

2SSB 5412 - H COMM AMD
By Committee on Local Government

ADOPTED AS AMENDED 04/12/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.21C.229 and 2020 c 87 s 1 are each amended to
4 read as follows:

5 (1) (~~In order~~) The purpose of this section is to accommodate
6 infill and housing development and thereby realize the goals and
7 policies of comprehensive plans adopted according to chapter 36.70A
8 RCW(~~(7-a)~~).

9 (2) A city or county planning under RCW 36.70A.040 is authorized
10 by this section to establish categorical exemptions from the
11 requirements of this chapter. (~~An exemption adopted under this~~
12 ~~section applies even if it differs from the categorical exemptions~~
13 ~~adopted by rule of the department under RCW 43.21C.110(1)(a).~~) An
14 exemption may be adopted by a city or county under this subsection if
15 it meets the following criteria:

16 (a) It categorically exempts government action related to
17 development proposed to fill in an urban growth area, designated
18 according to RCW 36.70A.110, where current density and intensity of
19 use in the area is roughly equal to or lower than called for in the
20 goals and policies of the applicable comprehensive plan and the
21 development is either:

- 22 (i) Residential development;
- 23 (ii) Mixed-use development; or
- 24 (iii) Commercial development up to (~~sixty-five thousand~~) 65,000
25 square feet, excluding retail development;

26 (b) It does not exempt government action related to development
27 that is inconsistent with the applicable comprehensive plan or would
28 clearly exceed the density or intensity of use called for in the
29 goals and policies of the applicable comprehensive plan;

30 (c) The local government considers the specific probable adverse
31 environmental impacts of the proposed action and determines that
32 these specific impacts are adequately addressed by the development

1 regulations or other applicable requirements of the comprehensive
2 plan, subarea plan element of the comprehensive plan, planned action
3 ordinance, or other local, state, or federal rules or laws; and

4 (d) (i) The city or county's applicable comprehensive plan was
5 previously subjected to environmental analysis through an
6 environmental impact statement under the requirements of this chapter
7 prior to adoption; or

8 (ii) The city or county has prepared an environmental impact
9 statement that considers the proposed use or density and intensity of
10 use in the area proposed for an exemption under this section.

11 ~~((2) Any))~~ (3) All project actions that propose to develop one
12 or more residential housing units within the incorporated areas in an
13 urban growth area designated pursuant to RCW 36.70A.110 or middle
14 housing within the unincorporated areas in an urban growth area
15 designated pursuant to RCW 36.70A.110, and that meet the criteria
16 identified in (a) and (b) of this subsection, are categorically
17 exempt from the requirements of this chapter. This categorical
18 exemption applies to proposed projects that do not have existing or
19 anticipated transportation system safety or operational deficiencies.
20 A city or county must consult with the Washington state department of
21 transportation to determine if anticipated transportation system
22 safety or operation deficiencies exist in connection with a proposed
23 project. For purposes of this subsection, "middle housing" means
24 fourplexes, attached and detached accessory dwelling units, cottage
25 housing, stacked flats, townhouses with more than four units, and
26 courtyard apartments. A project action is eligible for categorical
27 exemption under this subsection only if it meets the following
28 criteria:

29 (a) The proposed development is consistent with all development
30 regulations implementing an applicable comprehensive plan adopted
31 according to chapter 36.70A RCW by the jurisdiction in which the
32 development is proposed, with the exception of any development
33 regulation that is inconsistent with applicable provisions of chapter
34 36.70A RCW; and

35 (b) The city or county's applicable comprehensive plan was
36 previously subjected to environmental analysis under the requirements
37 of this chapter prior to adoption.

38 (4) Any categorical exemption adopted by a city or county under
39 this section applies even if it differs from the categorical
40 exemptions adopted by rule of the department under RCW

1 43.21C.110(1)(a). However, any categorical exemption adopted by a
2 city or county under this section shall be subject to the rules of
3 the department adopted according to RCW 43.21C.110(1)(a) that provide
4 exceptions to the use of categorical exemptions adopted by the
5 department."

6 Correct the title.

EFFECT: Removes provisions modifying the design review process conducted by cities and counties planning under the Growth Management Act. Removes requirements related to adding additional project review provisions.

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