rule making, complete Part V.

## Agency Assumptions:

1. The Governor’s proposed 2023-2025 transportation budget includes the \$500,000 needed for this work.
2. The work activities and deliverables associated with SB5203 are complementary but separate from the proposal in the Governor’s budget to provide \$1.75m to continue ongoing work related to VMT reduction targets. Vehicle miles traveled reductions targets and actions to meet those targets will be set by region for those regions who opt to pilot the new process. The department shall provide technical assistance to local partners in developing targets, conducting modeling and analysis, identifying appropriate strategies to meet targets, and conducting outreach. Elements include:
  - a. A WSDOT FTE to lead VMT reduction efforts. A dedicated staff resource is essential for maintaining momentum.
  - b. Continued partnerships with the Department of Commerce on land use and transportation integration.
  - c. Consulting services from an independent, objective consultant to facilitate outreach and collaborative work with local communities
  - d. Technical assistance to, and pilot projects from, local jurisdictions who opt into being early adopters of local VMT reduction target setting.

## Agency Contacts:

Agency Preparer: Alon Bassok	Phone: 206.356.1331	Date: 1/11/2023
Agency Approval: Kerri Woehler	Phone: 360.480.1962	Date: 1/12/2023
Agency Budget Analyst: Stacey Halverstadt	Phone: 360.705.7544	Date: 1/12/2023

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

- Section 3(6)(iii)(B); page 12 relating to level of service standards: “if the department of transportation has prepared such standards”
  - This bill adds active transportation considerations to the comprehensive plan requirements. This work will fall to the cities, counties, and regional planning organizations. However, it does indicate that WSDOT collaborate with Commerce to provide guidance, which will likely include information about 1) methods for conducting an inventory of active transportation facilities, 2) a level of service standard that considers active transportation, 3) a methodology for defining active transportation demand, 4) a list of measures to reduce vehicle miles traveled, and 5) vehicle miles traveled data for each city and county. Much of this work has already started and/or will fall within existing WSDOT staff duties. There will likely be some fiscal impact associated with the work that extends beyond that.
- Section 5(2)(a); page 20 relating to VMT reduction measures: “ The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities may have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities”
  - Related work is underway through the department of transportation’s vehicle miles of travel reduction proviso and Commerce’s parallel proviso related to greenhouse gas emissions and a model climate element. Specifically, WSDOT is already assisting Commerce in developing a set of measures with demonstrable benefits for the model climate change element they are developing. Additional work will be needed to collaborate with Commerce on updates to its guidebook for transportation plan elements in a comprehensive plan. (See: <https://deptofcommerce.app.box.com/s/erocgtpv3acyxv2m9bcb59c38s13qqjb>. Relevant sections include Chapter 2 on land use connection (p22), rural areas (p35, p48); Chapter 4 on active transportation (p115), demand management (p190); Chapter 6 on complete streets (p227), TSMO (p235), transit (p240), freight (p252), parking (p267), and access (p267).) Resources are also needed for web publishing and providing training on the new guidance.
- Section 5(2)(b)(iii); page 21, related to per capita vehicle miles travelled: “The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.”

- WSDOT already produces vehicle miles traveled information. See: <https://wsdot.wa.gov/about/transportation-data/travel-data/annual-mileage-and-travel-information>. Combined with OFM figures on population, minimal effort is required to produce per capita figures.
- Section 9, on page 28, on per capita vehicles miles of travel, **does not mention WSDOT**, but states: “NEW SECTION. Sec. 9. A new section is added to chapter 47.80 RCW to read as follows: The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.”
  - An acceptable version of this can already be produced from the vehicle miles of travel data WSDOT produces annually.

## II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

This legislation has no anticipated impact on cash receipts

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

**Section 3(6)(iii)(B); page 12:** \$288,000 is estimated for 1.0 FTE Transportation Planning Specialist 5 (TPS5) salaries and benefits in 2023-25 to update level of service standards for highways of statewide significance for consistency with VMT reduction goals and to provide technical assistance to local governments working to incorporate level-of-service standards for state-owned facilities in comprehensive plans. In addition, \$18,000 is estimated to cover standard costs for the FTE, including supplies and materials, telephone & postage, professional development, computer/IT costs, and travel.

**Section 5(2)(a); page 20:** \$131,000 is estimated for 0.5 FTE Transportation Planning Specialist 4 (TPS) salaries and benefits to support Department of Commerce on updating and publishing the guidebook. An additional \$13,000 is estimated to cover standard costs for the FTE, including supplies and materials, telephone & postage, professional development, computer/IT costs, and travel, and \$50,000 in goods and services to fund web publishing and guidebook training and outreach.

These funds are one-time.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

Stated in II.C – See Expenditures by Object Table

## Part IV: Capital Budget Impact

No anticipated impact.

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

No anticipated impact.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.9	4.2	4.1	1.8	0.0
<b>Account</b>					
Climate Commitment Account-State 26C-1	567,309	607,412	1,174,721	565,916	0
<b>Total \$</b>	567,309	607,412	1,174,721	565,916	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Jessica Moore	Phone: 360-529-7583	Date: 01/13/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/13/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/16/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Under current law, Ecology works in partnership with local governments to implement chapter 90.58 RCW (Shoreline Management Act) to promote public access, encourage water-dependent uses, protect shoreline resources, and develop, adopt, and administer shoreline master programs. Department of Commerce is lead agency for rule-making and technical assistance to local governments under the Growth Management Act (GMA).

This bill would add a climate change resiliency and environmental justice goal to GMA and require amendments to growth management and shoreline plans to address resilience to changing climate conditions and would require Ecology to update shoreline master program rules for local governments to address the impact of sea level rise and increased storm severity.

Section 1 would amend the GMA RCW 36.70A.020 to incorporate environmental justice and resiliency by expanding existing goals and adopting one new goal.

Section 2 would amend the section of GMA that covers Shorelines of the State (RCW 36.70A.480). The amendment would update the description of the Shoreline Management Act (SMA) as the 15th goal of GMA to reflect the addition of a new enumerated 14th goal for Climate Change added in Section 1.

Section 3 would amend RCW 36.70A.070 to modify numerous existing elements to give special consideration to achieving environmental justice goals and policies, defines greenhouse gas emission reduction goals, and adds a new climate change and resiliency element.

Section 4 would add a new section to chapter 36.70A RCW to define which of the “fully planning” cities and counties would be required to meet the climate change and resiliency requirements outlined in section 3 of this bill.

Section 5 would amend chapter 70A.45 RCW, Limiting Greenhouse Gas (GHG) Emissions, to require Commerce to consult with the state Departments of Ecology, Health, and Transportation to publish guidelines defining the set of measures counties and cities would use to update their comprehensive plans and development regulations to achieve the statewide GHG emission reductions set forth in section 3 and including an environmental justice assessment. Commerce would be required to publish guidelines by December 31, 2025, and every four years thereafter. Updates to the guidelines after 2025 would be required to include a determination of whether adequate progress has been made toward the statewide greenhouse gas emissions and per capita vehicle miles traveled reduction goals.

Section 6 would create a new section of GMA to add an option for local governments to obtain Commerce approval of the GHG reduction sub-element. The optional process would be based on the shoreline master program (SMP) approval process described in RCW 90.58.090. The process would include clarification that like SMP approvals, the appeal of a GHG sub-element that is approved by Commerce is an appeal of Commerce’s approval to the Growth Management Hearings Board.

Section 7 would amend a section of GMA related to Growth Management Hearings Board statutes (RCW 36.70A.320) to clarify that like SMPs, the GHG sub-element takes effect as provided in section 6 (14 days after public notice of Commerce approval).

Section 8 would amend the section of GMA that requires Commerce to provide technical and financial assistance to help local governments meet GMA obligations (RCW 36.70A.190). Section 8(8) would require Commerce to work with Ecology, WDFW, DNR, DOH, and the Military Department’s Emergency Management Division (EMD) to adopt by rule guidance that creates a model resiliency element. Commerce would be required to establish funding levels for grants to community-based organizations to increase participation of vulnerable populations and overburdened communities in the

planning process. The bill specifies the model element is optional.

Section 9 would add a new section to chapter 47.80 RCW, regional transportation planning organizations, that would require WSDOT to compile, maintain, and publish a summary of the vehicle miles traveled (VMT) annually for all cities, and unincorporated portions of each county.

Section 10 would create a new section in the SMA (chapter 90.58 RCW). Ecology would be required to update SMP guidelines (chapter 173-26 WAC) to include requirements for local governments to update SMPs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Section 11 would amend RCW 86.12.200 that would require comprehensive flood control management plans to include consideration of climate impacts.

Section 12 would amend chapter 43.21C RCW, State Environmental Policy Act (SEPA), to make adoptions of ordinances, amendments to comprehensive plans, amendments to development regulations, and other non-project actions taken by a county or city under RCW 36.70A.070 (9) (a) or (c) exempt from administrative or judicial appeals.

Section 13 would make the requirements of the bill subject to availability of funds appropriated to support local government for the specific purposes outlined in the bill. Local governments are not required to comply with the bill's requirements until funds sufficient to cover applicable costs are provided two years before local governments must update their comprehensive plans.

Section 14 would amend RCW 36.70A.030 to include definitions of "per capita vehicles miles traveled," "active transportation," "transportation system," "environmental justice," "active transportation facilities," "green space," and "green infrastructure."

Section 15 would amend RCW 36.70A.130, the GMA periodic update schedule, to require counties and cities that have a December 31, 2024, deadline to complete the requirements for a climate change and resiliency element as part of their "5-year check-in" deadline (December 31, 2029). This applies to King, Kitsap, Pierce and Snohomish counties and cities within them with a population over 6,000.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 from Fiscal Year (FY) 2024 to FY 2025, and less than \$50,000 in FY 2026, to implement the requirements of sections 3, 5, 8 and 10.

Note: The Governor's 2023-25 proposed operating budget includes funding for this proposed legislation (CPC – Comprehensive Planning - Climate). Expenditures are estimated in the Climate Commitment Account consistent with the Governor's proposed budget.

Section 3 would amend RCW 36.70A.070 which outlines requirements for GMA elements. In consultation with Commerce, Ecology assumes that Commerce would engage in rulemaking to implement this section of the bill and that Ecology consultation and technical assistance would be required. Based on shared assumptions with Commerce, Ecology assumes this would involve monthly meetings with meeting preparation, research, and reading required in between meetings and stakeholder coordination from FY 2024 to FY 2025. Based on previous efforts, Ecology estimates that this would require

0.25 FTE of an Environmental Planner 5 and 0.25 FTE of an Environmental Planner 4 in each of these fiscal years.

Section 5(1) would require Commerce to consult with the state Departments of Ecology, Health, and Transportation to publish guidelines defining the set of measures counties and cities would use for updates to their comprehensive plans and development regulations to achieve the statewide GHG emission reductions set forth in section 3 and including an environmental justice assessment. Commerce would be required to publish guidelines by December 31, 2025, and every four years thereafter. Updates to the guidelines after 2025 would be required to include a determination of whether adequate progress has been made toward the statewide greenhouse gas emissions and per capita VMT reduction goals. In consultation with Commerce, Ecology assumes that Commerce would engage in rulemaking to implement this section of the bill and that Ecology consultation and technical assistance would be required. Based on shared assumptions with Commerce, Ecology assumes this would involve monthly meetings with meeting preparation, research, and reading required in between meetings and stakeholder coordination from FY 2024 to FY 2026. Ecology estimates that this would require 0.10 FTE of an Environmental Specialist 4 to evaluate GHG emission reductions from proposed actions and 0.07 FTE of an Environmental Planner 4 to attend meetings, provide input on the guidelines, and review drafts of the guidelines for FY 2024-2025, and 0.05 FTE of an Environmental Specialist 4 and 0.03 FTE of an Environmental Planner 4 for FY 2026.

Section 6 would create a new section of GMA to add Commerce approval of the GHG reduction sub-element. The process would be based on the SMP approval process described in RCW 90.58.090. The process would include clarification that like SMP approvals, the appeal of a GHG sub-element is an appeal of Commerce's approval to the Growth Management Hearings Board. Based on shared assumptions with Commerce, Ecology had assumed that Commerce would develop procedural rules for their approval of local GHG emissions sub-elements between 2030 and 2032 and that Ecology consultation and technical assistance would be required during this time. This is outside the scope for estimating on a fiscal note, so no estimate is made here.

Section 8 would require Ecology to participate in Commerce rulemaking to create a model climate resiliency element. In consultation with Commerce, Ecology assumes that Commerce would engage in rulemaking to implement this section of the bill and that Ecology consultation and technical assistance would be required on sea level rise, the handling of ground water, co-benefits of Salmon, as well as functions and values of floodplains and wetlands. Based on shared assumptions with Commerce, Ecology assumes this would involve monthly meetings with meeting preparation, research, and reading required in between meetings and stakeholder coordination from FY 2024 through FY 2025. Based on previous effort, Ecology estimates that this would require 0.25 FTE of an Environmental Planner 4 each fiscal year.

Section 10 would require Ecology to update SMP rules to address impacts of sea level rise and increased storm severity resulting from climate change. Based on previous experience with the controversial nature of climate change principles, Ecology assumes that rulemaking would involve extensive public participation and controversy. Ecology also assumes that the rulemaking would be a Significant Agency Action under the HEAL Act, and subject to the environmental justice assessment requirements under RCW 70A.02.060. Ecology further assumes that rulemaking would need to be completed by the end of FY 2026 to ensure that local government has adequate preparation time for new requirements to their SMPs during their next scheduled periodic review, starting in FY 2027. (The first deadlines for the next scheduled periodic review are at the end of FY 2028 and SMP updates typically take two years. Therefore, we assume local partners would begin their next updates starting in FY 2026.) Therefore, Ecology estimates that the rulemaking efforts required under this bill would take 36 months to complete, between July 1, 2023, and June 30, 2026. Rulemaking would require a rulemaking lead, technical staff, and economic research staff.

The rulemaking lead would oversee project management, lead rule development, manage stakeholder engagement, and perform other tasks as necessary. Ecology estimates that this work would require 1.0 FTE in FY 2024, FY 2025, and FY 2026 of an Environmental Planner 3.

Ecology assumes that the environmental justice reviews that are currently taking place will be replaced by the HEAL mandated Environmental Justice (EJ) assessments. Therefore, Ecology estimates no additional cost to incorporating the EJ assessment into the rulemaking effort for this bill.

Technical staff would work with the rulemaking lead to create the rule language and lead the overall policy change of the rulemaking. Ecology estimates that this work would require 0.75 FTE of an Environmental Planner 5, 0.50 FTE and an Environmental Planner 4, and 0.25 FTE of an Environmental Specialist 4 in FY 2024, FY 2025, and FY 2026, each fiscal year.

Economic research staff would complete economic and regulatory analysis in support of the rule as required by law. Ecology estimates that this work would require 0.25 FTE of an Economic Analyst 3 and 0.10 FTE of a Regulatory Analyst 2 in FY 2026.

Ecology would hold 3 public meetings in FY 2026 and 3 public hearing(s) in FY 2026 for rulemaking. Goods and services estimates include facility rental costs estimated at \$1,000 per event (total Goods and Services costs of \$6,000 in FY 2026). Due to the controversial and complexity of the topic area, Ecology assumes that a facilitator would be required for the public meetings and hearings. Contract estimates include facilitator contract costs estimated at \$2,100 per event (total estimated contract costs of \$12,600 in FY 2026).

The Public Outreach Coordinator would provide web and social media updates, meeting planning and attendance, and a communications strategy. Ecology estimates that this work would require 0.25 FTE in FY 2025 and again in FY 2026 of a Communication Consultant 5. Ecology assumes 6 ads in newspapers for required public notices at \$500 each (total Goods and Services costs of \$3,000 in FY 2026).

The Attorney General's Office (AGO) estimates a need for 0.05 AAG FTE at a cost of \$14,000 in FY 2024 and FY 2025, and 0.15 AAG FTE at a cost of \$37,000 in FY 2026.

Section 11 would amend RCW 86.12.200 that would require comprehensive flood control management plans to include consideration of changing conditions. Comprehensive flood control management plans are voluntary and there is no schedule for updates. Ecology has updated the Flood Planning Guidance and changing conditions are included in the scope of work. The existing rule (WAC 173-145) requires that jurisdictions that opt to prepare or update a comprehensive flood control management plan address the kinds of flooding impacts that will be aggravated by changing conditions in the future. The direction in section 11 that would ensure a plan includes consideration of changing conditions can be implemented consistent with existing rules without need for rule amendments. Additionally, the Flood Planning Guidance provides more specific details on how to include consideration of changing conditions. Therefore, no new rule updates would be necessary to implement this section of the bill, and there would be no new fiscal impact to Ecology.

SUMMARY: The expenditure impact to Ecology under this bill is:

Section 3 CONSULTATION ON COMMERCE RULEMAKING is estimated to require

FY 2024: \$86,155 and 0.6 FTEs

FY 2025: \$86,155 and 0.6 FTEs

Section 5(1) CONSULTATION ON COMMERCE RULEMAKING is estimated to require:

FY 2024: \$25,099 and 0.2 FTEs

FY 2025: \$25,099 and 0.2 FTEs

FY 2026: \$11,731 and 0.1 FTEs

Section 8 CONSULTATION ON COMMERCE RULEMAKING is estimated to require:

FY 2024: \$41,042 and 0.3 FTEs

FY 2025: \$41,042 and 0.3 FTEs

Section 10 RULEMAKING is estimated to require:

FY 2024: \$415,013 and 2.9 FTEs

FY 2025: \$455,116 and 3.2 FTEs  
 FY 2026: \$554,185 and 3.6 FTEs

The TOTAL Expenditure Impact to Ecology under this bill is estimated to be:

FY 2024: \$567,309 and 3.9 FTEs  
 FY 2025: \$607,412 and 4.2 FTEs  
 FY 2026: \$565,916 and 3.7 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Contract costs of \$12,600 in FY 2026 are included for 3 public meeting and 3 hearing facilitations.

Goods and Services are the agency average of \$5,224 per direct program FTE. Also included is \$6,000 in FY 2026 for meeting facility costs and public notices and \$3,000 in FY 2026 for newspaper advertisements. In addition, AGO costs of \$14,000 in FY 2024 and FY 2025, and \$37,000 in FY 2026 are included in object E.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
26C-1	Climate Commitment Account	State	567,309	607,412	1,174,721	565,916	0
<b>Total \$</b>			567,309	607,412	1,174,721	565,916	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.9	4.2	4.1	1.8	
A-Salaries and Wages	300,727	322,513	623,240	275,530	
B-Employee Benefits	108,261	116,104	224,365	99,191	
C-Professional Service Contracts				12,600	
E-Goods and Other Services	31,866	33,172	65,038	62,612	
G-Travel	5,346	5,737	11,083	4,971	
J-Capital Outlays	3,527	3,785	7,312	3,280	
9-Agency Administrative Overhead	117,582	126,101	243,683	107,732	
<b>Total \$</b>	567,309	607,412	1,174,721	565,916	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
COMM CONSULTANT 5	87,144		0.3	0.1	0.1	
ECONOMIC ANALYST 3	85,020				0.1	
ENVIRONMENTAL PLANNER 3	80,952	1.0	1.0	1.0	0.5	
ENVIRONMENTAL PLANNER 4	89,292	1.1	1.1	1.1	0.3	
ENVIRONMENTAL PLANNER 5	98,592	1.0	1.0	1.0	0.4	
ENVIRONMENTAL SPEC 4	73,260	0.4	0.4	0.4	0.2	
FISCAL ANALYST 2		0.3	0.4	0.4	0.2	
IT APP DEV-JOURNEY		0.2	0.2	0.2	0.1	
REGULATORY ANALYST 2	82,896				0.1	
<b>Total FTEs</b>		3.9	4.2	4.1	1.9	0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Sections 3, 5, and 8 would require Ecology to participate in three GMA rule-making efforts with Commerce as lead agency. Section 10 would require Ecology to lead rulemaking for the Shoreline Management Act rule (chapter 173-26 WAC).

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/12/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/12/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/16/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 – Like 2021 and 2022 versions of this bill, this bill adds climate change and resiliency as a goal to the GMA. Includes vulnerable populations and overburdened communities to the goal of citizen participation and coordination and adds environmental justice to the climate change goal.

Section 3 - The land use element includes green spaces, environmental justice considerations, and wildfire buffers. The capital facilities plan element includes an inventory of green infrastructure, the utilities element includes components of drinking water, stormwater, wastewater systems. Includes specific language regarding the transportation element. The climate change and resiliency element includes extensive language establishing compliance via GHG, provides for extensions in certain cases, and exempts certain actions taken from SEPA review.

Section 5 - Chapter on limiting greenhouse gas emissions expanded to require several state agencies, including Commerce, to come up with guidelines for reduction of GHG in comp plans, including recognition of environmental justice. Includes a list of things that Commerce cannot include in its guidelines.

Section 6 – This remains virtually unchanged from prior versions of this bill and sets forth that appeals from Commerce’s final decisions to approve or reject a proposed GHG emissions reduction sub-element or amendment may be appealed to the Growth Management Hearings Board (GMHB). The GMHB’s decision concerning these appeals must be based solely on whether or not the adopted or amended GHG emissions reduction sub-element, any adopted amendments to other elements of the comprehensive plan necessary to carry out the sub-element, and any adopted or amended development regulations necessary to implement the sub-element, comply with the GMA’s climate change goal, the climate change and resiliency element, the guidelines adopted by Commerce related to GHG emissions reductions related to the sub-element, or SEPA.

Section 7 – This edit to language concerning appeals to the GMHB makes clear that challenges to the GHG sub-element are pursuant to Section 6, above.

Section 8 - The core of this amendment is to charge Commerce with creating a model resiliency element for use by local jurisdictions in meeting the requirements of the changes to .070(9)

Section 9 – The Department of Transportation must collect and publish information on per capita vehicle miles traveled

Section 10 - Directs Ecology to update its guidelines to require shoreline master programs to address the impacts of sea level rise. When Ecology updates its guidelines the local jurisdictions are supposed to amend their programs to comply. If a local jurisdiction failed to complete an update, that might generate an appeal to the Shorelines Hearings Board (SHB), however, we expect most will go to the GMHB as only certain small counties and cities would have programs appealable to the SHB.

Section 11 – Amends 86.12.200 concerning flood control districts, addressing sea level rise and increased storm severity.

Section 12 - Exempts actions taken under 36.70A.070(9) from SEPA appeals.

Section 13 - Makes the entire bill subject to funding; compliance by local jurisdictions effective two years after activities are funded

Section 14 – Adds definition for some terms like “active transportation,” “environmental justice,” “green space,” etc.

Section 15 – Cities and counties required to include a climate change and resiliency element and required to update their

plan by December 31, 2024 must incorporate the element into their updated plan a part of the first implementation progress report.

**Current Agency Structure:** The Environmental & Land Use Hearings Office (ELUHO) is the administrative agency that supports three environmental and land use hearings boards – the Pollution Control Hearings Board (PCHB), Shoreline Hearings Board (SHB), and Growth Management Hearings Board (GMHB). Each GMHB case must be decided within 180 days of a filed appeal. ELUHO has a team of 3 legal assistants to support all three Boards.

**Assume new GMHB appeals –** The bill is expected to generate new appeals to the GMHB. Petitioners will want to legally test the application of GHG emissions reductions and other new requirements of the bill. The number and timing of appeals depends on the schedule of plan updates, however, ELUHO estimates 3 new appeals to the GMHB per year. This assumption is based on ELUHO’s experience with parties who are interested in testing new law or state regulations.

**Assume new appeals in FY 2025 –** We anticipate challenges to the new law will begin in FY2025.

**Assume cost absorption –** ELUHO assumes the GMHB can absorb costs to manage the few appeals likely to be generated by this bill.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

NONE

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

NONE

## **Part III: Expenditure Detail**

### **III. A - Operating Budget Expenditures**

NONE

### **III. B - Expenditures by Object Or Purpose**

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### **III. D - Expenditures By Program (optional)**

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.0	3.0	3.0	3.0	3.0
<b>Account</b>					
General Fund-State 001-1	513,000	513,000	1,026,000	1,026,000	1,026,000
<b>Total \$</b>	<b>513,000</b>	<b>513,000</b>	<b>1,026,000</b>	<b>1,026,000</b>	<b>1,026,000</b>

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Preparation: Tiffany Hicks	Phone: 3609022544	Date: 01/20/2023
Agency Approval: Tiffany Hicks	Phone: 3609022544	Date: 01/20/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 adds a new “Climate change and resiliency” GMA goal to local comprehensive plans.

Section 3 adds a “climate change and resiliency element” that is designed to result in reductions in overall greenhouse gas emissions and enhance resiliency to climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science.

Section 8 (subsection 8) directs Commerce (WDFW, and other state agencies) to develop and adopt by rule guidance that creates 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.

WDFW may help address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment within Ecology’s update of shoreline master program guidelines and programs (new section 10) and counties’ comprehensive flood control management plans (new section 11).

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The bill’s new planning goals and elements pertaining to fish and wildlife habitat protection, enhancement, and resilience (sections 1 and 3) will trickle down in implementation through the new climate guidance/rule statewide over time for the foreseeable future (section 8). Better planning guidance for habitat connectivity via open space and natural areas (sections 1 and 3) will be fundamental to species' adaptation to and ability to disperse/migrate within new climatic conditions, especially in wildfire prone ecoregions (section 8). To fulfill the new land use planning requirements this bill would create will require increased capacity and partnership within WDFW headquarters and regions, as described below:

Ongoing headquarters capacity for climate rulemaking and implementation:

First, as highlighted above, the bill calls for WDFW’s participation in climate-related rulemaking led by Commerce and (we assume) in Ecology’s update of Shoreline Master Program (SMP) guidelines/rules and programs.

Second, WDFW will need to play an ongoing role to implement the new climate guidance/rule during the current Growth Management Act (GMA) periodic update cycle, which will continue county by county (including cities) through FY 2027 and again in ten years. A science-policy team has been and will be well-suited to fulfill this need:

A Research Scientist 2 will assemble and review existing scientific literature related to the effects of climate change on fish and wildlife and their habitat in Washington State and develop resources focusing on enhancing areas of vital habitat for safe passage, species migration, and climate resilience to support salmon recovery and ecosystem health services. This work will also require increased capacity to analyze spatial data and develop management recommendations for Priority Habitats and Species (PHS).

An Environmental Planner 5 will present climate guidance/rule to local planners/jurisdictions to support updates to their

GMA Comprehensive Plans and Critical Area Ordinances (CAO), such as webinars describing resilience measures in land use planning. Within the Ecosystem Services Division, this position may span the PHS section and the Land Use Conservation and Policy section in the development of tools/products/resources that can be applied programmatically across regions in support of local governments. Other important roles include training regional staff and coordinating with other state agencies for consistency in policy interpretations and communications.

Increased regional capacity for implementing climate guidance/rule:

This bill would increase the need for technical assistance to local governments from WDFW for implementation of new climate guidance/rule in concert with the other existing habitat-related GMA and Shoreline Management Act (SMA) land use planning efforts our regional staff are already supporting.

First, the heightened need for WDFW's advisory role continues for at least the next 4.5 years of this GMA periodic update cycle (through FY 2027). Local governments will increasingly need to rely on our local subject matter experts to provide the technical assistance to meet the bill's new climate resilience requirements (as reflected in their Comprehensive Plans and CAOs) on top of best available science and other updates.

Then, WDFW responsibilities will shift to the next cycle of SMP periodic reviews (SMA). The SMEs will adapt their assistance to reflect Ecology's update of shoreline master program guidelines/rules and SMPs called for in this bill (new section 10). The combination of GMA and SMA land use planning work becomes a continuous cycle alternating every five years, requiring ongoing staffing to advise local governments statewide.

WDFW will fulfill this growing need with a new region-based Environmental Planner 3 to support those local governments most in need of technical assistance. This approach is consistent with the EP3s currently being hired in regions 4 and 6 to support the first four counties (and their cities) in the GMA periodic update cycle (with a 2024 deadline). Ten more counties' (and their cities') updates are due in 2025, 9 more counties (and their cities) are due in 2026, and the remaining 16 counties (and their cities) are due in 2027. We anticipate the need for at least one EP3 will be needed in each of WDFW's six regions over time.

To conduct agency duties as outlined above, estimates by section are as follows:

Sections 1 and 3 will require an Environmental Planner 5 and a Fish and Wildlife Research Scientist 2 each for:  
0.4 FTE in fiscal years 2024 and 2025 and 0.8 FTE in fiscal years 2026 and 2027 to develop/provide programmatic implementation tools for GMA updates  
0.2 FTE in fiscal years 2028 and 2029 to develop/provide programmatic implementation tools for SMP updates

Sections 1 and 3 will require an Environmental Planner 3 for:  
0.8 FTE in fiscal years 2024 through 2027 to implement tools for GMA updates  
0.2 FTE in fiscal years 2028 and 2029 to implement tools for SMP updates

Section 8 will require an Environmental Planner 5 and a Fish and Wildlife Research Scientist 2 each for:  
0.5 FTE in fiscal years 2024 and 2025 for GMA rulemaking consultation

Sections 10 and 11 will require an Environmental Planner 5 and a Fish and Wildlife Research Scientist 2 each for:  
0.1 FTE in fiscal years 2024 and 2025 to provide consultation on SMP rule making  
0.2 FTE in fiscal years 2026 and fiscal year 2027 and 0.8 FTE in fiscal years 2028 and 2029 to develop/provide programmatic implementation tools for SMP updates

Sections 10 and 11 will require an Environmental Planner 3 for:  
0.2 FTE in fiscal years 2024 through 2027 and 0.8 FTE in fiscal years 2028 and 2029 to implement tools for SMP updates.

Salaries and Benefits total \$367,000 in fiscal year 2024 and ongoing.

Goods and services, Object E, includes \$6,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 33.5% is included in object T and is calculated based on WDFW's federally approved indirect rate.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	513,000	513,000	1,026,000	1,026,000	1,026,000
<b>Total \$</b>			513,000	513,000	1,026,000	1,026,000	1,026,000

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.0	3.0	3.0	3.0	3.0
A-Salaries and Wages	271,000	271,000	542,000	542,000	542,000
B-Employee Benefits	96,000	96,000	192,000	192,000	192,000
C-Professional Service Contracts					
E-Goods and Other Services	18,000	18,000	36,000	36,000	36,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	128,000	128,000	256,000	256,000	256,000
9-					
<b>Total \$</b>	513,000	513,000	1,026,000	1,026,000	1,026,000

#### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL PLANNER 3		1.0	1.0	1.0	1.0	1.0
ENVIRONMENTAL PLANNER 5		1.0	1.0	1.0	1.0	1.0
FISH & WILDLIFE RESEARCH SCIENTIST 2		1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		3.0	3.0	3.0	3.0	3.0

#### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Business Services (010)	72,000	72,000	144,000	144,000	144,000
Habitat (030)	441,000	441,000	882,000	882,000	882,000
<b>Total \$</b>	513,000	513,000	1,026,000	1,026,000	1,026,000

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 5203 SB	<b>Title:</b> Climate change/planning
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- Cities: Growth Management Act (GMA) fully planning cities would have to amend and adopt mandatory elements of their comprehensive plans. Cities with Shoreline Master Programs would have to update their plans with new sea level rise and storm severity guidelines.
- Counties: Same as above.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

**Part II: Estimates**

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: Planning jurisdictions may use existing natural hazard mitigation plans in their Resiliency subelement but may be required to supplement those plans to fully comply with the provisions of this subelement. Counties' comprehensive flood control plans may include a consideration of climate change impacts and sea level rise, as a local option.
- Key variables cannot be estimated with certainty at this time: Number of jurisdictions that would submit greenhouse gas emissions reductions subelement to the Department of Commerce for approval; number of jurisdictions that would use natural hazard mitigation plans which would need to be supplemented with additional work to satisfy the requirements of the resiliency subelement, and the costs related to incorporating the Shoreline Master Program guidelines for sea level rise and climate change resiliency would be based on the forthcoming guidelines developed by the Department of Ecology.

**Estimated revenue impacts to:**

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	4,753,384	9,722,947	14,476,331	8,730,344	23,144,132
County	1,777,319	3,331,219	5,108,538	2,951,612	2,294,900
<b>TOTAL \$</b>	6,530,703	13,054,166	19,584,869	11,681,956	25,439,032
<b>GRAND TOTAL \$</b>					56,705,857

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**Estimated expenditure impacts to:**

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	4,753,384	9,722,947	14,476,331	8,730,344	23,144,132
County	1,777,319	3,331,219	5,108,538	2,951,612	2,294,900
<b>TOTAL \$</b>	6,530,703	13,054,166	19,584,869	11,681,956	25,439,032
<b>GRAND TOTAL \$</b>					56,705,857

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### **Part III: Preparation and Approval**

Fiscal Note Analyst: Jordan Laramie	Phone: 360-725-5044	Date: 01/20/2023
Leg. Committee Contact: Maggie Douglas	Phone: 3607867279	Date: 01/09/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/20/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/23/2023

## Part IV: Analysis

### A. SUMMARY OF BILL

*Description of the bill with an emphasis on how it impacts local government.*

The act would require jurisdictions planning under the GMA to incorporate measures that plan for and mitigate the impacts of climate change on the state of Washington, enhance the climate resiliency of its residents and habitats, and prioritize environmental justice goals for overburdened communities and vulnerable populations. This bill would make numerous amendments to the Growth Management Act (GMA) meant to plan for jurisdiction-specific resilience measures to wildfire, drought, flooding, air quality, natural hazards, and the protection and enhancement of the environment, economy, and human health and safety. Vulnerable populations and overburdened communities are encouraged to participate in comprehensive plan updates, efforts, goals, and funding opportunities to reduce localized GHG emissions and climate impacts under the provisions of this bill.

All jurisdictions fully planning under the GMA would be required to implement a resiliency sub-element that enhances a jurisdiction's ability to mitigate or respond to the adverse impacts of climate change. These jurisdictions must also account for the locations and capacities of green infrastructure and utility systems.

Certain jurisdictions that fully plan under the GMA and meet population thresholds would be required to:

--Adopt a land use element that avoids worsening environmental health disparities and mitigates risk from wildfires.

--Adopt a greenhouse gas (GHG) emissions reduction sub-element that reduces overall GHG emissions in transportation and land use as well as reduce vehicle miles traveled within the jurisdiction. These goals must be met without increasing emissions in other parts of the state or limits population growth within the jurisdiction. The sub-element must also prioritize reductions in GHG emissions in overburden communities.

--Adopt a transportation element that incorporates active transportation and equitable access to multimodal transportation inside and outside of urban growth areas.

Amendments to Shoreline Master Program guidelines would require planning jurisdictions to address the impact of sea level rise and increased storm severity on people, property, the environment, and shoreline natural resources.

Sec. 1 amends RCW 36.70A.020

Amends the goals of the GMA to include reducing statewide targets for GHG emissions and vehicle miles traveled, retaining greenspace, protecting and enhancing the environment, involving vulnerable populations and overburdened communities in comprehensive plan updates, and fostering resilience to the effects of climate change and natural hazards.

Sec. 2 amends RCW 36.70A.480

Amends this section to include new statutory references.

Sec. 3 amends RCW 36.70A.070

Sec. 3(1) Land use element must give consideration to achieving environmental justice (as defined in Sec. 14(35)) goals and policies, and avoid creating or worsening environmental health disparities, and mitigate risks to lives and property from wildfires.

Sec. 3(3) Capital facilities plan element must include green infrastructure (as defined in Sec. 14(38)) in the inventory of existing capital facilities.

Sec. 3(4) Utilities element must include components of drinking water, stormwater, and wastewater systems. Amends "lines" of existing electrical, telecommunications, and natural gas utilities to be "systems"

Sec. 3(6)(a)(iii) Facilities and service needs subelement of the Transportation element must include:

(A) An inventory of active transportation facilities. (B) Level of service standards that incorporate local, regional, and state operated transit routes and active transportation facilities that serve urban growth areas, which help to achieve environmental justice goals of this chapter. (C) Level of service of active transportation facilities must be added to a jurisdiction's six-year transportation program to monitor the performance of the system, to evaluate strategies, and to facilitate coordination with the Office of Financial Management's ten-year investment program. (E) A forecast of multimodal transportation demand that equitably provides access and mobility to people and goods inside and outside of urban growth areas. (F) Identification of state and local transportation system needs that reflect local goals in a way that equitably administers the multimodal network.

Sec. 3(6)(a)(iv) Finance subelement of the Transportation element must include a discussion of how additional funding would be raised or how land use assumptions will be reassessed if probable funding falls short of meeting the identified needs of a transportation system.

Sec. 3(6)(a)(vii) Pedestrian and bicycle subelement of the Transportation element is amended to reflect "active transportation."

Sec. 3(6)(b) Fully planning jurisdictions may not allow the level of service of a transportation network to decrease below the level established in an adopted comprehensive plan. Developments may concurrently improve active transportation facilities or enhance public transportation services to alleviate a potential level of service decrease.

Sec. 3(9)(d) Climate change and resiliency element that is designed to reduce overall GHG emissions and enhance resiliency to the impacts of climate change. It must include efforts to reduce localized greenhouse gas emissions must avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

Sec. 3(9)(e) Resiliency subelement: Clarifies the specific goals, policies, and programs of the subelement, as well as adds guidance for local governments that have adopted a federal emergency management agency natural hazard mitigation plan

Sec. 4 is a new section added to RCW 36.70A

Sec. 4(1) through 4(4) defines jurisdictions that must adopt the amendments to RCW 36.70A.070 proposed by this act.

Sec. 4(5) and 4(6) establishes that once a county meets the population criteria of Sec. 4(1)(a) or (b) all requirements of Sec. 4(1) and Sec. 3(9) apply to impacted jurisdictions. Counties, and the cities within those counties, retain the requirement to conform with the GHG reduction subelement and resiliency element in the event that a county's population criteria are not met in the future.

Sec. 6 is a new section added to RCW 36.70A

Establishes that a jurisdiction may submit a GHG emission reduction subelement to Commerce for approval.

Sec. 7 amends RCW 36.70A.320

Details the effective dates of approved and submitted GHG emissions reduction subelements established in Sec. 6.

Sec. 8 amends RCW 36.70A.190

Establishes new priority assistance metrics for planning and technical assistance based on the presence of overburdened communities and other factors. Establishes the cross-agency development of a model climate change and resiliency element.

Sec. 11 amends RCW 86.12.200

A county should consider climate change impacts in its comprehensive flood control management plan. For counties that plan under the GMA, the land use restrictions in the flood control management plan can be incorporated into its comprehensive plan and development regulations.

Sec. 12 amends RCW 43.21C

A safe harbor provision from SEPA administrative and judicial review such that jurisdictions to adopt planning actions to implement the climate change and resiliency element.

Sec. 13: Complying with the requirements of this legislation are conditional on whether the state appropriates funding for the specific purposes of this act. The requirements of this act take effect two years after the state appropriates such funding.

Sec. 15: Would establish that a city or county that is required to incorporate a Climate Change and Resiliency element into their comprehensive plan and is required to review and revise its comprehensive plan by December 31, 2024, must incorporate the new element into its comprehensive plan as part of the implementation progress report.

## **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The full expenditure impact for this legislation is indeterminate, but significant, for planning jurisdictions affected throughout Washington. Based on assumptions from the Association of Washington Cities (AWC) and the Washington State Association of Counties (WSAC) the planning and implementation costs for this bill could exceed \$56.7 million distributed over six fiscal years, beginning in FY2024 until FY2029. The costs for amended Shoreline Master Programs are indeterminate at this time because the guidelines have not yet been established by the Department of Ecology (Ecology). It is unknown which jurisdictions would have costs to modify Shoreline Master Plans that exceed the funding that Ecology provides for these updates.

### **MAIN DETERMINATES OF PLANNING COSTS:**

The local government expenditure impact for this bill are primarily determined by:

- 1.) The number of jurisdictions required to amend or adopt mandatory elements or subelements,
- 2.) Population thresholds that mandate implementation of certain mandatory elements or subelements, and
- 3.) The planning complexity of each new or amended mandatory element or subelement, which each planning jurisdiction administer at varying degrees of internal capacity.

The leading cost factors of individual planning activities include: The length of time to complete the planning activity, the types of technical tasks required, the number of consultant contracts issued, the number meetings to gather input from the public, the number of stakeholder workgroups, and the types and frequency of public engagement used. The costs for city and county staff time are typically the largest cost component of any long range planning work. These costs on average represent more than 50 percent of total costs for all planning activities. Local governments tend to rely on consultants more heavily for complex planning efforts, which include: new comprehensive plan elements, complex comprehensive plan updates, updates to critical areas ordinances, and shoreline master programs. Community outreach, stakeholder workgroups, and data analysis are used more frequently across all planning activities when compared to modeling and other technical methods.

Planning jurisdictions have considerable latitude in their application of the provisions of the Growth Management Act (GMA) in their comprehensive plan. The marginal costs for local governments to implement the provisions of this act into their comprehensive plans and development regulations would vary widely based on a jurisdiction's: existing climate change and resiliency planning work, staff capacity, geography, political boundaries, infrastructure and housing needs, the local political ambition to accomplish planning goals, population and population growth, and other factors.

Additional cost factors for this bill include the rate of inflation for goods and services. Both AWC and WSAC indicate that due to rising costs of services in the broader economy, the planning cost estimates from E2S HB 1099 (2022) would

require an increase by a rate of inflation that reflects higher costs for these goods and services. As such, the Local Government Fiscal Note program increased estimates from E2S HB 1099 (2022) by a rate of 8.25%.

It is currently unknown if these local governments could incorporate the guidelines developed by Commerce, Ecology, the Department of Transportation, and the Department of Health without incurring significant additional planning costs per Sec. 5 of this legislation. The model element developed by Commerce and other agencies, as described in Sec. 8(8), may reduce costs of the Climate Change and Resiliency element for certain planning jurisdictions. Local planners view models as helpful for review as they prepare materials but indicate that provided examples must be changed significantly to be incorporated into existing local code.

#### IMPACTS OF SECTION 3:

Sec. 3(1) Land Use element must give special consideration to achieving environmental justice in its goals and policies; avoid creating or worsening environmental health disparities, and reduce and mitigate the risk to lives and property posed by wildfires and protect existing development through adaptive fire measures. AWC and WSAC indicate that the combination of these factors would require a complex element update for certain jurisdictions that meet the population thresholds of Sec. 4(3).

Cities, complex element update (Land Use): \$54,125 to \$108,250, per city, for 96 fully planning cities meeting Sec. 4(3) thresholds

Counties, complex element update (Land Use): \$108,250, per county, for 24 fully planning counties meeting Sec. 4(3) thresholds

Sec. 3(3) Capital Facilities Plan element must include a green infrastructure locations and capacities. AWC indicate that this amendment would require a non-complex element update to jurisdiction's Capital Facilities Plan element, while WSAC estimate that this would be a moderately complex amendment, for all planning jurisdictions.

Cities, non-complex element update (Capital Facilities): \$16,238 to \$32,475, per city, for 216 fully planning cities

Counties, moderately element update (Capital Facilities): \$81,188, per county, for 28 fully planning counties

Sec. 3(4) Utilities element must include the location and capacity of additional utilities in the comprehensive plan, including drinking water, stormwater, wastewater, and telecommunications utilities. AWC and WSAC indicate that the combination of these new utilities being included in the Utilities element would require a complex element update for all planning jurisdictions.

Cities, complex element update (Utilities): \$54,125 to \$108,250, per city, for all 216 fully planning cities

Counties, complex element update (Utilities): starting at \$81,188 to \$108,250, per county, for all 28 fully planning counties

Sec. 3(6) The Transportation element must include alignment of transit service levels and transportation facilities to inform future planning. Local, regionally operated, and state-owned or operated transit routes that serve urban growth areas should be included when measuring level of service standards. The Transportation element now requires a ten year forecast of multimodal transportation demand and needs, based on adopted land use plans, within and outside cities and urban growth areas. These amendments would require a complex element updated based on assessment by AWC and WSAC and would impact certain planning jurisdictions that meet the population thresholds in Sec. 4(2).

Cities, complex element update (Transportation): \$54,125 to \$108,250, per city, for 108 fully planning cities meeting Sec. 4(2) thresholds

Counties, complex element update (Transportation): \$86,600, per county, for 13 fully planning counties meeting Sec. 4(2) thresholds

Sec. 3(9) and Sec.3(9)(e) The Climate Change element and Resiliency sub-element would address limiting damage from wildfires, sea level rise, air quality issues, and designing transportation systems that protect the environment, as well as, meet the needs of the specific jurisdiction. AWC indicate that creating a new complex element and the associated sub-element may have costs that are similar to updating a complex element. WSAC indicate that similar costs for a complex element update would be accurate for the costs of this new element and subelement. However, WSAC believe that grants counties receive from the Federal Emergency Management Agency (FEMA) for hazard mitigation plans would be used to cover the costs of this new complex mandatory element and associated sub-element.

Cities, new element (Resiliency element and subelement): \$81,188 to \$108,250, per city, for all 216 fully planning cities  
Counties, new element (Resiliency element and subelement): \$162,375, per county, for all 28 fully planning counties

Note: All 28 planning counties would be required to implement the Resiliency element and subelement, however, these costs are not contained in this fiscal note estimate because the costs are assumed to be covered by the FEMA grants.

Sec. 3(9)(d) The greenhouse gas (GHG) emissions reduction sub-element of the Climate Change and Resiliency element that is designed to reduce overall GHG emissions and enhance resiliency to the impacts of climate change. This subelement must include efforts to reduce localized greenhouse gas emissions must avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities. AWC indicate that creating a new complex sub-element may have costs that are similar to updating a complex element. WSAC indicate that similar costs for a complex element update would be accurate for the costs of this new element and subelement.

Cities, complex subelement (GHG Reduction): \$54,125 to \$108,250, per city, for 96 fully planning cities meeting Sec. 4(1) thresholds  
Counties, complex subelement (GHG Reduction): \$86,600, per county, for 13 fully planning counties meeting Sec. 4(1) thresholds

#### PLANNING COSTS ASSUMPTIONS:

If the legislature appropriates funding for the purposes of this act, the jurisdictions with comprehensive plans due in 2025 would be the first cohort of planning jurisdictions that receive funding. Based on assessments by AWC, WSAC, and the Department of Commerce, work on GMA comprehensive plans usually begins two years prior to the submission deadline. For example, jurisdictions with comprehensive plans due June 30, 2025, may start in July 1, 2023. The figures below assume all jurisdictions start two years in advance of the comprehensive plan submission deadline and encompass two years' worth of expenditures per planning jurisdiction.

Due to the funding requirement provisions in Sec. 13 and existing submission deadline statute in RCW 36.70A.130, the funding window has closed for jurisdictions with comprehensive plans due December 31, 2024. Commerce assumes that amendments in this bill would not be a requirement for jurisdictions with comprehensive plans due in 2024 until funding is provided by the legislature for the specific purposes of this act. In Commerce's fiscal note for SB 5203, jurisdictions with comprehensive plan due dates in 2024 would receive funding, on or before December 31, 2027, to begin work for the amendments proposed in the legislation. These jurisdictions would have amended elements and supporting subelements due December 31, 2029. Jurisdictions with implementation progress reports specified in Sec. 15(9)(a) would also have GHG emissions reductions subelements due at this time.

#### STATE FISCAL YEAR PLANNING COST ESTIMATES:

These estimates assume work on comprehensive plans start two years before the jurisdiction's comprehensive plan is due to the Department of Commerce. These figures also assume that 50 percent of the planning costs are incurred from July 1 of the year a periodic comprehensive plan update begins, to June 30 of the following year, and 50 percent of costs are July

1 until the June 30 submission deadline the following year.

Combined:

FY2024: \$6,530,703  
FY2025: \$13,054,166  
FY2026: \$9,102,709  
FY2027: \$2,579,247  
FY2028: \$12,719,516  
FY2029: \$12,719,516  
Total: \$56,705,856

City:

FY2024: \$4,753,384  
FY2025: \$9,722,947  
FY2026: \$6,849,953  
FY2027: \$1,880,391  
FY2028: \$11,572,066  
FY2029: \$11,572,066  
Total: \$46,350,806

County:

FY2024: \$1,777,319  
FY2025: \$3,331,219  
FY2026: \$2,252,756  
FY2027: \$698,856  
FY2028: \$1,147,450  
FY2029: \$1,147,450  
Total: \$10,355,050

Sec. 3(9)(e)(ii) Incorporating Natural Hazard Mitigation Plans in the Resiliency Subelement:

Indeterminate - For jurisdictions that intend to reference a natural hazard mitigation plan to satisfy the requirements of the Resiliency sub-element of their comprehensive plans, there may be reduce costs for all applicable planning jurisdictions. However, if the natural hazard mitigation plan does not satisfy all of the requirements of Sec. 4(9)(e) then the planning jurisdiction would have to supplement their Resiliency sub-element with the necessary information to fully comply with this subsection. The number of planning jurisdictions that would reference an existing natural hazard mitigation plan and the jurisdictions where the plan is not sufficient to satisfy the requirements of Sec. 4(9)(e) is indeterminate and would vary by jurisdiction.

IMPACT OF SECTION 6:

Indeterminate - Jurisdictions that are required to create GHG emissions reduction subelements per Sec. 3(9) may submit them for review to the Department of Commerce voluntarily. Jurisdictions that were surveyed about the costs for this legislation indicated that it may cost as much as to \$10,000 to prepare the sub-element for review and be involved with the review process described in Sec. 6. However, the number of planning jurisdictions that would choose to submit their GHG Emissions Reduction sub-element is currently unknown.

IMPACT OF SECTION 10:

Indeterminate - Shoreline Master Plan (SMP) guidelines would be amended to include addressing the impact of sea level rise and increased storm severity on people, property, the environment, and shoreline natural resources. The costs to

implement these guideline changes into Shoreline Master Plans is not currently known and is indeterminate at this time.

These new guidelines could impact as many as 224 cities and 39 counties. If the guideline changes require jurisdictions to conduct an SMP update that is above the costs reported for a baseline update, there could be significant costs that potentially exceed \$17.1 million. As with the estimates for costs related to planning noted for Sec. 3, the following estimated costs provided in HB 1241 (2022) have been adjust for inflation in goods and services.

**Illustrative Example:**

In HB 1241 (2022) WSAC reported that the costs related to SMP updates may have costs of approximately \$100,000 (inflation adjusted to \$108,250) per impacted jurisdiction. For respondents to a 2020 AWC City Planning Costs survey, cities indicated that a baseline update to meet the minimum for SMP updates would be entirely, or partially covered by an Ecology grant. A more robust update may cost as much as \$75,000. The cities of Lacey, Lake Stevens, Leavenworth, Olympia, and SeaTac reported that their jurisdictions received Ecology grants, but only Olympia indicated that they needed to match the grant funding to conduct public outreach and consultant management. All these jurisdictions indicated that the Ecology funding level was for the bare minimum required to update. Assuming the SMP update under the provisions of this bill is above the baseline necessary, there may be matching funds necessary for impacted jurisdictions. The average of the grant funding received from these cities was \$21,920. To achieve the robust update SMP figure, matching funds would be approximately \$53,000 ( $\$75,000 - \$21,920 = \$53,080$ , inflation adjusted to \$57,373). Ecology's State approved Shoreline Master Program index indicates that there are 224 cities and 39 counties with SMPs.

**Cities –**

2027 SMPs – 71 cities, \$4,073,448

2028 SMPs – 40 cities, \$2,294,900

2029 SMPs – 56 cities, \$3,212,860

2030 SMPs – 57 cities, \$3,270,233

$\$57,373$  per jurisdiction x 224 cities = \$12,851,440

Total, \$12,851,440

**Counties –**

2027 SMPs – 3 counties (King, Pierce, Snohomish)

2028 SMPs – 10 counties (Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom)

2029 SMPs – 10 (counties Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas, Lewis, Skamania, Spokane, and Yakima)

2030 SMPs – 16 counties (Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman)

$\$108,250$  per jurisdiction x 39 counties = \$4,221,750

Total illustrative estimate:  $\$12,851,440 + \$4,221,750 = \$17,073,190$

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The total revenue impact of this legislation is dependent on appropriation made by the legislature for the specific purposes of this act. The grant revenue for local government's conducting amendments to comprehensive plan elements, a new element, and accompanying subelements, would be commensurate with estimated costs, or \$56.7 million from FY24 to FY29. Estimated costs for the amendments to Shoreline Master Programs are indeterminate at this time as the guidelines for the Shoreline Master Plan updates are still being determined by the Department of Ecology.

Per Sec. 13, the obligation for local governments to comply with the requirements of Sec. 3 and Sec. 10 of this act would begin two years after the legislature approves funding for the specific purposes of this act.

COMPREHENSIVE PLANNING GRANT ESTIMATES:

The revenue impact for affected planning jurisdictions may be commensurate with costs to implement the planning amendments purposed by this act. The amendment to Sec. 8(2) may increase funding in certain planning jurisdictions due to priority for assistance to be award based on the presence of overburdened communities. Due to Sec. 13, funding for the provisions of this bill must be appropriated two-years prior to the adoption of jurisdiction’s comprehensive plan update, as detailed in RCW 36.70A.130. To assist with the planning work two years before the due date, the first counties, and cities within those counties with comprehensive plan periodic updates due in June 2025, would receive their grant from the Department of Commerce starting FY24.

State Fiscal Year Planning Grant Estimates:

These estimates assume work on comprehensive plans start two years before the jurisdiction’s comprehensive plan is due to the Department of Commerce. These figures also assume that 50 percent of the planning costs are incurred from July 1 of the year a periodic comprehensive plan update begins to June 30 of the following year, and 50 percent of costs are incurred July 1 until the June 30 deadline the following year.

Combined:

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Total: \$10,355,050

Sources:

Association of Washington Cities  
Association of Washington Cities, City Planning Survey (2020)  
Department of Commerce  
Local Government Fiscal Note Program, FN E2S HB 1099 AMS WM S5164.1 (2022)  
Local Government Fiscal Note Program, FN HB 1241 (2022)  
Washington State Association of Counties