

Options for SEPA Exemption in Olympia’s Downtown

1. **Increased exemption levels for minor construction projects** (WAC 197-11-800(1)(c)) – The WA Department of Ecology has adopted rules to exempt permits for smaller-scale construction projects from SEPA review. Ecology recently amended those rules to provide cities and counties with the option to increase the exemption levels for certain types of projects that are consistent with an adopted comprehensive plan that underwent SEPA review.

For example, Olympia currently exempts projects that include construction of 9 dwelling units or less. The new rules allow the city to increase the exemption up to 30 single-family homes or 60 units of apartments or condominiums.

Example: Seattle has used this provision in five urban centers and urban villages, and in its downtown, to tailor SEPA review thresholds to infill for those specific areas.

2. **Urban infill exemption levels** (RCW 43.21C.229) – This provision of the statute is intended to encourage residential or mixed use development in urban areas where the density goals of the comprehensive plan are not being met. When an EIS has been prepared to analyze the development goals in the comprehensive plan (which is the case for Olympia), a city can exempt some or all of the following types of development from additional SEPA review:
 - Residential
 - Mixed Use
 - Stand-alone Commercial up to 65,000 square feet (excluding retail)

Example: Kent has adopted an urban infill exemption ordinance for a portion of its downtown to encourage residential and mixed use development.

3. **Planned Actions** (RCW 43.21C.440) – Cities and counties may prepare a detailed EIS in conjunction with a comprehensive plan or subarea plan that evaluates the environmental impacts of all the types of development proposed in the plan. Using the information in the EIS, the city/county adopts a “planned action” ordinance that identifies the conditions that each type of development must meet. When a project application is submitted that meets the conditions specified in the planned action ordinance, no additional SEPA review of that project is required.

Examples: A 2009 review of the results of ten cities’ planned actions: <http://www.mrsc.org/artdocmisc/munkberg.pdf>.

Options for SEPA Exemption in Olympia’s Downtown: Factors to Consider

	Increased Exemption Levels for Minor Construction Projects	Urban Infill Exemption Levels	Planned Action
City can designate geographic area	Yes	Yes	Yes
Additional EIS required of city	No	No	Yes (typical cost \$150,000 - \$250,000)
Additional SEPA review for project permits	None for types of development designated by city, subject to state maximum thresholds	None for types of development designated by city	None, in most cases; city could define exceptions
Development types eligible for SEPA exemption	Residential, office, school, commercial, recreational, service, storage, parking; subject to state maximum thresholds	Residential, mixed-use, stand-alone commercial up to 65,000 square feet (retail excluded)	Defined by city in planned action ordinance; must have been analyzed in city’s EIS
Results in pre-defined conditions for new development (i.e., predictability)	In city codes and development standards	In city codes and development standards	Detailed in planned action ordinance, in addition to city codes and development standards
Possibility of appeal of SEPA review	None for exempted types of development	None for exempted types of development	For EIS only; none for development projects that are consistent with planned action
Length of time remains in effect	No end date; effective until City Council action to discontinue	No end date; effective until City Council action to discontinue	Defined in planned action ordinance; typically 10-20 years
Reduced time and cost of permit process (for applicant and city)	Yes, for exempted types of development	Yes, for exempted types of development	Yes, for nearly all development