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HOUSE BILL 2595

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Springer, Fitzgibbon, Nealey, and Tharinger

Read first time 01/22/14. Referred to Committee on Environment.

1            AN ACT Relating to infill development; and amending RCW 43.21C.229.

2            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3            **Sec. 1.** RCW 43.21C.229 and 2012 1st sp.s. c 1 s 304 are each  
4 amended to read as follows:

5            (1) In order to accommodate infill development and thereby realize  
6 the goals and policies of comprehensive plans adopted according to  
7 chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is  
8 authorized by this section to establish categorical exemptions from the  
9 requirements of this chapter. An exemption adopted under this section  
10 applies even if it differs from the categorical exemptions adopted by  
11 rule of the department under RCW 43.21C.110(1)(a). An exemption  
12 ((may)) must be adopted by a city or county under this section if it  
13 meets the following criteria:

14            (a) It categorically exempts government action related to  
15 development proposed to fill in an urban growth area, designated  
16 according to RCW 36.70A.110, where current density and intensity of use  
17 in the area is lower than called for in the goals and policies of the  
18 applicable comprehensive plan and the development is either:

19            (i) Residential development;

1 (ii) Mixed-use development; or  
2 (iii) Commercial development up to sixty-five thousand square feet,  
3 excluding retail development;  
4 (b) It does not exempt government action related to development  
5 that is inconsistent with the applicable comprehensive plan or would  
6 exceed the density or intensity of use called for in the goals and  
7 policies of the applicable comprehensive plan;  
8 (c) The local government considers the specific probable adverse  
9 environmental impacts of the proposed action and determines that these  
10 specific impacts are adequately addressed by the development  
11 regulations or other applicable requirements of the comprehensive plan,  
12 subarea plan element of the comprehensive plan, planned action  
13 ordinance, or other local, state, or federal rules or laws; ~~((and))~~  
14 (d) The action is a short plat and short subdivision approved under  
15 RCW 58.17.060 within an urban growth area; or  
16 (e)(i) The city or county's applicable comprehensive plan was  
17 previously subjected to environmental analysis through an environmental  
18 impact statement under the requirements of this chapter prior to  
19 adoption; or  
20 (ii) The city or county has prepared an environmental impact  
21 statement that considers the proposed use or density and intensity of  
22 use in the area proposed for an exemption under this section.  
23 (2) Any categorical exemption adopted by a city or county under  
24 this section shall be subject to the rules of the department adopted  
25 according to RCW 43.21C.110(1)(a) that provide exceptions to the use of  
26 categorical exemptions adopted by the department.

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