

SENATE BILL REPORT

SB 6476

AS OF JANUARY 31, 1994

Brief Description: Encouraging integrated planning and environmental analysis under the growth management act and the state environmental policy act.

SPONSORS: Senators Fraser, Moore, Morton, Sutherland, Talmadge and Franklin

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Cathy Baker (786-7708)

Hearing Dates: January 31, 1994

BACKGROUND:

The State Environmental Policy Act (SEPA) was enacted in 1971 and requires the preparation of an environmental impact statement for all local or state proposals or approvals of private actions that may have a significant adverse impact on the environment. Environmental impact statements are generally done for specific projects. However, SEPA also applies to "nonproject actions" which include the adoption of comprehensive land use plans and zoning ordinances.

The Growth Management Act (GMA), enacted in 1990 and expanded in 1991, requires most counties and cities in the state to adopt comprehensive land use plans and urban growth areas. All local governments in the state are required to identify and protect six types of "critical areas" as well as mineral, forest and agricultural lands. Jurisdictions planning under GMA are required to adopt development regulations (zoning, subdivision, and other land use controls) that are consistent with their comprehensive plans.

The Department of Community Development has adopted by rule "procedural criteria" which are intended to assist counties and cities in adopting comprehensive plans and regulations. The procedural criteria contain some guidance on integration of the SEPA process with the development of GMA plans and regulations, and they encourage the use of phased environmental review. The procedural criteria state that emphasis should be placed on the quality of SEPA analysis at the front end of the GMA process, when the plan and regulations are being adopted, so that subsequent project applications can be processed in a timely, predictable manner. The procedural criteria also encourage the use of relevant prior environmental analysis prepared by other agencies in connection with other plans.

The Governor's Task Force on Regulatory Reform, created by Executive Order 93-06, is examining how the state's environmental and growth management requirements and processes can be integrated to achieve the goals of environmental protection, orderly and planned growth, and sustained economic development.

One of the task force's recommendations is to direct the Department of Ecology and the Department of Community Development to adopt regulations providing a model for environmental review of comprehensive plans adopted under the Growth Management Act. The task force report also includes recommendations for developing one or more local pilot projects to demonstrate the integration of environmental factors into the adoption of GMA plans and development regulations.

Governor Lowry's 1995 supplemental operating budget includes a \$3.3 million appropriation to the Department of Community Development to be used for grants or loans to local governments for preparation of environmental analysis of comprehensive and subarea plans and development regulations.

SUMMARY:

A finding is made that the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) are complementary laws that can be integrated in such a way as to achieve both efficient land use decisionmaking and thorough consideration of environmental impacts.

A finding is also made that environmental analysis of comprehensive land use plans enhances the effectiveness of growth management planning by informing decisionmakers and the public of the environmental choices and consequences of proposed plans and development regulations. Detailed environmental analysis of comprehensive plans can also facilitate faster and more efficient review of site-specific development projects.

The purpose of the legislation is to encourage integration of processes and documents associated with SEPA and GMA and to gather information on how enhanced environmental review of GMA plans may be useful for establishing guidelines for reduced environmental review of projects which are consistent with GMA plans.

The preferred method of complying with SEPA and GMA is through complete integration of their respective procedures and documents. For jurisdictions choosing to integrate these procedures and documents, a comprehensive plan will also constitute the necessary documentation required under SEPA if it contains the following elements: (1) a concise analysis of the main alternatives considered; (2) comments and responses on the plan or regulation; (3) a summary and fact sheet comparing the environmental impacts and analyzing environmental issues and choices as required under SEPA; and (4) appropriate technical information that provide the basis

for the elements of the plan or regulation. The level of detail required for the environmental analysis is to correspond to the level of detail of the plan, policy, or rule being adopted.

The Department of Ecology shall adopt rules consistent with these policies, providing further guidance on how such integration is to be achieved. The legal sufficiency of plans, policies, regulations or environmental documents that have already been adopted or will be adopted using separate processes is not affected.

The use of existing environmental documents under SEPA is encouraged in jurisdictions planning under the Growth Management Act for environmental review of projects that are consistent with adopted policies, plans, or regulations. Project level review should not duplicate environmental review that occurs during development of growth management comprehensive plans and regulations. Site-specific environmental review should be used to determine consistency with growth management plans and regulations; provide prompt and coordinated review by agencies, tribes and the public to determine compliance with environmental laws and other plans, including site-specific project impacts that have not been considered or addressed at the plan level. Site-specific review should also be used to ensure accountability by the jurisdiction to the applicant and the public for requiring and implementing mitigation measures.

The Department of Ecology and the Department of Community Development shall conduct a review of SEPA compliance of comprehensive plans adopted under the Growth Management Act. The review shall consider the level of detail of comprehensive plans and associated environmental documents. The review shall include an assessment of the extent to which these comprehensive plans and environmental documents could be used for environmental analysis of site-specific projects that are consistent with the comprehensive plans. The review shall also seek information from jurisdictions on types of projects that are considered to be consistent with the adopted comprehensive plan. The departments shall submit a report to the Legislature summarizing the results of the review by December 1, 1994, including recommendations on how enhanced environmental review of comprehensive land use plans could be the basis for jurisdictions adopting reduced SEPA requirements for projects that are consistent with these comprehensive plans.

Appropriation: none

Revenue: none

Fiscal Note: requested