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## Environment Committee

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### HB 1713

**Brief Description:** Modifying the categorical exemptions for development under the state environmental policy act.

**Sponsors:** Representatives Upthegrove, Short, Morris, Taylor, Takko, Springer, Smith, Eddy and McCune.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Creates new statutory categorical exemptions under the State Environmental Policy Act for certain types of development.</li></ul>
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**Hearing Date:** 2/3/11

**Staff:** Courtney Barnes (786-7194).

**Background:**

The State Environmental Policy Act (SEPA) applies to decisions by every state and local agency within Washington. One agency is usually identified as the lead agency for a specific proposal. The lead agency is responsible for identifying and evaluating the potential adverse environmental impacts of a proposal. Some minor projects do not require environmental review, so the lead agency will first decide if environmental review is needed. If the proposed project is the type of project that has been "categorically exempt" from the SEPA review process, no further environmental review is required.

Categorical exemptions are identified in both the Revised Code of Washington and the Washington Administrative Code (WAC). By statute, the Department of Ecology may adopt categorical exemptions by rule for the types of actions that are not major actions significantly affecting the quality of the environment. An action that is categorically exempt under the rules adopted by the Department may not be conditioned or denied [RCW 43.21C.110].

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Summary of Bill:**

The Legislature intends to preempt selected categorical exemption levels in WAC 197-11-800 and adopt updated levels in statute.

### Categorical Exemptions.

Categorical exemptions are created in statute for the following activities:

- construction or location of residential structures;
- construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure (excluding feed lots);
- construction of an office, school, commercial, recreational, service, or storage building;
- construction of a parking lot;
- landfill or excavation (including fill or excavation classified as a forest practice);
- construction or installation of minor road and street improvements;
- grading, excavating, filling, septic tank installations, and landscaping necessary for an exempt building or facility;
- installation or removal of impervious underground tanks;
- repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities, or equipment (including utilities), involving no material expansions;
- approval of short plats or short subdivisions;
- technical codes meeting minimum standards; and
- storm water, water and sewer facilities, lines, equipment, hookups, or appurtenances.

Certain exemptions do not apply where a rezone is required for the development.

### Categorical Exemption Levels.

The categorical exemption level for the identified activities (listed above) vary depending on where the activity takes place. The exemption levels depend on whether the activity is undertaken wholly or partly on lands covered by water or on natural resources land. The exemption levels also vary depending on whether the activity is within an urban growth area, outside an urban growth area, or within a planning jurisdiction that is partially planning under the Growth Management Act.

If a city or county finds that the local development code is not fully sufficient to mitigate the impacts of development, a city or county may establish a lower exemption level for their jurisdiction or for a specific issue or subject area. If the proposed action is located in more than one city or county, the lower of the agencies' adopted exemption levels controls regardless of which agency is the lead agency.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.