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**SENATE BILL 6463**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Wilson, L., Brown, Muzzall, and Becker

AN ACT Relating to eliminating environmental analysis and mitigation requirements on projects within the comprehensive plan; amending RCW 36.70B.030; and adding a new section to chapter 36.70A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) A local government planning under RCW 36.70A.040 must not require additional environmental analysis or mitigation measures beyond what has previously been completed for comprehensive planning by a local government under RCW 36.70A.040 for any project:

(a) That proposes uses or density and intensity of use that does not exceed the impacts of the levels of service, land use designations, or development standards previously considered in the comprehensive plan and development regulations;

(b) Within the development thresholds previously established;

(c) Considered categorically exempt under chapter 43.21C RCW; or

(d) Considered a planned action under RCW 43.21C.440.

(2) Project approval under subsection (1) of this section is not subject to appeal under RCW 43.21C.075.

**Sec.**  RCW 36.70B.030 and 1995 c 347 s 404 are each amended to read as follows:

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under RCW 36.70B.040 shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in RCW 36.70B.110.

(4) Pursuant to RCW 43.21C.240, a local government ((~~may~~)) must determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

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