

HOUSE BILL REPORT

HB 1460

As Passed House:

March 10, 1995

Title: An act relating to increasing categorical exemptions from the state environmental policy act within areas designated as urban growth areas under the growth management act.

Brief Description: Increasing categorical exemptions from SEPA.

Sponsors: By Representatives Honeyford, Cairnes, Clements, L. Thomas, Reams, Mulliken, Horn, Basich, Hargrove, McMorris, D. Schmidt and Thompson.

Brief History:

Committee Activity:

Government Operations: 2/21/95, 2/22/95 [DP].

Floor Activity:

Passed House: 3/10/95, 70-27.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Staff: Steve Lundin (786-7127).

Background:

1. State Environmental Policy Act.

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare a detailed statement, or environmental impact statement, if proposed legislation or other major action may have a probable significant, adverse impact on the environment.

The determination whether a detailed statement must be prepared involves a threshold determination and use of an environmental checklist. Some matters are categorically exempted from a threshold determination, as provided in rules adopted by the Department of Ecology. Among other classifications, the categorically exempted matters are classified as being minor new construction or minor land use decisions. Counties and cities are permitted to raise the exemption level for what is categorical exempted as minor new construction up to higher specified levels, but are not permitted to raise the exemption level for what is categorically exempted as minor land use decisions.

If it appears that a probable significant adverse environmental impact may result, the proposal may be altered, or its probable significant adverse impact mitigated, to remove the probable significant adverse impact. If the probable significant adverse environmental impact remains then a detailed statement, or environmental impact statement, is prepared. The environmental impact statement is limited, or scoped, to only address the matter or matters that are determined under the threshold determination process to have a probable significant adverse environmental impact.

2. Growth Management Act and designation of urban growth areas.

The Growth Management Act requires certain counties, and cities located in those counties, to plan under all of the requirements of the act. In addition, the county legislative authority of any county may adopt a resolution making the county, and cities located in that county, plan under all of the requirements of the Growth Management Act.

Among other requirements, a county planning under all of the requirements of the Growth Management Act must designate urban growth areas within which urban growth shall be located and outside of which urban growth may not be located.

Summary: The Department of Ecology is directed to adopt rules increasing categorical exemptions for minor new construction and minor land use decisions within urban growth areas designated by a county planning under all of the requirements of the Growth Management Act.

The department is directed to increase the authority of a county or city to raise what is categorically exempted as minor new construction occurring in urban growth areas to even higher levels. The department is directed to permit a county or city to raise what is categorically exempted as minor land use decisions within urban growth areas to even higher levels.

At a minimum, the categorical exemptions within urban growth areas shall be expanded from existing levels as follows:

- o The construction of or location of any residential structures is increased from four or fewer dwelling units to 10 or fewer dwelling units;
- o The construction of an office, school, commercial, recreational, service, or storage building is increased from 4,000 or fewer square feet of gross floor area to 8,000 or fewer square feet of gross floor area;
- o The construction of a parking lot is increased from 20 or fewer automobiles to 40 or fewer automobiles; and
- o The division of land is increased from four or fewer lots to 10 or fewer lots.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: We support exemptions on small scale projects.

Testimony Against: Things need to be site specific and not general. Most projects get a DNS anyway. This is not needed if task force recommendations are enacted. The Legislature needs to study this because cumulative impacts may arise.

Testified: Representative Honeyford, prime sponsor; Don Chance, Association of Washington Business; Scott Merriman, Washington Environmental Council; and Chris Lehman, Coalition of Washington Communities.