
HOUSE BILL 2066

State of Washington

67th Legislature

2022 Regular Session

By Representatives Barkis, Klicker, Dufault, Gilday, Sutherland, Eslick, and Dent

Read first time 01/20/22. Referred to Committee on Environment & Energy.

1 AN ACT Relating to exemptions for infill development under the
2 state environmental policy act; and amending RCW 43.21C.229.

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

4 **Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to
5 read as follows:

6 (1) In order to accommodate infill development and thereby
7 realize the goals and policies of comprehensive plans adopted
8 according to chapter 36.70A RCW, a city or county planning under RCW
9 36.70A.040 is authorized by this section to establish categorical
10 exemptions from the requirements of this chapter. An exemption
11 adopted under this section applies even if it differs from the
12 categorical exemptions adopted by rule of the department under RCW
13 43.21C.110(1)(a). An exemption (~~(may)~~) must be adopted by a city or
14 county under this section (~~(if it meets)~~) and meet the following
15 criteria:

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

1 (i) Residential development;
2 (ii) Mixed-use development; or
3 (iii) Commercial development up to sixty-five thousand square
4 feet, excluding retail development;

5 (b) It does not exempt government action related to development
6 that is inconsistent with the applicable comprehensive plan or would
7 clearly exceed the density or intensity of use called for in the
8 goals and policies of the applicable comprehensive plan; and

9 ~~((The local government considers the specific probable
10 adverse environmental impacts of the proposed action and determines
11 that these specific impacts are adequately addressed by the
12 development regulations or other applicable requirements of the
13 comprehensive plan, subarea plan element of the comprehensive plan,
14 planned action ordinance, or other local, state, or federal rules or
15 laws; and~~

16 ~~(d))~~ (i) The city or county's applicable comprehensive plan was
17 previously subjected to environmental analysis through an
18 environmental impact statement under the requirements of this chapter
19 prior to adoption; or

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

23 (2) Notwithstanding the requirements in subsection (1) of this
24 section, if the legislative body of a local government considers the
25 specific probable adverse environmental impacts of the proposed
26 government action relating to development and adopts a finding that
27 these specific impacts are not adequately addressed by the
28 development regulations or other applicable requirements of the
29 comprehensive plan, subarea plan element of the comprehensive plan,
30 planned action ordinance, or other local, state, or federal rules or
31 laws, the local government may require the development to comply with
32 the other requirements of this chapter.

33 (3) Any categorical exemption adopted by a city or county under
34 this section shall be subject to the rules of the department adopted
35 according to RCW 43.21C.110(1)(a) that provide exceptions to the use
36 of categorical exemptions adopted by the department.

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