
HOUSE BILL 2696

State of Washington

62nd Legislature

2012 Regular Session

By Representative Fitzgibbon

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

1 AN ACT Relating to planned actions under the state environmental
2 policy act; amending RCW 43.21C.031; and adding a new section to
3 chapter 43.21C RCW.

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

5 **Sec. 1.** RCW 43.21C.031 and 1995 c 347 s 203 are each amended to
6 read as follows:

7 (1) An environmental impact statement (the detailed statement
8 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for
9 legislation and other major actions having a probable significant,
10 adverse environmental impact. The environmental impact statement may
11 be combined with the recommendation or report on the proposal or issued
12 as a separate document. The substantive decisions or recommendations
13 shall be clearly identifiable in the combined document. Actions
14 categorically exempt under RCW 43.21C.110(1)(a) do not require
15 environmental review or the preparation of an environmental impact
16 statement under this chapter. (~~In a county, city, or town planning~~
17 ~~under RCW 36.70A.040, a planned action, as provided for in subsection~~
18 ~~(2) of this section, does not require a threshold determination or the~~

1 ~~preparation of an environmental impact statement under this chapter,~~
2 ~~but is subject to environmental review and mitigation as provided in~~
3 ~~this chapter.)~~)

4 (2) An environmental impact statement is required to analyze only
5 those probable adverse environmental impacts which are significant.
6 Beneficial environmental impacts may be discussed. The responsible
7 official shall consult with agencies and the public to identify such
8 impacts and limit the scope of an environmental impact statement. The
9 subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate
10 sections of an environmental impact statement. Discussions of
11 significant short-term and long-term environmental impacts, significant
12 irrevocable commitments of natural resources, significant alternatives
13 including mitigation measures, and significant environmental impacts
14 which cannot be mitigated should be consolidated or included, as
15 applicable, in those sections of an environmental impact statement
16 where the responsible official decides they logically belong.

17 ~~((2)(a) For purposes of this section, a planned action means one~~
18 ~~or more types of project action that:~~

19 ~~(i) Are designated planned actions by an ordinance or resolution~~
20 ~~adopted by a county, city, or town planning under RCW 36.70A.040;~~

21 ~~(ii) Have had the significant impacts adequately addressed in an~~
22 ~~environmental impact statement prepared in conjunction with (A) a~~
23 ~~comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or~~
24 ~~(B) a fully contained community, a master planned resort, a master~~
25 ~~planned development, or a phased project;~~

26 ~~(iii) Are subsequent or implementing projects for the proposals~~
27 ~~listed in (a)(ii) of this subsection;~~

28 ~~(iv) Are located within an urban growth area, as defined in RCW~~
29 ~~36.70A.030;~~

30 ~~(v) Are not essential public facilities, as defined in RCW~~
31 ~~36.70A.200; and~~

32 ~~(vi) Are consistent with a comprehensive plan adopted under chapter~~
33 ~~36.70A RCW.~~

34 ~~(b) A county, city, or town shall limit planned actions to certain~~
35 ~~types of development or to specific geographical areas that are less~~
36 ~~extensive than the jurisdictional boundaries of the county, city, or~~
37 ~~town and may limit a planned action to a time period identified in the~~

1 ~~environmental impact statement or the ordinance or resolution adopted~~
2 ~~under this subsection.))~~

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

5 (1) For purposes of this chapter, a planned action means one or
6 more types of development or redevelopment that meet the following
7 criteria:

8 (a) Are designated as planned actions by an ordinance or resolution
9 adopted by a county, city, or town planning under RCW 36.70A.040;

10 (b) Have had the significant impacts adequately addressed in an
11 environmental impact statement under the requirements of this chapter
12 in conjunction with, or to implement, a comprehensive plan or subarea
13 plan adopted under chapter 36.70A RCW, or a fully contained community,
14 a master planned resort, a master planned development, or a phased
15 project;

16 (c) Are subsequent or implementing projects for the proposals
17 listed in (b) of this subsection;

18 (d) Are located within an urban growth area designated pursuant to
19 RCW 36.70A.110;

20 (e) Are not essential public facilities, as defined in RCW
21 36.70A.200, unless an essential public facility is accessory to or part
22 of a residential, office, school, commercial, recreational, service, or
23 industrial development that is designated a planned action under this
24 subsection; and

25 (f) Are consistent with a comprehensive plan or subarea plan
26 adopted under chapter 36.70A RCW.

27 (2) A county, city, or town shall define the types of development
28 included in the planned action or a specific geographical area that is
29 less extensive than the jurisdictional boundaries of the county, city,
30 or town, and may limit a planned action to a time period identified in
31 the ordinance or resolution adopted under this subsection.

32 (3)(a) A county, city, or town shall determine during permit review
33 whether a proposal is consistent with a planned action ordinance
34 adopted by the jurisdiction. To determine project consistency with a
35 planned action ordinance, a county, city, or town may utilize the
36 environmental checklist, a modified checklist pursuant to the rules

1 adopted to implement RCW 43.21C.110, a form that is designated within
2 the planned action ordinance, or a form contained in agency rules
3 adopted pursuant to RCW 43.21C.120.

4 (b) Except for impacts that are specifically deferred for
5 consideration at the project level, a county, city, or town is not
6 required to make a threshold determination and may not require
7 additional environmental review for a proposal that is determined to be
8 consistent with the development or redevelopment described in the
9 planned action ordinance. The determination of consistency, and the
10 adequacy of any environmental review that was specifically deferred, is
11 subject to any administrative appeal that the county, city, or town
12 provides consistent with RCW 36.70B.060.

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