

1 Adopted: 05/11/22
2 Effective: 05/21/22

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

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7 ORDINANCE NO. 22-018

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9 CLARIFYING PROCESS FOR DETERMINING LEAD DEPARTMENT WITH LEAD
10 AGENCY RESPONSIBILITIES UNDER THE STATE ENVIRONMENTAL POLICY ACT;
11 AMENDING SECTION 30.61.045 OF SNOHOMISH COUNTY CODE

12
13 WHEREAS, the State Environmental Policy Act (SEPA), chapter 43.21C RCW,
14 requires consideration of the environmental impacts of both project and non-project
15 actions; and

16
17 WHEREAS, SEPA requires the lead agency for project and non-project actions
18 to take certain procedural steps to ensure compliance with the act; and

19
20 WHEREAS, Snohomish County Code (SCC) 30.61.045 provides the process for
21 determining which county department shall be responsible for lead agency
22 responsibilities under SEPA; and

23
24 WHEREAS, SCC 30.61.045(4) states that for non-project governmental
25 proposals, which include Type 3 legislative proposals, the “lead department for all
26 proposals for governmental action of a non-project nature shall be the department
27 initiating the proposal”; and

28
29 WHEREAS, the County Council finds there is an opportunity to streamline the
30 process for determining which county department shall undertake lead agency
31 responsibilities in consideration of the core functions, staffing levels, and expertise of
32 various departments; and

33
34 NOW, THEREFORE, BE IT ORDAINED:

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36 **Section 1.** Snohomish County Code Section 30.61.045, last amended by
37 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

1 **30.61.045 Lead department.**

2 (1) *Lead department responsibilities.* The lead department shall be responsible for
3 undertaking lead agency duties where the county is the lead agency.

4 (2) *Procedure.* The lead department shall be determined for projects for which the
5 county is the lead agency in accordance with the criteria of this chapter.

6 Interdepartmental disputes over the application of such criteria, which cannot be settled
7 by agreement, shall be determined by the county executive. In addition, the county
8 executive upon request therefore may waive the criteria and designate a special lead
9 department for a proposal where strict application of such criteria would result in
10 interdepartmental budgetary or manpower inequities.

11 (3) *Governmental proposals - project.* The lead department for all proposals for
12 governmental action of a project nature shall be the department which would have
13 primary administrative responsibility for such action.

14 (4) *Governmental proposals - non-project.* The lead department for all proposals for
15 governmental action of a non-project nature shall be the department initiating the
16 proposal, except that the Snohomish County department of planning and development
17 services shall be the lead department for all Type 3 legislative proposals initiated by the
18 county council or by the planning commission under chapter 30.73 SCC.

19 (5) Private projects.

20 (a) For proposed private projects over which only one department has
21 jurisdiction, the lead department shall be the department with jurisdiction.

22 (b) For private projects which require licenses from more than one department,
23 the lead department shall be one of the departments with jurisdiction, based upon the
24 following order of priority:

25 (i) the Snohomish County department of planning and development services;

26 (ii) department of public works; and

27 (iii) ~~((auditor;~~

28 ~~(iv) county council; and~~

29 ~~(v)) other executive departments.~~

30 (c) The "responsible official" for purposes of receiving a notice of intent to
31 commence a judicial appeal is the clerk of the county council.

32 (6) *Agreements as to lead department status.* Nothing herein shall prohibit a
33 department from assuming the role of lead department as a result of an agreement
34 among all departments with jurisdiction.

1 PASSED this 11th day of May, 2022.

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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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Council Chair

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10 ATTEST:

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12 Clerk of the Council

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16 APPROVED

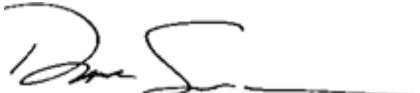
17 EMERGENCY

18 VETOED

DATE: 5/11/2022

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County Executive

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22 ATTEST:

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24 Approved as to form only:

25  4/7/22

26 _____

27 Deputy Prosecuting Attorney