



Residential Development Code Initiatives Environmental Review Thresholds

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

Topic	SEPA Flexible Thresholds for Categorical Exemptions
Code	SMC Section 17E.050.070 and Section 17E.050.230 Appendix B
Proposed Changes	Increase the SEPA exemption levels for minor new construction to those listed in WAC 197-11-800(1)(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 [chapter 43.21C RCW](#), 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.



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 [chapter 197-11 WAC](#). To balance development and protection of the environment, SEPA 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

SEPA Categorical Exemptions Code Amendment Updated 12/23/2021

WASHINGTON STATE
Department of Ecology

State Environmental Policy Act (SEPA) Register

SEPA and NEPA documents posted by the Department of Ecology since 2000

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202106554 - West Richland City of Issued 12/20/2021
Proposal Name: Drive-up Window Service Text Amendment
Proposal Description: Tim Bush, applicant, has applied for a text amendment to the West Richland Zoning Code to permit drive through window service to businesses located in the CL zone.
Type: DNS, County: BENTON, Lead Agency File Number: SEPA-023-2021

202106553 - Kennewick City of Issued 12/17/2021
Proposal Name: Mills End Preliminary Plat
Proposal Description: A 34 lot Preliminary Plat on 3.63 acres
Type: CONSULT, County: BENTON, Lead Agency File Number: EDENVD-2021-0002

202106552 - Seattle City of Issued 12/23/2021
Proposal Name: South Park Plaza Development
Proposal Description: Seattle Parks and Recreation (SPR) purchased the vacant 0.83-acre property from King County in 2014. Although City of Seattle, through SPR, owns and manages the site, the property is in King County, adjacent to the Seattle city limits. SPR is proposing...
Type: DNS, County: KING

Department of Ecology SEPA Register

Are any permits or actions exempt from SEPA review?

Some types of proposals are categorically exempt under [197-11-800 WAC](#). 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 evaluating two options. The first option would be to increase the categorical exemption flexible thresholds to the maximum currently allowed by [197-11-800\(1\)\(d\) WAC](#). The second option would be to adopt the flexible thresholds in 197-11-800 WAC except keep the current threshold for 500 cubic yards for fill or excavation. Changing the thresholds would mean projects that are equal to or smaller than the exemption level would not be required to do a SEPA review. A comparison of the changes is noted below, and you can read the draft text at the end of this document. **Draft text is being developed and will be added at the end of this document. Please check back for an update.**

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

How can I comment on the proposed changes?

You can email public comment to developmentcode@spokanecity.org, or contact the project staff listed on the project webpage. Members of the public are encouraged to attend the upcoming open house on the proposed text amendment, and also to testify at public hearings both before Plan Commission and City Council.

Virtual Open House

January 25, 2022

12:00 – 1:15 p.m.

Virtual and call in info to be announced

January 27, 2022

4:00 – 5:30 p.m.

Virtual and call in info to be announced

Please check back on the [project webpage](#) for additional information and more public meeting dates once they are scheduled