

SENATE BILL REPORT

SB 6470

As of January 28, 2020

Title: An act relating to reducing unnecessary paperwork to promote development.

Brief Description: Reducing unnecessary paperwork to promote development.

Sponsors: Senators Fortunato, Zeiger and Warnick.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/28/20.

Brief Summary of Bill

- Specifies that an applicant whose project, action, or project decision is described as being exempt or categorically exempt is not required to file a checklist or any other paperwork to prove the categorical exemption.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Greg Vogel (786-7413)

Background: The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts which may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS).

Projects which undergo a SEPA review may be required to mitigate significant adverse environmental impacts to receive approval from the government entity performing the SEPA analysis. Project proponents may also choose to mitigate environmental impacts identified in the environmental checklist to receive a determination that the project does not have significant environmental impacts, and therefore can avoid the process of completing an EIS for the project.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Some types of projects and some agency actions have been exempted from the requirements of SEPA by the Legislature. In addition to the statutory exemptions, the Legislature directed rulemaking for categorical exemptions: types of projects or agency actions that are not subject to SEPA review because the size or type of the activity is unlikely to cause a significant adverse environmental impact.

Most categorical exemptions use size criteria to determine if a proposal is exempt. The SEPA rules allow cities and counties to raise the exemption limit for minor new construction to better accommodate the needs in their jurisdiction.

The exemptions may be raised up to the maximum specified in the SEPA rules. For example, cities and counties may choose to exempt residential developments at any level between 4 and 30 dwelling units in the urban growth area. The exemption for commercial buildings can range between 4,000 and 30,000 square feet. These flexible thresholds must be designated through ordinance or resolution by the city or county. If this has not been done, the minimum level applies.

Under SEPA rules, an agency is not required to document that a proposal is categorically exempt. Agencies may note on an application that a proposal is categorically exempt or place such a determination in agency files. Neither a threshold determination nor any environmental document, including an environmental checklist or environmental impact statement, is required for any categorically exempt action.

Summary of Bill: An applicant whose project, action, or project decision is described as being exempt or categorically exempt is not required to file a checklist or any other paperwork to prove the categorical exemption if the initial application contains sufficient information showing that the project, action, or project decision is exempt or categorically exempt.

Appropriation: None.

Fiscal Note: Available.

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: Cities say we already do this and are already going through this process, and therefore there is a duplication of effort. We heard in the housing committee where every month of delay adds thousands in costs to a project. The bill does not add to categorical exemptions or remove current environmental protections. All we are asking for is if the project is hitting those limits, then we do not have to fill out separate paperwork. Doing so takes time and adds costs. This is a good government bill.

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

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