

1 ADOPTED: 09/28/22  
2 EFFECTIVE:10/09/22

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 AMENDED ORDINANCE NO. 22-037  
8

9 RELATING TO ENVIRONMENTAL REVIEW; INCREASING EXEMPTION  
10 THRESHOLDS FOR MINOR NEW CONSTRUCTION AND ADOPTING NEW  
11 CATEGORICAL EXEMPTIONS PER THE STATE ENVIRONMENTAL POLICY ACT TO  
12 PROMOTE INFILL DEVELOPMENT IN URBAN GROWTH AREAS; AMENDING  
13 EXISTING AND ADDING NEW SECTIONS IN CHAPTERS 30.43F, 30.61, 30.70 AND  
14 30.91I OF SNOHOMISH COUNTY CODE  
15

16 WHEREAS, the Washington State Legislature recently amended the State  
17 Environmental Policy Act (SEPA), chapter 43.21C RCW, to promote infill development  
18 in Urban Growth Areas (UGAs) by Substitute House Bill 2673 (SHB 2673); and  
19

20 WHEREAS, SHB 2673 made specific amendments to RCW 43.21C.229 that  
21 increased the potential categorical exemptions from SEPA for actions where the  
22 “density and intensity of use is roughly equal to or lower than called for in the goals and  
23 policies of the applicable comprehensive plan” with certain exceptions; and  
24

25 WHEREAS, the term “infill development” was not specifically defined in SHB  
26 2673 and is understood in this context to mean the type of development in UGAs that  
27 are now potentially exempt from SEPA under SHB 2673; and  
28

29 WHEREAS, RCW 43.21C.229 requires that counties complete an Environmental  
30 Impact Statement (EIS) for their Growth Management Act (GMA) comprehensive plan  
31 before they can make use of the categorical exemptions; and  
32

33 WHEREAS, Snohomish County completed a programmatic EIS for its 2015  
34 Update to the Snohomish County Growth Management Act Comprehensive Plan  
35 (GMACP); and  
36

37 WHEREAS, the Future Land Use Map in the GMACP General Policy Plan (GPP)  
38 designates UGAs and land use plan designations that determine the density and  
39 intensity of development in those plan designations; and  
40

41 WHEREAS, the GPP also identifies implementing zones for each of the plan  
42 designations and includes goals and policies that guide adoption of the development  
43 regulations found in Title 30 of the Snohomish County Code (SCC); and

1  
2 WHEREAS, SCC 30.61.030 describes use of existing exemptions but does not  
3 describe use of the new categorical exemptions authorized by SHB 2673; and  
4

5 WHEREAS, SCC 30.61.035 already provides for certain exemption thresholds  
6 for minor new construction as allowed under WAC 197-11-800(1)(c) and (d); and  
7

8 WHEREAS, the exemption thresholds in SCC 30.61.035 are, in some cases,  
9 below what WAC 197-11-800(1)(c) and (d) allow; and  
10

11 WHEREAS, GPP Goal ED-2 says that the County should “[p]rovide a planning  
12 and regulatory environment which facilitates growth of the local economy”; and  
13

14 WHEREAS, GPP Objective NE 1.A recognizes the need to “[b]alance the  
15 protection of the natural environment with economic growth, housing needs and the  
16 protection of property rights”; and  
17

18 WHEREAS, Title 30 SCC already includes requirements to protect the natural  
19 environment and property rights and where compliance with these requirements  
20 constitutes adequate mitigation under SEPA; and  
21

22 WHEREAS, GPP Policy ED 2.A.3 requires that to “ensure timeliness,  
23 responsiveness, and increased efficiency, the county shall develop and maintain a  
24 program of periodic review of the permitting process to eliminate unnecessary  
25 administrative procedures that do not respond to legal requirements for public review  
26 and citizen input”; and  
27

28 WHEREAS, increasing the thresholds for minor new construction in SCC  
29 30.61.035 to the level allowed under WAC 197-11-800 would eliminate unnecessary  
30 administrative procedure for some development proposals; and  
31

32 WHEREAS, adopting categorical exemptions for other development proposals  
33 that propose a density or intensity of use roughly equal to or lower than called for in the  
34 comprehensive plan and studied in the EIS for the GMACP would eliminate  
35 unnecessary administrative procedures for these other development proposals; and  
36

37 WHEREAS, if new categorical exemptions are adopted, certain development  
38 proposals would no longer be subject to review under SEPA; and  
39

40 WHEREAS, the current requirement that all applicants for a forest practice permit  
41 provide a SEPA checklist should not apply to SEPA-exempt development proposals in  
42 UGAs because logging for any such development proposal would have been assumed  
43 in the programmatic SEPA review for the GMACP; and  
44

1           WHEREAS, the public notice provisions in SCC 30.70.050 for building and land  
2 disturbing activity permits rely, in part, on proposed development being subject to SEPA  
3 before certain notice requirements apply; and  
4

5           WHEREAS, even if a development is no longer subject to SEPA because of the  
6 new categorical exemptions, the County Council finds that the public interest is served if  
7 notice of application is provided for those projects meeting the categorical exemptions  
8 for infill development; and  
9

10          WHEREAS, chapter 30.22 SCC establishes uses allowed in zones and identifies  
11 permitted uses, administrative conditional uses, conditional uses, and special uses; and  
12

13          WHEREAS, the EIS for the 2015 Update to the GMACP assumed and identified  
14 mitigation for typical development in UGAs which includes permitted uses and  
15 administrative conditional uses; and  
16

17          WHEREAS, conditional uses and special uses are relatively uncommon and the  
18 EIS for the 2015 Update to the GMACP did not necessarily address them in a  
19 comprehensive manner; and  
20

21          WHEREAS, traffic modeling that assumed typical development in the  
22 unincorporated UGAs was relied on in the EIS for the 2015 Update to the GMACP; and  
23

24          WHEREAS, because future programmatic environmental review will need to  
25 include the same types of analyses as used in the 2015 Update EIS for SEPA  
26 compliance, future programmatic EIS's for periodic updates to the GMACP will have at  
27 least the same degree of analysis relative to the proposed categorical exemptions for  
28 infill as was performed in the EIS for the 2015 Update; and  
29

30          WHEREAS, traffic often crosses jurisdictional lines and the traffic mitigation for  
31 the 2015 Update EIS assumed that cities, neighboring counties and Washington State  
32 would make certain improvements funded, in part, through reciprocal impact mitigation  
33 adopted by interlocal agreements (ILAs) between the various agencies as provided in  
34 SCC 30.66B.177, 30.66B.710 and 30.66B.720; and  
35

36          WHEREAS, the ILAs that provide for reciprocal impact mitigation typically apply  
37 to developments that are not exempt from SEPA as set forth in SCC 30.66B.710 and  
38 30.66B.720 which impose such reciprocal mitigation measures as a condition of  
39 approval under SCC 30.61.230(6); and  
40  
41  
42  
43

1 WHEREAS, eligibility for the exemption for infill development as allowed in SHB  
2 2673 is predicated upon a determination that the probable adverse environmental  
3 impacts of the proposed action are adequately addressed by development regulations  
4 or other applicable requirements, of which those interlocal agreements for reciprocal  
5 mitigation of traffic impacts per SCC 30.66B.710 or 30.66B.720 are necessary  
6 components for adequate mitigation of traffic impacts of development; and  
7

8 WHEREAS, county development regulations enacted pursuant to the GMA  
9 (chapter 36.70C RCW) recognize that compliance with the requirements of said  
10 development regulations constitute adequate analysis and mitigation of specific  
11 significant probable adverse environmental impacts of development activity for  
12 purposes of environmental review under SEPA including stormwater discharge (SCC  
13 30.61.122); critical area protection (SCC 30.62A.030); geologically hazardous areas  
14 (SCC 30.62B.030); critical aquifer recharge areas (SCC 30.62C.030); shoreline  
15 ecological functions (SCC 30.67.040); transportation impacts (SCC 30.66B.010); school  
16 impacts (SCC 30.66C.160); park facilities (SCC 30.66A.080); historic and cultural  
17 resources (chapter 30.32D SCC); and additional requirements detailed in Exhibit A  
18 attached to this ordinance; and  
19

20 WHEREAS, as noted above the 2015 Update EIS assumed that traffic impacts  
21 from county development impacting cities, neighboring counties and Washington State  
22 would be mitigated through reciprocal impact mitigation fees as provided in SCC  
23 30.66B.710 and 30.66B.720, and implemented as SEPA-based mitigation measures  
24 imposed under SCC 30.61.230(6), which impacts would potentially cease to be  
25 adequately addressed and mitigated for projects categorically exempt from SEPA; and  
26

27 WHEREAS, to ensure that the specific probable adverse environmental impacts  
28 of a proposed infill development are adequately addressed, any determination of  
29 exemption as allowed under SHB 2673 shall be made subject to an applicant's  
30 voluntary agreement to be subject to all reciprocal mitigation requirements imposed  
31 under any interlocal agreement for reciprocal mitigation of traffic impacts which would  
32 otherwise be applicable to the proposed infill development under SCC 30.66B.710  
33 and/or 30.66B.720 if subject to SEPA review; and  
34

35 WHEREAS, the County Council finds there is an opportunity to facilitate growth  
36 in the local economy by updating the County's development regulations related to SEPA  
37 to reflect the expanded categorical exemptions authorized by SHB 2673 and also by  
38 revising exemptions for minor new construction to the levels allowed by WAC 197-11-  
39 800; and  
40

41 WHEREAS, except as described and provided for by the proposed revisions to  
42 chapter 30.61 SCC, the County Council finds that the existing environmental and  
43 property rights protections in title 30 SCC constitute adequate mitigation for permitted  
44 uses in urban zones; and

1  
2 WHEREAS, the County Council finds expanding SEPA exemption thresholds  
3 should not exempt new infill development from providing mitigation to non-County  
4 roads; and

5  
6 WHEREAS, the County Council finds that adjusting SEPA exemptions is a  
7 procedural change that does not materially impact governing land use controls; and

8  
9 WHEREAS, on September 28, 2022, the County Council held a public hearing  
10 after proper notice, and considered public comment and the entire record related to the  
11 code amendments contained in this ordinance; and

12  
13 WHEREAS, following the public hearing, the County Council deliberated on the  
14 code amendments contained in this ordinance;

15  
16 NOW, THEREFORE, BE IT ORDAINED:

17  
18 **Section 1.** The County Council adopts the following findings in support of this  
19 ordinance:

- 20  
21 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
22  
23 B. This ordinance will amend Title 30 SCC to update development regulations related  
24 to SEPA exemptions. The proposed amendments seek to:  
25  
26 1. Increase exemption thresholds for minor new construction to match what WAC  
27 197-11-800 allows;  
28  
29 2. Reflect changes in RCW 43.21C.229 related to categorical exemptions for infill  
30 development;  
31  
32 3. Provide clarity on implementation of exceptions for retail development found in  
33 RCW 43.21C.229;  
34  
35 4. Maintain environmental and property rights protections by continued reliance on  
36 existing codes;  
37  
38 5. Clarify that the Director of Planning and Development Services may rely on local  
39 conditions or the specifics of a development proposal to determine that a  
40 development proposal does not qualify for exemption from SEPA;  
41

1 6. Continue requiring SEPA-based reciprocal traffic impact mitigation as may be  
2 applicable under any Interlocal agreement as provided in SCC 30.66B.710  
3 and/or 30.66B.720 for developments that are now deemed categorically exempt  
4 under the exemption for infill development as provided in RCW 43.21C.229. For  
5 purposes of the proposed exemption language for infill development in SCC  
6 30.61.035(2), it is recognized that certain impacts of development are mitigated  
7 through interlocal agreements for reciprocal mitigation of impacts under SEPA  
8 including, but not limited to, impacts to state highways per SCC 30.66B.710 and  
9 impacts to city streets and roads per SCC 30.66B.720, which interlocal  
10 agreements on their face may only apply to those development applications  
11 subject to SEPA. A determination of exemption which has the effect of excluding  
12 such infill development from mitigation of impacts where otherwise applicable  
13 under the terms of an existing interlocal agreement for reciprocal mitigation of  
14 impacts but for the exemption from SEPA would result in the potential adverse  
15 environmental impacts of such infill development not being adequately  
16 addressed by the county's development regulations, thus precluding a  
17 determination of exemption under RCW 43.21C.229. Accordingly, the proposed  
18 language in SCC 30.61.035(3) requires as a condition of eligibility for the  
19 exemption for infill development that an applicant voluntarily agree, as a  
20 condition of approval, to provide all mitigation consistent with those interlocal  
21 agreements which would otherwise be applicable if not exempt from SEPA  
22 review; and

23  
24 7. Allow for new GMA-based reciprocal traffic impact mitigation interlocal  
25 agreements to supplant SEPA-based agreements. If the terms of a GMA-based  
26 interlocal agreement requires reciprocal traffic impact mitigation, then approval of  
27 a project shall be conditioned accordingly.

28  
29 C. In developing the proposed code amendments, the County considered the goals of  
30 the GMA. This ordinance advances several GMA goals in a general sense and  
31 maintains current implementation of two GMA goals through specific proposals  
32 related to provision of notice.

33  
34 1. Because it simplifies the process for infill development in established urban  
35 growth areas where environmental regulations and protections are already in  
36 place, this ordinance advances the following GMA goals:

37  
38 a. GMA Goal 5: "Economic development. Encourage economic development  
39 throughout the state that is consistent with adopted comprehensive plans."

1 b. GMA Goal 7: "Permits. Applications for both state and local government  
2 permits should be processed in a timely and fair manner to ensure  
3 predictability."  
4

5 c. GMA Goal 10: "Environment. Protect the environment and enhance the  
6 state's high quality of life, including air and water quality."  
7

8 2. GMA goals maintained: This ordinance maintains current implementation of the  
9 second part of GMA Goal 6: "Property Rights [...] The property rights of  
10 landowners shall be protected from arbitrary and discriminatory actions," and  
11 GMA Goal 11: "Citizen participation and coordination. Encourage the  
12 involvement of citizens in the planning process and ensure coordination between  
13 communities and jurisdictions to reconcile conflicts." This is because it includes  
14 provisions to maintain the current practices related to notice of application.  
15 Current practice is to provide notice of new development application and  
16 associated comment periods to neighboring taxpayers of record. This  
17 communicates an opportunity to participate in the planning process and to  
18 protect their interests for potential conflicts with proposed development. Current  
19 practice regarding provision of notice of application is sometimes contingent on a  
20 development proposal being subject to SEPA. As this ordinance would exempt  
21 such developments from SEPA, a secondary effect would be to potentially  
22 deprive neighboring taxpayers of record from receiving notice of application.  
23 Therefore, to maintain current levels of participation and protection of property  
24 rights, this ordinance proposes revisions to noticing requirements to maintain the  
25 same provision of notice but based on standards other than a development being  
26 subject to SEPA.  
27

28 D. In developing the proposed code amendments, the County considered the required  
29 elements of SEPA as detailed in Exhibit A, which is attached to this ordinance. This  
30 exhibit analyses how the County's compliance with GMA-based requirements  
31 addresses required SEPA elements identified in WAC 197-11-444. Based on Exhibit  
32 A, and consistent with RCW 43.21C.229 and WAC 197-11-800(1)(c)(i), the  
33 additional findings are made:  
34

35 1. The County has GMA-based development regulations and rules in place that,  
36 combined with programmatic SEPA analysis done for GMA, including capital  
37 facilities planning. These regulations and programmatic analysis address the  
38 probable significant adverse environmental impacts and appropriate mitigation  
39 for project-level development proposals in the UGA that are consistent with the  
40 density and intensity of use allowed under the County's GMA based  
41 Comprehensive Plan for purposes of SEPA.  
42  
43

- 1       2. The County has determined that the general probable adverse environmental  
2       impacts of permitted development in a UGA have been adequately addressed by  
3       programmatic environmental review, development regulations, administrative  
4       rules, and capital facilities planning.  
5
- 6       3. Except as provided for the proposed code amendments, the specific probable  
7       adverse environmental impact of project-level development proposals will not  
8       have impacts beyond what was previously studied in the environmental review  
9       for the 2015 Update or subsequent periodic updates to the comprehensive plan.

10  
11 E. In addition to the policies cited above, the proposed amendments will better achieve,  
12     comply with, and implement the following goals, objectives, and policies contained in  
13     the county's GMACP.

- 14  
15     1. Land Use Policy LU 1.A.9: "Ensure the efficient use of urban land by adopting  
16     reasonable measures to increase residential, commercial and industrial capacity  
17     within urban growth areas [...]. The County Council will use the list of reasonable  
18     measures in accordance with the guidelines for review contained in Appendix D  
19     of the Countywide Planning Policies [...]" This ordinance promotes efficient use  
20     of urban land by acting on one of the reasonable measures listed in Appendix D  
21     of the Countywide Planning Policies which says to "encourage infill and  
22     redevelopment."  
23
- 24     2. Housing Policy HO 3.A.4: "Snohomish County shall endeavor to process  
25     completed development applications within 120 days." This ordinance will help  
26     streamline the permit process in support of this policy.  
27
- 28     3. Transportation Objective TR 7.A: "Jointly plan, in cooperation with other  
29     transportation providers (cities, WSDOT, transit agencies, and ferry system)  
30     adequate transportation systems such that development can proceed with order  
31     and according to the land use elements of local comprehensive plans." This  
32     ordinance recognizes the importance of interlocal agreements for reciprocal  
33     transportation mitigation in joint planning between transportation providers and it  
34     maintains the mechanism for ensuring that new development continues to  
35     contribute towards jointly planned improvements.  
36
- 37     4. Natural Environment Policy NE 1.A.1: "Regulatory programs developed for the  
38     protection of the natural environment shall provide certainty, clarity, flexibility,  
39     efficiency, public outreach and education so that citizens understand the  
40     requirements, permits are processed quickly, and alternative approaches that  
41     provide equal or greater protection to the environment may be considered." This  
42     ordinance recognizes that existing codes and administrative rules provide for  
43     equal or greater protection of the natural environment than SEPA-based



1 mitigation. By reducing redundant SEPA processes, this ordinance also clarifies  
2 expectations regarding environmental review.  
3

4 F. Procedural requirements.  
5

- 6 1. Amendments to chapter 30.61 SCC do not constitute amendments to GMA  
7 development regulations under SCC 30.10.080. Because amendments to  
8 chapter 30.70 are included in this ordinance, it is being processed as a Type 3  
9 legislative action pursuant to SCC 30.73.010. Planning Commission review is not  
10 required under SCC 30.73.040(2).  
11
- 12 2. Pursuant to WAC 197-11-800(d)(iii), a notice of intent to adopt this ordinance  
13 was transmitted to the Washington State Department of Commerce for  
14 distribution to state agencies on July 11, 2022, and assigned Material ID No.  
15 2022-S-4157.  
16
- 17 3. State Environmental Policy Act (SEPA) requirements with respect to this non-  
18 project action have been satisfied through the completion of an environmental  
19 checklist and the issuance of a Determination of Nonsignificance (DNS) on  
20 August 1, 2022.  
21
- 22 4. The public participation process used in the adoption of this ordinance has  
23 complied with all applicable requirements of the GMA and the SCC.  
24
- 25 5. The Washington State Attorney General last issued an advisory memorandum,  
26 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory  
27 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help  
28 local governments avoid the unconstitutional taking of private property. The  
29 process outlined in the State Attorney General’s 2018 advisory memorandum  
30 was used by the County in objectively evaluating the regulatory changes  
31 proposed by this ordinance.  
32

33 **Section 2.** The Snohomish County Council makes the following conclusions:  
34

- 35 A. The proposal is consistent with the goals, objectives, and policies of the GPP.  
36
- 37 B. The proposal is consistent with Washington State law and the SCC.  
38
- 39 C. The County has complied with all SEPA requirements in respect to this non-project  
40 action.  
41
- 42 D. The regulations proposed by this ordinance do not result in an unconstitutional  
43 taking of private property for a public purpose.

1  
2       **Section 3.** The Snohomish County Council bases its findings and conclusions on  
3 the entire record of the county council, including all testimony and exhibits. Any finding,  
4 which should be deemed a conclusion, and any conclusion which should be deemed a  
5 finding, is hereby adopted as such.  
6

7       **Section 4.** Snohomish County Code Section 30.43F.100, last amended by  
8 Amended Ordinance No. 16-004 on March 16, 2016, is amended to read:  
9

10 **30.43F.100 Class IV-General forest practices - permit required.**

11       (1) *Permit required for Class IV-General forest practices.* An approved Class IV-  
12 General forest practices permit shall be obtained from the department prior to  
13 conducting any forest practices described in SCC 30.43F.030(1).  
14

15       (2) *Procedure.* The department shall process a Class IV-General forest practices  
16 permit application according to the procedures for a Type 1 administrative decision  
17 under chapter 30.71 SCC unless submitted concurrently with a Type 2 application under  
18 chapter 30.72 SCC, in which case the Class IV-General forest practices permit  
19 application shall be consolidated and processed as a Type 2 permit application.  
20 Applications for Class IV-General forest practices permits shall be submitted in  
21 compliance with the requirements in SCC 30.70.030, and may be processed  
22 concurrently with other development applications.

23       (3) *General requirements.* The department shall not issue a Class IV-General  
24 forest practices permit unless the following requirements are met:

25       (a) The applicant submits a completed State Environmental Policy Act  
26 checklist if the development proposal is subject to SEPA;

27       (b) The applicant has either obtained a land disturbing activity (LDA) permit  
28 under chapter 30.63B SCC, or has obtained a determination from the department that  
29 an LDA permit is not required; and

30       (c) The applicant provides verification from the Washington State Department  
31 of Natural Resources that the subject site is not and has not been subject to a notice of  
32 conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to  
33 the submission of the permit application.

34       (4) *Time limitation of application.* An application for a Class IV-General forest  
35 practices permit shall expire pursuant to SCC 30.70.140.

36       (5) *Compliance with other conditions.* If a Class IV-General forest practices  
37 permit is issued in association with any other development permits or approvals, the  
38 applicant shall comply with any conditions of approval established in those associated  
development permits or approvals.

1           (6) (~~Permit expiration and extension.~~  
2     ~~A Class IV-General forest practices permit approval shall expire pursuant to SCC~~  
3     ~~30.70.140.)) Permit expiration and extension. A Class IV-General forest practices permit~~  
4     ~~approval shall expire pursuant to SCC 30.70.140.~~  
5

6           **Section 5.** Snohomish County Code Section 30.61.030, added by Amended  
7     Ordinance No. 02-064 on December 9, 2002, is amended to read:  
8

9     **30.61.030 Use of exemptions.**

10           (1) Use of categorical exemptions is subject to WAC 197-11-305(1)(a)-(b). Each  
11     department that receives an application for a license or, in the case of governmental  
12     proposals, the department initiating the proposal shall determine whether the license  
13     and/or the proposal is exempt. The department's determination that a proposal is  
14     exempt shall be final and not subject to administrative review. If a proposal is exempt,  
15     the procedural requirements of this chapter shall not apply. The county shall not require  
16     completion of an environmental checklist for an exempt action.

17           (2) In determining whether or not a proposal is exempt, the department shall  
18     make certain the proposal is properly defined and will not require phased review (WAC  
19     197-11-060) and shall identify the governmental licenses required. If a proposal  
20     includes exempt and nonexempt actions, the department shall determine the lead  
21     agency, even if the license application that triggers the department's consideration is  
22     exempt.

23           (3) If a proposal includes both exempt and nonexempt actions, the county may  
24     authorize exempt actions prior to compliance with the procedural requirements of this  
25     chapter, except that:

26           (a) The county shall not give authorization for:

27           (i) any nonexempt action;

28           (ii) any action that would have an adverse environmental impact; or

29           (iii) any action that would limit the choice of reasonable alternatives;

30           (b) A department may withhold approval of an exempt action linked to a  
31     nonexempt action that would lead to modification of the physical environment, when  
32     such modification would have no purpose if nonexempt action(s) were not approved;  
33     and

34           (c) A department may withhold approval of exempt actions linked to a  
35     nonexempt action that would lead to substantial financial expenditures by a private  
36     applicant when the expenditures would serve no purpose if nonexempt action(s) were  
37     not approved.

1           (4) The department has the option to withdraw a determination that a proposal is  
2 exempt based on new information or further review of existing information.

3  
4           **Section 6.** Snohomish County Code Section 30.61.035, last amended by  
5 Amended Ordinance No. 15-064 on March 30, 2016, is amended to read:

6  
7           **30.61.035 Exemption thresholds for minor new construction and infill**  
8 **development.**

9           Subject to SCC 30.61.030, a proposal is exempt if it meets either the thresholds for  
10 minor new construction in SCC 30.61.035(1) or the criteria to be categorically exempt  
11 as infill development in SCC 30.61.035(2). While proposals may be potentially exempt  
12 under both subsections (1) and (2), these exemptions are not automatic. SCC  
13 30.61.035(3) requires that development projects that are categorically exempt under  
14 subsection (2) as infill development must still provide mitigation to other jurisdictions.

15           (1) As allowed under WAC 197-11-800(1)(c) and (d), the exempt levels for minor  
16 new construction are based upon local conditions and are as follows:

17           (a) The construction or location of any single family residential structures of  
18 ~~((20))~~ 30 dwelling units or less ~~((within))~~ in an urban growth area (UGA) and 20 dwelling  
19 units or less outside of ~~((an urban growth area))~~ a UGA;

20           (b) The construction or location of any multifamily residential structures of 60  
21 dwelling units or less ~~((within an urban growth area))~~ in a UGA and 25 dwelling units or  
22 less outside of ~~((an urban growth area))~~ a UGA;

23           (c) The construction of a barn, loafing shed, farm equipment storage building,  
24 produce storage or parking structure, or similar agricultural structure covering 40,000  
25 square feet or less;

26           (d) The construction of an office, school, commercial, recreational, service, or  
27 storage building of ~~((25,000))~~ 30,000 square feet or less and associated parking  
28 facilities designed for 90 or fewer automobiles ~~((within an urban growth area))~~ in a UGA  
29 and 12,000 square feet or less and associated parking facilities designed for 40 or fewer  
30 automobiles outside of ~~((an urban growth area))~~ a UGA;

31           (e) The construction of a parking lot designed for 40 or fewer parking spaces;  
32 and

33           (f) Any landfill or excavation of 1,000 cubic yards or less throughout the total  
34 lifetime of the fill or excavation.

35           (2) ~~((The exempt levels established in subsection (1) of this section are based~~  
36 ~~upon local conditions.))~~ Infill development as defined in SCC 30.911.037 sited in a UGA  
37 shall be presumed to be categorically exempt when it meets the following criteria:

1           (a) The proposed uses are among those listed as permitted uses in Ch. 30.22  
2 SCC for the zone in question; and

3           (b) The applicant agrees to provide all mitigation that otherwise would have  
4 been due and owing under any applicable interlocal agreement adopted pursuant to  
5 SCC 30.66B.710 or 30.66B.720 as described in subsection (3) of this section but for this  
6 categorical exemption.

7           (3) To ensure the specific probable adverse environmental impacts of a proposed  
8 infill development are adequately addressed, any determination of exemption under  
9 subsection (2) of this section shall be made only when the applicant voluntarily agrees  
10 to be subject to all reciprocal mitigation measures imposed under any interlocal  
11 agreement for reciprocal mitigation of traffic impacts which would otherwise be  
12 applicable to the proposed infill development pursuant to SCC 30.66B.710 or  
13 30.66B.720 if subject to SEPA review. Such agreement shall be made a condition of  
14 any approval of an application deemed exempt under subsection (2) and is assumed to  
15 be agreed to by the applicant at time of application unless otherwise indicated by the  
16 applicant in their submittal materials. Applicants not consenting to reciprocal mitigation  
17 requirements for purposes of exemption under subsection (2) may elect to forego such  
18 a determination and have their application processed subject to SEPA.

19  
20           **Section 7.** Snohomish County Code Section 30.70.015, last amended by  
21 Amended Ordinance No. 21-008 on April 7, 2021, is amended to read:

22  
23 **30.70.015 Exemptions.**

24 The following permit types are exempt from the requirements of this chapter, except the  
25 consistency determination required by SCC 30.70.100 and the expiration and vesting  
26 provisions of SCC 30.70.140, 30.70.300, and 30.70.310 shall apply:

27           (1) Building permits exempt from the State Environmental Policy Act (SEPA) as  
28 minor new construction under SCC 30.61.035(1);

29           (2) Land disturbing activity permits exempt from SEPA;

30           (3) All other construction permits under subtitle 30.5 SCC that are exempt from  
31 SEPA; and

32           (4) Project permits for which a SEPA review and threshold determination were  
33 completed in connection with other project permits for the same proposal, to the extent  
34 the proposal has not substantively changed in a manner requiring further review under  
35 chapter 30.61 SCC.

36  
37           **Section 8.** Snohomish County Code Section 30.70.050, last amended by  
38 Amended Ordinance No. 20-080 on December 16, 2020, is amended to read:

1  
2 **30.70.050 Notice of application - timing and method.**

3 (1) The department shall provide notice of application within 10 days after a  
4 determination that the application is complete as specified in SCC Table 30.70.050(5).  
5 Required notice shall be given in accordance with SCC 30.70.045.

6 (2) A notice of application posted or published in the official county newspaper  
7 or provided by mail on a letter/legal size publication shall include the following  
8 information:

9 (a) Date of application, date of completeness determination, and date of  
10 notice of application;

11 (b) Project description, list of permits requested, assigned county file  
12 number, and county contact person;

13 (c) Any information or studies requested by the department;

14 (d) Any other required permits not included in the application, to the extent  
15 known by the department;

16 (e) Any existing environmental documents that evaluate the proposed  
17 project, including where they can be inspected;

18 (f) The date, time, place, and type of public hearing, if applicable and if  
19 scheduled at the time of the notice;

20 (g) When notice is for a rezone action or development in a performance  
21 standard zone, a statement indicating where the full text and/or map of the rezone  
22 action may be inspected;

23 (h) A statement of when the comment period ends and the right of any  
24 person to comment on the application, receive notice of and participate in any hearings,  
25 request a copy of the decision once made, and any appeal procedures;

26 (i) If determined at the time of notice, those development regulations that will  
27 be used for project mitigation or to review consistency; and

28 (j) Any other information determined appropriate by the department.

29 (3) Mailed notice of application may be provided on a post card.

30 (4) A post card notice shall contain the following information:

31 (a) project description;

32 (b) project file number;

33 (c) project location;

34 (d) type of project;

35 (e) applicable comment dates and notice of where to submit comments;

36 (f) date the notice of application was published in the official county  
37 newspaper;

38 (g) website address providing access to project information; and

1 (h) a department contact.  
2

3 **Table 30.70.050(5) Notice of Application Requirements**

<b>Application Type</b>	<b>Post</b>	<b>Publish</b>	<b>Mail</b>
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Building and land disturbing activity permits (( <del>subject to SEPA</del> )) <u>unless exempt from SEPA as minor new construction under SCC 30.61.035(1)</u>	X	X	X
Code interpretation not related to a specific project		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 through 30.41A.730]		
Flood Hazard Permit - except as provided in SCC 30.43C.020			X
Flood Hazard Variance	X	X	X
Free-standing sign in the RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit rescission	X	X	X

Application Type	Post	Publish	Mail
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, GC, T, RB, CRC, RFS, and RI)	X	X	X
Rezone - site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Preapplication Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)	X	X	X

1  
2       **Section 9.** A new section is added to Chapter 30.91I of the Snohomish County

3 Code to read:

4  
5       **30.91I.037   Infill Development.**



1 “Infill development” means residential, commercial, or mixed-use development in an  
2 urban growth area that is categorically exempt from the State Environmental Policy Act  
3 under RCW 43.21C.229.

4 (1) “Residential infill development” means any permitted type of dwellings and  
5 may include incidental non-residential components of a residential development  
6 proposal such as amenity buildings in apartment complexes;

7 (2) “Commercial infill development” means any permitted non-residential use  
8 other than general retail as defined in SCC 30.91R.143; and

9 (3) “Mixed-use infill development” means any mix of permitted non-residential  
10 use up to 65,000 square feet and residential development of any amount, provided that  
11 any non-residential use meeting the definition of general retail in SCC 30.91R.143 is  
12 limited to 30,000 square feet.


13  
14 *This definition only applies to SCC 30.61.035.*

15  
16 **Section 10. Severability and Savings.** If any section, sentence, clause or phrase  
17 of this ordinance shall be held to be invalid by the Growth Management Hearings Board  
18 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or  
19 unconstitutionality shall not affect the validity or constitutionality of any other section,  
20 sentence, clause or phrase of this ordinance. Provided, however, that if any section,  
21 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court  
22 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to  
23 the effective date of this ordinance shall be in full force and effect for that individual  
24 section, sentence, clause or phrase as if this ordinance had never been adopted.

1 PASSED this 28<sup>th</sup> day of September 2022.

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9

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair

10 ATTEST:


11  
12 Lisa Campfield  
13 Asst. Clerk of the Council

14  
15  
16  
17  
18

- 16 (X) APPROVED
- 17 ( ) EMERGENCY
- 18 ( ) VETOED

DATE: September 29, 2022

19  
20  
21  
22

  
\_\_\_\_\_  
County Executive

23 ATTEST:

24  
25 Melissa Geraghty  
26

27 Approved as to form only:

28  
29

30 \_\_\_\_\_  
Deputy Prosecuting Attorney

## **Exhibit A**

### **Analysis of How Existing Codes and Rules Address SEPA Authority by Element**

Washington Administrative Code (WAC) 197-11-444 identifies the elements of the environment that local jurisdictions must address under SEPA. These are broadly:

1. Natural Environment
  - a. Earth
  - b. Air
  - c. Water
  - d. Plants and Animals
  - e. Energy and Natural Resources
2. Built Environment
  - a. Environmental Health
  - b. Land and Shoreline Use
  - c. Transportation
  - d. Public Services and Utilities

Snohomish County has existing codes and rules that address the required elements of the environment. These provisions typically will provide adequate mitigation for individual development projects. For developments proposing uses in an Urban Growth Area (UGA) that chapter 30.22 of Snohomish County Code (SCC) identifies as permitted, the density and intensity of the use will be roughly equal to or lower than called for in the goals and policies in the Snohomish County Growth Management Act Comprehensive Plan (GMACP). Such projects therefore meet a requirement of the “infill development” criteria for categorical exemptions in RCW 43.21C.229. This is because the programmatic Environmental Impact Statement (EIS) performed for the 2015 update to the GMACP relied on assumptions that most new development would be of the “permitted” type in chapter 30.22 SCC. The EIS further assumed that new development would need to adhere to the codes and rules detailed below. The EIS addresses uses that chapter 30.22 SCC identifies as “Conditional Uses,” “Administrative Conditional Uses,” or “Special Uses,” but not necessarily to the degree that they should be categorically exempt in the ordinance to which this exhibit is attached. Similarly, there are some rare limitations on categorical exemptions provided for in the ordinance that will apply to permitted uses. These limitations ensure that mitigation for the probable impacts of such uses is adequate and within the range of impacts and mitigation addressed by the EIS.

**Natural Environment, Earth:** The earth element requires provisions to address: (i) geology, (ii) soils, (iii) topography, (iv) unique physical features, and (v) erosion/enlargement of land area through accretion.

- Chapter 30.62B SCC addresses geologically hazardous areas. This includes standards for landslide and erosion hazard areas that are common in UGAs. Standards for less common geologic hazards are also in this chapter, including channel migration zones, and seismic and tsunami hazard requirements.
- Chapters 30.63A (Drainage) and 30.63B SCC (Land Disturbing Activity) collectively address soils. These include minimum requirements to comply with the Phase I Municipal Stormwater Permit issued by the Washington State Department of Ecology under the Clean Water Act National Pollutant Discharge and Elimination System and standards for engineering reports and work in different types of soils, topography, and natural features.
- The Snohomish County Engineering Design and Development Standards (EDDS) are a set of administrative rules that establish specific requirements for construction plans affecting the earth element. Examples include specifications for retaining walls, underground stormwater vaults, and erosion control measures.
- Best Management Practices (BMPs) from the Snohomish County Drainage Manual provide stormwater pollution prevention measures to address both the erosion aspects of the earth element and other aspects of the natural environment discussed further below.
- The combination of these and other related requirements ensure that the earth element of the natural environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Natural Environment, Air:** The air element requires provisions to address: (i) air quality, (ii) odor, and (iii) climate.

- The Drainage Manual includes provisions that address dust control and other sources of particulates that can lower air quality. Examples include requirements for fugitive dust control plans and use of water sprays or other non-toxic dust control methods on unpaved roadways.
- Chapter 30.25 SCC (Landscaping) has requirements to provide tree canopy and other landscaping measures that both help improve local air quality and address

climate change. Tree canopy provisions in SCC 30.25.016 require development to maintain existing tree canopy or provide new trees expected to provide as much as 30% tree canopy cover in new subdivisions.

- Chapter 30.28 SCC (General Development Standards) includes provisions that address odor prevention in general and for specific uses and activities. A requirement that facilities “shall comply with the no detectable odor emission standard” in SCC 30.28.093(4)(b) applies to hydrogen sulfide or ammonia emissions. Other sections address other odors and make provisions for review by the Puget Sound Clean Air Agency for conformance with requirements not otherwise addressed in county code.
- The Future Land Use Map (FLUM) and associated growth targets adopted as parts of the GMACP mitigate long-term climate impacts on air by concentrating growth in compact urban center locations and along transit emphasis corridors, helping reduce vehicle emissions that affect both air quality and climate change.
- The combination of these and other related requirements ensure that the air element of the natural environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Natural Environment, Water:** The water element requires provisions to address: (i) surface water movement/quantity/quality, (ii) runoff/absorption, (iii) floods, (iv) groundwater movement/quantity/quality, and (v) public water supplies.

- Chapter 30.63A SCC (Drainage) addresses requirements for handling surface water, including engineering requirements where applicants must demonstrate how their project will address quantity, quality, and infiltration of stormwater runoff. This chapter includes cross references to minimum requirements in the Drainage Manual that maintain water resources within a single threshold discharge area so that as surface water becomes groundwater it stays in the same drainage basin, rather than moving between basins.
- Chapter 30.65 SCC (Special Flood Hazard Areas) addresses flooding aspects of the water element and incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program. This includes prohibitions against some activities in the floodplain and requirements for others, such as elevating buildings, when it is necessary or appropriate to place buildings in the floodplain.

- Chapter 30.62C SCC (Critical Aquifer Recharge Areas) designates and protects critical aquifer recharge areas per the Growth Management Act. This addresses public health, safety, and welfare of groundwater resources.
- All new development in urban growth areas must connect to a public water system. Confirmation of water availability occurs by requiring applicants to demonstrate consistency with approval criteria that require plans to connect to the public water system and that the water provider has sufficient capacity to serve the new development. Although specific code citations vary depending on the type of development, all urban development must have adequate public water provisions..
- The combination of these and other related requirements ensure that the water element of the natural environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Natural Environment, Plants and Animals:** The plants and animals element requires provisions to address: (i) habitat for and number or diversity of plants, fish, or other wildlife, (ii) unique species, and (iii) fish or wildlife migration routes.

- Chapter 30.62A SCC (Wetlands and Fish & Wildlife Habitat Conservation Areas) provides protections for wetlands, streams, marine waters, and other protected water bodies. These protections include the establishment of Critical Area Protection Area (CAPA) buffers that preserve both native vegetation and habitat areas depended on by wildlife, including protected and endangered wildlife such as salmon and bull trout.
- Chapters 30.44 (Shoreline Permits) and 30.67 SCC (Shoreline Management Program) combine to protect rivers, lakes, Puget Sound, and other waterbodies of the state in a manner that satisfies the Shoreline Management Act, and which complements the protections in chapter 30.62A SCC.
- Wildlife migration routes in urban areas are protected by a combination of chapters 30.44 and 30.62A SCC which protect migratory areas and adjacent habitat for fish and shoreline mammals. These chapters also help protect migratory routes for birds by protecting important habitat and resting areas in urban portions of the Pacific Flyway. Other wildlife migration routes, such as for elk, do not pass through urban areas affected by this ordinance.

- The combination of these and other related requirements ensure that the plants and animals element of the natural environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Natural Environment, Energy and Natural Resources:** This element requires provisions to address: (i) amount required/rate of use/efficiency, (ii) source/availability, (iii) nonrenewable resources, and (iv) conservation and renewable resources.

- Chapter 30.52D SCC (Energy Code) requires that new construction and major remodels meet the efficiency requirements of the Washington State Energy Code. Enforcement of these requirements is by the building official, who under chapter 30.50 SCC is responsible for ensuring that all building permits meet state standards.
- The EIS for the GMACP addresses energy efficiency on a programmatic basis by showing how increasing urban densities reduces both energy requirements for buildings and for the transportation system. For example, dense multifamily housing uses less electricity per capita than detached single-family homes for the same number of people. Thus, the strategy to promote denser infill along transit emphasis corridors in the GMACP serves to use energy efficiently which also helps conserve energy generated from non-renewable sources.
- All new development in UGAs connect to appropriate energy providers, such as Snohomish County PUD for electricity. The permit review process ensures that energy sources are available. Each project must submit materials showing compliance with approval criteria which include requirements that applicants demonstrate plans to connect. For instance, SCC 30.41A.630(3) includes a requirement that new subdivisions provide easements for utility services such as electricity. Additionally, energy providers must maintain capital facilities plans, consistent with GMA and other state requirements.
- Promotion of conservation and renewable energy occurs in a programmatic sense and in code as described above. Other examples include a bonus for proving rooftop solar in Urban Center zoning that results in an increase to the maximum building size (SCC 30.34A.035). Solar panels help generate electricity; while larger buildings are generally more efficient on a per square foot basis. Other regulations in title 30 SCC, especially in chapters 30.23 (Bulk Regulations) and 30.23A SCC (Urban Residential Design Standards), help ensure building massing that does not preclude or harm installation of rooftop solar capacity on development sites or adjoining properties.

- Protection of scenic resources in the urban environment occurs primarily in three ways. First, the FLUM designates certain publicly-owned scenic areas as Public/Institutional to help preserve them. The FLUM also includes some high-intensity uses such as Urban Center in places of high elevation along SR-99 to make maximum use of scenic vistas from those locations. Second, building height and massing requirements in chapter 30.23 SCC (Bulk Regulations) and stepback requirements in chapter 30.34A SCC (Urban Center) help preserve scenic resources available to sites adjoining new development. Third, restrictions on building heights in shoreline areas under chapter 30.67 SCC (Shoreline Management Program) serve in part to protect scenic vistas of Puget Sound, rivers, and other water bodies.
- The combination of these and other related requirements ensure that the energy and natural resources element of the natural environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Built Environment, Environmental Health:** This element requires provisions that address: (i) noise, (ii) risk of explosion, and (iii) releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

- Chapter 10.01 SCC (Noise Control) provides for protection from noise and mitigation of common sources of noise, including by limiting hours of activity at construction sites and by establishing decibel limits for noise from business operations and uses like school stadiums. Conditions can be placed on permits for noise-generating activities, creating restrictions beyond the basic standards in chapter 10.01 SCC to address and mitigate for noise impacts. SCC 30.42C.100(2)(f) allows placement of specific conditions on conditional use permits to mitigate noise impacts. SCC 30.71.030 and SCC 30.72.060(3) allow conditions on other permit types to mitigate noise impacts.
- Chapter 30.53A SCC adopts the International Fire Code and addresses the risks of explosion and potential release many toxic or hazardous materials in urban areas. Applicants proposing uses that risk explosion or release of materials must demonstrate compliance with appropriate safety measures according to international standards. For rare and unusual uses posing such risks, SCC 30.43A.174 allows the Fire Marshal to require research reports from approved sources to help establish appropriate conditions of approval to mitigate said risks.
- On a programmatic level, requirements such as those in SCC 30.63B SCC(Drainage) and the Drainage Manual mitigate for release of non-point



sources of toxins including oil runoff from roadways. These requirements rely on best management practices to provide treatment of contaminated runoff before it enters the groundwater.

- To protect public health, safety, and welfare from potential release of toxic or hazardous materials (or similar concerns), SCC 30.63B.060 gives the PDS director authority to require more stringent standards and impose mitigation beyond standard code compliance. To determine what those standards and mitigation measures should be, SCC 30.63B.210 authorizes PDS to require the applicant to submit engineering reports, as appropriate, to characterize the risk and propose mitigation. PDS then reviews the reports and ensures that appropriate recommendations are reflected in the land disturbing activity construction plans. These requirements result in the same types of reports and outcomes as would occur if an EIS had been required and engineering reports prepared based on county SEPA regulations.
- The combination of these and other related non-SEPA requirements ensure that the environmental health element of the built environment will be adequately addressed and impacts mitigated during project-level review and construction.

**Built Environment, Land and Shoreline Use:** This element requires provisions that address: (i) relationship to existing land use plans and to estimated population, (ii) housing, (iii) light and glare, (iv) aesthetics, (v) recreation, (vi) historic and cultural preservation, and (vii) agricultural crops.

- Snohomish County codes and rules regulating development must be consistent with its land use plans (RCW 36.70A.040(4)(d)). The review and evaluation program required by RCW 36.70A.215 monitors growth in a programmatic manner to ensure that capacity exists for the 20-year population targets for urban areas adopted in the Countywide Planning Policies. The land use plans adopted during periodic updates include a land capacity analysis to demonstrate the adopted land use plan can provide for the estimated population growth.
- Snohomish County addresses housing programmatically in the GMACP through its Future Land Use Map (FLUM) and adopted growth targets. By designating a variety of densities on the FLUM and through provisions in code, Snohomish County provides diversity of housing types and housing at different price points. The Residential Land Use Needs Analysis (RLUNA) model evaluates the adequacy of this approach. The results of RLUNA modeling are incorporated into the EIS for the periodic plan updates, including the EIS for the 2015 Update.

- Existing codes address potential light and glare impacts. In a general sense, the building code requires provision of adequate lighting for all buildings (SCC 30.50.304). The bulk regulations in chapter 30.22 SCC create adequate separation of buildings to mitigate light and glare impacts for most uses. The urban residential design standards in chapter 30.23A SCC result in new residential development that is compatible with adjacent housing and other uses. Specific code provisions address mitigation of special potential sources of light and glare. These include provisions in chapter 30.27 SCC that contain standards for different types of illuminated signs and chapter 30.34A SCC which addresses lighting design requirements for larger buildings in the Urban Center zone.
- Snohomish County Code handles mitigation of aesthetic impacts in a manner analogous to that of light and glare. Chapter 30.23A SCC provides urban residential design standards that ensure new housing in most urban zones provide aesthetic appeal and, as appropriate to the context of adjoining uses, also provide adequate compatibility measures. Chapter 30.34A SCC includes detailed design standards for Urban Center zoning that apply to both residential development and non-residential uses. Mitigation for aesthetic impacts of non-residential buildings occurs mainly through compliance with bulk regulations in chapter 30.23 SCC and zone-specific requirements in chapters 30.31A and 30.31B SCC. Chapter 30.25 SCC also contributes to mitigating aesthetic impacts by providing landscaping requirements for new development, including tree canopy requirements for residential development and landscaping requirements for parking lots, drainage facilities, and aspects of the built environment.
- Mitigation of recreation impacts occurs both programmatically and in code. The GMACP includes a Parks and Recreation Element (PRE). The PRE establishes levels of service (LOS) for different types of parks, including community parks located in urban areas. The Park Improvement Plan (PIP) is part of the Capital Facilities Plan (CFP) element of the comprehensive plan, and the PIP identifies maintenance and capacity improvements planned over a six-year horizon to maintain adequate LOS for parks in urban areas. Chapter 30.66A SCC (Park and Recreation Facility Impact Mitigation) ensures that adequate park land and park facilities are available in urban areas by assessing impact fees on new development to help pay for the projects identified in the PIP. In addition to publicly owned parks, SCC 30.23A.080 establishes on-site recreation requirements applicable to most new urban housing projects that result in provision of private recreation outside of Urban Center zoning. The private open space and recreation requirements for Urban Center zoning are in SCC

30.34A.070. Finally, the combination of the Future Land Use Map which designates commercial areas serving residential areas and the use matrix in SCC 30.22.100 provide for other types of recreational needs such as entertainment activities at bowling alleys and wineries.

- Chapter 30.32D SCC (Historic and Archaeological Resources) provides adequate mitigation for historic and cultural impacts. This chapter establishes the process for identifying, designating, and protecting historic places. It also includes protections for archeological resources, including those that are already known and those where discovery is inadvertent such as during construction. These protections are consistent with state and federal requirements as detailed in SCC 30.32D.010.
- There are no lands designated on the FLUM for agricultural crop production in urban areas. By concentrating growth in the UGAs, the GMACP helps preserve agricultural production in rural and resources lands outside UGAs.
- Urban shorelines in Snohomish County have protections under chapters 30.44 (Shoreline Permits) and 30.67 SCC (Shoreline Management Program) that meet the standards set forth in the Shoreline Management Act (chapter 90.58 RCW). These standards, combined with other projections such as chapter 30.62A SCC (Wetlands and Fish & Wildlife Habitat Conservation Areas), ensure adequate protections for shoreline and near shoreline areas.
- The combination of these and other related requirements ensure that the land and shoreline use element of the built environment will be adequately addressed and impacts mitigated during project-level review and construction.

**Built Environment, Transportation:** This element requires provisions that address: (i) transportation systems, (ii) vehicular traffic, (iii) waterborne, rail, and air traffic, (iv) parking, (v) movement/circulation of people or goods, and (vi) traffic hazards.

- Mitigation of major transportation system and vehicular traffic impacts occurs both programmatically and in code. The GMACP includes a Transportation Element (TE). The TE establishes LOS standards for vehicular movement along roads and through intersections. The Transportation Improvement Plan (TIP) is part of the CFP element of the comprehensive plan, and the TIP identifies maintenance and capacity improvements planned over a six-year horizon to maintain adequate LOS for roads. Chapter 30.66B SCC (Concurrency and Road Impact Mitigation) ensures that adequate road facilities are available by

assessing impact fees on new development to help pay for projects identified in the TIP.

- Although waterborne traffic passes the shoreline areas of unincorporated Snohomish County, the operating terminal areas are in cities and subject to facilities planning conducted by the ports of Edmonds and Everett. Mitigation measures for unincorporated urban development would therefore be unnecessary.
- The heavy rail network which moves both freight and commuter routes on the same lines has long established rights-of-way in unincorporated areas. Sound Transit is planning extensions of its light rail lines into unincorporated UGA areas. Sound Transit is the SEPA lead agency for programmatic review of impacts and mitigation for the light rail system expansion. Project specific review by Snohomish County for line extensions and stations will ensure compliance with codes including chapters 30.62A (Wetlands and Fish & Wildlife Habitat Conservation Areas), 30.63A (Drainage), and 30.63B SCC (Land Disturbing Activity) to ensure adequate mitigation for impacts during construction and operation.
- Snohomish County has several airports in unincorporated areas. Development in and around all airports must comply with chapter 30.32E SCC (Airport Compatibility) which ensures compliance with state and federal aviation regulations..
- Chapter 30.26 SCC (Parking) ensures that all uses provide adequate parking to prevent parking impacts on adjoining property. Several sections in this chapter detail design requirements to ensure safety and adequate circulation within parking lots. SCC 30.25.022 contains landscaping requirements to adequately mitigate visual impacts of parking. Mitigation of potential stormwater and contamination occurs through compliance with Chapters 30.63A (Drainage) and 30.63B SCC (Land Disturbing Activity), and through administrative rules regarding construction standards in EDDS and the Drainage Manual during construction plan review.
- Movement and circulation of people and goods are addressed programmatically in the TE and on a project level during compliance with applicable codes and EDDS. Chapter 30.24 SCC (Access and Road Network) establishes the basic standards for roads and utilities in rights-of-way. EDDS provides requirements for construction-level details. SCC 30.24.080 (pedestrian facility requirements) ensures sidewalks to allow movement of people on foot. The Countywide Bicycle

Facilities Map, which is part of the Transportation Element of the GMACP, addresses cyclist needs programmatically. Project level developments with frontage lacking in sidewalks or bike lanes must install these features during construction to mitigate their proportionate share of demand.

- The Transportation Element identifies known traffic hazards as Inadequate Road Conditions (IRCs). The TIP prioritizes IRCs for planned changes to address the problems with constructed solutions in the next six years. New development expected to generate traffic affecting an IRC, or that might create a new IRC, must address the issue consistent with Chapter 30.66B SCC (Concurrency and Road Impact Mitigation). The design of new development must also ensure adequate sight triangles at intersections (see for example SCC 30.23.100 and 30.25.023(4)). Details for road designs, driveway and intersection spacing, and similar hazard prevention measures appear throughout EDDS to minimize and mitigate safety concerns.
- The combination of these and other related requirements ensure that the transportation element of the built environment will be adequately addressed, and impacts mitigated during project-level review and construction.

**Built Environment, Public Services and Utilities:** This element requires provisions that address: (i) fire, (2) police, (3) schools, (4) parks and other recreational facilities, (5) maintenance, (vi) communications, (vii) water/stormwater, (viii) sewer/solid waste, and (ix) other governmental services or utilities.

- Fire service is addressed programmatically in the facilities and service planning performed by the various independent fire districts and city fire departments that serve unincorporated urban areas. At a project level, sections in title 30 SCC require applicants demonstrate adequate water availability for fire flow. All new buildings must comply with chapter 30.53A SCC (Fire Code) which ensures that buildings meet the standards of the International Fire Code. Circulation within sites must include adequate provision of fire apparatus access roads (SCC 30.53A.512).
- The Snohomish County Sheriff provides most of the police service in unincorporated UGAs. Additional support comes from other agencies by interlocal agreement. Impacts to demand on sheriff services from new development are mitigated through increased property and sales taxes that support these services. Planning for precinct buildings and fleet occurs programmatically as part of the CFP and capital improvement program.

- School districts address impacts from new development programmatically by adopting their own biennial capital facilities plans. Those districts which choose to request impacts fees from new development under chapter 30.66C SCC (School Impact Mitigation) must submit their plans to the Snohomish County Council for review and adoption.
- Project-level impacts of schools on neighboring uses is addressed through a Conditional Use Permit (CUP) process before the school is approved. Since the subject ordinance does not create categorical exemptions for CUPs, there is no need to address mitigation for this aspect of schools further.
- Impact assessment and mitigation related to parks and other recreational facilities have been described above under the recreation aspect of the land use.
- Maintenance of public services and utilities is addressed in the capital facilities planning for the appropriate agency as described in several places above.
- Private service providers are responsible for planning for most communications facilities. Construction of new personal wireless service facilities (cell towers) requires a CUP in most urban zones; therefore, such permits would not be categorically exempt under this ordinance. In urban industrial zones where cell towers do not require a CUP, the requirements of chapter 30.28A SCC (Development Standards and Siting Process for Personal Wireless Service Facilities) would apply, and thereby provide adequate mitigation for cell towers in industrial areas.
- Description of the requirements and mitigation of impacts to public water supplies is in the section above on public water supplies.
- Discussion of smaller stormwater systems is above in the water element of the natural environment. Contemporary requirements for handling surface and groundwater through drainage and infiltration requirements means that utility-scale stormwater systems are necessary with less frequency than when this requirement became part of SEPA and WAC 197-11-444. However, some larger systems are still necessary. These are addressed programmatically in the Drainage Needs Report (DNR) which is incorporated by reference in the CFP element of the GMACP. Among other things, the DNR identifies maintenance and new facilities needed to respond to cumulative stormwater impacts of development.
- Chapter 30.29 SCC (Sewer Connection Regulations) requires that all new development in UGAs must connect to sanitary sewer unless the development is

in an unsewerable enclave as determined by the sewer provider. A combination of special purpose districts and municipal systems provide sewer service. These agencies anticipate and mitigate for new development programmatically in their capital facilities plans. Before approval of new development, the applicant must demonstrate that the sewer provider has capacity to serve the development and that the provider has approved the detailed construction plans for the connection.

- Snohomish County operates the countywide program for solid waste handling and solid waste recovery and reclamation to prevent land, air, and water pollution to conserve the natural, economic and energy resources of the county (SCC 7.35.010). The county Solid Waste division of the Department of Public Works maintains capital facilities planning that programmatically addresses solid waste needs and this planning is adopted as part of the CFP element of the GMACP. During project level review, applicants must demonstrate adequate accommodation for solid waste handling and pickup. Applicants for activities of special concern, such as those generating industrial waste, must comply with appropriate special regulations such as SCC 30.28.110 for material recovery facilities.
- Impacts to other governmental facilities and utilities from new development are addressed programmatically through capital facilities planning. For instance, as general growth increases demand for county administrative functions, the county CFP and six-year CIP include details on plans to improve the physical space required for county operations.
- The combination of these and other related requirements ensure that the public services and utilities element of the built environment will be adequately addressed, and impacts mitigated during project-level review and construction.