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Environmental Review Exemptions to Promote Infill Development and Housing

Prepared by: BERK Consulting, Inc. | December 2025

5.1 Introduction and Purpose

The City of Spokane is considering updating its thresholds for environment review consistent with the housing and infill exemption provisions of the State Environmental Policy Act (SEPA) at RCW 43.21c.229 which encourages development of housing and mixed-use development consistent with environmental evaluation of planned densities such as through an Environmental Impact Statement (EIS), allowing for less duplication of evaluation effort and time at the project level since regulations such as transportation concurrency, stormwater permits, critical areas regulations, shoreline regulations, and others are meant to protect the environment.

Another avenue for streamlined review under SEPA includes raising categorical exemptions in using flexible thresholds in state rules at WAC 197-11-800(1)(c) and (d). Spokane has raised exemptions higher than the minimum categorical exemption thresholds but not made full use of thresholds to limit review of minor new construction.

Under either of the SEPA exemption provisions, the City would help fulfill a strategy in its Housing Action Plan (2021) to streamline permitting for housing.²⁵

The City of Spokane is preparing a new EIS for its Comprehensive Plan periodic update due in 2026 which evaluates new residential, mixed use, and employment uses in the city over the 2022-2046

²⁵ See: [Spokane Housing Action Plan - City of Spokane, Washington](#).

period. The EIS also summarizes the federal, state, and local regulations that apply and serve as mitigation. The EIS process provides notices to agencies and Tribes of the intent to provide for these expanded exemptions and opportunities to comment.

This document outlines requirements, describes policies and regulations that mitigate impacts, and identifies potential infill exemption locations and phasing.

5.2 Exemption Types

5.2.1 Infill and Housing Exemptions

To accommodate infill development in urban areas not meeting the density goals of a Comprehensive Plan,²⁶ the City can establish an infill exemption where development that is consistent with City regulations is not required to undergo new environmental review, provided that the probable adverse environmental impacts have been adequately addressed by local regulations and that the City's Comprehensive Plan was previously subject to an Environmental Impact Statement (EIS). The City of Spokane is preparing a new EIS for its Comprehensive Plan periodic update due in 2026.

The provisions in RCW 43.21C.229 allow cities or counties (in urban growth areas) planning under the Growth Management Act (GMA) to exempt residential development and raise SEPA thresholds for:

- ▶ Residential development;
- ▶ Mixed-use development; or
- ▶ Commercial development up to 65,000 square feet, excluding retail development;

Senate Bill 5412 (2023) added a new section at RCW 43.21C.229(3) allowing cities or counties (in urban growth areas) to adopt a new SEPA exemption for all project actions proposing to develop housing units provided:

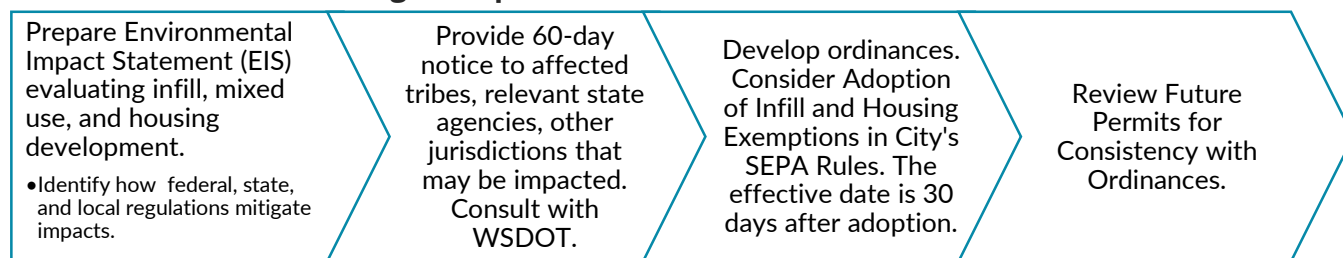
- ▶ the development is consistent with all development regulations implementing a GMA comprehensive plan;
- ▶ the development is consistent with the proposed use or density and intensity of use in the designated infill area;
- ▶ the EIS prepared for the exemption analyzes multimodal transportation impacts, including impacts to neighboring jurisdictions, transit facilities, and the state transportation system;
- ▶ the city or county has documented consultation with the Washington State Department of Transportation including consideration of whether mitigation is necessary for impacts to transportation facilities;

²⁶ Places where the 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 applicable comprehensive plan.

- ▶ the environmental analysis documents that the comprehensive plan, subarea plans, adopted regulations, and state and federal regulations adequately mitigate impacts in an environmental determination (e.g., EIS or determination of non-significance); and
- ▶ there is a 60-day notice to affected tribes, state agencies, and other jurisdictions and public before the environmental analysis is completed.

The Infill Exemption process is summarized in **Exhibit 1**.

Exhibit 1. Infill and Housing Exemption Process



Categorical exemptions adopted under RCW 43.21C.229 (3) become effective 30 days after the adoption of the enacting ordinance.

In the SEPA Handbook (2025)²⁷, the Washington State Department of Ecology recommends that the exemption clearly indicate:

- ▶ The level of residential or mixed-use development that will be exempt,
- ▶ The area where the exemption will apply, and
- ▶ How the exemption will be applied to a proposed project.

The Handbook also indicates that when an application for residential or mixed-use development is received by local government, the city must:

- ▶ Compare the proposal to the adopted categorical exemption.
- ▶ Ensure the proposed density or intensity of the development does not exceed the density/intensity levels established in the comprehensive plan.

This is consistent with WAC 197-11-800(6) that limits exemptions for rezones that require a Comprehensive Plan Amendment.

New Exemption in Station Areas

Based on a 2025 amendment under HB 1491, a new section (5) was added stating that all project actions that propose to develop residential or mixed-use development within a station area (along bus

²⁷ See: <https://apps.ecology.wa.gov/publications/documents/2506009.pdf>.

rapid transit such as the City Line in central Spokane) are categorically exempt from the requirements of this chapter, subject to the rules of the department adopted according to RCW [43.21C.110](#)(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department. See “Exceptions to Exemptions” below. The Washington Department of Commerce is providing guidance on intensity of development in station areas, and exceptions, by 2027.

5.2.2 Flexible Categorical Exemption Thresholds in SEPA Rules

SEPA provides for minimum exemption levels for minor new construction, as well as flexible thresholds, where agencies may adopt the maximum level or a level between the minimum and maximum level in [Exhibit 2](#) in its SEPA rules, the City of Spokane has implemented 20% of single-family residential exemption thresholds and 10% of multifamily exemption thresholds.

Exhibit 2: Categorical Exemptions – State Rules and City Regulations

| Project Type | SEPA Default Exemption Threshold WAC 197-11-800(1)(a) | SEPA Max. for Cities (Incorporated UGAs) WAC 197-11- 800(1)(d) | City of Spokane Municipal Code Section 17E.050.070 |
|--|---|---|--|
| Single family residential | 4 units | 30 units | 20 |
| Single family residential with the total square footage less than 1,500 square feet | 4 units | 100 units | 20 |
| Multifamily residential | 4 units | 200 units | 20 |
| Office, school, commercial (square feet) w/parking or stand-alone parking lot | 4,000 sf 20 spaces | 30,000 sf 90 spaces | 12,000 square feet and 40 parking spaces |
| Landfill or excavation (cubic yds) | 100 | 1,000 | Up to 500 Cubic Yards |

The City could adopt higher thresholds, which could vary by use or different geographic areas, and mixed-use projects.

To raise thresholds, the City would follow a process similar to that identified for the infill and housing exemption described earlier. The steps involve:

- *Documentation of Existing Federal, State, and Local Regulations:* Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC [197-11-444](#)) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

- ▶ *Documentation of Cultural and Historic Resources Regulations:* Document how specific development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources. The local ordinance or resolution shall include, but not be limited to, the following:
 - Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.
 - Planning and permitting processes that ensure compliance with applicable laws including chapters [27.44](#), 27.53, 68.50, and [68.60](#) RCW.
- ▶ Local development regulations that include at minimum pre-project cultural resource review where warranted, and standard inadvertent discovery language (SIDL)²⁸ for all projects.
- ▶ *Transportation Outreach:* Document the result of its outreach with the Department of Transportation on impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to state-owned transportation facilities.
- ▶ *60-day Notice:* Before adopting the ordinance or resolution containing the proposed new exemption levels, provide a minimum of 60 days' notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment. The requirements for notice and opportunity to comment must be specifically documented.
- ▶ *Findings:* Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

5.2.3 "Exceptions" to Exemptions

Regardless of which SEPA provision is implemented for changing exemptions, the categorical exemptions do not apply in the following cases when the project:

- ▶ Is undertaken wholly or partly on lands covered by water ([WAC 197-11-756](#));
- ▶ Requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#) such as construction projects that are greater than 5 acres in size that require a NPDES construction stormwater permit;
- ▶ Requires a license governing emissions to air that is not exempt under RCW [43.21C.0381](#) regarding air operating permits, or WAC 197-11-800 (7) regarding open burning or (8) variance from clean air act requirements; or

²⁸ The State Department of Archaeology and Historic Preservation has recommended SIDL language, available at: <https://dahp.wa.gov/archaeology/human-remains/recommended-inadvertent-human-remains-discovery-language>.

- Requires a land use decision that is not exempt under WAC 197-11-800(6) such as rezones requiring a corresponding Comprehensive Plan Amendment.

5.3 City of Spokane Environmental Regulations

The State Environmental Policy Act (SEPA) was passed by the Washington State Legislature in 1971. The statute creates a review and evaluation framework centering on the identification and mitigation of impacts to the natural and built environment.

Numerous state and federal laws also require that cities like Spokane to adopt regulations protecting water quality, wetlands, streams, fish and wildlife, floodplains, archaeological and cultural resources, air quality, noise, transportation, building, fire protection, energy, and more. The City of Spokane has adopted numerous development regulations and can condition development through its permit review process. See [Exhibit 3](#).

Exhibit 3: Element of the Environment and Plans and Codes that Protect Environmental Quality

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
|---------------------|--|
| Earth | <p>See Water regarding erosion control. In addition:</p> <ul style="list-style-type: none"> ► Chapter 17E.040 Spokane Geologically Hazardous Areas ► Building and Construction Codes that regulate development in seismic hazard areas, Title 17F Construction Standards, Section 17F.040.105 Design Criteria |
| Air Quality | <p>Federal and State</p> <ul style="list-style-type: none"> ► NAAQS: The EPA enforces the CAA, which establishes the NAAQS for six criteria pollutants and sets emissions standards for vehicles and fuels, stationary industrial facilities, and hazardous air pollutants. ► Washington State: Ecology develops and implements plans to ensure compliance with NAAQS and has established state ambient air quality standards. Washington State has also enacted the Washington Clean Air Act. ► State Implementation Plan: The EPA reviews and approves Washington's State Implementation Plan, which provides tools to restore air quality and meet NAAQS when one or more pollutants are not in compliance. ► The State has enacted the Climate Commitment Act to cap and reduce statewide GHG emissions with a goal of achieving a 95% reduction by 2050. The State has also established the Clean Energy Transformation Act, which commits the state to emissions-free |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <p>electricity by 2045. The State's Clean Buildings Performance Standard, Clean Buildings Act, energy codes, and zero-emission vehicle standards will also help the State and Spokane reduce greenhouse gas emissions.</p> <p>Regional/Local</p> <ul style="list-style-type: none"> ▶ Spokane Regional Clean Air Agency (SRCAA), Air Quality Regulations, and Federal Air Operating Permit (AOP) program, Notice of Construction (NOC) Permit, Portable Source Permit (PSP), Outdoor Burning requirements, Asbestos Requirements ▶ SRCAA Regulations: SRCAA's core air quality regulatory code—Regulation I—incorporates federal and state standards, while including specific requirements for air quality measures within the county. ▶ SRCAA is tasked with air quality monitoring, enforcement inspections, permitting, and outreach with Spokane County. |
| Water, ground and surface | <p>Federal</p> <ul style="list-style-type: none"> ▶ Clean Water Act, 33 United States Code (USC) 1251 et seq., including Sections 401—Water Quality Certification, 402—National Pollutant Discharge Elimination System, and 404—Permits for Dredge or Fill ▶ Coastal Zone Management Act, 16 USC 1451 et seq. ▶ Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408) ▶ National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973, 42 USC 4001 et seq. ▶ Floodplain Management Presidential Executive Order 11988 ▶ Endangered Species Act (ESA) Biological Opinion for the Implementation of the National Flood Insurance Program in the State of Washington (National Marine Fisheries Service 2008) ▶ Safe Drinking Water Act, 42 USC 300 et seq., Chapter 6A <p>State & Regional</p> <ul style="list-style-type: none"> ▶ Water Quality Standards for Surface Waters, Washington Administrative Code (WAC) 173201A ▶ Water Quality Standards for Groundwater, WAC 173-200 ▶ Flood Control Management Act, Revised Code of Washington (RCW) 86 |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <ul style="list-style-type: none"> ▶ Water Pollution Control Act, RCW 90.48 ▶ Shoreline Management Act, RCW 90.58, WAC 173-26 ▶ National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (Washington State Department of Ecology [Ecology], 2020) ▶ National Pollutant Discharge Elimination System (NPDES) Eastern Washington Phase II Municipal Stormwater General Permit (Ecology, 2024a) ▶ Stormwater Management Manual for Eastern Washington (Ecology Manual) (Ecology, 2024b) ▶ Washington State Department of Transportation (WSDOT) Highway Runoff Manual (WSDOT, 2019a) ▶ WSDOT Hydraulics Manual (WSDOT, 2024) ▶ WSDOT Temporary Erosion and Sediment Control Manual (WSDOT, 2019b) ▶ Washington State Hydraulic Code, WAC 220-660 <p>Local</p> <p>Chapter 17E.010 Critical Aquifer Recharge Areas – Aquifer Protection</p> <p>Chapter 17E.030 Floodplain Management</p> <p>Chapter 17E.060 Shoreline Regulations</p> <p>Chapter 17E.070 Wetlands Protection</p> <p>Chapter 17D.060 Stormwater Facilities</p> <p>Chapter 17D.090 Erosion and Sediment Control</p> <p>Spokane Regional Stormwater Manual (Spokane et. al., 2008)</p> <p>Standards include:</p> <ol style="list-style-type: none"> 1. Standard Specifications of the Washington State Department of Transportation, latest edition. 2. General Special Provisions of the City of Spokane, latest edition. 3. City of Spokane Design Standards and Standard Plans, latest edition. 4. The Spokane Regional Stormwater Manual (SRSW), latest edition. 5. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington “208” Program. County engineers’ office. 6. Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology, latest edition. <p>Spokane Aquifer Joint Board Wellhead Protection Program</p> |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| Plants and Animals | <p>Federal</p> <ul style="list-style-type: none"> ▶ Endangered Species Act (ESA): Provides a framework to conserve and protect endangered and threatened species and their habitats from a project's effects. Section 7 of the ESA requires federal agencies to ensure that their actions do not jeopardize the existence of listed species or destroy or adversely modify designated critical habitat. The ESA is administered by the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries, or NMFS). ▶ Migratory Bird Treaty Act of 1918: Protects migratory birds, making it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under a valid federal permit from USFWS. ▶ Bald and Golden Eagle Protection Act of 1940: Prohibits "take," including parts (including feathers), nests, or eggs of bald eagles (<i>Haliaeetus leucocephalus</i>) and golden eagles (<i>Aquila chrysaetos</i>). ▶ Section 404 of the Clean Water Act: Requires authorization from the Secretary of the Army, acting through the Corps of Engineers (USACE), for the discharge of dredged or fill material into all waters of the United States, including wetlands. A permit is required whether the work is permanent or temporary. <p>State</p> <ul style="list-style-type: none"> ▶ Chapter 220-610 WAC, State and Protected Species: Identifies the federal ESA-listed species that are present in Washington and establishes closed seasons and penalties for take of federally listed fish species. It also identifies and classifies native wildlife species needing protection in Washington; defines the listing, management, recovery, and delisting processes; and establishes rules for bald eagle management in Washington. ▶ Chapter 77.12.020 RCW, Wildlife to be classified: Empowers the director of the Washington Fish and Wildlife Commission to determine whether a species should be managed by WDFW, and to classify it as protected, endangered, or as deleterious exotic wildlife that is dangerous to the environment or wildlife of the state. ▶ Chapter 77.55 RCW, Construction Projects in State Waters: Requires a Hydraulic Project Approval (HPA) from the Washington Department |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <p>of Fish and Wildlife WDFW for any work that uses, diverts, obstructs, or changes the natural flow or bed of any fresh water or saltwater of the state of Washington, including wetlands.</p> <ul style="list-style-type: none"> ▶ Chapter 220-640 WAC, Invasive/Non-native Species; Chapter 17.10 RCW, Noxious Weeds—Control Boards; and Chapter 16-750 WAC State Noxious Weed List and Schedule of Monetary Penalties: Establish the framework for regulating and controlling noxious weeds in the state of Washington and designate the list of noxious weeds that pose threats statewide and regionally. <p>Local</p> <ul style="list-style-type: none"> ▶ Chapter 17E.020 Fish and Wildlife Conservation Areas ▶ Chapter 17E.060 Shoreline Regulations ▶ Chapter 17E.070 Wetlands Protection |
| Energy and Natural Resources | <p>Federal</p> <ul style="list-style-type: none"> ▶ National Electrical Code, as adopted by the National Fire Protection Association <p>State</p> <ul style="list-style-type: none"> ▶ 2019 Washington State Clean Energy Transformation Act, amending portions of RCW Titles 19 (Business Regulations – Miscellaneous), 43 (State Government – Executive), 80 (Public Utilities), and 82 (Excise Taxes) to commit Washington to an electricity supply free of greenhouse gas emissions by 2045. ▶ Washington State Energy Code, WAC Title 51, Chapters 11C and 11R <p>Local</p> <ul style="list-style-type: none"> ▶ Electric Service Requirements administered by Avista ▶ Section 17F.040.010 Adoption of Building Codes and Related Washington State Codes, International Energy Conservation Code, current adopted Edition, chapter 51-11C and 51-11R WAC. ▶ Section 12.05.030 Sustainable Public Buildings Requirements |
| Environmental Health | <p>State</p> <ul style="list-style-type: none"> ▶ Model Toxics Control Act (MTCA) - Chapter 70A.305 RCW (MTCA law) ▶ MTCA Cleanup Regulations - Chapter 173-340 WAC (MTCA rule, also known as the MTCA Cleanup Rule) |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <ul style="list-style-type: none"> ▶ Sediment Management Standards - Chapter 173-204-WAC (SMS rule, also known as the Sediment Cleanup Rule) ▶ Washington's hazardous waste management law and dangerous waste regulations. <p>Local</p> <ul style="list-style-type: none"> ▶ Chapter 17F.080 Fire Code ▶ Chapter 10.70 Noise Control, including Section 10.70.070 Maximum Permissible Environmental Sound Levels ▶ Chapter 12.03 Airport Regulations ▶ Chapter 17C.182 Fairchild Overlay Zones ▶ See also air quality. |
| Land and Shoreline Use | <ul style="list-style-type: none"> ▶ Title 17B Comprehensive Plan and Sub-area Plans ▶ Title 17C Land Use Standards ▶ Title 17D City-wide Standards ▶ Title 17E Environmental Standards including Chapter 17E.060 Shoreline Regulations |
| Aesthetics | <ul style="list-style-type: none"> ▶ Chapter 17C.160 North River Overlay District, Section 17C.160.020 Views, Vistas and Site Coverage Design ▶ Section 17C.124.585 Jefferson Street & Spokane County Courthouse View Corridor ▶ Chapter 17C.250 Tall Building Standards |
| Light and Glare | <ul style="list-style-type: none"> ▶ Chapter 17C.111 Residential Zones, Section 17C.111.520 Lighting, Section 17C.111.420 Open Spaces ▶ Chapter 17C.123 Form Based Code Zones, Section 17C.123.050 Parking and Pedestrian Connectivity ▶ Chapter 17G.070 Planned Unit Developments, Section 17G.070.150 Lighting ▶ Chapter 17C.180 Airfield Overlay Zones, and Chapter 17C.182 Fairchild Overlay Zones ▶ Chapter 17E.060 Shoreline Regulations (multiple districts address Dark Sky) |
| Parks and Recreation | <ul style="list-style-type: none"> ▶ Open space per unit: Chapter 17C.111 Residential Zones ▶ Plazas and Open Spaces: Chapter 17C.120 Commercial Zones ▶ Spokane Parks Master Plan: https://my.spokanecity.org/parksrec/master-plan/ |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| Historic and Cultural Preservation | <p data-bbox="505 331 760 367">Federal and State</p> <p data-bbox="505 394 1485 472">Federal and state laws govern the designation and protection of cultural resources, including but not limited to:</p> <ul data-bbox="505 485 1485 1438" style="list-style-type: none"> <li data-bbox="505 485 1485 682">▶ National Historic Preservation Act (NHPA) of 1966, as amended, known as Section 106, has implementing regulations (36 CFR Part 800), that require federal agencies, or those receiving federal grants or funds, or a federal permit or license, to identify historic properties, assess adverse effects, and resolve those adverse effects. <li data-bbox="505 688 1485 766">▶ Archaeological Resources Protection Act (ARPA) of 1979 protects archaeological resources. <li data-bbox="505 772 1485 892">▶ National American Graves Protection and Repatriation Act (NAGPRA) creates protections for Native American burial sites, remains, and cultural objects. <li data-bbox="505 898 1485 1060">▶ Washington Executive Order 21-02 (formerly 05-05) requires that impacts to cultural resources must be considered as part of any state-funded project or investment and must include consultation with DAHP and with Tribal governments. <li data-bbox="505 1066 1485 1186">▶ Washington State law (RCW 27.53 and 27.44) protects archaeological resources (RCW 27.53) and Indian burial grounds and historic graves (RCW 27.44) located on both the public and private lands of the State. <li data-bbox="505 1192 1485 1312">▶ An archaeological excavation permit issued by the Washington State Department of Archaeology and Historic Preservation (DAHP) is required in order to disturb an archaeological site. <li data-bbox="505 1318 1485 1438">▶ Knowing disturbance of burials/graves and failure to report the location of human remains are prohibited at all times (RCW 27.44 and 68.60). <p data-bbox="505 1474 581 1509">Local</p> <p data-bbox="505 1533 1445 1568">Shorelines: Section 17E.060.160 Archaeological and Historic Resources</p> <p data-bbox="505 1579 1433 1698">The City's Shoreline Master Program (Section 5.2.4 Historic or Archeological Impacts) includes regulations regarding stop work and studies if cultural resources are encountered:</p> <ul data-bbox="505 1705 1485 1900" style="list-style-type: none"> <li data-bbox="505 1705 1485 1900">▶ For any use, activity or development, the project proponent, agent, or applicant shall notify the Spokane Historic Preservation Office and the Director whenever any archaeological or historical artifacts or cultural resources are encountered during any grading or excavation. All work on the project site shall cease immediately. |

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| | <ul style="list-style-type: none"> ▶ Work may resume only after the applicant, project proponent, or agent and the Spokane Historic Preservation Office, the Washington State Department of Archaeology and Historic Preservation, and appropriate Tribal entities agree in writing on measures to protect potentially affected archaeological or historic artifacts or cultural resources. ▶ Spokane's zoning code includes Chapter 17D.100 Historic Preservation, which addresses the nomination of historic landmarks or districts. If there is a request for the demolition of an historic landmark or a contributing building located within a local historic district, the City's Historic Preservation Officer and the Spokane City/County Historic Landmarks Commission reviews the proposal against criteria. The code also contains incentives such as façade, utility, and sidewalk grants to support preservation. Section 17D.100.230 of the Spokane Municipal Code specifically addresses demolition permits for historic structures located within the downtown boundary area, National Register historic districts, and centers and corridors, which were recently incorporated into the ordinance (Spokane City/County Historic Preservation Office, 2024). ▶ Chapter 17C.335 Historic Structures – Change of Use <p>The Draft EIS identifies potential mitigation measures such as applying shoreline master program requirements citywide and developing a decision tree guiding the amount of documentation and consultation depending on the potential risk of uncovering cultural resources.</p> |
| Transportation | <p>Spokane's existing regulatory framework ensures that transportation improvements keep pace with growth and safety needs. Concurrency and impact fees link development to capacity projects. When thresholds are exceeded, intersection and corridor upgrades are advanced as part of the City's capital program. Frontage improvement requirements ensure that adjoining sidewalks, curb ramps, crossings, and bike elements are implemented to current standards as sites redevelop.</p> <ul style="list-style-type: none"> ▶ Chapter 17G.010 Building and Construction Permits ▶ Chapter 17H.010 Street Development Standards ▶ Chapter 17H.020 Complete Streets Program ▶ Chapter 17D.075 Transportation Impact Fees: Spokane's transportation impact fee program links new development to delivery of transportation network improvements identified in the City's capital/impact-fee project lists. Fees collected at permitting are restricted to eligible capacity and safety projects, so investments are |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <p>made where growth occurs. Because the program is district-based, revenues generated in growth areas can be directed to corridor and intersection improvements that support concurrency and mitigate impacts discussed within this EIS. In the West Plains, impact fees are programmed to construct parallel roadways to US 2/Sunset Highway, which will enhance east-west mobility as employment expands in the area. In South Spokane, impact fees are programmed to convert S Hatch Road and E 57th Avenue from side-street stop control to a signal or roundabout, reducing delay and improving safety for all users.</p> <ul style="list-style-type: none"> ▶ Chapter 17C.420 South Logan TOD Planned Action |
| Public Services <ul style="list-style-type: none"> ▶ Fire ▶ Police ▶ Schools | <ul style="list-style-type: none"> ▶ Fire: Chapter 17F.080 Fire Code ▶ Fire: Chapter 17F.110 International Wildland-Urban Interface Code ▶ Fire/Police: An increase to local sales and use tax to support a Public Safety Tax for criminal justice and fire protection became effective April 1, 2025. ▶ Schools: The City addresses school demand and facilities in its Capital Facilities Plan. The City implements safe routes to schools as part of land use permit review. |
| Utilities <ul style="list-style-type: none"> ▶ Water ▶ Stormwater ▶ Sewer ▶ Solid Waste | <p>Federal</p> <ul style="list-style-type: none"> ▶ Safe Drinking Water Act, 42 USC 300 et seq., Chapter 6A, administered by the U.S. Environmental Protection Agency ▶ Clean Water Act, 33 United States Code (USC) 1251 et seq., including Section 402 – National Pollutant Discharge Elimination System (NPDES) <p>State</p> <ul style="list-style-type: none"> ▶ Washington State Department of Ecology, WAC Title 173, Chapters 200-270, which includes administration of the NPDES program, discharge and effluent standards, the waste discharge general permit program, construction of wastewater treatment plants, and construction and operation of combined sewer overflow reduction facilities ▶ NPDES Wastewater Discharge Permit program, administered by the Washington State Department of Ecology ▶ Wastewater Collection System Consent Decree, administered by the Washington State Department of Ecology and U.S. Environmental Protection Agency |

| Environmental Topic | Plans and Codes Addressing Environmental Topic |
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| | <ul style="list-style-type: none">▶ Water Systems, WAC Title 246, Chapters 290-296, administered by the Washington State Department of Health▶ NPDES Industrial Stormwater General Permit, administered by the Washington State Department of Ecology▶ Stormwater Management Manual for Eastern Washington, administered by the Washington State Department of Ecology▶ Washington State Hydraulic Code, WAC Title 220, Chapter 660, administered by the Washington Department of Fish and Wildlife <p>Local</p> <p>Chapter 17G.010 Building and Construction Permits, including concurrency with utilities</p> <p>Title 13 Public Utilities and Services</p> <ul style="list-style-type: none">▶ Chapter 13.02 Solid Waste▶ Chapter 13.03 Sewers▶ Chapter 13.035 Water-Wastewater Rates▶ Chapter 13.03A Pretreatment▶ Chapter 13.04 Water▶ Chapter 13.08 Utility Cost Recovery Methods |

5.4 Potential Infill Exemption Location

To streamline development under SEPA exemptions, the City could consider a phased approach:

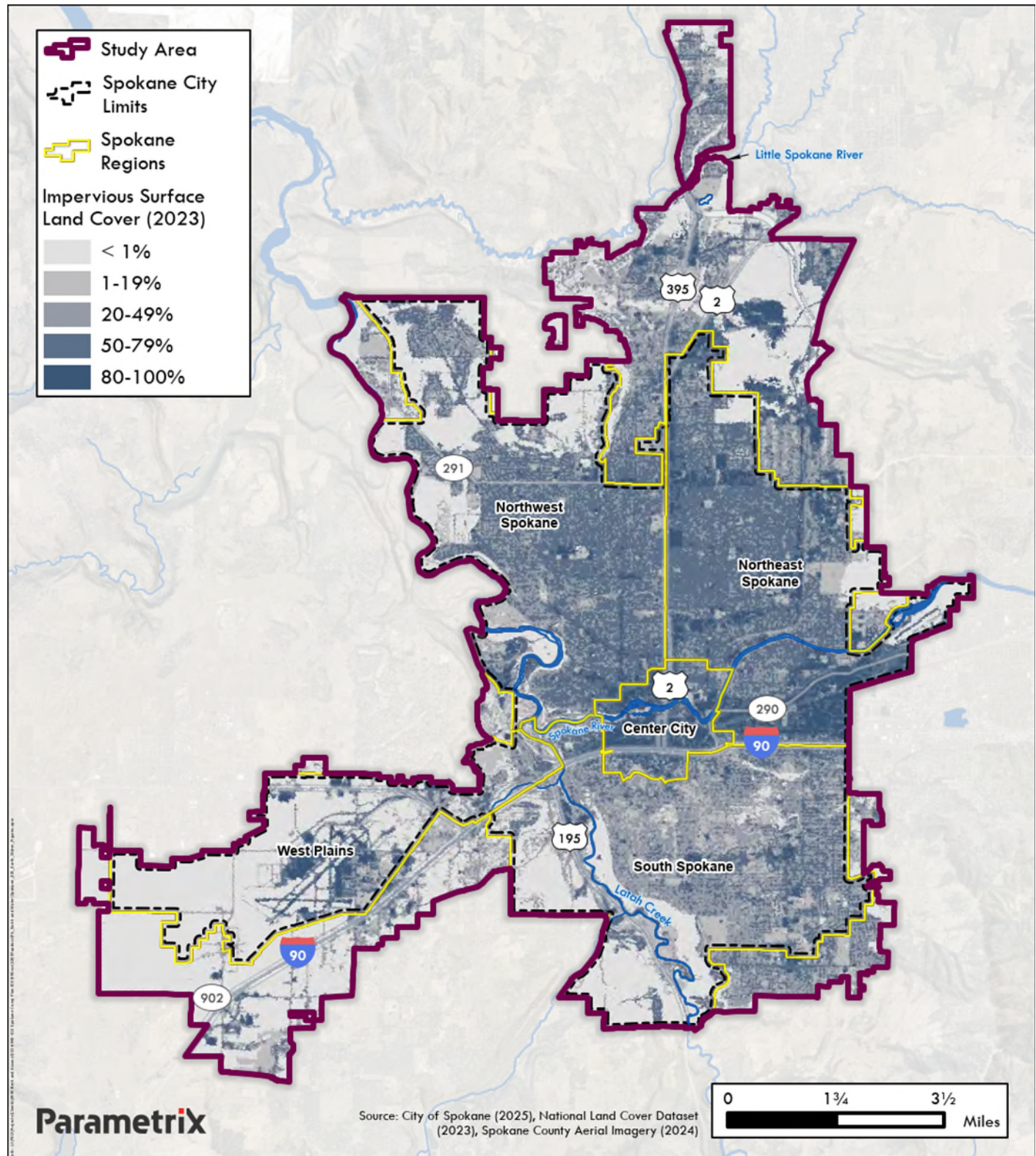
- ▶ Phase 1 infill exemption area: These are areas in the city that are already urbanized with less environmental constraints and with greater access to multimodal transportation including transit. These have opportunities for residential, mixed use, and small-scale commercial infill and redevelopment to meet the City's housing and job needs.
- ▶ Phase 2 infill exemption area: These are areas in the balance of the city limits that are developing where there is less infrastructure. The City would have a greater understanding of the conditions of approval needed in its standard permit process once the transportation impact fee and associated updated Transportation Improvement Program are amended to implement the Comprehensive Plan periodic update including the City's multimodal levels of service.

Maps informing the phases are included on the following pages:

- ▶ Exhibit 4: Existing Hard (Impervious) Surfaces (2023)
- ▶ Exhibit 5: EIS Study Areas with Frequent Transit Routes (2025)
- ▶ Exhibit 6: Access to Frequent Transit within a Half and Quarter Mile Distance (2025)

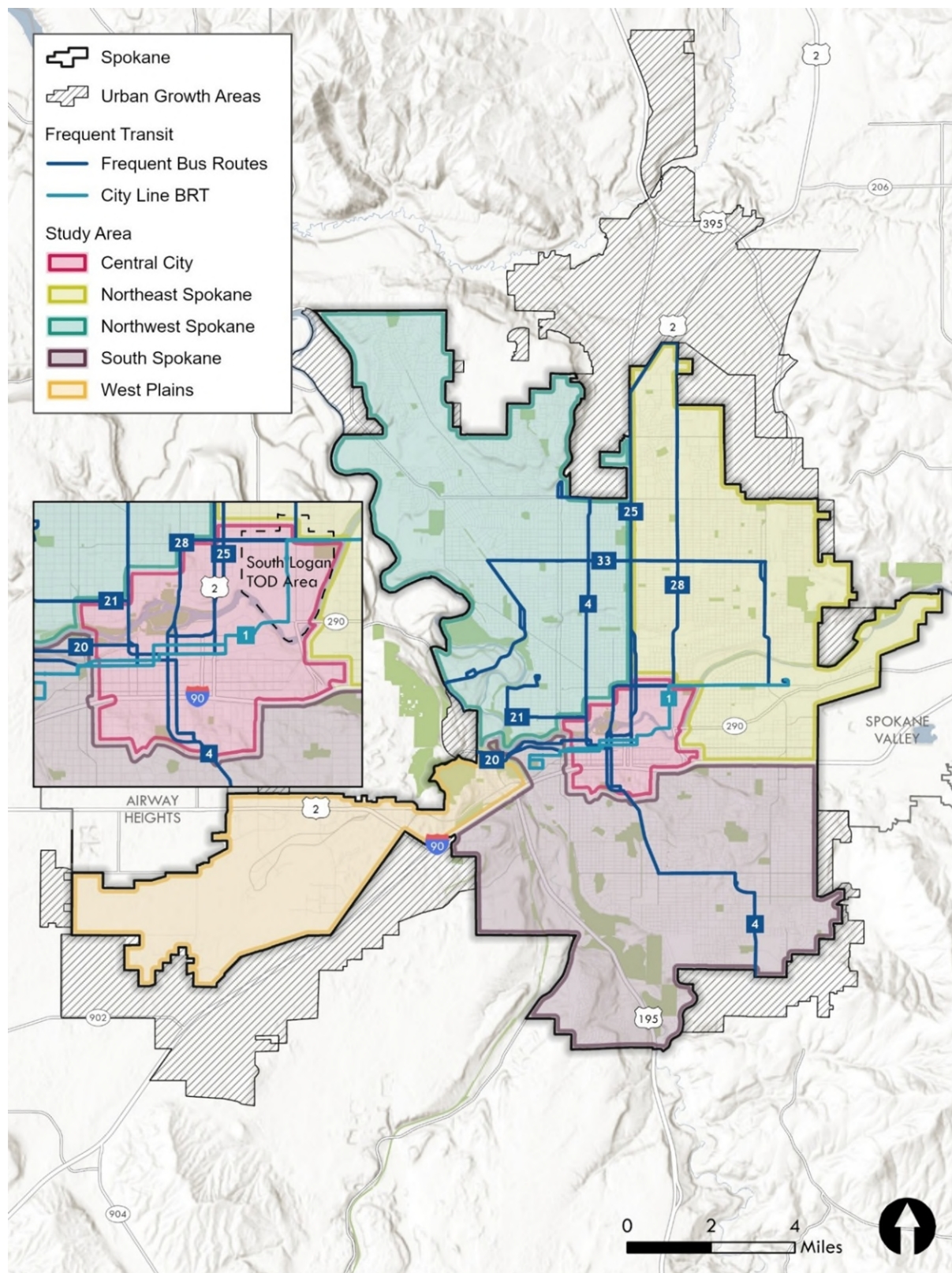
Preliminary Phase 1 boundaries are included for consideration during the Draft EIS comment period:

- ▶ Exhibit 7: Phased SEPA Proposed Infill /Categorical Exemption Area

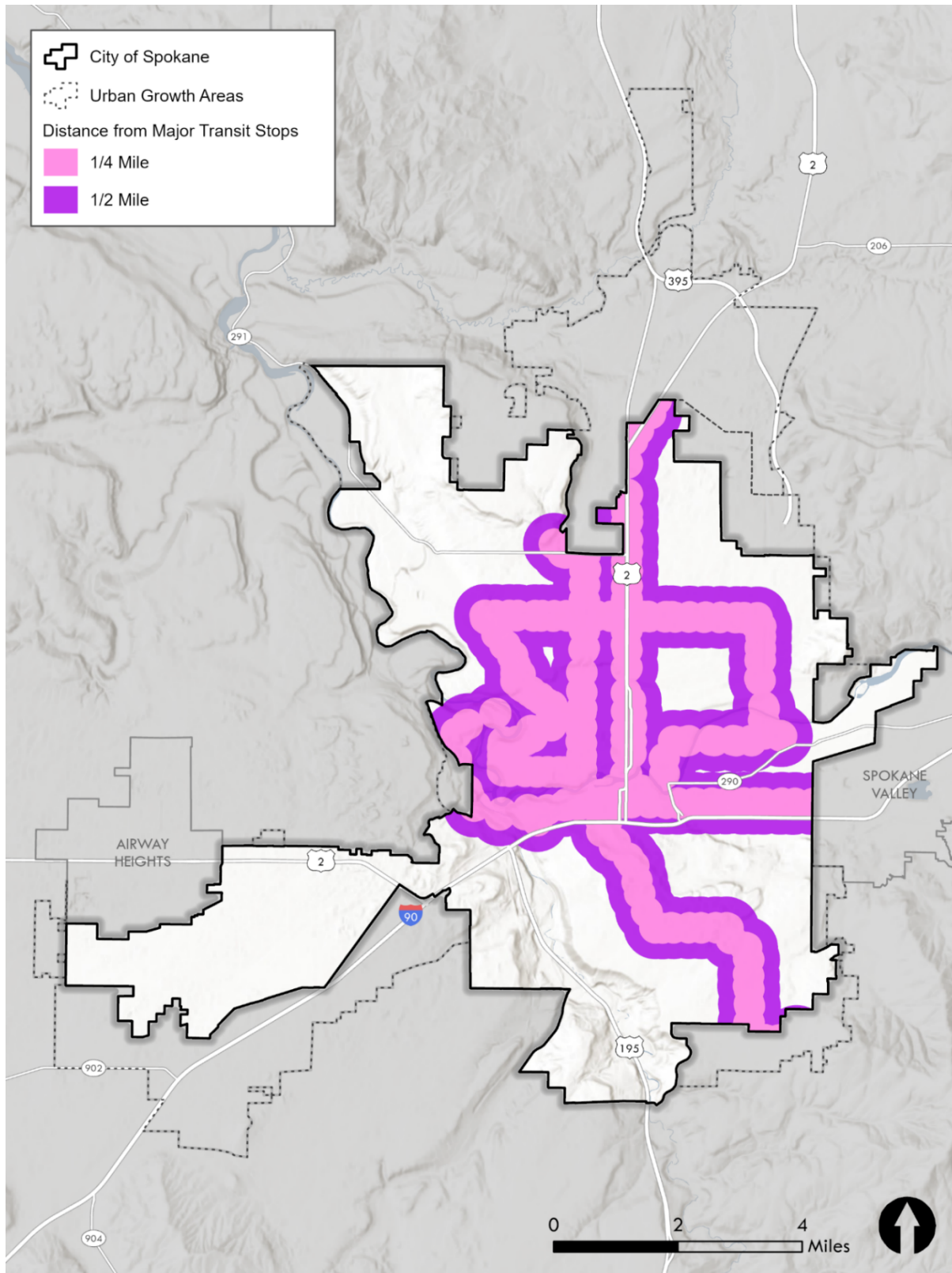
Exhibit 4: Existing Hard (Impervious) Surfaces (2023)

Sources: City of Spokane, 2025; National Land Cover Dataset, 2023; Spokane County Aerial Imagery, 2024.

Exhibit 5: EIS Study Areas with Frequent Transit Routes (2025)

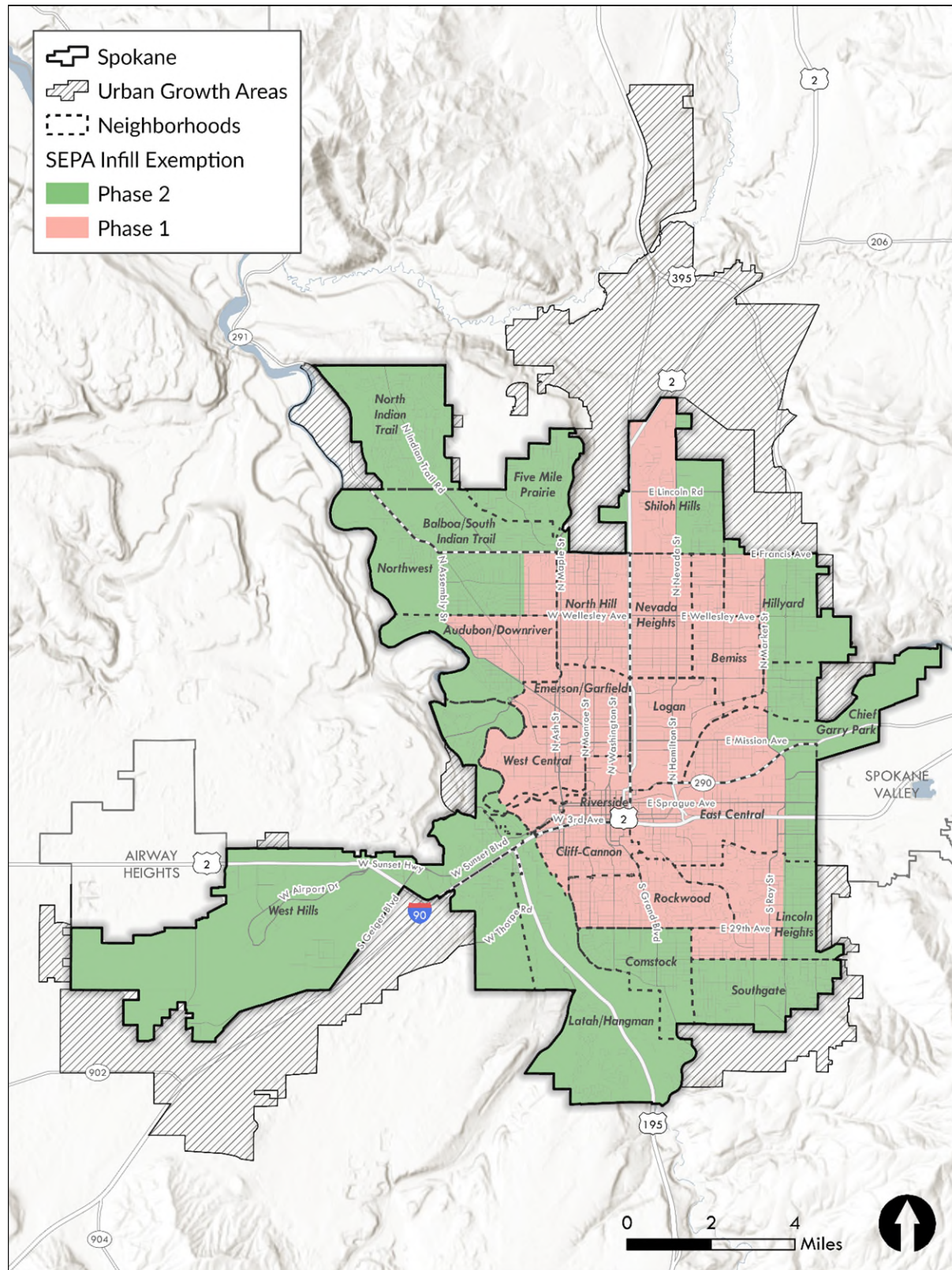


Source: City of Spokane, BERK, 2025.

Exhibit 6: Access to Frequent Transit within a Half and Quarter Mile Distance (2025)

Source: City of Spokane, BERK, 2025.

Exhibit 7: Phased SEPA Proposed Infill /Categorical Exemption Area



Source: City of Spokane, BERK, 2025.