



# SEPA REFORM: INFILL

## BACKGROUND

The State Environmental Policy Act (SEPA), enacted in 1971, was developed to recognize and evaluate the environmental or public health impacts of construction, proposed regulations, policies, and private projects. Today, SEPA often represents a duplicative and unnecessary requirement. There are two primary reasons for this:

1. In the decades since SEPA has become law, many other state laws have passed which have required jurisdictions to enact regulations that protect the environment. This includes the Growth Management Act (GMA), critical areas regulations, stormwater regulations, the Shoreline Management Act, and dozens of other development regulations and standards which are utilized to mitigate project impacts. Environmental protections have not been lessened. Mitigation has just shifted to city and county regulations.
2. The GMA (RCW 36.70A) and the Local Project Review Act (RCW 36.70B) outline substantial requirements for community, Tribal, and local, state, and federal agency engagement during policy, code, and permit processes. Public notice under SEPA is duplicative of more effective and impactful ways to engage on permitting and planning projects.

## HOUSE BILL 2673: CRITERIA

The legislature has recognized the need to reduce when SEPA is utilized, including House Bill 2673 (HB 2673), which passed in the 2020 legislative session. While this legislation has been enacted at the state level, many jurisdictions within Washington have yet to adopt these exemptions. Most communities in King and Snohomish County meet the criteria established in HB 2673.

As outlined within House Bill 2673, greater SEPA exemptions may be adopted by a city or county if it meets the following criteria:

- Infill projects can be exempted if the local jurisdiction's comprehensive plan was previously subjected to environmental analysis through an environmental impact statement or the city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption and
- If the projects current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the comprehensive plan and the development is either: Residential development; Mixed-use development; or Commercial development up to sixty-five thousand square feet, excluding retail development and
- If the possible adverse environmental impacts have been covered by other areas of the comprehensive plan or any other applicable local, state, or federal ordinance or regulation.



- It does not exempt government action related to development that is inconsistent or would clearly exceed the density or intensity with the comprehensive plan.

## BENEFITS

- Reduce permits time frames while maintaining important environmental protections.
- Remove processes that are not adding value to the permit process.
- Reduce workloads for city/county planners. This will allow them to focus on important projects and processes.
- Save permit applicants time and money. Applicants may save an average of one month during the permitting review process and \$3,200 in expenses.
- Local government saves the effort and money required to submit SEPA to Ecology.
- The regulatory burden to applicants is reduced by raising SEPA thresholds.
- Allow lead agencies flexibility in setting their thresholds for mixed use developments.
- Lead agencies will avoid duplicative documentation and analysis of impacts otherwise mitigated by adopted development regulations and standards.

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*Reducing workloads enables planners to focus on crucial projects and processes*

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## TOOLS & RESOURCES

- Washington State Legislature: HB 2673
  - <https://app.leg.wa.gov/billsummary?BillNumber=2673&Year=2019&Initiative=false>
- Snohomish County Council: SEPA Exemptions Staff Report
  - <https://mbaks.box.com/s/yk648ot85sfgexgsap26oi9jf2jgpcwj>
- Washington State House of Representatives Office of Program Research: HB 2673 Bill Analysis
  - <https://mbaks.box.com/s/5m7u7qq1fibtprsmf07nwmd6nw686vyr>