

2SHB 1952 - H AMD 373

By Representative Short

WITHDRAWN 03/05/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C  
4 RCW to read as follows:

5 (1) The proposed actions contained in this section are  
6 categorically exempt from the requirements of this chapter. If the  
7 proposed action is located in more than one city or county, the lower  
8 of the agencies' adopted exemption levels controls regardless of which  
9 agency is the lead agency.

10 (2) Except when undertaken wholly or partly on lands covered by  
11 water in a jurisdiction without a valid critical areas code under  
12 chapter 36.70A RCW, the following types of construction are exempt  
13 under subsection (1) of this section:

14 (a) The construction or location of any residential structures of  
15 twenty dwelling units or fewer;

16 (b) Excluding feed lots, the construction of a barn, loafing shed,  
17 farm equipment storage building, produce storage or packing structure,  
18 or similar agricultural structure, covering up to thirty thousand  
19 square feet, and to be used only by the property owner or the property  
20 owner's agent in the conduct of farming the property;

21 (c) The construction of an office, school, commercial,  
22 recreational, service, or storage building with twelve thousand or  
23 fewer square feet of gross floor area and with associated parking  
24 facilities designed for forty automobiles or fewer;

25 (d) The construction of a parking lot designed for forty  
26 automobiles or fewer;

27 (e) Any landfill or excavation of five hundred cubic yards or fewer  
28 of disturbed area throughout the total lifetime of the fill or  
29 excavation;

1 (f) The construction or installation of minor road and street  
2 improvements, such as: Pavement marking; freeway surveillance and  
3 control systems; railroad protective devices, not including grade-  
4 separated crossings; grooving; glare screen; safety barriers; energy  
5 attenuators; transportation corridor landscaping, including the  
6 application of Washington state department of agriculture-approved  
7 herbicides by licensed personnel for right-of-way weed control as long  
8 as this is not within watersheds controlled for the purpose of drinking  
9 water quality; temporary traffic controls and detours; correction of  
10 substandard curves and intersections within existing rights-of-way;  
11 widening of a highway by less than a single lane width and no new  
12 right-of-way is required; adding auxiliary lanes for localized  
13 purposes, such as weaving, climbing, speed change, etc., and no new  
14 right-of-way is required; channelization and elimination of sight  
15 restrictions at intersections; street lighting; guard rails and  
16 barricade installation; installation of catch basins and culverts; and  
17 reconstruction of existing roadbed (existing curb-to-curb in urban  
18 locations), including adding or widening of shoulders, addition of  
19 bicycle lanes, paths and facilities, and pedestrian walks and paths,  
20 but not including additional automobile lanes;

21 (g) Grading, excavating, filling, septic tank installations, and  
22 landscaping necessary for any building or facility exempted under this  
23 section, as well as fencing and the construction of small structures  
24 and minor facilities accessory thereto;

25 (h) The installation of impervious underground tanks having a  
26 capacity of ten thousand gallons or fewer or multiple tanks having a  
27 capacity of one hundred thousand gallons or fewer; and

28 (i) The removal of impervious underground tanks regardless of their  
29 capacity.

30 (3) The exemptions provided in subsection (2)(f) through (i) of  
31 this section apply to all licenses required to undertake the proposed  
32 action, except where a rezone is required.

33 (4) Except when undertaken wholly or partly on lands covered by  
34 water in a jurisdiction without a valid critical areas code under  
35 chapter 36.70A RCW, the repair, remodeling, maintenance, or minor  
36 alteration of existing private or public structures, facilities, or  
37 equipment, including utilities, involving no material expansions are  
38 exempt under subsection (1) of this section.

1 (a) The following maintenance activities are not exempt under this  
2 subsection:

3 (i) Dredging;

4 (ii) The reconstruction or maintenance of groins and similar  
5 shoreline protection structures;

6 (iii) The replacement of utility cables that must be buried under  
7 the surface of the bedlands; or

8 (iv) The repair or rebuilding of major dams, dikes, and reservoirs.

9 (b) If undertaken wholly or partly on lands covered by water in a  
10 jurisdiction without a valid critical areas code under chapter 36.70A  
11 RCW, only minor repairs or replacement of structures, including the  
12 repair or replacement of piling, ramps, floats, or mooring buoys, or  
13 minor repair, alteration, or maintenance of docks are exempt under  
14 subsection (1) of this section.

15 (5) Except when undertaken on lands covered by water in a  
16 jurisdiction without a valid critical areas code under chapter 36.70A  
17 RCW, the approval of short plats or short subdivisions under RCW  
18 58.17.060 are exempt under subsection (1) of this section. Further  
19 short subdivisions or short platting within a plat or subdivision are  
20 also exempt when the total lots do not exceed nine.

21 (6) All technical codes meeting minimum standards are exempt from  
22 the requirements of this chapter.

23 (7) Except when undertaken wholly or partly on lands covered by  
24 water in a jurisdiction without a valid critical areas code under  
25 chapter 36.70A RCW, the following types of utility-related actions are  
26 exempt under subsection (1) of this section:

27 (a) All storm water, water and sewer facilities, lines, equipment,  
28 hookups, or appurtenances, including, utilizing, or related to lines  
29 twenty-four inches or fewer in diameter.

30 (b) The exemption includes installation and construction,  
31 relocation when required by other governmental bodies, repair,  
32 replacement, maintenance, operation, or alteration, that does not  
33 change the action from an exempt class.

34 NEW SECTION. **Sec. 2.** (1) The office of regulatory assistance  
35 shall develop recommendations for improving how the state environmental  
36 policy act affects state and local permitting processes, including  
37 recommendations for potential revisions to state statutes or agency

1 rules designed to reduce unnecessary costs, time, and duplication in  
2 the state and local permitting processes while still ensuring effective  
3 and consistent environmental protection.

4 (2) The report must be submitted by November 1, 2011, to the  
5 governor and the legislature consistent with RCW 43.01.036. The  
6 recommendations must be developed after soliciting comments and  
7 considering the input of state agencies, local governments, relevant  
8 stakeholders, two members of the house of representatives appointed by  
9 the speaker of the house of representatives, one from each of the two  
10 largest caucuses, and two members of the state senate appointed by the  
11 president of the senate, one from each of the two largest caucuses.

12 (3) This section expires July 31, 2012."

13 Correct the title.

EFFECT: Changes the categorical exemptions created in the underlying bill by: (1) Establishing exemptions levels that apply to proposed actions regardless of whether the action occurs within an urban growth area, outside an urban growth area, or within a jurisdiction that is partially planning; and (2) modifying the exemption level;

Removes the provision created in the underlying bill that allowed a city or county to establish an alternative exemption level;

Removes the categorical exemption created in the underlying bill for temporary farmers markets or mobile food vendors;

Removes the provision created in the underlying bill that required public notice concerning categorically exempt activities;

Removes the provision requiring any action taken by the department of ecology to implement the provisions of the bill within existing resources; and

Requires the office of regulatory assistance to develop recommendations for improving how the state environmental policy act affects state and local permitting processes and provide a report to the governor and legislature.

--- END ---