

**2SSB 5412** - H AMD TO LG COMM AMD (H-1755.1/23) **696**  
By Representative Fitzgibbon

WITHDRAWN 04/12/2023

1 On page 2, beginning on line 17, after "chapter." strike all  
2 material through "The" on line 29 and insert "For purposes of this  
3 subsection, "middle housing" has the same meaning as in RCW  
4 36.70A.030 as amended by chapter . . . (Engrossed Second Substitute  
5 House Bill No. 1110), Laws of 2023. Jurisdictions shall satisfy the  
6 following criteria prior to the adoption of the categorical exemption  
7 under this subsection (3):

8 (a) The city or county shall find the"

9 On page 2, beginning on line 35, after "or" strike all material  
10 through "adoption" on line 37 and insert "county has prepared  
11 environmental analysis that considers the proposed use or density and  
12 intensity of use in the area proposed for an exemption under this  
13 section and analyzes multimodal transportation impacts, including  
14 impacts to neighboring jurisdictions, transit facilities, and the  
15 state transportation system.

16 (i) Such environmental analysis shall include documentation that  
17 the requirements for environmental analysis, protection, and  
18 mitigation for impacts to elements of the environment have been  
19 adequately addressed for the development exempted. The requirements  
20 may be addressed in locally adopted comprehensive plans, subarea  
21 plans, adopted development regulations, other applicable local  
22 ordinances and regulations, or applicable state and federal  
23 regulations. The city, town, or county must document its consultation  
24 with the department of transportation on impacts to state-owned  
25 transportation facilities including consideration of whether  
26 mitigation is necessary for impacts to transportation facilities.

27 (ii) Before finalizing the environmental analysis pursuant to  
28 (b)(i) of this subsection (3), the local government shall provide a  
29 minimum of 60 days' notice to affected tribes, relevant state  
30 agencies, other jurisdictions that may be impacted, and the public.  
31 If a local government identifies that mitigation measures are  
32 necessary to address specific probable adverse impacts, the local  
33 government must address those impacts by requiring mitigation

1 identified in the environmental analysis pursuant to this subsection  
2 (3)(b) through locally adopted comprehensive plans, subarea plans,  
3 development regulations, or other applicable local ordinances and  
4 regulations. Mitigation measures shall be detailed in an associated  
5 environmental determination.

6 (iii) The categorical exemption is effective 30 days following  
7 action by a local government pursuant to (b)(ii) of this subsection  
8 (3)."

9 On page 3, line 1, after "43.21C.110(1)(a)." insert "Nothing in  
10 this section shall invalidate categorical exemptions or environmental  
11 review procedures adopted by a local government under a planned  
12 action pursuant to RCW 43.21C.440."

EFFECT: Amends the criteria for a project action that develops residential housing units or middle housing within an urban growth area to be categorically exempt from the State Environmental Policy Act (SEPA) to require an environmental analysis that meets certain criteria, rather than requiring a local government's comprehensive plan to be previously subjected to an environmental analysis under SEPA. Requires local governments to provide notice to affected tribes, state agencies, other jurisdictions, and the public before finalizing an environmental analysis and to address identified probable adverse impacts within the environmental analysis. Provides that the categorical exemption is effective 30 days after specified actions are taken by a local government.

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