

1474-S

Sponsor(s): House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams, Cairnes, Lisk, Sherstad, Sheldon, Sheahan, Pennington, Hatfield, Koster, Dunn, Doumit, McMorris, Alexander, Thompson, Bush, McDonald, Delvin, Wensman and Mulliken)

Brief Title: Increasing categorical exemptions from SEPA.

HB 1474-S - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Declares that decisions pertaining to the following minor new construction proposals and minor land use proposals within urban growth areas designated under RCW 36.70A.110 are exempt from threshold determination and environmental impact statement requirements: (1) Construction of or location of any residential structures of ten or fewer dwelling units;

(2) construction of an office, school, commercial, recreational, service, or storage building with eight thousand or fewer square feet of gross floor area, and with associated parking facilities;

(3) construction of a parking lot designed for forty or fewer automobiles;

(4) division of land into nine or fewer lots or parcels; and

(5) any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation.

Provides that the legislative authority of a county or city that is planning under RCW 36.70A.040 may raise the exemption levels specified in this act by ordinance or resolution to the following maximum levels within urban growth areas: (1) Construction of or location of any residential structures of a maximum of twenty or fewer dwelling units; and

(2) construction of an office, school, commercial, recreational, service, or storage building with a maximum of twelve thousand or fewer square feet of gross floor area, and with associated parking for forty or fewer automobiles.

VETO MESSAGE ON HB 1474-S

May 19, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1474 entitled:

"AN ACT Relating to increasing categorical exemptions from the state environmental policy act within areas designated as urban growth areas under the growth management act;"

Substitute House Bill No. 1474 would increase the categorical exemptions from threshold determination and environmental impact statement requirements for development activities within urban growth areas. Although this legislation would increase the

certainty and timeliness of small to medium-sized development projects within urban growth areas where growth is to be encouraged, it does so at too high a price.

One of my goals regarding land use issues is to increase the discretion and flexibility afforded to local governments. This bill would have the opposite effect by imposing a top down, one-size-fits-all approach to SEPA review of projects below a certain state-established threshold size. Furthermore, this bill could have the unintended effect of precluding a local government from administratively applying substantive protection measures for critical areas regulations required under the Growth Management Act, or from assessing impact fees for roads, schools, or other impacts on these projects.

By adopting a committee amendment that would have clarified these points and then rejecting that amendment on the floor of the Senate, the legislature may have created legislative history supporting the position that local governments are precluded from assessing impact fees and protecting critical areas with respect to these exempted projects. This type of legislative history would be difficult to overcome in court.

For these reasons, I have vetoed Substitute House Bill No. 1474 in its entirety.

Respectfully submitted,
Gary Locke
Governor