



CO00003019

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 03-034

RELATING TO CATEGORICAL EXEMPTIONS UNDER THE STATE
ENVIRONMENTAL POLICY ACT, INCREASING MINOR NEW
CONSTRUCTION THRESHOLDS, MAKING TECHNICAL AND OTHER
REVISIONS, AND AMENDING SCC 30.61.035

WHEREAS, specified levels of minor new construction are exempt from SEPA review pursuant to WAC 197-11-800; and

WHEREAS, optional maximum thresholds for minor new construction subject to SEPA review are also specified in WAC 197-11-800 and are left to the discretion of the county for implementation; and

WHEREAS, SCC 30.61.035 specifies the SEPA exemption threshold levels adopted by the county for minor new construction; and

WHEREAS, in Snohomish County the SEPA minor new construction exemption thresholds for the number of dwelling units in a multi-family structure and for the size of commercial buildings are not at the maximum level permitted under WAC 197-11-800(1); and

WHEREAS, the minor nature of the projects that will be exempted from SEPA by these amendments will not result in project impacts that will not otherwise be addressed by applicable county regulations; and

WHEREAS, the exemption threshold increases resulting from these amendments were identified by the Snohomish County Economic Stimulus Task Force as an action item for permit and regulatory enhancement;

NOW THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish county council adopts the following findings and conclusions:

- A. Several categories of minor new construction are exempt from SEPA review, as stated in WAC 197-11-800 (1). The exemption thresholds specified in WAC 197-11-800 (1) for minor new construction are flexible thresholds, and can be increased to the specified maximum level at the option of the county.

- B. The county has already opted in SCC 30.61.035 to establish SEPA exemption thresholds at the maximum permitted levels for agricultural structures, parking lots, and landfills/excavations.
- C. The SEPA exemption threshold for the number of dwelling units in a structure and the size of commercial buildings/parking areas contained in SCC 30.61.035 may be increased to a maximum of 20 units and 12,000 square feet/40 parking spaces, respectively.
- D. Increasing the maximum threshold exemption levels permitted under WAC 197-11-800(1) for multi-family residential structures and commercial structures will be consistent with current treatment of the other threshold exemptions levels established in SCC 30.61.035 for minor new construction.
- E. The proposed increase in SEPA exemption thresholds will remove certain minor new construction activities from SEPA review. County experience in reviewing and approving these activities has shown that resulting impacts can and have been adequately mitigated by use of applicable county development regulations. Removal of these activities from SEPA review will accelerate permit processing for these activities.
- F. The proposed increases in the SEPA exemption thresholds were identified as an action item for permit and regulatory enhancement by the Snohomish County Economic Stimulus Task Force.

Section 2. Snohomish County Code Section 30.61.035, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.61.035 Exemption thresholds for minor new construction.

(1) In accordance with ~~((WAC 97-11-800(1)(c)))~~ WAC 197-11-800(1)(c), the exempt levels for minor new construction are ~~((increased to the following))~~ as follows:

- (a) The construction or location of any residential structures of ~~((four))~~ 20 dwelling units or less;
- (b) The construction of agricultural structures referenced in WAC 197-11-800(1)(b)(ii) covering 30,000 square feet or less;
- (c) The construction of an office, school, commercial, recreational, service, or storage buildings in WAC 197-11-800(1)(b)(iii) ~~((with 8,000))~~ of 12,000 square feet or less and associated parking facilities designed for ~~((20))~~ 40 or fewer automobiles, if the project site is:
 - (i) zoned for commercial use;
 - (ii) designated for commercial use by the comprehensive plan; and
 - (iii) served by public water and sanitary sewer;
- (d) The construction of a parking lot designed for 40 or fewer parking spaces; and

(e) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation.

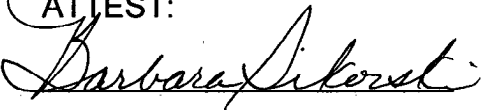
(2) The exempt levels established in ~~((SCC 30.61.030(1)))~~ SCC 30.61.035(1) are based upon local conditions ~~((and can be utilized only when applicable accompanying criteria are met))~~.

Section 3. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board) or by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase is held to be invalid or unconstitutional by the Board or by a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

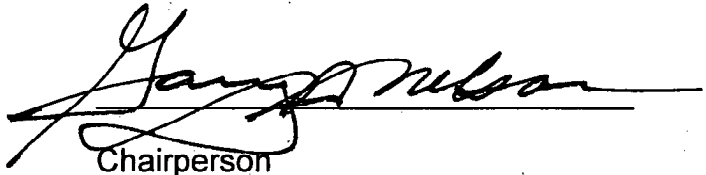
PASSED this 17th day of May, 2003

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:



Clerk of the Council, *Asst.*

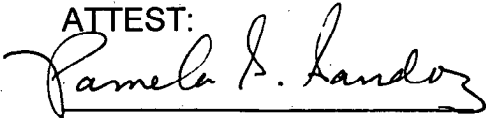


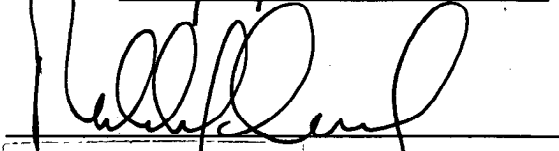
Chairperson

- APPROVED
 EMERGENCY
 VETOED

DATE: 5/9/03


ATTEST:





County Executive

Approved as to form only:

 2/11/03
Deputy Prosecuting Attorney
Jason J. Cummings