
Environment & Energy Committee

HB 2673

Brief Description: Concerning exemptions for infill development under the state environmental policy act.

Sponsors: Representatives Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault.

Brief Summary of Bill

- Makes infill development in cities and counties planning under the Growth Management Act (GMA) an automatic categorical exemption under the State Environmental Policy Act, rather than a policy that cities and counties can choose to adopt.
- Changes the standard for what constitutes infill development to include development in areas where population is roughly equal to projections in a local government's comprehensive plan and development regulations, rather than limiting it to areas where it is less than such projections.
- Eliminates a requirement that a local government consider the specific probable adverse environmental impacts of a proposed action in order for a project to qualify as infill development.

Hearing Date: 1/30/20

Staff: Jacob Lipson (786-7196).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties,

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and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (planning jurisdictions).

Counties that fully plan under the GMA must designate Urban Growth Areas, areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. Except for development projects that are exempt from the SEPA requirements, the SEPA generally requires a project applicant to submit an environmental checklist. The checklist includes answers to questions about the potential impacts of the project on the built environment and the natural environment. Generally, an environmental impact statement (EIS) must be prepared for a proposal which the lead agency determines will have a probable significant and adverse impact on the environment.

Infill Development.

Counties and cities that are planning jurisdictions under the GMA may establish a categorical exemption from SEPA requirements for government actions related to residential development, mixed-use development, and commercial development of up to 65,000 square feet, excluding retail development. The categorical exemption must be proposed to fill in an urban growth area designated under the GMA where the current density or intensity of use is lower than called for in the goals and policies of the comprehensive plan. The categorical exemption may not exempt government action related to development that is inconsistent with the applicable comprehensive plan or that would exceed the density or intensity of use called for in the comprehensive plan.

Cities and counties that adopt an infill development categorical exemption must consider the specific probable adverse environmental impacts of proposed actions and determine that specific impacts are adequately addressed by the development regulations or other applicable legal requirements.

The comprehensive plans of cities and counties that adopt an infill development categorical exemption must have previously been subjected to an EIS, or the city or county must prepare an EIS considering the proposed use or density and intensity of use proposed in the infill development categorical exemption.

Summary of Bill:

A statutory infill development categorical exemption from the requirements of the State Environmental Policy Act (SEPA) is established for government actions by cities or counties planning under the Growth Management Act (GMA), and replaces the option for cities and counties to adopt similar infill development categorical exemptions. In addition to the infill development categorical exemption becoming a broadly applicable statutory exemption, rather than an option for cities and counties planning under the GMA, the bill changes the infill development categorical exemption by:

- allowing infill development to occur where current density and intensity of use is roughly equal to what is called for in a jurisdiction's comprehensive plan; and
- eliminating the requirement for cities and counties to consider the specific probable adverse environmental impacts of a proposed action and to determine that those impacts are addressed by the comprehensive plan or development regulations.

Appropriation: None.

Fiscal Note: Requested on January 20, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.