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**SUBSTITUTE HOUSE BILL 2673**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger, and Dufault)

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 2012 1st sp.s. c 1 s 304 are each  
5 amended to 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 be adopted by a city or county  
14 under this section if it meets the following criteria:

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

21 (i) Residential development;

1           (ii) Mixed-use development; or  
2           (iii) Commercial development up to sixty-five thousand square  
3 feet, excluding retail development;  
4           (b) It does not exempt government action related to development  
5 that is inconsistent with the applicable comprehensive plan or would  
6 clearly exceed the density or intensity of use called for in the  
7 goals and policies of the applicable comprehensive plan;  
8           (c) The local government considers the specific probable adverse  
9 environmental impacts of the proposed action and determines that  
10 these specific impacts are adequately addressed by the development  
11 regulations or other applicable requirements of the comprehensive  
12 plan, subarea plan element of the comprehensive plan, planned action  
13 ordinance, or other local, state, or federal rules or laws; and  
14           (d)(i) The city or county's applicable comprehensive plan was  
15 previously subjected to environmental analysis through an  
16 environmental impact statement under the requirements of this chapter  
17 prior to adoption; or  
18           (ii) The city or county has prepared an environmental impact  
19 statement that considers the proposed use or density and intensity of  
20 use in the area proposed for an exemption under this section.  
21           (2) Any categorical exemption adopted by a city or county under  
22 this section shall be subject to the rules of the department adopted  
23 according to RCW 43.21C.110(1)(a) that provide exceptions to the use  
24 of categorical exemptions adopted by the department.

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