

ESSB 6061 - H COMM AMD
By Committee on Local Government

NOT CONSIDERED 03/07/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 43.21C.229 and 2023 c 368 s 1 are each amended to
4 read as follows:

5 (1) The purpose of this section is to accommodate infill (~~and~~
6 ~~housing development~~) and thereby realize the goals and policies of
7 comprehensive plans adopted according to chapter 36.70A RCW.

8 (2) A city or county planning under RCW 36.70A.040 is authorized
9 by this section to establish categorical exemptions from the
10 requirements of this chapter. An exemption may be adopted by a city
11 or county under this subsection if it meets the following criteria:

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

- 18 (i) Residential development;
19 (ii) Mixed-use development; or
20 (iii) Commercial development up to 65,000 square feet, excluding
21 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 clearly exceed the density or intensity of use called for in the
25 goals and 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
28 these specific impacts are adequately addressed by the development
29 regulations or other applicable requirements of the comprehensive
30 plan, subarea plan element of the comprehensive plan, planned action
31 ordinance, or other local, state, or federal rules or laws; and

1 (d) (i) The city or county's applicable comprehensive plan was
2 previously subjected to environmental analysis through an
3 environmental impact statement under the requirements of this chapter
4 prior to adoption; or

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

8 ~~(3) ((All project actions that propose to develop one or more
9 residential housing units within the incorporated areas in an urban
10 growth area designated pursuant to RCW 36.70A.110 or middle housing
11 within the unincorporated areas in an urban growth area designated
12 pursuant to RCW 36.70A.110, and that meet the criteria identified in
13 (a) and (b) of this subsection, are categorically exempt from the
14 requirements of this chapter. For purposes of this section, "middle
15 housing" has the same meaning as in RCW 36.70A.030 as amended by
16 chapter 332, Laws of 2023. Jurisdictions shall satisfy the following
17 criteria prior to the adoption of the categorical exemption under
18 this subsection (3):~~

19 ~~(a) The city or county shall find that the proposed development
20 is consistent with all development regulations implementing an
21 applicable comprehensive plan adopted according to chapter 36.70A RCW
22 by the jurisdiction in which the development is proposed, with the
23 exception of any development regulation that is inconsistent with
24 applicable provisions of chapter 36.70A RCW; and~~

25 ~~(b) The city or county has prepared environmental analysis that
26 considers the proposed use or density and intensity of use in the
27 area proposed for an exemption under this section and analyzes
28 multimodal transportation impacts, including impacts to neighboring
29 jurisdictions, transit facilities, and the state transportation
30 system.~~

31 ~~(i) Such environmental analysis shall include documentation that
32 the requirements for environmental analysis, protection, and
33 mitigation for impacts to elements of the environment have been
34 adequately addressed for the development exempted. The requirements
35 may be addressed in locally adopted comprehensive plans, subarea
36 plans, adopted development regulations, other applicable local
37 ordinances and regulations, or applicable state and federal
38 regulations. The city or county must document its consultation with
39 the department of transportation on impacts to state-owned~~

1 ~~transportation facilities including consideration of whether~~
2 ~~mitigation is necessary for impacts to transportation facilities.~~

3 ~~(ii) Before finalizing the environmental analysis pursuant to~~
4 ~~(b)(i) of this subsection (3), the city or county shall provide a~~
5 ~~minimum of 60 days' notice to affected tribes, relevant state~~
6 ~~agencies, other jurisdictions that may be impacted, and the public.~~
7 ~~If a city or county identifies that mitigation measures are necessary~~
8 ~~to address specific probable adverse impacts, the city or county must~~
9 ~~address those impacts by requiring mitigation identified in the~~
10 ~~environmental analysis pursuant to this subsection (3)(b) through~~
11 ~~locally adopted comprehensive plans, subarea plans, development~~
12 ~~regulations, or other applicable local ordinances and regulations.~~
13 ~~Mitigation measures shall be detailed in an associated environmental~~
14 ~~determination.~~

15 ~~(iii) The categorical exemption is effective 30 days following~~
16 ~~action by a city or county pursuant to (b)(ii) of this subsection~~
17 ~~(3).~~

18 ~~(4) Until September 30, 2025, all project actions that propose to~~
19 ~~develop one or more residential housing or middle housing units~~
20 ~~within a city west of the crest of the Cascade mountains with a~~
21 ~~population of 700,000 or more are categorically exempt from the~~
22 ~~requirements of this chapter. After September 30, 2025, project~~
23 ~~actions that propose to develop one or more residential housing or~~
24 ~~middle housing units within the city may utilize the categorical~~
25 ~~exemption in subsection (3) of this section.~~

26 ~~(5)) Any categorical exemption adopted by a city or county under~~
27 ~~this section applies even if it differs from the categorical~~
28 ~~exemptions adopted by rule of the department under RCW~~
29 ~~43.21C.110(1)(a). Nothing in this section shall invalidate~~
30 ~~categorical exemptions or environmental review procedures adopted by~~
31 ~~a city or county under a planned action pursuant to RCW 43.21C.440.~~
32 ~~However, any categorical exemption adopted by a city or county under~~
33 ~~this section shall be subject to the rules of the department adopted~~
34 ~~according to RCW 43.21C.110(1)(a) that provide exceptions to the use~~
35 ~~of categorical exemptions adopted by the department.~~

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

1 (1) The purpose of this section is to accommodate housing
2 development and thereby realize the goals and policies of
3 comprehensive plans adopted according to chapter 36.70A RCW.

4 (2) All project actions that propose to develop one or more
5 residential housing units within the incorporated areas in an urban
6 growth area designated pursuant to RCW 36.70A.110 or middle housing
7 within the unincorporated areas in an urban growth area designated
8 pursuant to RCW 36.70A.110, and that meet the criteria identified in

9 (a) through (c) of this subsection, are categorically exempt from the
10 requirements of this chapter. Jurisdictions shall satisfy the
11 following criteria prior to the adoption of this categorical
12 exemption:

13 (a) The city or county has determined that the proposed
14 development is consistent with all development regulations
15 implementing an applicable comprehensive plan adopted according to
16 chapter 36.70A RCW by the jurisdiction in which the development is
17 proposed, with the exception of any development regulation that is
18 inconsistent with applicable provisions of chapter 36.70A RCW;

19 (b) The city or county has determined the proposed development is
20 capable of being connected to an established sewer system at the time
21 of construction; and

22 (c) The city or county has prepared an environmental analysis
23 that considers the proposed use or density and intensity of use in
24 the jurisdiction's comprehensive plan under this section and an
25 analysis of multimodal transportation impacts, including impacts to
26 neighboring jurisdictions, transit facilities, and the state
27 transportation system.

28 (i) Such an environmental analysis must include documentation
29 that the requirements for environmental analysis, protection, and
30 mitigation for impacts to elements of the environment have been
31 adequately addressed for the development exempted. The requirements
32 may be addressed in locally adopted comprehensive plans, subarea
33 plans, adopted development regulations, other applicable local
34 ordinances and regulations, or applicable state and federal
35 regulations. The city or county must document its consultation with
36 the department of transportation on impacts to state-owned
37 transportation facilities, including consideration of whether
38 mitigation is necessary for impacts to transportation facilities.

39 (ii) Before finalizing the environmental analysis pursuant to
40 (c)(i) of this subsection, the city or county shall provide a minimum

1 of 60 days' notice to affected tribes, relevant state agencies
2 including, but not limited to, the department of archaeology and
3 historic preservation to review and provide comment on implications
4 for cultural resources, other jurisdictions that may be impacted, and
5 the public. If a city or county identifies that mitigation measures
6 are necessary to address specific probable adverse impacts, the city
7 or county must address those impacts by requiring mitigation
8 identified in the environmental analysis pursuant to this subsection
9 (2)(c) through locally adopted comprehensive plans, subarea plans,
10 development regulations, or other applicable local ordinances and
11 regulations. Mitigation measures must be detailed in an associated
12 environmental determination.

13 (iii) The categorical exemption is effective 30 days following
14 action by a city or county pursuant to (c)(ii) of this subsection.

15 (d) A city or county must take action to establish the
16 categorical exemption within two years of the date for review and, if
17 needed, revision of comprehensive plans and development regulations
18 required in RCW 36.70A.130(5).

19 (3) Until September 30, 2025, all project actions that propose to
20 develop one or more residential housing or middle housing units
21 within a city west of the crest of the Cascade mountains with a
22 population of 700,000 or more are categorically exempt from the
23 requirements of this chapter. After September 30, 2025, project
24 actions that propose to develop one or more residential housing or
25 middle housing units within the city must utilize the categorical
26 exemption in subsection (2) of this section.

27 (4) Any categorical exemption adopted by a city or county under
28 this section applies even if it differs from the categorical
29 exemptions adopted by rule of the department of ecology under RCW
30 43.21C.110(1)(a). Nothing in this section invalidates categorical
31 exemptions or environmental review procedures adopted by a city or
32 county under a planned action pursuant to RCW 43.21C.440. However,
33 any categorical exemption under this section is subject to the rules
34 of the department of ecology adopted according to RCW
35 43.21C.110(1)(a) that provide exceptions to the use of categorical
36 exemptions adopted by the department of ecology.

37 (5) For purposes of this section, "middle housing" has the same
38 meaning as defined in RCW 36.70A.030."

39 Correct the title.

EFFECT: (1) Removes the requirement that an environmental analysis for a proposed development include documentation that the requirements for analysis and protection of cultural resources and any required mitigation have been adequately addressed.

(2) Specifies that, before an environmental analysis is finalized, the department of archaeology and historic preservation must review and provide comment on the implications of the project for cultural resources.

(3) Changes the timeline for a jurisdiction to take action to establish the categorical exemption for a proposed housing development to within two years of the date for review or revision of the jurisdiction's comprehensive plan.

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