

2SSB 5412 - H COMM AMD
By Committee on Local Government

ADOPTED AND ENGROSSED 04/12/2023

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

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

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

9 (2) A city or county planning under RCW 36.70A.040 is authorized
10 by this section to establish categorical exemptions from the
11 requirements of this chapter. (~~An exemption adopted under this~~
12 ~~section applies even if it differs from the categorical exemptions~~
13 ~~adopted by rule of the department under RCW 43.21C.110(1)(a).~~) An
14 exemption may be adopted by a city or county under this subsection if
15 it meets the following 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:

- 22 (i) Residential development;
23 (ii) Mixed-use development; or
24 (iii) Commercial development up to (~~sixty-five thousand~~) 65,000
25 square feet, excluding retail development;

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

30 (c) The local government considers the specific probable adverse
31 environmental impacts of the proposed action and determines that
32 these specific impacts are adequately addressed by the development

1 regulations or other applicable requirements of the comprehensive
2 plan, subarea plan element of the comprehensive plan, planned action
3 ordinance, or other local, state, or federal rules or laws; and

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

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

11 ~~((2) Any))~~ (3) All project actions that propose to develop one
12 or more residential housing units within the incorporated areas in an
13 urban growth area designated pursuant to RCW 36.70A.110 or middle
14 housing within the unincorporated areas in an urban growth area
15 designated pursuant to RCW 36.70A.110, and that meet the criteria
16 identified in (a) and (b) of this subsection, are categorically
17 exempt from the requirements of this chapter. For purposes of this
18 section, "middle housing" has the same meaning as in RCW 36.70A.030
19 as amended by chapter . . . (Engrossed Second Substitute House Bill
20 No. 1110), Laws of 2023. Jurisdictions shall satisfy the following
21 criteria prior to the adoption of the categorical exemption under
22 this subsection (3):

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

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

35 (i) Such environmental analysis shall include documentation that
36 the requirements for environmental analysis, protection, and
37 mitigation for impacts to elements of the environment have been
38 adequately addressed for the development exempted. The requirements
39 may be addressed in locally adopted comprehensive plans, subarea
40 plans, adopted development regulations, other applicable local

1 ordinances and regulations, or applicable state and federal
2 regulations. The city, town, or county must document its consultation
3 with the department of transportation on impacts to state-owned
4 transportation facilities including consideration of whether
5 mitigation is necessary for impacts to transportation facilities.

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

18 (iii) The categorical exemption is effective 30 days following
19 action by a local government pursuant to (b)(ii) of this subsection
20 (3).

21 (4) All project actions that propose to develop one or more
22 residential housing or middle housing units within a city west of the
23 crest of the Cascade mountains with a population of 700,000 or more
24 are categorically exempt from the requirements of this chapter.

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

35 Correct the title.

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