

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1707**

58th Legislature  
2003 Regular Session

Passed by the House April 21, 2003  
Yeas 96 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate April 10, 2003  
Yeas 44 Nays 3

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1707** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1707**

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AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

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

READ FIRST TIME 03/05/03.

1            AN ACT Relating to revising environmental review provisions to  
2 improve the development approval process and enhance economic  
3 development; amending RCW 43.21C.240; and adding a new section to  
4 chapter 43.21C RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.21C RCW  
7 to read as follows:

8            (1) In order to accommodate infill development and thereby realize  
9 the goals and policies of comprehensive plans adopted according to  
10 chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is  
11 authorized by this section to establish categorical exemptions from the  
12 requirements of this chapter. An exemption adopted under this section  
13 applies even if it differs from the categorical exemptions adopted by  
14 rule of the department under RCW 43.21C.110(1)(a). An exemption may be  
15 adopted by a city or county under this section if it meets the  
16 following criteria:

17            (a) It categorically exempts government action related to  
18 development that is new residential or mixed-use development proposed  
19 to fill in an urban growth area designated according to RCW 36.70A.110,

1 where current density and intensity of use in the area is lower than  
2 called for in the goals and policies of the applicable comprehensive  
3 plan;

4 (b) It does not exempt government action related to development  
5 that would exceed the density or intensity of use called for in the  
6 goals and policies of the applicable comprehensive plan; and

7 (c) The city or county's applicable comprehensive plan was  
8 previously subjected to environmental analysis through an environmental  
9 impact statement under the requirements of this chapter prior to  
10 adoption.

11 (2) Any categorical exemption adopted by a city or county under  
12 this section shall be subject to the rules of the department adopted  
13 according to RCW 43.21C.110(1)(a) that provide exceptions to the use of  
14 categorical exemptions adopted by the department.

15 **Sec. 2.** RCW 43.21C.240 and 1995 c 347 s 202 are each amended to  
16 read as follows:

17 (1) If the requirements of subsection (2) of this section are  
18 satisfied, a county, city, or town reviewing a project action (~~may~~)  
19 shall determine that the requirements for environmental analysis,  
20 protection, and mitigation measures in the county, city, or town's  
21 development regulations and comprehensive plans adopted under chapter  
22 36.70A RCW, and in other applicable local, state, or federal laws and  
23 rules provide adequate analysis of and mitigation for the specific  
24 adverse environmental impacts of the project action to which the  
25 requirements apply. Rules adopted by the department according to RCW  
26 43.21C.110 regarding project specific impacts that may not have been  
27 adequately addressed apply to any determination made under this  
28 section. In these situations, in which all adverse environmental  
29 impacts will be mitigated below the level of significance as a result  
30 of mitigation measures included by changing, clarifying, or  
31 conditioning of the proposed action and/or regulatory requirements of  
32 development regulations adopted under chapter 36.70A RCW or other  
33 local, state, or federal laws, a determination of nonsignificance or a  
34 mitigated determination of nonsignificance is the proper threshold  
35 determination.

36 (2) A county, city, or town (~~may~~) shall make the determination  
37 provided for in subsection (1) of this section if:

1 (a) In the course of project review, including any required  
2 environmental analysis, the local government considers the specific  
3 probable adverse environmental impacts of the proposed action and  
4 determines that these specific impacts are adequately addressed by the  
5 development regulations or other applicable requirements of the  
6 comprehensive plan, subarea plan element of the comprehensive plan, or  
7 other local, state, or federal rules or laws; and

8 (b) The local government bases or conditions its approval on  
9 compliance with these requirements or mitigation measures.

10 (3) If a county, city, or town's comprehensive plans, subarea  
11 plans, and development regulations adequately address a project's  
12 probable specific adverse environmental impacts, as determined under  
13 subsections (1) and (2) of this section, the county, city, or town  
14 shall not impose additional mitigation under this chapter during  
15 project review. Project review shall be integrated with environmental  
16 analysis under this chapter.

17 (4) A comprehensive plan, subarea plan, or development regulation  
18 shall be considered to adequately address an impact if the county,  
19 city, or town, through the planning and environmental review process  
20 under chapter 36.70A RCW and this chapter, has identified the specific  
21 adverse environmental impacts and:

22 (a) The impacts have been avoided or otherwise mitigated; or

23 (b) The legislative body of the county, city, or town has  
24 designated as acceptable certain levels of service, land use  
25 designations, development standards, or other land use planning  
26 required or allowed by chapter 36.70A RCW.

27 (5) In deciding whether a specific adverse environmental impact has  
28 been addressed by an existing rule or law of another agency with  
29 jurisdiction with environmental expertise with regard to a specific  
30 environmental impact, the county, city, or town shall consult orally or  
31 in writing with that agency and may expressly defer to that agency. In  
32 making this deferral, the county, city, or town shall base or condition  
33 its project approval on compliance with these other existing rules or  
34 laws.

35 (6) Nothing in this section limits the authority of an agency in  
36 its review or mitigation of a project to adopt or otherwise rely on  
37 environmental analyses and requirements under other laws, as provided  
38 by this chapter.

1           (7) This section shall apply only to a county, city, or town  
2 planning under RCW 36.70A.040.

3           NEW SECTION.   **Sec. 3.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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