
SENATE BILL 6463

State of Washington **66th Legislature** **2020 Regular Session**

By Senators Wilson, L., Brown, Muzzall, and Becker

Read first time 01/17/20. Referred to Committee on Local Government.

1 AN ACT Relating to eliminating environmental analysis and
2 mitigation requirements on projects within the comprehensive plan;
3 amending RCW 36.70B.030; and adding a new section to chapter 36.70A
4 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 36.70A
7 RCW to read as follows:

8 (1) A local government planning under RCW 36.70A.040 must not
9 require additional environmental analysis or mitigation measures
10 beyond what has previously been completed for comprehensive planning
11 by a local government under RCW 36.70A.040 for any project:

12 (a) That proposes uses or density and intensity of use that does
13 not exceed the impacts of the levels of service, land use
14 designations, or development standards previously considered in the
15 comprehensive plan and development regulations;

16 (b) Within the development thresholds previously established;

17 (c) Considered categorically exempt under chapter 43.21C RCW; or

18 (d) Considered a planned action under RCW 43.21C.440.

19 (2) Project approval under subsection (1) of this section is not
20 subject to appeal under RCW 43.21C.075.

1 **Sec. 2.** RCW 36.70B.030 and 1995 c 347 s 404 are each amended to
2 read as follows:

3 (1) Fundamental land use planning choices made in adopted
4 comprehensive plans and development regulations shall serve as the
5 foundation for project review. The review of a proposed project's
6 consistency with applicable development regulations, or in the
7 absence of applicable regulations the adopted comprehensive plan,
8 under RCW 36.70B.040 shall incorporate the determinations under this
9 section.

10 (2) During project review, a local government or any subsequent
11 reviewing body shall determine whether the items listed in this
12 subsection are defined in the development regulations applicable to
13 the proposed project or, in the absence of applicable regulations the
14 adopted comprehensive plan. At a minimum, such applicable regulations
15 or plans shall be determinative of the:

16 (a) Type of land use permitted at the site, including uses that
17 may be allowed under certain circumstances, such as planned unit
18 developments and conditional and special uses, if the criteria for
19 their approval have been satisfied;

20 (b) Density of residential development in urban growth areas; and

21 (c) Availability and adequacy of public facilities identified in
22 the comprehensive plan, if the plan or development regulations
23 provide for funding of these facilities as required by chapter 36.70A
24 RCW.

25 (3) During project review, the local government or any subsequent
26 reviewing body shall not reexamine alternatives to or hear appeals on
27 the items identified in subsection (2) of this section, except for
28 issues of code interpretation. As part of its project review process,
29 a local government shall provide a procedure for obtaining a code
30 interpretation as provided in RCW 36.70B.110.

31 (4) Pursuant to RCW 43.21C.240, a local government (~~may~~) must
32 determine that the requirements for environmental analysis and
33 mitigation measures in development regulations and other applicable
34 laws provide adequate mitigation for some or all of the project's
35 specific adverse environmental impacts to which the requirements
36 apply.

37 (5) Nothing in this section limits the authority of a permitting
38 agency to approve, condition, or deny a project as provided in its
39 development regulations adopted under chapter 36.70A RCW and in its
40 policies adopted under RCW 43.21C.060. Project review shall be used

1 to identify specific project design and conditions relating to the
2 character of development, such as the details of site plans, curb
3 cuts, drainage swales, transportation demand management, the payment
4 of impact fees, or other measures to mitigate a proposal's probable
5 adverse environmental impacts, if applicable.

6 (6) Subsections (1) through (4) of this section apply only to
7 local governments planning under RCW 36.70A.040.

--- END ---