

**Index of Records**

**Missing Middle Housing Ordinance 22-018 (ECAF 2022-0391)**

**Hearing Date: Wednesday, May 11, 2022 @ 10:30 a.m.**

**Council Staff: Ryan Countryman**

**DPA: Laura Kisielius**

***Click on exhibit number to view document***

EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
<b>3.1 ECAF and Materials</b>					
<a href="#">3.1.001</a>	ECAF	04/11/22	Ryan Countryman, Council Staff	Transmitting Council Initiated Ordinance	1
<a href="#">3.1.002</a>	Ordinance	04/11/22	Ryan Countryman, Council Staff	Introduced Ordinance	3
<a href="#">3.1.003</a>	Introduction	04/11/22	Nate Nehring	Introduction Slip	1
<b>3.2 Council Planning Committee Materials</b>					
<a href="#">3.2.001</a>	Staff Report	04/18/22	Ryan Countryman, Council Staff	Council Staff Report, 04/18/22	2
<a href="#">3.2.002</a>	Minutes	04/18/22	Council Staff	Link to Video and Minutes to Administrative Session 04/18/22	1
<b>3.3 Correspondence, Comments, Testimony</b>					
<b>3.4 Staff Reports and Submissions</b>					
<b>3.5 Public Participation</b>					
<b>3.6 Council Deliberations</b>					

1 Adopted:  
2 Effective:

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 ORDINANCE NO. 22-018  
8

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:  
35

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:  
38

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.

35

1 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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SNOHOMISH COUNCIL  
Snohomish, Washington

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

ATTEST:

\_\_\_\_\_

Asst. Clerk of the Council

- ( ) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE:

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

ATTEST:

\_\_\_\_\_

Approved as to form only:

*Tanna Churba* 4/7/22

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

Executive/Council Action Form (ECAAF)

EXHIBIT # 3.1.001

FILE ORD 22.018

ITEM TITLE:

..Title

Ordinance 22-018, clarifying process for determining lead department with lead agency responsibilities under the State Environmental Policy Act; amending Section 30.61.045 of Snohomish County Code

..body

DEPARTMENT: County Council

ORIGINATOR: Megan Dunn, entered by Ryan Countryman

EXECUTIVE RECOMMENDATION: TBD

PURPOSE: This ordinance clarifies that PDS will have lead agency responsibilities under SEPA for most Type 3 legislative actions initiated by the County Council or the Planning Commission. To be determined on a case-b-case basis, DPW or other executive departments may have lead agency responsibilities.

BACKGROUND: SEPA requires a lead agency to evaluate proposals for possible significant impacts. Snohomish County Code addresses certain procedural requirements for departments acting as lead agency to follow, but code currently contemplates several departments acting as lead agency although those departments do not necessarily have the resources to complete the duties. Code is also ambiguous for changes initiated by the County Council or Planning Commission.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
None			
<b>TOTAL</b>			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
None			
<b>TOTAL</b>			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

OTHER DEPARTMENTAL REVIEW/COMMENTS: Click or tap here to enter text.

ECAF NO.:  
ECAF RECEIVED:

**ORDINANCE  
INTRODUCTION SLIP**

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 3.1.003

TO: Clerk of the Council

**FILE** ORD 22-018

TITLE OF PROPOSED ORDINANCE:

~~~~~  
  
\_\_\_\_\_  
Councilmember Date

Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation: **Set time and date for public hearing**

\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date** \_\_\_\_\_ **at** \_\_\_\_\_

\_\_\_\_ Move to Council as amended to schedule public hearing


\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

  
\_\_\_\_\_  
Committee Chair



## Snohomish County Council

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.2.001

FILE ORD 22-018

**Committee:** Committee of the Whole

**Analyst:** Ryan Countryman

**ECAF:** 2022-0391

**Proposal:** Ordinance 22-018

**Date:** April 18, 2022

### **Consideration**

Proposed Ordinance 22-018 addresses lead agency responsibilities under the State Environmental Protection Act (SEPA) and would amend Snohomish County Code (SCC) 30.61.045 to clarify which departments have these responsibilities.

### **Background and Analysis**

Changes proposed in SCC 30.61.045 are consistent with current practice. SEPA requires consideration of environmental impacts of certain types of project and non-project actions. This includes certain procedural steps to ensure compliance that must a “lead agency” must take. SCC 30.61.045 provides direction on which county department shall perform the lead agency functions, including for both governmental proposals and private proposals.

For governmental proposals, SCC 30.61.045(4) currently says that the department initiating an action subject to SEPA shall be responsible for lead agency responsibilities. The County Council and the Planning Commission both have authority to initiate Type 3 legislative proposals that would be subject to SEPA, but neither has the staffing necessary to perform lead agency functions. Ordinance 22-018 would amend subsection (4) to say that the department of Planning and Development Services (PDS), which has adequate staffing and regularly performs SEPA lead agency responsibilities, shall be the department with lead agency responsibilities for Type 3 legislative proposals initiated by the County Council or the Planning Commission.

For private projects, SCC 30.61.045(5) currently lists an order of priority for determining which department has lead agency responsibilities when an action requires a license (or approval) from more than one department. PDS is currently first on the list. The Department of Public Works (DPW) is second. The Auditor third. County Council is fourth

and “other departments” fifth. In practice, the Auditor does not perform lead agency responsibilities, instead deferring to PDS or DPW. Ordinance 22-018 would strike the Auditor and County Council from departments that might be responsible for lead agency responsibilities for private proposals. It would also clarify that “other departments” means other executive departments.

Amendments proposed in Ordinance 22-018 would codify the Executive branch’s traditional role performing lead agency responsibilities.

**Current Proposal**

*Scope and Summary:* Ordinance 22-018 would amend language in SCC 30.61.045 regarding departments with lead agency responsibilities to reflect current practice.

*Fiscal Implications:* None

*Deadlines:* None

**Handling:** Normal

**Approved-as-to-form:** Yes

**Executive Recommendation:** This council-initiated proposal has not received a recommendation from the Executive.

**Request:**

Consider scheduling a public hearing at Admin April 18. Following the public hearing, consider taking action on the proposal.



EXHIBIT 3.2.002

Administrative Session 04/18/22

[Minutes](#) and [Video](#)

Contact Clerk of the Council for recording at 425-388-3494 or [contact.council@snoco.org](mailto:contact.council@snoco.org)