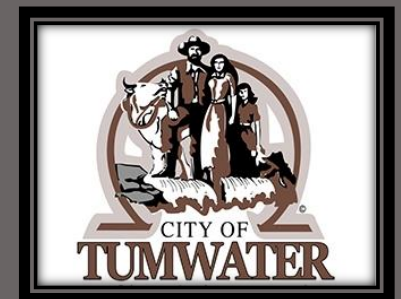


# SEPA Categorical Exemption Update

April 25, 2023 Briefing  
Planning Commission



# Issue

- Since 2018, the City has undertaken many actions to address homelessness and support affordable housing
- In 2021, the City Council adopted the *Tumwater Housing Action Plan*
- Strategy 3 of the *Housing Action Plan*:  
*Expand the overall housing supply by making it easier to build all types of housing projects*

# Issue

- Action 3.c. of the *Housing Action Plan*:  
*Maximize the use of SEPA categorical exemptions for residential and infill development*
- State amended the SEPA categorical exemptions in 2022
- What SEPA categorical exemptions?

# Background

- **1971** – State adopted SEPA (Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC)
  - The state's fundamental environmental law
  - Intended to maintain and improve environmental quality
  - Implemented through extensive procedural requirements that ensure the City gives proper consideration to environmental matters in making decisions on development actions

# Background

- **1984** – Ordinance No. 1007 established the City's SEPA categorical exemptions
  - Since 1984, the City has improved its protection of environmental resources and mitigation of impacts through a variety of regulations in compliance with state law

# Background

- **2012** – State amended WAC 197-11 to include flexible categorical exemptions levels for local agencies to raise the SEPA categorical exemptions for minor new construction
- **2017** – Ordinance No. O2017-008 raised SEPA categorical exemptions and increased the scope of its public notification requirements under the Notice of Application process

# Background

- **2019** – Ordinance O2019-022 increased SEPA categorical exemptions for multifamily dwellings from twenty-five units to sixty units
- **2022** – Washington State Legislature adopted SSB 5818, which allowed increase SEPA categorical exemptions levels for residential development

# How SEPA Is Used

Since 2013, outside of specific transportation impacts, SEPA review is a procedural process, rather than the primary means to mitigate environmental impacts

Year	SEPA Threshold Determinations Issued	
	Determination of Non-Significance	Mitigated Determination of Non-Significance
2013	13	0
2014	17	1
2015	9	0
2016	0	3
2017	21	0
2018	21	1
2019	8	0
2020	12	4
2021	7	5
2022	9	7
2023	1	1
<b>TOTAL</b>	<b>118</b>	<b>22</b>



# Proposed Amendments

1. Notice of Application – Amend TMC 14.06.030 to include table of Notice of Application thresholds:

	NOA not required	NOA Required	NOA and SEPA required
Single Family Dwellings	Under 4 units	5-30 units	Over 30 units
Single Family Residential Units under 1500 square feet	Under 4 units	5-100 detached units	Over 100 units
Multifamily Dwellings	Under 4 units	5-100 multifamily units	Over 100 units
Agricultural	Under 10,000 square feet	10,000-40,000 square feet	Over 40,000 square feet
Office, School, Commercial, Recreational, Service, or Storage Buildings and Associated Parking Structures	Under 10,000 sq. ft. and 30 parking spaces	10,000-30,000 sq. ft. and 90 parking spaces	Over 30,000 square feet and 90 parking spaces
Landfills and Excavations	Under 100 cubic yards	100-1,000 cubic yards	Over 1,000 cubic yards

# Proposed Amendments

## 2. Amend TMC 16.04.055-SEPA categorical exemptions to maximum allowed under state law:

	Current City SEPA Categorical Exemptions	Maximum SEPA Categorical Exemption Allowed Under State Law 2022
Single Family Dwellings	9 detached units	30 detached units
Single Family Residential Units under 1500 square feet	N/A	100 detached units
Multifamily Dwellings	60 multifamily units	100 multifamily units
Agricultural	20,000 sq. ft	40,000 sq. ft
Office, School, Commercial, Recreational, Service, or Storage Buildings and Associated Parking Structures	10,000 sq. ft. and 30 parking spaces	30,000 sq. ft. and 90 parking spaces
Parking Lots	30 spaces	Removed
Landfills and Excavations	250 cubic yards	1,000 cubic yards

# Proposed Amendments

3. Amend TMC 15.48 as needed to address SEPA categorically exemption projects and traffic concurrency requirements

# Next Steps

- Proposed amendments are intended to:
  - Eliminate duplicative environmental reviews
  - Reduce project review timeframes
  - Ensure proper notice and comment opportunities
  - Increase of affordable housing in the City
- Staff is reviewing how proposed SEPA categorical exemptions amendments relate to traffic concurrency for projects and potential mitigation

# Public Notification Process

- In April – May staff expect to complete the public draft of the ordinance and:
  - Send the required 60 day notice to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology, and the public
  - Send amendments to WSDOT
  - Complete SEPA nonproject review
  - Start required 60-day Notice of Intent process

# Next Steps

## Planning Commission

- Briefing – April 25, 2023
- Worksession – May 23, 2023
- Public Hearing – June 17, 2023

## City Council

- General Government Committee Briefing –  
July 12, 2023
- Worksession – July 25, 2023
- Consent agenda – July 31, 2023