

**CITY COUNCIL AGENDA TOPIC**

Ordinance amending the Environmental Procedures Code, Chapter 22.02 of the Bellevue City Code (BCC), to maximize SEPA categorical exemption flexible thresholds up to state allowances and conform the Environmental Procedures Code to state SEPA rules adopted by the City; providing for severability; and establishing an effective date.

Rebecca Horner AICP, Director, 452-6045

Nick Whipple, Code and Policy Manager, 452-4578

Caleb Miller, Senior Planner, 452-4574

*Development Services Department*

**EXECUTIVE SUMMARY****ACTION**

On July 10, after discussion in Study Session about the Environmental Procedures Code, Bellevue City Code Amendment (BCCA), Council directed staff to bring back this Ordinance for final action. This Ordinance amends Chapter 22.02 BCC to maximize SEPA categorical exemption flexible thresholds up to state allowances in WAC 197-11-800(1)(c) and conform the Environmental Procedures Code to state SEPA rules adopted by the City.

**RECOMMENDATION**

Adopt Ordinance No. 6754

**BACKGROUND/ANALYSIS**

At the July 10 Study Session, Council reviewed the proposed BCCA as part of the Next Right Work planning effort to simplify the permitting process and directed staff to return this Ordinance for Council action. The BCCA raises the SEPA categorical exemption flexible thresholds to take advantage of the maximum exemption levels allowed by state law.

The City may raise these exemption levels up to maximum exemption levels established by state law after documenting that required analysis, protection, and mitigation for environmental impacts from projects that would become exempt from SEPA are adequately addressed by other federal, state, or local regulations. A summary of how environmental impacts of these projects are mitigated through other laws and regulations is provided as Attachment B. This summary/Attachment B also satisfies the state law requirement to document how cultural and historic resources are protected when exemption levels are raised. Also as required by state law, a summary of the existing public notice and comment requirements that would apply to projects under the proposed SEPA exemption thresholds is provided as Attachment C and attached to the enacting Ordinance.

This Ordinance would increase the categorical exemption flexible thresholds to the maximum currently allowed by WAC 197-11-800(1)(c). Raising the thresholds would mean projects equal to or smaller than the exemption levels would not be subject to the SEPA review process. Table 1 below provides a comparison of the proposed exemption levels in green to the current exemption levels.

Table 1. SEPA Flexible Thresholds

Project Type	Current Exemption Threshold	Max. Exemption Threshold
Single-Family Residential	10 units	30 units
Multifamily Residential	10 units	200 units
Commercial, School, Office, Recreational, Service, or Storage Buildings	4,000 square feet and 20 parking spaces	30,000 square feet and 90 parking spaces
Landfill or excavation	500 cubic yards	1,000 cubic yards
Agricultural structures	30,000 square feet	40,000 square feet

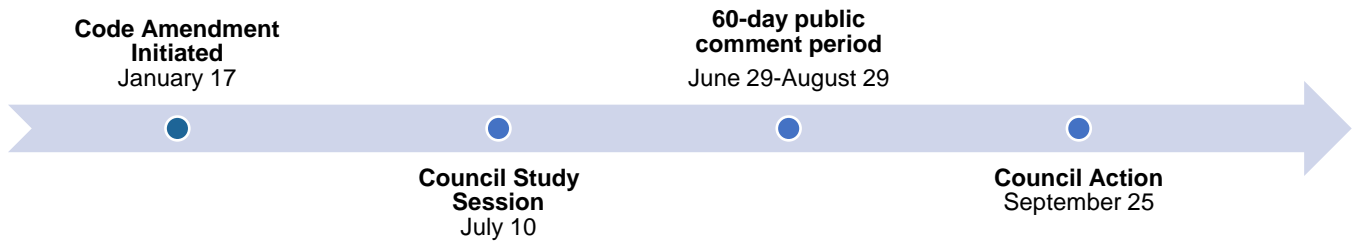
Raising exemption levels for minor new construction would allow more projects to move through the permitting process without needing to complete an environmental checklist and receive a threshold determination from the City. Higher exemption levels would simplify the permitting process, help to shorten permit processing timelines, remove redundant processes already covered by the Land Use Code (LUC), and decrease project delays from potential SEPA appeals.

The BCCA will also conform the Environmental Procedures Code, at BCC 22.02.032(D)(5), to WAC 197-11-908. The City adopted WAC 197-11-908 by reference in BCC 22.02.020, and WAC 197-11-908 provides the City with authority to except, i.e., not apply, certain categorical exemptions within critical areas. However, BCC 22.02.032(D)(5) provides an exception that is not authorized by WAC 197-11-908. This Ordinance conforms BCC 22.02.032(D)(5) to WAC 197-11-908 and fixes an inconsistency in the Environmental Procedures Code. This necessary amendment will also decrease project delays from potential SEPA appeals.

### Public Engagement

This BCCA is not an amendment to the LUC and therefore does not require review by the Planning Commission or a public hearing to adopt changes to the Environmental Procedures Code (Ch. 22.02 BCC). The Washington State Department of Ecology (Ecology) requires a 60-day public comment period before taking action to increase the SEPA categorical exemption flexible thresholds. The City initiated outreach and began coordinating with Ecology and Washington State Department of Transportation (WSDOT) on this BCCA. The 60-day public comment period started on June 29 and included notice in the City's Weekly Permit Bulletin and to affected tribes, the Washington State Department of Archaeology and Historic Preservation, Ecology, and WSDOT. WSDOT requested to receive future Weekly Permit Bulletins to be notified of certain development projects in the City. No other public comments have been received.

## Review Process



## POLICY & FISCAL IMPACTS

### Policy Impact

The proposed BCCA will streamline permitting for projects throughout the City, encourage the construction of more housing, and help maximize City resources devoted to code and policy work initiated by Council, rather than litigating SEPA appeals for projects that could be SEPA exempt under the state's framework. This is consistent with City Council priorities, Comprehensive Plan Housing Policies, the Affordable Housing Strategy, and Economic Development Plan Strategies.

### Fiscal Impact

There is no fiscal impact associated with this proposed BCCA.

## OPTIONS

1. Adopt the Ordinance amending the Environmental Procedures Code, Chapter 22.02 of the Bellevue City Code (BCC), to maximize SEPA categorical exemption flexible thresholds up to state allowances and conform the Environmental Procedures Code to state SEPA rules adopted by the City; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

## ATTACHMENTS

- A. BCCA Final Strike-Draft
  - B. Summary of Environmental Protections
  - C. Existing Public Noticing Requirements
- Proposed Ordinance No. 6754

## AVAILABLE IN COUNCIL LIBRARY

N/A