

# SENATE BILL REPORT

## SHB 1707

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As Reported By Senate Committee On:  
Land Use & Planning, April 3, 2003

**Title:** An act relating to revising environmental review provisions to improve the development approval process and enhance economic development.

**Brief Description:** Revising environmental review provisions to improve the development approval process and enhance economic development.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson).

**Brief History:**

**Committee Activity:** Land Use & Planning: 4/3/03 [DP].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** Do pass.

Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

**Staff:** Tim Watterson (786-7441)

**Background:** The Washington State Environmental Policy Act (SEPA) requires that proposed actions by state and local public agencies, including plan, regulation, and project permitting actions, be reviewed for potential adverse impacts to the natural and human environments. Certain agency actions are categorically exempt from this review either by the statute or under the SEPA rules adopted by the Department of Ecology. Exempt actions include maintenance, repair, minor new construction, small water appropriations, and others. Local governments are authorized to adopt some expansions of the minor construction thresholds.

Counties and cities subject to the Growth Management Act (GMA) must undertake SEPA review before adoption of comprehensive plans, subarea plans, and development regulations, or amendments thereto. That SEPA review typically includes identification and analysis of potential impacts and adoption of regulatory requirements and mitigation for identified impacts. In subsequent review of projects consistent with adopted plans and regulations, GMA jurisdictions are authorized to determine that the applicable regulations and mitigation requirements in the adopted plans and regulations provide adequate SEPA analysis of and mitigation for project impacts. Thus, a GMA jurisdiction may determine under SEPA that a proposed project action is consistent with the applicable plan and regulations and that the project impacts may be mitigated through regulations and mitigation requirements adopted under the SEPA analysis of development allowed under the plan and regulations.

**Summary of Bill:** A new section is added to SEPA that allows GMA jurisdictions to establish additional categorical exemptions within urban growth areas in order to

accommodate infill development consistent with their adopted comprehensive plans. These categorical exemptions may apply only to GMA jurisdiction actions on residential or mixed-use development proposed where current density and intensity of use in an urban growth area is lower than provided in the applicable comprehensive plan. The categorical exemptions may be established only if the jurisdiction's comprehensive plan was previously analyzed through an environmental impact statement under SEPA. Any categorical exemption established under this bill is subject to applicable exceptions to the use of categorical exemptions in the SEPA rules (i.e., segments of a functionally related project, development in certain critical areas).

If the adverse environmental impacts of a proposed project are addressed by development regulations or mitigation requirements of the comprehensive plan or subarea plan and the project is consistent with the plan and regulations, a GMA jurisdiction must determine that the applicable regulations and mitigation requirements provide adequate SEPA analysis of and mitigation for those identified impacts. In these situations, all adverse impacts are mitigated below the level of significance as a result of regulatory requirements or voluntary measures by the project proponent, and a determination of nonsignificance (or mitigated nonsignificance) is the proper SEPA threshold determination. However, SEPA rules regarding mitigation of impacts that may not have been adequately addressed still apply to any determination.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill eliminates redundancies in SEPA review and focuses more of the review at the planning level. The bill improves predictability for developers, government, and environmental groups without reducing environmental protections. Streamlining SEPA review can assist in providing infill housing and more affordable housing.

**Testimony Against:** None.

**Testified:** Representative Jarrett, prime sponsor (pro); Gordon White, Department of Ecology (pro); Kristin Sawin, Association of Washington Business (pro); Larry Stout, Washington Association of Realtors (pro); Tom McBride, Department of Community, Trade, and Economic Development (pro).