



MEMORANDUM

TO: Planning Policy Commission
FROM: Minnie Dhaliwal, CPD Director
RE: Title 18 Update – Part 6, IMC Chapter 18.800 Environmental Policy (SEPA)
DATE: August 11, 2022

Background

The Council Ad Hoc Committee's Title 18 Update Desired Goals and Outcome document identifies the following priority relevant to this topic:

Goal 5: *Improve public awareness of development and construction activities.*

Desired Outcome:

- Community is better informed of potential development projects, there is improved noticing of public comment periods and public meetings, and interested parties know how construction is progressing.
- Builders are more attentive to neighborhood concerns and directly responsive to community queries while City Staff are aware of community concerns if enforcement is needed.

Goal 13: *Modernize code and incorporate best practices.*

Desired Outcome:

- Create a well-organized, clear code that improves public access to information; provides tools that address community needs; and helps create the kinds of places the community expects.

The draft code for SEPA adapts and updates existing regulations in the Municipal Code.

The packet includes a summary of substantial changes in Attachment A, that focus on improvements to organization of code, process or implementation of direction from the Administration or the Commission; but are actions that do not warrant discussion with the Commission. The following Analysis section includes the additional information to help the Commission's discussion of the policy questions posed for this section of code.

Summary of Changes for IMC Chapter 18.800 Environmental Policy (SEPA)

The following summarizes the substantive changes made to develop the proposed **Chapter 18.800 Environmental Policy (SEPA)** chapter and the reasoning behind it. The changes are based on the gaps analysis, previous discussions with the Planning Policy Commission, a Staff evaluation of existing code and feedback from the City attorney's office.

CHANGE	REASON
1. Multiple sections updated to reduce redundancies not federally or state required.	Changed for clarity and improvement to City process.
2. For 18.800.110. Added new exempt levels to incentivize environmental certifications	This update is at the direction of the Planning Policy Commission to clarify exemptions to better meet city environmental goals.
3. Multiple sections that determine timeline estimates are updated to be consistent with the updated draft procedures.	Changed for clarity and improvement to City process.
4. 18.800.200. Public notice requirements updated to broaden the opportunities and included requirements for notice of applications that was not previously required.	Consistent with the goals and outcomes chart, this update expands the opportunities for public comment on development proposals.
5. Updated the public notice mailings to require notice to residents within 500 feet from 300 feet.	This update is at the direction of the Planning Policy Commission to expand the opportunities for public comment on development proposals.
6. 18.800.260. SEPA – Policies, updated to reflect more recent planning documents as bases for exercise of City substantive authority.	This update is in line with bringing the code up to date with modern best practices.
7. 18.800.270 Appeals, updated to clarify the appeal process in coordination with the Procedures code section updates.	This update is in line with bringing the code up to date with modern best practices.
8. 18.800.310 Fees updated to be consistent with IMC 3.64 Fees for applications for land use and site work permits	Improve clarity and remove duplication without making substantive changes.

Previous Meetings

- December 2, 2021 – Planning Policy Commission: Procedures and Administration, ([Agenda/Minutes/Video](#))
- November 18, 2021 – Planning Policy Commission: Procedures and Administration, ([Agenda/Minutes/Video](#))

Timeline

- August 11th, 2022 – Public Hearing: Title 18 – IMC 18.508 Accessory Uses, IMC 18.510 Temporary Uses, IMC 18.512 Wireless Communication Facilities, IMC 18.516 Sustainable Micro-Infrastructure, IMC 18.702 Through Block Passages, IMC 18.800 SEPA Rules, and IMC 18.810 Forested Hillside Preservation.
- November 2022 – Public Hearings: Consolidated Draft Title 18 Update

Attachments

- A. Summary of Public Comments

B. Summary of Public Comments

Date	Commentor Name	Topic	Comment	Response Notes
11/13/2021	Connie Marsh	SEPA Rules	<ol style="list-style-type: none"> 1. How, if SEPA is not required, are these topics going to reviewed appropriately in a transparent and timely way? 2. Is this new method, whatever it is, more efficient (streamlined) with no loss in value? 3. The most typical use of SEPA is to require addition transportation improvements that address local impacts to the system. (Transportation impact fees are not applied to offset local impacts.) What is the proposed mechanism for localized transportation impacts? 	<ol style="list-style-type: none"> 1. There are minimum thresholds for different projects (discussed under the Procedures Chapter) and some land use decisions are administrative, some require public notice, and some require a public hearing. State Law establishes maximum (not minimum) thresholds for projects that can be exempted by the cities from SEPA thresholds. Based on PPC direction SEPA thresholds are proposed to be raised only if the buildings are LEED Gold certified. 2. Yes, the intent is to not to create unnecessary process for projects that comply with the city's adopted policies and vision. Unnecessary process hinders the project review but results in the same outcome as streamlined process. 3. If a project is subject to traffic mitigation fees, then those address city-wide traffic impacts. Adopted city codes are used to get frontage improvements such as sidewalks etc along the property. SEPA can be used as a tool to mitigate any impacts not covered by traffic mitigation fees or adopted code requirements. However, for majority of the projects that lie within the maximum state thresholds SEPA is not used as a tool to mitigate impacts. Larger scale projects would still be subject to SEPA review.

Date	Commentor Name	Topic	Comment	Response Notes
11/16/2021	Jennifer Anderson	SEPA Rules	<p>Increasing the SEPA threshold to the state maximums as allowed in HB-2673 will make for a less costly and more efficient permit review process while still maintaining the same level of environmental protection. SEPA reviews are costly and require an extensive amount of time in addition to City resources.</p> <p>Encourage the City to review MBAKS Housing Toolkit and use as a resource.</p>	Based on PPC direction SEPA thresholds are proposed to be raised only if the buildings are LEED Gold certified.
11/17/2021	Tia B. Heim	SEPA Rules	The SEPA threshold should match state law. This will streamline reviews, which helps with housing affordability.	Based on PPC direction SEPA thresholds are proposed to be raised only if the buildings are LEED Gold certified.
11/18/2021	Richard Sanford	SEPA Rules	Would like to understand the benefits the City and community will gain from increasing the SEPA threshold.	The main benefit of raising SEPA thresholds is streamlined review of development projects and elimination of unnecessary process that results in the same outcome as streamlined review.