

SENATE BILL REPORT

SHB 1474

As Reported By Senate Committee On:
Agriculture & Environment, April 3, 1997

Title: 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.

Brief Description: Increasing categorical exemptions from SEPA.

Sponsors: 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 History:

Committee Activity: Agriculture & Environment: 3/25/97, 4/3/97 [DPA, DNP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

Minority Report: Do not pass.

Signed by Senators Fraser and Rasmussen.

Staff: Kari Guy (786-7437)

Background: The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare a detailed statement on the environmental impact of any proposed legislation or major action. The act specifies certain actions that are exempt from SEPA review, and directs the Department of Ecology to adopt rules to specify additional categories of governmental actions that should be exempt from SEPA review.

The Department of Ecology SEPA rules include flexible threshold exemptions for minor new construction. The rule specifies minimum thresholds for exemptions, and allows cities and counties to raise the exemption to the maximum level by ordinance or resolution. The minimum and maximum exemption levels established for minor new construction activities include the following:

- (1) The construction of a residential structure of four to 20 dwelling units;
- (2) The construction of an office or commercial structure of 4,000 to 12,000 square feet, and associated parking;
- (3) The construction of a parking lot for 20 to 40 automobiles; and

(4) Landfill or excavation of 500 cubic yards.

In addition to the categorical exemptions for minor new construction, an exemption is provided for the approval of a short subdivision. A short subdivision is the division of land into four or fewer lots. The legislative authority of a city or town may increase the number of lots in a short subdivision to a maximum of nine.

The Growth Management Act requires certain counties to designate urban growth areas within which urban growth shall be located. The urban growth area must include area sufficient to permit the growth that is projected to occur in the county for the succeeding 20-year period, and must permit a range of urban densities and uses.

Summary of Amended Bill: Decisions pertaining to the following actions are exempt from threshold determination and environmental impact statement requirements within urban growth areas:

- (1) The construction of a residential structure of ten or fewer dwelling units;
- (2) The construction of an office or commercial structure of 8,000 square feet, and associated parking;
- (3) The construction of a parking lot for 40 or fewer automobiles;
- (4) Landfill or excavation of 100 to 500 cubic yards; and
- (5) Division of land into nine or fewer lots.

The exemption for residential structures may be raised to 20 dwelling units, and the exemption for an office may be raised to 12,000 square feet, by the legislative authority of a city or county.

This exemption does not preclude the application of critical areas practices or the assessment of fees for roads, schools, or other activities.

Amended Bill Compared to Substitute Bill: The exemption levels may be raised by the local government for residential structures and office or commercial structures. The exemption does not preclude local governments from implementing critical areas protections or assessing fees for roads, schools, or other activities.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: SEPA review is redundant for minor land use decisions, and slows down decisions on simple projects. This will provide for more affordable housing.

Testimony Against: Local governments currently have the discretion to raise the SEPA exemption levels. This bill decreases local control over land use decisions. The bill may have unintended consequences on impact fees for roads and schools, and on critical area protections.

Testified: Jodi Walker, BIAW (pro); Craig Steepy, SCA Engineering (pro); Mike Ryherd, 1000 Friends (con); Dick Ducharme, BIAW (pro); Steve Robinson, NW Indian Fish Commission (con); Scott Merriman, WA Environmental Council (con); Dave Williams, Assn. of WA Cities (con); Paul Parker, WA State Assn. of Counties (pro); Ron Shultz, National Audubon Society (con).