
SECOND SUBSTITUTE HOUSE BILL 1952

State of Washington

62nd Legislature

2011 Regular Session

By House General Government Appropriations & Oversight (originally sponsored by Representatives Upthegrove, Short, Fagan, and McCune)

READ FIRST TIME 02/23/11.

1 AN ACT Relating to streamlining the state environmental policy act
2 process; adding new sections to chapter 43.21C RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

7 (1) The proposed actions contained in this section are
8 categorically exempt from the requirements of this chapter if the
9 proposed action is within an urban growth area designated under RCW
10 36.70A.110. For a specific proposal, the exemptions in subsections (2)
11 through (7) of this section control, unless the city or county in which
12 the project is located establishes an alternative exemption level
13 consistent with section 2 of this act. If the proposed action is
14 located in more than one city or county, the lower of the agencies'
15 adopted levels controls regardless of which agency is the lead agency.

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

1 (a) The construction or location of any residential structures of
2 eighty dwelling units or fewer;

3 (b) The construction of a barn, loafing shed, farm equipment
4 storage building, produce storage or packing structure, or similar
5 agricultural structure, covering up to twenty thousand square feet, and
6 to be used only by the property owner or the property owner's agent in
7 the conduct of farming the property. This exemption does not apply to
8 feed lots;

9 (c) The construction of an office, school, commercial,
10 recreational, service, or storage building with forty thousand or fewer
11 square feet of gross floor area;

12 (d) The construction of a parking lot designed for eighty
13 automobiles or fewer;

14 (e) Any landfill or excavation of two thousand cubic yards or fewer
15 of disturbed area throughout the total lifetime of the fill or
16 excavation;

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

37 (g) Grading, excavating, filling, septic tank installations, and

1 landscaping necessary for any building or facility exempted under this
2 section, as well as fencing and the construction of small structures
3 and minor facilities accessory thereto;

4 (h) The installation of impervious underground tanks having a
5 capacity of ten thousand gallons or fewer or multiple tanks having a
6 capacity of one hundred thousand gallons or fewer; and

7 (i) The removal of impervious underground tanks regardless of their
8 capacity.

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

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

18 (a) The following maintenance activities are not exempt under this
19 subsection:

20 (i) Dredging;

21 (ii) The reconstruction or maintenance of groins and similar
22 shoreline protection structures;

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

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

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

32 (5) Except when undertaken on lands covered by water in a
33 jurisdiction without a valid critical areas code under chapter 36.70A
34 RCW, the approval of short plats or short subdivisions under RCW
35 58.17.060 are exempt under subsection (1) of this section. Further
36 short subdivisions or short platting within a plat or subdivision are
37 also exempt when the total lots do not exceed nine.

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

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

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

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW
15 to read as follows:

16 (1) The proposed actions contained in this section are
17 categorically exempt from the requirements of this chapter if the
18 proposed action is within an urban growth area designated under RCW
19 36.70A.110, and the city or county in which the project is located
20 establishes an exemption level consistent with this section. If a city
21 or county does not establish an exemption level under this section, the
22 exemption levels in section 1 of this act apply. If the proposed
23 action is located in more than one city or county, the lower of the
24 agencies' adopted levels controls regardless of which agency is the
25 lead agency.

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

30 (a) The construction or location of any residential structures of
31 one hundred sixty dwelling units or fewer;

32 (b) The construction of an office, school, commercial,
33 recreational, service, or storage building with eighty thousand or
34 fewer square feet of gross floor area, and with associated parking
35 facilities designed for two hundred automobiles or fewer;

36 (c) The construction of a parking lot designed for two hundred
37 automobiles or fewer; and

1 (d) Any landfill or excavation of four thousand cubic yards or
2 fewer of disturbed area throughout the total lifetime of the fill or
3 excavation.

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

6 (1) The proposed actions contained in this section are
7 categorically exempt from the requirements of this chapter if the
8 proposed action is outside an urban growth area and is not on natural
9 resources lands designated under RCW 36.70A.110. For a specific
10 proposal, the exemptions in subsections (2) through (7) of this section
11 control. If the proposed action is located in more than one city or
12 county, the lower of the agencies' adopted levels controls regardless
13 of which agency is the lead agency.

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

18 (a) The construction or location of any residential structures of
19 thirty dwelling units or fewer;

20 (b) The construction of a barn, loafing shed, farm equipment
21 storage building, produce storage or packing structure, or similar
22 agricultural structure, covering up to twenty thousand square feet, and
23 to be used only by the property owner or the property owner's agent in
24 the conduct of farming the property. This exemption does not apply to
25 feed lots;

26 (c) The construction of an office, school, commercial,
27 recreational, service, or storage building with twenty thousand or
28 fewer square feet of gross floor area, and with associated parking
29 facilities designed for sixty automobiles or fewer;

30 (d) The construction of a parking lot designed for sixty
31 automobiles or fewer;

32 (e) Any landfill or excavation of eight hundred cubic yards or
33 fewer of disturbed area throughout the total lifetime of the fill or
34 excavation;

35 (f) The construction or installation of minor road and street
36 improvements, such as: Pavement marking; freeway surveillance and
37 control systems; railroad protective devices, not including grade-

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

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

22 (h) The installation of impervious underground tanks having a
23 capacity of ten thousand gallons or fewer or multiple tanks having a
24 capacity of one hundred thousand gallons or fewer; and

25 (i) The removal of impervious underground tanks regardless of their
26 capacity.

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

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

36 (a) The following maintenance activities are not exempt under this
37 subsection:

38 (i) Dredging;

1 (ii) The reconstruction or maintenance of groins and similar
2 shoreline protection structures;

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

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

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

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

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

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

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

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

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

33 (1) The proposed actions contained in this section are
34 categorically exempt from the requirements of this chapter if the
35 proposed action is within a planning jurisdiction that is partially
36 planning under chapter 36.70A RCW, the growth management act. For a
37 specific proposal, the exemption in subsections (2) through (6) of this

1 section control. If the proposed action is located in more than one
2 city or county, the lower of the agencies' adopted levels controls
3 regardless of which agency is the lead agency.

4 (2) Except when undertaken wholly or partly on lands covered by
5 water, the following types of construction are exempt under subsection
6 (1) of this section:

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

9 (b) The construction of a barn, loafing shed, farm equipment
10 storage building, produce storage or packing structure, or similar
11 agricultural structure, covering up to twenty thousand square feet, and
12 to be used only by the property owner or the property owner's agent in
13 the conduct of farming the property. This exemption does not apply to
14 feed lots;

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

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

21 (e) Any landfill or excavation of five hundred cubic yards or fewer
22 of disturbed area throughout the total lifetime of the fill or
23 excavation;

24 (f) The construction or installation of minor road and street
25 improvements, such as: Pavement marking; freeway surveillance and
26 control systems; railroad protective devices, not including grade-
27 separated crossings; grooving; glare screen; safety barriers; energy
28 attenuators; transportation corridor landscaping, including the
29 application of Washington state department of agriculture-approved
30 herbicides by licensed personnel for right-of-way weed control as long
31 as this is not within watersheds controlled for the purpose of drinking
32 water quality; temporary traffic controls and detours; correction of
33 substandard curves and intersections within existing rights-of-way;
34 widening of a highway by less than a single lane width and no new
35 right-of-way is required; adding auxiliary lanes for localized
36 purposes, such as weaving, climbing, speed change, etc., and no new
37 right-of-way is required; channelization and elimination of sight
38 restrictions at intersections; street lighting; guard rails and

1 barricade installation; installation of catch basins and culverts; and
2 reconstruction of existing roadbed (existing curb-to-curb in urban
3 locations), including adding or widening of shoulders, addition of
4 bicycle lanes, paths and facilities, and pedestrian walks and paths,
5 but not including additional automobile lanes;

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

10 (h) The removal and replacement of existing impervious underground
11 tanks regardless of their capacity.

12 (3) The exemptions provided in subsection (2)(f) through (h) of
13 this section apply to all licenses required to undertake the proposed
14 action, except where a rezone is required.

15 (4) Except when undertaken wholly or partly on lands covered by
16 water, the following types of construction are exempt under subsection
17 (1) of this section:

18 (a) The repair, remodeling, maintenance, or minor alteration of
19 existing private or public structures, facilities, or equipment,
20 including utilities, involving no material expansions;

21 (b) The following maintenance activities are not exempt under this
22 subsection:

23 (i) Dredging;

24 (ii) The reconstruction or maintenance of groins and similar
25 shoreline protection structures;

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

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

29 (5) All technical codes meeting minimum standards are exempt from
30 the requirements of this chapter.

31 (6) Except when undertaken wholly or partly on lands covered by
32 water, the following types of utility-related actions are exempt under
33 subsection (1) of this section:

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

37 (b) The exemption includes installation and construction,

1 relocation when required by other governmental bodies, repair,
2 replacement, maintenance, operation, or alteration, that does not
3 change the action from an exempt class.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21C RCW
5 to read as follows:

6 A city or county may establish an alternative exemption level
7 consistent with this section. A city or county may set lower exemption
8 levels for a portion of their jurisdiction or for a specific issue or
9 subject area if the city or county finds that the local development
10 code is not fully sufficient to mitigate the impacts of development or
11 redevelopment.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW
13 to read as follows:

14 Temporary farmers markets or mobile food vendors on previously
15 developed sites covering up to thirty thousand square feet are
16 categorically exempt from the requirements of this chapter.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.21C RCW
18 to read as follows:

19 (1) Proposed actions that are categorically exempt from the
20 requirements of this chapter are subject to all existing public notice
21 requirements for development or redevelopment as required under this
22 chapter.

23 (2) All jurisdictions must ensure that members of the public, the
24 department of ecology, and the department of archaeology and historic
25 preservation receive adequate notice concerning any development or
26 redevelopment that is categorically exempt from the requirements of
27 this chapter.

28 NEW SECTION. **Sec. 8.** Any action taken by the department of
29 ecology to implement the provisions of this act must be accomplished
30 within existing resources.

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