

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1707

Chapter 298, Laws of 2003

58th Legislature
2003 Regular Session

ENVIRONMENTAL REVIEW--GROWTH MANAGEMENT

EFFECTIVE DATE: 7/27/03

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

FRANK CHOPP

Speaker of the House of Representatives

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

BRAD OWEN

President of the Senate

Approved May 14, 2003.

GARY LOCKE

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.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 14, 2003 - 3:28 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1707

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.

 Passed by the House April 21, 2003.

 Passed by the Senate April 10, 2003.

 Approved by the Governor May 14, 2003.

 Filed in Office of Secretary of State May 14, 2003.