

**SEPA Advisory Committee Meeting Notes  
November 13, 2012**

Facilitator: Neil Aaland

**Welcome and Introductions**

Neil Aaland, Facilitator welcomed the committee and observers. Introductions were made around the room and on the phone. Neil reviewed the agenda for the meeting.

**Introductory comments and responses on proposed rule**

Brenden McFarland gave a summary of the proposed rule as filed with the code reviser. Advisory Committee members provided the following questions or comments:

- What is considered “adequately addressed” in relation to an ordinance?
  - That is a term defined in RCW 43.21C (SEPA)
- Local jurisdictions want to do this correctly, the format may vary. It might be useful to have examples in the SEPA handbook
- Question was raised about being able to comment on a jurisdiction’s process
  - One idea is for local governments to prepare a list of regulations and relate them to elements of the environment in WAC 197-11-444
- A concern was raised about requiring a 21 day review period for a local ordinance; discussion:
  - Some jurisdictions have 14 days, some have more than 21; would rather this be determined through the locally adopted process
  - Tribes are used to 30 days
  - Shouldn’t limit public’s information to only 14 days
  - 21 days is okay but having different standards for this is difficult
- Need to get the AG’s opinion in adopting the local thresholds (whether this is considered a development regulation under the GMA)
- The issue of whether the legislation requires all thresholds to be increased was raised early in this process
  - Ecology consulted its AG and is comfortable that this proposal is defensible [wherein not all threshold levels were increased]
- The reference to “or location” in 197-11-800(1)(a)(i) is confusing [exemption refers to constructing or locating four residential units]; can we remove?
  - Sometimes manufactured homes are located on property, rather than being constructed, but they still require a building permit
- Several comments were made about the proposed electric utility exemption
  - One of the environmental community representatives has previously raised a concern about this approach
  - King County thinks the approach in the proposed rule is workable
- Question was raised about whether the use of NEPA documents could be specifically authorized
  - Ecology did not think this was within the scope of issues for phase 1; it’s on the list of issues for phase 2
- For next phase need to clarify what information an applicant needs to provide; there are implications that all questions need to be answered

### **Proposed schedule and issues for 2013**

Neil Aaland explained the proposed list of topics, schedule, and workgroups. Comments:

- Don't pre-determine how this phase 2 process will be organized; the committee should discuss it in more detail
- These may not be the appropriate sub-groups
  - Would rather see proposals from Advisory Committee members on sub-groups
  - All proposals should be circulated prior to the December meeting
- Would like some creativity in topics for phase 2, e.g.
  - Better organization of section 197-11-800
  - One section that deals with land use decisions, instead of those being scattered throughout
- There are some gnarly items coming up, such as notice and SEPA/GMA integration
- Consider having longer advisory committee meetings
- Have more than one topic per meeting
- Consider having each advisory committee member come to the December meeting with a list of topics we want to address
  - Broken down as detailed as possible
- Rather than removing things, expand the exemptions
- Regarding notice, have to think about mom and pop developers
  - Ground rules for considering the needs of stakeholders
  - Outcome should be people talking earlier in the process rather than later
- Good to establish some ground rules for phase 2
  - Not sure about ground rules; one member said she is there to represent her interests
- Identify a logical next step; move into minor new construction and translate into a mixed use category
- Don't forget that there are statutory categorical exemptions
- Should be open to bringing in outside expertise when needed on specific topics
- General agreement from the group on next steps (for December meeting):
  - Each member put together their list of priorities in topics, and ideas for principles and benchmarks
  - Submit ideas to Ecology ten days in advance of meeting –

### **Wrap-up and Action Items**

- The Advisory Committee decided that the meetings for phase 2 would be regularly scheduled for the second Thursday of each month
- For the December meeting, each member:
  - Come up with a list of topics they want to consider, as detailed as possible
  - Be cognizant of the time we have to address topics in phase 2 (deadline approximately end of July, 2013)
  - Send this to Ecology by December 10
  - Ecology will make an effort to organize the submittals for the meeting

Meeting adjourned at approximately noon.