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PLANNING COMMISSION AGENDA

June 20, 2013

6:30 PM

CALL TO ORDER

ROLL CALL

Chair Daniel Key, Vice Chair Paul Max, Jennifer Gilbert-Smith, Ed Holmes, Bill Judd, Sean Smith, & Alex White.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Planning Commission Minutes for June 6, 2013.

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

PUBLIC HEARING - None

UNFINISHED BUSINESS – None

NEW BUSINESS – No Action Required

2. Report on Status of 2013 Planning Commission & Council Work Program Tasks

CONTINUED BUSINESS- No Action Required

3. Discussion of Options for Adjustments to SEPA Thresholds for Clearing and Grading

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

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**CITY OF COVINGTON
Planning Commission Minutes**

June 6, 2013

City Hall Council Chambers

CALL TO ORDER

Chair Key called the regular meeting of the Planning Commission to order at 6:35 p.m.

MEMBERS PRESENT

Chair Daniel Key, Vice Chair Paul Max, Jennifer Gilbert-Smith, Ed Holmes, Bill Judd, Sean Smith and Alex White (arrived at 6:45 p.m.).

MEMBERS ABSENT

None

STAFF PRESENT

Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner
Nelson Ogren, Development Review Engineer
Kelly Thompson, Planning Commission Secretary

POINT OF ORDER

Chair Key introduced new Commissioner Gilbert-Smith to the Planning Commission.

APPROVAL OF CONSENT AGENDA

- Ø **1. Vice Chair Max moved and Commissioner Judd seconded to approve the re-ordered consent agenda and the minutes for May 2, 2012. Motion carried 7-0.**

CITIZEN COMMENTS – NONE

PUBLIC HEARING

- 2. Public Hearing on Zoning Code Amendments for Incorporating Development Agreement Option into Town Center (TC) Zone.**

Chair Key opened Public Hearing by reviewing the rules of the hearing. Principal Planner, Salina Lyons presented a memo on Development Agreements Code Amendments in the Town Center zone.

There was no public comment.

CONTINUED BUSINESS

- **Final Discussion and Decision on Zoning Code Amendments for Incorporating the Development Agreement Option into Town Center (TC) Zone**

Chair Key asked about grammar in section 12.61.2a and made a suggestion to clarify the language.

Commissioner Holmes asked about the 25 year rule. Ms. Lyons responded that Development Agreements are valid for 20 years and as long as the project is moving forward, the city has authorization to allow an additional 5 years. The intent is that if the developer is close to completion, the city would allow some flexibility to complete the project.

Vice Chair Max asked where the 20 year standard comes from. Ms. Lyons explained that this is a state RCW. The developer could present a development proposal that could be phased over something less than 20 years. These agreements have a great deal of attorney involvement and part of going through this process is that the agreement will provide a public benefit.

- Ø **Commissioner Homes moved and Vice Chair Max seconded to recommend the corrected draft ordinance on Zoning Code Amendments for Incorporating the Development Agreement Option in the Town Center to the City Council. Motion carried 7-0.**

NEW BUSINESS

3. Discussion of new Clearing and Grading Regulations and SEPA Threshold Amendments

Ms. Lyons started by explaining that the City has been relying on Appendix J of the International Building Code (IBC) for grading regulations. Staff has determined there is a need for more specific codes and standards in a new and separate clearing and grading ordinance.

The new regulations require the developer to look at the process from start to finish. The Planning Commission and staff discussed that an administrative process for variances or deviations would allow the developer to continue moving forward without the interruption of the hearing process.

Chapter 18 of the Covington Municipal Code discusses mineral sites and those sections will be transferred into this section. Mr. Hart added that by having a more clear clearing and grading code, this will reduce the amount of time spent on code enforcement actions.

Drainage requirements and slopes (driveways) have also been problematic, and this ordinance will address this early in the process.

Vice Chair Max said that in his development there is a driveway that is sloped in such a way that the homeowner's vehicle bottoms out. He is fully supportive of these regulations.

Ms. Lyons explained that most cities have this type of requirement or a grading ordinance. Commissioner Judd expressed his concern that having these additional requirements could deter development. Ms. Lyons explained that this ordinance will provide some guidelines. After the lots are sold to builders, the Development Review Engineer spends a great deal of time trying to solve problems that were not addressed when the plat was built.

Vice Chair Max asked about the difference between a homeowner and a developer bringing in fill.

Chair Key asked about the liability insurance. Ms. Lyons explained that this requirement is more for the individual and not the developer. Developers have bonding and insurance.

This ordinance is essentially codifying our current policy. Staff will be bringing this back to the Planning Commission for further discussion in two weeks with more information on amendments to the SEPA thresholds.

UNFINISHED BUSINESS –NONE

ATTENDANCE VOTE – NONE

PUBLIC COMMENT - NONE

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart reminded the Planning Commission that we will meet on June 20th for additional discussion of clearing and grading. Sign code changes and the draft of the shoreline changes may be postponed. Also, he gave a reminder that Covington Days is on 7/20 and 7/21 and the city is asking for volunteers.

Commissioner Holmes requested a progress report on the 2013 work program.

Public Works Director, Glen Akramoff is leaving the city and will be the new City Manager at Normandy Park. Don Vondran, the City Engineer will be the acting Public Works Director until the position is filled.

Commissioner White reminded the Planning Commission of the Grand Opening of the Covington Community Park at 11:00 a.m. Saturday, June 8th.

ADJOURN

The June 6, 2013 Planning Commission Meeting adjourned at 7:35 .m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

ATTACHMENT A

Proposed Planning Commission Work Program Items for 2013

1. Comprehensive Plan & Development Regulation Amendment Docket for 2013	{ 600 hours }
a. Public Works Dept. for Stormwater	
b. Parks Department for Parks Capital Plan	
<u>(100% Complete-No Action Required)</u>	
2. Northern Gateway Study Project Management, Subarea Plan Preparation & Public Process	{ 1000 hours }
<u>(40% Complete- Slightly behind schedule for completion by December)</u>	
3. Shoreline Development Regulation Codification in CMC with Standards & Permit Process	{ 150 hours }
<u>(33% Complete-Slightly behind schedule, but to be completed by December)</u>	
4. Sign Code Changes for Civic, Government and Non-Profit Signs	{ 200 hours }
<u>(10% Complete- Slightly behind schedule, but to be completed by December)</u>	
5. Medical Marijuana, Collective Gardens & Dispensary Moratorium Extension/Code Changes	{ 40 hours }
<u>(30% Complete- On schedule for completion by August)</u>	
6. SEPA Threshold Changes- Increasing the Number of Lots in a Preliminary Plat	{ 100 hours }
<u>(80% Complete- On schedule for completion by September)</u>	
7. Clearing and Grading Ordinance Changes	{ 100 hours }
<u>(80% Complete- On schedule for completion by September)</u>	
8. Fire Impact Fee Changes Working with Kent Regional Fire Authority	{ 80 hours }
<u>(30% Complete- Hope to finish task by December)</u>	
9. Revision of Definition Sections in Zoning Code-Title 14 & 18	{ 100 hours }
<u>(0% Complete- Not sure if task will be completed by December)</u>	
10. Preliminary Work on GMA Required 2015 Comprehensive Plan Update	{ 100 hours }
<u>(10% Complete- Task will be completed by December)</u>	
11. Add Development Agreement Option to Town Center District	{ 100 hours }
<u>(80% Complete- On schedule for completion by September)</u>	
<u>After 5 months or 40% of time-Accomplished 30% of Work Tasks</u>	
<u>756 HOURS</u>	
<u>TOTAL WORK HOURS FOR 2013 FOR PROPOSED PROGRAMS</u>	
<u>2570 HOURS</u>	

As a bench mark of comparison, the 2012 PC Proposed Work Program contained 7 items with 2350 hours.

The PC and staff were able to accomplish 4 of those 7 items.

The three items not accomplished IN 2012 are on this 2013 proposed list.

Carry-Over Items are the Shoreline Development Regulations, Revisions to the Definition Sections of the Zoning Code, and Preliminary Work on the 2015 GMA Required Comprehensive Plan Update.

Memo

To: Planning Commission
From: Salina Lyons, Principal Planner
CC: Richard Hart, Community Development Director
Ann Mueller, Senior Planner
Nelson Ogren, Development Review Engineer
Date: June 20, 2013
Re: State Environmental Policy Act (SEPA) Categorical Exemptions
(Flexible Thresholds)

The Planning Commission reviewed the draft clearing and grading ordinance at the June 6, 2013 regular meeting. At that meeting, staff provided an overview of the new SEPA flexible thresholds, adopted in WAC 197-11-800 (Attachment 1). The intent of proposing changes to SEPA with the clearing and grading amendments was to evaluate the possibility of increasing the current SEPA threshold of 200 cubic yards (cy) of landfill/excavation up to 1,000 cy as allowed under the WAC. As a result of the discussion, the Planning Commission asked if staff would be willing to evaluate the other thresholds established in the WAC and determine if other SEPA categorical exemptions should be increased.

New Thresholds

The new exemption thresholds became effective July 10, 2012 and the city can adopt the new thresholds provided in WAC 197-11-800 or adopt thresholds less than those approved by the State (Attachment 2). Currently the city's SEPA code adopts references to the State WAC and provides standardized code language for implementing the SEPA process. Much like many cities, Covington provides for flexible thresholds within the State requirements in CMC 16.10.090 (Attachment 3). Currently, Covington uses the lower level thresholds for environmental review exemption provided by the previous law.

The following is an overview of surrounding jurisdictions' flexible threshold exemptions.

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Jurisdiction	SFR Dwelling Units	SQ ft Commercial	Parking stalls	Landfill/ excavation
Kent	12	12,000/40 parking	40	500
Maple Valley <i>In process</i>	9	10,000/50 parking	50	500
King Co. (UGA)	20	12,000/ 40 parking	40	500
Issaquah	4	12,000/20 parking	20	100
Renton	9	12,000/40 parking	40	500
Shoreline* <i>2013</i>	30	30,000/90 parking	90	1,000
Lynnwood <i>2012</i>	20	30,000/40 parking	40	500
Sammamish <i>2012</i>	20	12,000/40 parking stalls	40	500
Kirkland <i>2012</i>	20	12,000/40 parking stalls	50	500

*The City of Shoreline adopted a multifamily threshold exemption of 60 units.

Staff is proposing that the Planning Commission evaluate increasing the Covington SEPA categorical exemptions as follows:

	Current Threshold	<i>Proposed Threshold</i>	Allowed Under WAC
SFR Dwelling Units	4 dwelling units	<i>9 dwelling units</i>	30 dwelling units
MFR Units*	0	<i>60 dwelling units</i>	60 dwelling units
Barn, loft, Farming Equipment	30,000 sq. ft.	<i>30,000 sq. ft.</i>	40,000 sq. ft.
Office, School, Commercial, Parking facilities	12,000 sq. ft and 40 parking stalls	<i>12,000 sq. ft and 40 parking stalls</i>	30,000 sq. ft. and 90 parking stalls
Landfill or Excavation	200 cy	<i>500 cy. 250 cy if the site contains critical areas defined in CMC 18.65 and SMP</i>	1,000cy

*Limited to Multifamily development in the downtown MHO, GC, MC districts and the R-18 zone.

Flexible Threshold Increases

The purpose of SEPA is to evaluate cumulative impacts from development on a variety of environment topics. Over the years, the city has processed many development applications that have required SEPA based on the thresholds; however, very few have been issued determinations with specific mitigation measures. This is attributed to the size of the

developments and the city's current code provisions. Staff is proposing to increase the following thresholds to reduce the requirement for SEPA review; thus reducing the timeline (+/- 28 days of review) and additional cost to the developer (+/- \$1,088).

Even if a project is exempt from SEPA review it is still subject to the code provisions and best management practices established by the state regarding stormwater, critical areas, and shorelines.

Single Family Residential (SFR) Dwelling Units: Staff is proposing to increase the flexible threshold for SFR dwelling units from 4 to 9. It is staff's experience that a difference between 9 du and 4 du does not increase the level of development to a range that makes the cumulative impacts greater.

It is also staff's intent in a future work plan to evaluate increasing the short plat process from 4 units to 9 units. In the interim, increasing the SEPA threshold will provide some relief for medium size residential developments. This increase will also bring Covington more in line with surrounding jurisdictions.

Multifamily Residential Units: Staff is proposing to include a flexible threshold for multifamily residential units and limit the applicability to the Mixed Housing Office (MHO), Mixed Commercial (MC), and General Commercial (GC) zones in the downtown zoning districts and the R-18 multifamily zone. The maximum residential densities in these zones are as follows:

Mixed Commercial	60 du/ac
GC	48 du/ac
MHO	24 du/ac
R18-	18 du/ac

The nature of the remaining lots in these zoning districts and the requirement that multiple lots will need to be aggregated to obtain a large development can cause challenges for redevelopment. Staff thinks that implementing a flexible threshold for multifamily may serve as another tool or incentive to spur redevelopment and infill in these zoning areas.

Landfill and Excavation: Staff is proposing to increase the flexible threshold for landfill and excavation from 200 cy to a tiered system. As discussed with the clearing and grading ordinance, a permit will be required at 50 cy; and under the proposed threshold SEPA would be required for clearing and grading over 500 cy. If the site contains a critical area or shoreline then the threshold for SEPA review would be 250 cy. The reason for the tiered threshold approach is that the city has 3 major stream corridors and associated shorelines and wetland that are valued by the citizens. Staff thinks it is important for any development or resident that is clearing or grading within a critical area to have to evaluate the proposed action as an additional level of assurance and protection. This increase will also bring Covington more in line with surrounding jurisdictions.

WAC 197-11-800
Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes stand-alone parking lots.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in subsection (b)(i), (ii), (iii), or (iv); and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas).

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established project-level public comment opportunities that are provided for proposals included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the local government shall provide a minimum of twenty-one days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(d) The maximum exemption levels applicable to (c) of this subsection are:

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Landfill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

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SEPA Reforms go into effect - 7/10/12

A major priority for AWC this last legislative session was achieving reforms to the State Environmental Policy Act (SEPA) to help modernize this environmental review statute and make it work better for cities. SB 6406 passed during the special session and included many reforms to SEPA that go into effect today. These reforms include:

- Temporary expansion of categorically exempt projects
- Removing the requirement for SEPA review on certain administrative actions
- New flexibility with the SEPA checklist
- Improvements to upfront SEPA tools

Details here.

1. Flexible exemption thresholds for minor new construction projects: Certain minor projects are exempted from SEPA review because they will not cause any significant environmental impact. Currently cities have the authority to pass an ordinance to extend this exemption to certain larger development activities within a range set by state WAC. SB 6406 requires Ecology to update the rules to increase the ranges of activities that are exempted from SEPA review. Until that rulemaking is completed, the bill provides the authority to cities to utilize the highest optional threshold without having to pass an ordinance and provides a mechanism for cities to go back down to the lower levels if they desire.
2. Non-project actions exempt from SEPA review: One item that we heard loud and clear from our cities was a concern that SEPA review was not adding value to certain minor administrative code changes. Today a number of administrative actions are now categorically exempted from SEPA review which should provide immediate cost and time savings to cities. The following local ordinances are exempt from SEPA review:
 - a. Development regulations required to ensure consistency with an adopted comprehensive plan or shoreline master program.
 - b. Amendments to development regulations that will provide increased environmental protection, and includes one of the following:
 - Increased protections for critical areas, such as enhanced buffers or setbacks;
 - Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and
 - Increased vegetation retention or decreased impervious surface areas in critical areas;
 - c. Amendments to building, energy and electrical codes adopted to ensure consistency with minimum standards contained in state law.
3. SEPA Checklist flexibility: Current law requires a city to use the standard SEPA checklist as written and doesn't provide the flexibility to tailor it to local circumstances. New authority is provided for cities to "pre-answer" questions on the SEPA checklist. For instance, cities may provide applicants information regarding how existing regulations cover certain questions that are asked on the checklist. This will provide cities a tool to help mom-and-pop applicants through the permitting process, reduce redundancy, and make sure that the checklist focuses attention on the unique aspects of a project. The bill has several specific conditions regarding implementation of this new flexibility:
4. Enhancements to planned action authority: The types of development that may qualify as a planned action are expanded to include essential public facilities that are associated with a residential, office, school, commercial, recreational, service, or industrial development and planned actions are authorized to cover a full jurisdiction. Public notice and hearing requirements are specified and should be reviewed by cities proposing new planned actions.
5. Infill exemption: The "infill" authority allows jurisdictions to set new categorical exemption thresholds for certain types of development in order to fill in urban growth areas where current density is lower than called for in the comprehensive plan.

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Currently, the types of development eligible for the exemption are residential and mixed use (residential along with other uses, such as commercial). SB 6406 expanded this authority to include commercial-only development up to 65,000 sq. ft (this cannot include retail development). The bill also provided that the required environmental impact statement (EIS) can be done on a subarea rather than the current requirement that the entire comprehensive plan have been subjected to an EIS.

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16.10.080 Categorical exemptions (threshold determinations).

This section contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS.

The City adopts the following provisions of the Washington Administrative Code by reference, as now existing or as hereafter amended:

WAC

- 197-11-300 Purpose
- 197-11-305 Categorical exemptions
- 197-11-310 Threshold determination required
- 197-11-315 Environmental checklist
- 197-11-330 Threshold determination process
- 197-11-335 Additional information
- 197-11-340 Determination of nonsignificance (DNS)
- 197-11-350 Mitigated DNS
- 197-11-355 Optional DNS process
- 197-11-360 Determination of significance (DS) – Initiation of scoping
- 197-11-390 Effect of threshold determination

The city adopts the following section of the Revised Code of Washington by reference, as supplemented in this chapter:

RCW

43.21C.410 Battery charging and exchange station installation

(Ord. 19-11 § 1 (Exh. 1); Ord. 102-98 § 2)

16.10.090 Categorical exemptions (flexible thresholds).

(1) The City establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

- (a) The construction or location of any residential structures of four dwelling units;
- (b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- (c) The construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet of gross floor area, and with associated parking facilities designated for 40 automobiles;
- (d) The construction of a parking lot designated for 40 automobiles;
- (e) Any landfill or excavation of 200 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) Whenever the City establishes new exempt levels under this section, it will send them to the Department of Ecology, Headquarters Office, Olympia, Washington 98504, pursuant to WAC 197-11-800(1)(c). (Ord. 102-98 § 2)