
HOUSE BILL 1009

State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, Taylor, Short, McCaslin, Pike, Buys, Haler, and Young

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1 AN ACT Relating to clarifying that the authority to mitigate
2 environmental impacts under the state environmental policy act
3 applies only to significant adverse environmental impacts; and
4 amending RCW 43.21C.060.

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

6 **Sec. 1.** RCW 43.21C.060 and 1983 c 117 s 3 are each amended to
7 read as follows:

8 (1) The policies and goals set forth in this chapter are
9 supplementary to those set forth in existing authorizations of all
10 branches of government of this state, including state agencies,
11 municipal and public corporations, and counties. Any governmental
12 action may be conditioned or denied pursuant to this chapter(~~(+~~
13 ~~PROVIDED, That such)~~).

14 (2) Conditions or denials under subsection (1) of this section
15 shall be based upon policies identified by the appropriate
16 governmental authority and incorporated into regulations, plans, or
17 codes which are formally designated by the agency (~~(+)~~) or appropriate
18 local government legislative body(~~(, in the case of local~~
19 ~~government))~~) as possible bases for the exercise of authority
20 pursuant to this chapter. (~~(Such designation shall occur at the time~~
21 ~~specified by RCW 43.21C.120. Such)~~) The designation by the

1 legislative body of a local government or an agency of a regulation,
2 plan, or code must occur at the time specified under RCW 43.21C.120.

3 (3) A governmental action may be conditioned only to mitigate
4 specific significant adverse environmental impacts which are
5 identified in the environmental documents prepared under this
6 chapter. These conditions shall be stated in writing by the decision
7 maker. Mitigation measures shall be reasonable and capable of being
8 accomplished.

9 (4) In order to deny a proposal under this chapter, an agency
10 must find that: ~~((1))~~ (a) The proposal would result in significant
11 adverse impacts identified in a final or supplemental environmental
12 impact statement prepared under this chapter; and ~~((2))~~ (b)
13 reasonable mitigation measures are insufficient to mitigate the
14 identified impact.

15 (5) Except for permits and variances issued pursuant to chapter
16 90.58 RCW, when ~~((such))~~ a governmental action~~((, not requiring a~~
17 ~~legislative decision,))~~ that does not require a legislative decision
18 is conditioned or denied by a nonelected official of a local
19 governmental agency, the decision shall be appealable to the
20 legislative authority of the acting local governmental agency unless
21 that legislative authority formally eliminates such appeals. ~~((Such))~~
22 Appeals under this subsection shall be in accordance with procedures
23 established for such appeals by the legislative authority of the
24 acting local governmental agency.

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