

Preliminary Draft

Ordinance No. ____

Downtown Infill Exemption Allowance Area

SECTION 1. – Purpose. The City Council declares that the purpose of this Ordinance is to:

- A. Exempt residential, mixed use, and selected commercial infill development that is consistent with the Comprehensive Plan and its FSEIS, Olympia development regulations, and other applicable local, state and federal laws from additional SEPA review; and,
- B. Establish criteria and procedures, consistent with state law, that will determine whether proposed exempt projects within the designated Downtown Infill Exemption Allowance Area qualify for exemption from SEPA review; and,
- C. Provide the public with information about how the City will process infill exemptions; and,
- D. Apply the City’s development regulations together with the infill exemption thresholds defined in this ordinance to address the impacts of future development contemplated by this ordinance.

SECTION 2. – New Section. Chapter 14.04 of the Olympia City Code is amended by adding a new section 14.04.____, entitled, “Categorical exemptions for residential mixed use and residential infill development,” and reads as follows:

Sec. 14.04.____. Categorical exemption for Downtown Infill Exemption Allowance Area.

A. Downtown Infill Exemption Allowance Area Designated. The city designates a categorical exemption under RCW 43.21C.229 for construction of the following types of development within the boundary shown on the map below:

- residential developments;
- non-retail commercial developments of 65,000 square feet or less; and
- mixed use developments.

[insert map: DTS boundaries]

- B. To be considered for the infill exemption allowance, the proposed development must:
 - not cause the area shown in the map above to exceed the density or intensity called for in the comprehensive plan, or be part of a series of proposals that would do so; and
 - be consistent with all requirements of the subject zoning district, and all other applicable provisions of the Olympia Municipal Code and other local, state and federal laws.
- C. For the purposes of this section:

- a. "Infill" shall mean any development that meets Subsection A of this section.
- b. "Retail" shall be construed liberally to include sales of products produced, assembled or otherwise created on-site or off-site.
- c. "Mixed use" shall mean any development that includes two or more permitted or conditional uses on the same site, in one or more buildings.

D. Developments that qualify for this SEPA exemption are still subject to Chapter 15.20 OMC, Transportation Concurrency.

E. The Director may condition development proposals that otherwise qualify for this infill exemption to incorporate site design measures that preserve the following landmark views identified in the Downtown Strategy:

- West Bay Park to Mt Rainier
- East Bay Overlook to the Capitol Dome
- Deschutes Parkway to Mt Rainier

SECTION 3. – New Subsection. Section 14.04.060, "Use of exemptions," is amended by adding a new subsection (C) to read as follows:

Sec. 14.04.060. Use of exemptions.

A. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. The city may authorize a categorical exemption for residential development, mixed use development, and non-retail commercial development of 65,000 square feet or less, for specifically designated portions of the Downtown area, pursuant to OMC section 14.04.

SECTION 5. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; Ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 6. – Severability. If any one or more section, subsection, or sentence of this Ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this Ordinance and that remaining portion shall maintain its full force and effect.

SECTION 7. – Effective Date. This Ordinance shall be in force five (5) days after its passage and publication, as provided by law.

[signatures, approval information, etc]