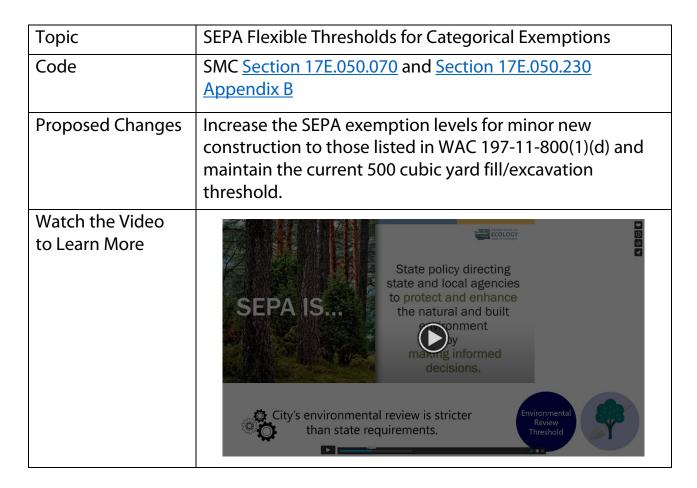


Possible changes related to **State Environmental Policy Act (SEPA) flexible thresholds for categorical exemptions** were suggested in the Spokane <u>Housing Action Plan (HAP)</u> Strategy A3 (p. 30), and <u>Housing Emergency Proclamation</u> Action Item 2.d.



# Why does Washington require environmental reviews?

The State Environmental Policy Act (SEPA) is Washington's foundational environmental law and a powerful legal tool for protecting the environment. Enacted in 1971 as <a href="https://chapter.43.21C.RCW">chapter 43.21C.RCW</a>, the core of SEPA is to maintain and improve environmental quality. The law requires all state and local governments to ensure that "environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations...." (RCW 43.21C.030).

Under SEPA, the City must take environmental matters into consideration when making decisions on actions that may impact the environment, whether proposed by private parties or

government entities (including the City itself). That means the City analyzes for environmental

impacts on project and decisions such as:

- Issuing permits for projects such as an office building, grocery store, or apartment complex.
- Reviewing plans for public facilities like a new school, highway, or water pipeline.
- Adopting development regulations, plans such the Comprehensive Plan, rezoning, or critical areas ordinance.



Mixed-use multifamily and commercial development Source: Creative Commons

### What occurs during a SEPA review?

There are procedural requirements that govern the environmental review process, which were enacted by the Department of Ecology in <u>chapter 197-11 WAC</u>. To balance development and protection of the environment, SEPA environmental review can be used to modify or deny a proposal to avoid, reduce, or compensate for likely impacts.

Before a permit or action can be acted upon, the City is required to:

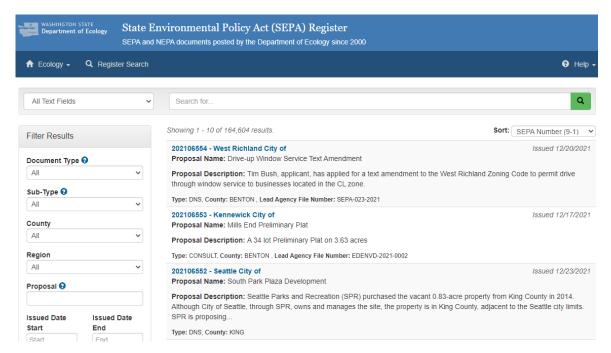
- Identify and evaluate likely environmental effects, alternatives, and mitigation measures (what effects are short-term, long-term, direct and indirect?)
- Invite public comment before a threshold determination is made
- Complete a threshold determination, which evaluates the environmental consequences of a proposal, and determine if any significant adverse environmental impact is likely
- Issue the threshold determination, which is documented in either a Determination of Nonsignificance (DNS), Mitigated DNS (MDNS), or a

Determination of Significance (DS)

A public comment period can accompany both a Determination of Nonsignificance and a Determination of Significance. If a Determination of Significance is issued, the applicant must then prepare an Environmental Impact Statement (EIS). A "scoping" process helps identify issues and alternatives needing to be evaluated in the EIS. The scoping process has a public comment period during which the public and other agencies are invited to comment on the EIS scope and assist the lead agency in identifying issues and concerns.



Example posted notice sign for a site-specific proposal subject to SEPA review Source: Creative



Department of Ecology SEPA Register

### Are any permits or actions exempt from SEPA review?

Some types of proposals are categorically exempt under <u>197-11-800 WAC</u>. To be exempt a project must be equal to or smaller than the exempt level. The City is allowed to adopt its own flexible thresholds for minor new construction (and other projects and actions), currently those regulations allow exemptions for:

- Single-family and Multifamily residential up to 20 units
- Agricultural structures up to 20,000 square feet
- Office, school, commercial, recreational, service, or storage buildings up to 12,000 square feet in addition to related parking space up to 40 spaces
- Parking lots up to 40 parking spaces
- Fill or excavation up to 500 cubic yards

# What are the proposed changes to regulations?

The City is proposing to increase the categorical exemption flexible thresholds to the maximum currently allowed by 197-11-800(1)(d) WAC, while maintaining the current threshold for fill/excavation of 500 cubic yards. Changing the thresholds would mean projects that are equal to or smaller than the exemption level would not be required to do a SEPA environmental review. A comparison of the changes is noted below, and a link to the draft options is noted below.

Construction Type	Current Threshold	Proposed Threshold (per 197-11-800 WAC)
Single-family residential units	20 units	30 units
Multifamily residential units	20 units	60 units
Agricultural structure	20,000 SF	40,000 SF
Office, school, commercial, recreational, service, or storage buildings and related parking	12,000 SF and 40 parking spaces	30,000 SF and 90 parking spaces
Fill or excavation	500 cubic yards	No change

Following outreach to the Spokane Tribe, Colville Tribe, and Coeur d'Alene Tribe, and coordination with the Department of Archeology and Historic Preservation as well as the Department of Ecology, the City will initiate a 60-Day Public Comment period before taking the proposed code amendments for public hearing.

### How can I comment on the proposed changes?

You can email public comment to <u>developmentcode@spokanecity.org</u>, or contact the project staff listed on the <u>project webpage</u>. Members of the public are encouraged to testify at public hearings both before Plan Commission and City Council.

# **Proposed Draft**

You can review the proposed draft text which was taken before Plan Commission on January 12, 2022 by viewing the <u>agenda packet</u>. At the January 12 workshop, Plan Commission indicated a preference to have Option 2, adopting the maximum categorical exemption permitted by WAC except for fill/excavation, come before them for public hearing. You can view the Plan Commission <u>workshop recording</u> for discussion on the proposed code amendment.