
HOUSE BILL 2695

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Fitzgibbon and Santos

Read first time 01/25/12. Referred to Committee on Environment.

1 AN ACT Relating to categorically exempting certain nonproject
2 actions by local governments from environmental review under the state
3 environmental policy act; and adding a new section to chapter 43.21C
4 RCW.

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

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

8 (1)(a) Except as otherwise provided in this subsection (1), the
9 proposed actions contained in subsections (2) and (3) of this section
10 are categorically exempt from the requirements of this chapter. If a
11 proposed action is located in more than one county, city, or town, the
12 lower of the agencies' adopted categorical exemption levels controls,
13 regardless of which agency is the lead agency.

14 (b) An ordinance or resolution may be adopted by a city, county, or
15 town to establish lower exemption levels for specific geographic areas
16 within the city, county, or town and remove the otherwise exempt
17 proposed actions identified in subsections (2) and (3) of this section
18 from being considered exempt.

1 (2) Except as provided in subsection (1)(b) of this section, the
2 following actions are categorically exempt from the requirements of
3 this chapter if the proposed action is located within an urban growth
4 area designated pursuant to RCW 36.70A.110:

5 The following are nonproject actions:

6 (a) Amendments to development regulations that are required to
7 ensure consistency with an adopted comprehensive plan pursuant to RCW
8 36.70A.040, where the comprehensive plan was previously subjected to
9 environmental review pursuant to this chapter;

10 (b) Amendments to development regulations that are required to
11 ensure consistency with a shoreline master program approved pursuant to
12 RCW 90.58.090, where the shoreline master program was previously
13 subjected to environmental review pursuant to this chapter;

14 (c) Amendments to development regulations that, upon implementation
15 of a project action, will provide increased environmental protection,
16 limited to the following:

17 (i) Increased protections for critical areas, such as enhanced
18 buffers or setbacks;

19 (ii) Increased vegetation retention or decreased impervious surface
20 areas in shoreline jurisdiction; and

21 (iii) Increased vegetation retention or decreased impervious
22 surface areas in critical areas;

23 (b) Amendments to technical codes adopted by a county, city, or
24 town to ensure consistency with minimum standards contained in state
25 law, including the following:

26 (i) Building codes required by chapter 19.27 RCW;

27 (ii) Energy codes required by chapter 19.27A RCW; and

28 (iii) Electrical codes required by chapter 19.28 RCW.

29 (3) Except as provided in subsection (1)(b) of this section, the
30 following types of construction are categorically exempt from the
31 requirements of this chapter if the proposed action is located outside
32 an urban growth area designated pursuant to RCW 36.70A.110:

33 The following are nonproject actions:

34 (a) Amendments to development regulations that are required to
35 ensure consistency with an adopted comprehensive plan pursuant to RCW
36 36.70A.040, where the comprehensive plan was previously subjected to
37 environmental review pursuant to this chapter;

1 (b) Amendments to development regulations that are required to
2 ensure consistency with a shoreline master program approved pursuant to
3 RCW 90.58.090, where the shoreline master program was previously
4 subjected to environmental review pursuant to this chapter;

5 (c) Amendments to development regulations that, upon implementation
6 of a project action, will provide increased environmental protection,
7 limited to the following:

8 (i) Increased protections for critical areas such as enhanced
9 buffers or setbacks;

10 (ii) Increased vegetation retention or decreased impervious surface
11 areas in shoreline jurisdiction; and

12 (iii) Increased vegetation retention or decreased impervious
13 surface areas in critical areas;

14 (d) Amendments to technical codes adopted by a county, city, or
15 town to ensure consistency with minimum standards contained in state
16 law, including the following:

17 (i) Building codes required by chapter 19.27 RCW;

18 (ii) Energy codes required by chapter 19.27A RCW; and

19 (iii) Electrical codes required by chapter 19.28 RCW.

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