

ESHB 2439 - S AMD 659

By Senator Ericksen

1 On page 1, after line 12, insert the following:

2 "Sec. 1. RCW 43.21C.229 and 2012 1st sp.s. c 1 s 304 are each
3 amended to read as follows:

4 (1) In order to accommodate infill development and thereby realize
5 the goals and policies of comprehensive plans adopted according to
6 chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is
7 authorized by this section to establish categorical exemptions from the
8 requirements of this chapter. An exemption adopted under this section
9 applies even if it differs from the categorical exemptions adopted by
10 rule of the department under RCW 43.21C.110(1)(a). An exemption may be
11 adopted by a city or county under this section if it meets the
12 following criteria:

13 (a) It categorically exempts government action related to
14 development proposed to fill in an urban growth area, designated
15 according to RCW 36.70A.110, where current density and intensity of use
16 in the area is lower than called for in the goals and policies of the
17 applicable comprehensive plan and the development is either:

18 (i) Residential development;

19 (ii) Mixed-use development; or

20 (iii) Commercial development up to sixty-five thousand square feet,
21 excluding retail development;

22 (b) It does not exempt government action related to development
23 that is inconsistent with the applicable comprehensive plan or would
24 exceed the density or intensity of use called for in the goals and
25 policies of the applicable comprehensive plan;

26 (c) The local government considers the specific probable adverse
27 environmental impacts of the proposed action and determines that these
28 specific impacts are adequately addressed by the development
29 regulations or other applicable requirements of the comprehensive plan,

1 subarea plan element of the comprehensive plan, planned action
2 ordinance, or other local, state, or federal rules or laws; ((and))

3 (d) The proposed action is a short plat or short subdivision
4 approved under RCW 58.17.060; or

5 (e)(i) The city or county's applicable comprehensive plan was
6 previously subjected to environmental analysis through an environmental
7 impact statement under the requirements of this chapter prior to
8 adoption; or

9 (ii) The city or county has prepared an environmental impact
10 statement that considers the proposed use or density and intensity of
11 use in the area proposed for an exemption under this section.

12 (2) Any categorical exemption adopted by a city or county under
13 this section shall be subject to the rules of the department adopted
14 according to RCW 43.21C.110(1)(a) that provide exceptions to the use of
15 categorical exemptions adopted by the department."

16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

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18 On page 1, line 3 of the title, after "RCW" insert "43.21C.229,"

EFFECT: Adds option for cities and counties planning under RCW
36.70A.040 to adopt a State Environmental Policy Act categorical
exemption for short plats or short subdivisions approved under RCW
58.17.060.

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