

SENATE BILL REPORT

SB 6463

As of January 23, 2020

Title: An act relating to eliminating environmental analysis and mitigation requirements on projects within the comprehensive plan.

Brief Description: Eliminating environmental analysis and mitigation requirements on projects within the comprehensive plan.

Sponsors: Senators Wilson, L., Brown, Muzzall and Becker.

Brief History:

Committee Activity: Local Government: 1/23/20.

Brief Summary of Bill

- Prohibits a local government planning under the Growth Management Act (GMA) from requiring additional environmental analysis or mitigation measures beyond what has previously been completed for comprehensive planning for certain projects.
- Prohibits SEPA appeals made during project review in GMA-planning jurisdictions.
- Requires GMA-planning jurisdictions to determine whether the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of a project's specific adverse environmental impacts to which the requirements apply.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Bonnie Kim (786-7316)

Background: The 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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

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

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Project reviews are used to identify specific project design and conditions relating to character and development. Comprehensive plans and development regulations serve as the foundation for project review. During project review, a local government must apply relevant adopted regulations or, in the absence of development regulations, the comprehensive plan to determine the following:

- the type of land use permitted at the site;
- density of residential development in urban growth areas; and
- availability and adequacy of public facilities.

These determinations may not be appealed except for issues related to code interpretation. In addition, a local government may determine the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

Summary of Bill: A local government planning under the GMA must not require additional environmental analysis or mitigation measures beyond what has previously been completed for comprehensive planning for any project:

- that proposes uses or density and intensity of use that does not exceed the impacts of the levels of service, land use designations, or development standards previously considered in the comprehensive plan and development regulations;
- within the development thresholds previously established;
- considered categorically exempt under the State Environmental Policy Act (SEPA); or
- considered a planned action under SEPA.

Project approvals made under this bill are not subject to appeal under SEPA. In addition, a local government must determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Most municipalities have enacted regulations that have rendered SEPA essentially redundant or obsolete. This bill will save money for home builders. Appeals under SEPA can be brought by anyone who objects results in increased costs and delays in project development. Today SEPA analysis rarely changes development in urban areas. It is a burden on developers to plan and replan each time a potential impact is discovered. The purpose of the existing laws is to catch potential adverse impacts in the comprehensive plans and development regulations.

CON: Counties have worked tirelessly at the state and federal level to streamline the SEPA process. This bill does not apply exclusively to housing but to every project. It is impossible for local jurisdictions to provide for every possible project in their development regulations. Some elements of SEPA are outdated and need to be reformed but this bill goes too far. Without the ability to request transportation impact assessments, a local government would not know the potential impacts of a road improvement project. There are many unanticipated impacts from projects that we would need to address as they come to light.

OTHER: We have concerns over the blanket nature of the amendments in the bill but agree that there should be work done on SEPA to remove redundancies. This bill is too broad and oppose the elimination of additional mitigation requirements. Mitigation requirements must be tailored to meet each project. Commerce is concerned that the bill removes flexibility for local governments to address adverse environmental impacts of specific projects. This bill may result in gaps in identifying environmental impacts that require mitigation.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington.

CON: Greg Tompkins, Walla Walla County Commissioner; Rob Gelder, Kitsap County Commissioner; Wes McCart, Stevens County Commissioner.

OTHER: Candice Bock, Association of Washington Cities; Valerie Smith, Senior Planner, Washington Department of Commerce, Growth Management Services.

Persons Signed In To Testify But Not Testifying: No one.