

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6754

AN ORDINANCE amending the Environmental Procedures Code, Chapter 22.02 of the Bellevue City Code (BCC), to maximize State Environmental Policy Act (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.

WHEREAS, on July 5, 2022, in building upon the 2017 Affordable Housing Strategy, the City Council prioritized a set of “Next Right Work” actions to further increase housing production and affordable housing opportunities within the City, and identified amendments to the Environmental Procedures Code to maximize SEPA categorical exemption flexible thresholds as a part of the housing strategy; and

WHEREAS, on January 17, 2023, the City Council initiated processing of this BCC amendment to raise SEPA categorical exemption flexible thresholds up to state allowances as provided in WAC 197-11-800(1)(c) and conform the Environmental Procedures Code to state SEPA rules adopted by the City; and

WHEREAS, WAC 197-11-800(1)(c)(i) provides that the City may raise the categorical exemption flexible threshold levels up to maximum 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, and documenting the result of outreach to the Washington State Department of Transportation (WSDOT); and

WHEREAS, the City satisfied the documentation requirements set forth in WAC 197-11-800(1)(c)(i) for the City to raise SEPA categorical exemption flexible thresholds; and

WHEREAS, WAC 197-11-800(1)(c)(ii) provides that the City may raise the categorical exemption flexible threshold levels up to maximum levels established by state law after describing in this enacting Ordinance the notice and comment opportunities for projects that would become exempt from SEPA; and

WHEREAS, the City satisfied the description requirement set forth in WAC 197-11-800(1)(c)(ii) for the City to raise SEPA categorical exemption flexible thresholds as shown below on Attachment A; and

WHEREAS, WAC 197-11-800(1)(c)(iii) provides that the City may raise the categorical exemption flexible threshold levels up to maximum levels established by state law after providing at least 60 days' notice and a corresponding comment period to various stakeholder groups; and

WHEREAS, the City satisfied the notice and comment requirements set forth in WAC 197-11-800(1)(c)(iii) for the City to raise SEPA categorical exemption flexible thresholds by providing 60-days' notice and a corresponding comment period beginning on June 29, 2023, in the City's Weekly Permit Bulletin and to affected tribes, the Washington State Department of Archaeology and Historic Preservation, Department of Ecology, and WSDOT, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times; and

WHEREAS, WAC 197-11-800(1)(c)(iv) provides that the City may raise the categorical exemption flexible threshold levels up to maximum levels established by state law after documenting how cultural and historic resources are protected when exemption levels are raised; and

WHEREAS, the City satisfied the documentation requirement set forth in WAC 197-11-800(1)(c)(iv) for the City to raise SEPA categorical exemption flexible thresholds; and

WHEREAS, the City Council reviewed the proposed amendments to the Environmental Procedures Code, Chapter 22.02 BCC, at a study session on July 10, 2023; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 22.02.032.B of the Bellevue City Code is hereby amended to read as follows:

- B. Pursuant to the authority provided by WAC 197-11-800(1)(c), the following categorical exemption thresholds apply to exemptions determined under WAC 197-11-800(1) for minor new construction in Bellevue, replacing those provided under WAC 197-11-800(1)(b)(i), (ii), (iii), (iv) and (v), as now or hereafter amended:
1. The construction or location of single-family residential structure(s) containing 30 or less dwelling units;
 2. The construction or location of multifamily residential structure(s) containing 200 or less dwelling units;
 3. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 40,000 square feet of gross floor area, and to be used by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

4. The construction of an office, school, commercial, recreational, service or storage building with 30,000 square feet of gross floor area, and with associated parking facilities designed for 90 automobiles. This exemption includes parking lots for 90 or fewer automobiles not associated with a structure;
5. Any landfill or excavation of 1,000 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

Section 2. Section 22.02.032.D of the Bellevue City Code is hereby amended to delete the reference to WAC 197-11-800(6)(d) and read as follows:

D. The following categorical exemptions in WAC 197-11-800, as now or hereafter amended, do not apply within any critical area described in subsection C of this section:

1. WAC 197-11-800(1), except that the construction or location of a single-family residence within a critical area, if otherwise allowed by applicable development regulations, is exempt;
2. WAC 197-11-800(2)(e), except when necessary for construction or location of a single-family residence exempt under WAC 197-11-800(1) and subsection (D)(1) of this section;
3. WAC 197-11-800(2)(g), except for single-family residences, the construction of which would be categorically exempt under WAC 197-11-800(1) and subsection (D)(1) of this section;
4. WAC 197-11-800(2)(h);
5. WAC 197-11-800(13)(c);
6. WAC 197-11-800(23)(c); and
7. WAC 197-11-800(23)(e).


Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 25th day of SEPTEMBER, 2023 and signed in authentication of its passage this 25th day of SEPTEMBER, 2023.

(SEAL)




Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney



Nicole De Leon, Assistant City Attorney

Attest:



Charmaine Arredondo, City Clerk

Published:

9/28/23

Attachment A

Public Notice Requirements

	Existing Public Notice Process			
Use	Single-Family Districts	Multifamily Districts	Commercial, Office, and Mixed-Use Districts	Light Industrial
Single-Family (Up to 30 lots)	<ul style="list-style-type: none"> • Preliminary Plat (Process I or II) • PUD (Process I) Public Notice Required	<ul style="list-style-type: none"> • Preliminary Plat (Process I or II) • PUD (Process I) Public Notice Required	<ul style="list-style-type: none"> • Design Review (Process II) Public Notice Required	N/A (Allowed only as subordinate use)
Multifamily (Up to 200 Units)	<ul style="list-style-type: none"> • PUD (Process I) Public Notice Required	<ul style="list-style-type: none"> • Design Review (Process II) in Transition Areas Public Notice Required	<ul style="list-style-type: none"> • Design Review (Process II) Public Notice Required	N/A (Not an allowed use)
Commercial (Up to 30,000 sf and 90 parking stalls)	<ul style="list-style-type: none"> • ACUP (Process II) • CUP (Process I) Public Notice Required <i>Note: limited commercial uses allowed in these districts.</i>	<ul style="list-style-type: none"> • ACUP (Process II) • CUP (Process I) Public Notice Required <i>Note: limited commercial uses allowed in these districts.</i>	<ul style="list-style-type: none"> • Design Review (Process II) Public Notice Required	<ul style="list-style-type: none"> • No public notice unless certain Land Use approval required.
Agricultural Structures (Up to 30,000 sf)	<ul style="list-style-type: none"> • N/A (Not an allowed use) 	<ul style="list-style-type: none"> • N/A (Not an allowed use) 	<ul style="list-style-type: none"> • Design Review (Process II) Public Notice Required	<ul style="list-style-type: none"> • No public notice unless certain Land Use approval required.
Landfill/Excavation (Up to 1,000 cy)	<ul style="list-style-type: none"> • No public notice unless certain Land Use approval required. 			