

# HOUSE BILL REPORT

## HB 1474

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### As Reported By House Committee On:

Government Reform & Land Use

**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:** Representatives Reams, Cairnes, Lisk, Sherstad, Sheldon, Sheahan, Pennington, Hatfield, Koster, Dunn, Doumit, McMorris, Alexander, Thompson, Bush, McDonald, Delvin, Wensman and Mulliken.

### Brief History:

#### Committee Activity:

Government Reform & Land Use: 2/5/97, 2/20/97 [DPS].

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## HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

**Staff:** Kimberly Klaiber (786-7156).

**Background:** 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. The Department of Ecology's rules categorically exempt some matters from a threshold determination. 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 categorically 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 address only the matter or matters that are determined under the threshold determination process to have a probable significant adverse environmental impact.

The Growth Management Act (GMA) 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 GMA.

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

**Summary of Substitute Bill:** Minimum categorical exemptions for minor new construction and minor land use decisions within urban growth areas designated by a county planning agency under all of the requirements of the GMA are increased by statute. An additional categorical exemption for landfill or excavation proposals is increased.

**Substitute Bill Compared to Original Bill:** The substitute provides for *statutory* categorical exemptions to the SEPA threshold determination and environmental review process where HB 1474 previously directed the Department of Ecology to increase by rule the minimum categorical exemption levels for certain projects and proposals. The substitute also categorically exempts landfill or excavation proposals if they involve up to 500 cubic yards (rather than 100 cubic yards) or less.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This will help provide affordable housing, reduce process time for small land use decisions and streamline the process.

**Testimony Against:** Minimum levels force a one-size-fits-all approach. Local governments already have a certain degree of discretion. Environmental analysis should be completed at programmatic level and planning level to balance impact. Categorical exemptions do not consider details of projects and their potential impact.

**Testified:** Jodi Walker, Building Industry Association of Washington (pro); George Lindsay, Adams Hodson Bessette and Lindsay Engineers & Planners (pro); Rick Gienger, Harvest Development and Gienger Construction (pro); Scott Hazlegrove, Association of Washington Business (pro); Dick DuCharme, Utility Contractors Association of Washington (pro); Greg Sorlie, Department of Ecology (pro with concerns); Duke Schaub, Associated General Contractors (pro); Sally Feldman, Washington Association of Realtors (pro); Dave Williams, Association of Washington Cities (pro with concerns); Paul Parker, Washington State Association of Counties (pro with concerns); Scott Merriman, Washington Environmental Council (con); Laura Hitchcock, Sierra Club (con); Peggy Bruton (con); and Mike Rhyerd, American Planning Association (con).