

ORDINANCE NO. 2674

AN ORDINANCE adopting the applicable categorical exemptions in the state SEPA Guidelines, amending Sections 1, 2 and 3 of Ordinance No. 1841, King County Code 20.44.180, 190, and 200, and adding new sections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 1 of Ordinance 1841, K.C.C. 20.44.180, is repealed and the following is substituted: CATEGORICAL EXEMPTIONS. The following classes of action do not require a threshold determination of environmental significance, the preparation of an impact statement, or the preparation of a declaration of no significant impact:

(1) Minor new construction. The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all governmental licenses required to undertake the construction in question, except rezones or any license governing emissions to the air or water:

(a)* The construction of any residential structure of four dwelling units or less.

(b)* The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 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 feedlots.

(c)* The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of floor area, and with associated parking facilities designed for twenty automobiles or less.

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

760405-22

zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

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

3 (f)* The construction or installation of minor road and
4 street improvements such as pavement marking, freeway surveil-
5 lance and control systems, railroad protective devices (not
6 including grade separated crossings), grooving, glare screen,
7 safety barriers, energy attenuators, highway landscaping (in-
8 cluding the application of Washington state department of agri-
9 culture approved herbicides by licensed personnel for right-of-
10 way weed control), temporary traffic controls and detours,
11 correction of substandard curves and intersections within existing
12 rights-of-way, channelization and elimination of sight restric-
13 tions at intersections, street lighting, guardrail and barricade
14 installation, installation of catch basins and culverts, and
15 reconstruction of existing road bed (existing curb to curb in
16 urban locations), including minor widening of shoulders, addition
17 of bicycle lanes, paths and facilities, and pedestrian walks and
18 paths, but not including additional automobile lanes.

19 (g) The installation of hydrological measuring devices,
20 regardless of whether or not on lands covered by water.

21 (h) The installation of any property, boundary or survey
22 marker, other than fences, regardless of whether or not on lands
23 covered by water.

24 (i)* The construction of a parking lot designed for twenty
25 automobiles or less.

26 (j)* Any landfill or excavation of 500 cubic yards or less
27 throughout the total lifetime of the fill or excavation; and any
28 fill or excavation classified as a Class I, II, III and IV forest
29 practice under Chapter 200, Laws of 1975, Ex. Sess., or regulations
30 promulgated thereunder, except those forest practices designated
31 by the forest practices board as being subject to SEPA evaluation.

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zones, shelters, access facilities and pull-out lanes for

2 (k) The repair, maintenance or minor alteration of existing
3 private or public structures, facilities or equipment, including
4 utilities, involving no material expansions or changes in use
beyond that previously existing.

5 (1)* Grading, excavating, filling, septic tank installation,
6 and landscaping necessary for any building or facility exempted by
7 this subsection, as well as fencing and the construction of small
8 structures and minor facilities accessory thereto.

9 (m)* Additions or modifications to or replacement of any
10 building or facility exempted by this subsection when such addi-
11 tion, modification or replacement will not change the character
12 of the building or facility in a way which would remove it from
13 an exempt class.

14 (n)* The demolition of any structure or facility, the con-
15 struction of which would be exempted by this subsection, except
16 for structures or facilities with recognized historical signifi-
17 cance.

18 (2) Water rights. The following appropriations of water
19 shall be exempt, the exemption covering not only the permit to
20 appropriate water, but also any hydraulics permit, shoreline
21 permit or building permit required for a normal diversion or
22 intake structure, well and pumphouse reasonably necessary to
23 accomplish the exempted appropriation, and including any activi-
24 ties relating to construction of a distribution system solely for
25 any exempted appropriation.

26 (a) Appropriations of fifty cubic feet per second or less
27 of surface water for irrigation purposes, when done without a
28 government subsidy.

29 (b) Appropriations of one cubic foot per second or less of
30 surface water, or of ten cubic feet per second or less of ground
31 water, for any purpose.

32 (3) Judicial activity. The following shall be exempt:

33 (a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) Fire department, police patrol and traffic law enforcement except where such involves any physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety: PROVIDED, That no open burning shall be exempted under this subsection, nor shall the application of any pesticide or chemical. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

1 (a) All licenses to undertake an occupation, trade or pro-
2 fession.

3 (b) All licenses required under electrical, fire, plumbing,
4 heating and safety codes, but not including building permits.

5 (c) Licenses to operate amusement devices and entertainment
6 carnivals, circuses and other traveling shows, dances, music
7 machines and theaters, including approval of use of public facili-
8 ties for temporary civic celebrations, but not including licenses
9 required for permanent construction of any of the above.

10 (d) Licenses for solicitation or door to door sales,
11 private security and detective services, and taxicabs and other
12 vehicles for hire: PROVIDED, That regulation of common carriers
13 by the utilities and transportation commission shall not be con-
14 sidered exempt under this subsection.

15 (e) Licenses for close-out sales.

16 (f) Licenses for food or drink services, sales and distribu-
17 tion.

18 (g) Licenses for the sale or display of fireworks.

19 (h) Animal control licenses.

20 (i) The renewal or reissuance of a license regulating any
21 present activity or structure that was either exempted under this
22 chapter, or the subject of a declaration of non-significance or
23 an EIS, so long as no material changes have occurred since the
24 determination of exemption, or completion of the prior declaration
25 or EIS.

26 (6) Administration and operation activities of the County.

27 The following administrative, fiscal and personnel activities of
28 the county shall be exempt:

29 (a) The procurement and distribution of general supplies,
30 equipment and services previously authorized, or necessitated by
31 previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: PROVIDED, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(7) Review and comment actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(8) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a)* The purchase or acquisition of any right to real property by an agency.

(b)* The sale, transfer or exchange of any publicly owned real property by an agency to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use.

(c)* The lease of real property by an agency to a private individual or entity, or to an agency or federal agency, only when the use of the property for the term of the lease will remain

760405-22

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

essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(9) Minor land use decisions. The following land use decisions shall be exempt:

(a)* Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivision or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classification of land for current use taxation pursuant to Chapter 84.34, RCW, and classification and grading of forest land under Chapter 84, 33, RCW.

(10) Procedural actions. The proposal or adoption of rules, regulations, motions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

(11) Acceptance of filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(12) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

(13) Information collection and research. Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any agency action which commits the agency to proceed with the proposal.

(14) Utilities. The utility-related actions listed below shall be exempt: PROVIDED, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, together with repair, replacement, maintenance, operation or alteration by an agency or private entity which does not change the action from an exempt class.

(a)* All communications lines, including cable TV, but not including microwave towers or relay stations.

(b)* All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances: PROVIDED, That proposals to serve an undeveloped area, where there has not been a previous commitment to urbanization by the county at a planned density in excess of 2 units per gross acre, are not exempt.

(c)* All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d)* All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: PROVIDED, That additional appropriations of water are not exempted by this subsection.

760405 - 22

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... the construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for ...

2 (f) Periodic use of chemical or mechanical means to maintain
a utility or highway right-of-way in its design condition:

3 PROVIDED, That chemicals used are approved by the Washington State
4 Department of Agriculture and applied by licensed personnel.

5 (g) All grants of franchises by agencies to utilities pro-
6 vided that sewer and water utilities must have a King County
7 approved comprehensive plan before this exception applies.

8 (h) All disposals of rights-of-way by utilities.

9 (i)* All grants of rights-of-way by agencies to utilities for
10 use for distribution (as opposed to transmission) purposes.

11 (15) Natural resources management. In addition to the other
12 exemptions contained in this section, the following natural
13 resources management activities shall be exempt:

14 (a) All class I, II, III and IV forest practices as defined
15 by Chapter 200, Laws of 1975, Ex. Sess., or regulations promul-
16 gated thereunder, except those forest practices designated by the
17 forest practices board as being subject to SEPA evaluation.

18 (b)* Development of recreational sites not specifically
19 designed for all-terrain vehicles and not including more than
20 twelve campsites.

21 (c) Periodic use of chemical or mechanical means to maintain
22 public park and recreational land: PROVIDED, That chemicals used
23 are approved by the Washington State Department of Agriculture and
24 applied by licensed personnel.

25 (d) Issuance of rights-of-way, easements and use permits to
26 use existing public roads in nonresidential areas.

27 (16) Local improvement districts. The formation of local
28 improvement districts, unless such formation constitutes a final
29 agency decision to undertake construction of a structure or
30 facility not categorically exempted.

31 (17) Non-actions. Proposals for activities which are not
32 "actions" as defined in WAC 197-10-040(2) are not subject to the
33 threshold determination and EIS requirements of this chapter.

260005 - 22

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

SECTION 2. Section 2 of Ordinance 1841, K.C.C. 20.44.190, is amended to read as follows: LOCATIONS WHERE CERTAIN CATEGORICAL EXEMPTIONS ((GLASS-DETERMINATIONS)) NOT APPLICABLE. The actions in Subsections (1)(a) through (d), (f), (i), (j), (l), (m) and (n); (8)(a) through (c); (9)(a); (14)(a) through (d) and (i); and (15)(b) (each of these subsections being identified by an asterisk above) ((Glasses-3(i);-(ii);-(iii);-(iv);-(v);-(vi);-(viii);-(x)-and-(xi)-and-4(iii)-and-(v))) shall be excluded from the categorical exemptions when the project or activity is located in a geographic area with a sensitive or unique environment, defined as follows:

(i) "Shorelines of the state" as defined in the Shoreline Management Act, RCW 90.58;

(ii) Areas where slope, soil or other natural characteristics indicate severe limitations in accommodating man-made structures or other modifications. ~~((These areas, which are generally delineated on the Natural Determinant Maps, King County Department of Community and Environmental Development, are defined in the following references (as they now exist or are hereinafter updated):~~

~~(1)--"Soil Survey, King County Area, Washington", USDA, Soil Conservation Service, 1971 (maps and associated technical report);~~

~~(2)--"Geology & Groundwater Resources of King County", Water Supply Bulletin No. 20 (1963) and No. 28 (1964), DWR Olympia;~~

~~(3)--U.S. Geological Survey (USGS) 7-1/2-minute series quadrangles and other topographic maps having comparable or better accuracy;~~

~~(4)--Flood Plain Profiles, available in the Hydraulics Division, King County Department of Public Works;~~

760405-22

30 zones, shelters, access facilities and pull-out lanes for
31 taxicabs, transit and school vehicles.

(5)--State-Department-of-Natural-Resources--"Slide-and
Slippage-Records-of-Washington";

(6)--Related-Source-Documents--))

The following areas are included in this subsection:

- A. Steep slopes which consist of all lands over 25% slope (reference 3 ((above)) below) and those lands under 25% slope which represent a potential hazard by reasons of soil erosion or land slide as defined below, and associated sedimentation, together with related ravines and narrow benches located within or immediately adjacent to these slope areas;
- B. Areas having soils subject to severe or very severe erosion hazard (as described in reference 1 ((above;)) below);
- C. Areas having soils subject to severe or very severe slippage (landslide) hazard (as described in reference 1 ((above;)) below);
- D. Areas having soils with high shrink-swell potential (as identified in Table 2 of reference 1 ((above;)) below);
- E. The "100 year Flood Plains" delineated by the Army Corps of Engineers and/or the King County Department of Public Works ((;)) and Transportation, Hydraulics Division, and defined as areas of overflow from riverbanks, according to the probability of one percent chance of being exceeded each year (as identified in reference 4 ((above;)) below);
- F. Areas "subject to flooding" such as in the Sammamish River Valley and in the lower valley

760405-22

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

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2 of the Green River where levees provide a
 3 high degree of flood protection but also
 4 prevent precipitation in the immediate water-
 5 shed from draining into the river; in severe
 6 situations, flood controls are inadequate and
 7 inundation occurs (as identified in reference
 8 4 ((above;)) below);

9 G. Areas of "Wetlands" or "Poorly Drained Soils"
 10 in flat terraces adjacent to small streams
 11 and/or poorly drained depressional soils (as
 12 identified under "Drainage" in Table 3 of
 13 reference 1 ((above)) below as subject to
 14 "Flood Hazard") and the Buckley soils charac-
 15 terizing the Enumclaw Plateau between the
 16 Green and White Rivers (as identified in
 17 reference 1 ((above;)) below);

18 (iii) Any other area hereafter designated by the
 19 ((county-council)) County Council as sensitive or unique and pre-
 20 cisely mapped for the purpose of action described herein.

21 (iv) The areas noted above which are generally
 22 delineated on the Natural Determinant Maps, King County Department
 23 of Planning and Community Development, are defined in the follow-
 24 ing references (as they now exist or are herein-after updated):

25 (1) "Soil Survey, King County Area, Washington," USDA, Soil
 26 Conservation Service, 1971 (maps & associated technical
 27 report);

28 (2) "Geology & Groundwater Resources of King County,"
 29 Water Supply Bulletins No. 20 (1963) and No. 28 (1964),
 30 DWR-Olympia;

31 (3) U.S. Geological Survey (USGS) 7-1/2 minute series quad-
 32 rangles and other topographic maps having comparable or
 33 better accuracy;

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

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(4) Flood Plain Profiles, available in the Hydraulics Division, King County Department of Public Works and Transportation;

(5) State Department of Natural Resources, "Slide and Slippage Records of Washington";

(6) Related Source Documents.

SECTION 3. Section 3 of Ordinance 1841, K.C.C. 20.44.200, is repealed.

NEW SECTION. SECTION 4. The following new section is added to Ordinance 1841, K.C.C. 20.44:

EXEMPTION FOR EMERGENCY ACTIONS. Actions which must be undertaken immediately, or within a time too short to allow full compliance with SEPA and this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter.

NEW SECTION. SECTION 5. The following new section is added to Ordinance 1841, K.C.C. 20.44:

USE AND EFFECT OF CATEGORICAL EXEMPTIONS.

(1) If a proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

(2) For proposals in (1) above, exempt activities or actions may be undertaken prior to the threshold determination of significance. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the lead agency irreversibly committing itself to adopt or approve the proposal.

(3) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but

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

760405-22

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1 which together may have a significant environmental impact, the
2 proposal is not exempt.

3 NEW SECTION. SECTION 6. The following new section is added
4 to Ordinance 1841, K.C.C. 20.44:

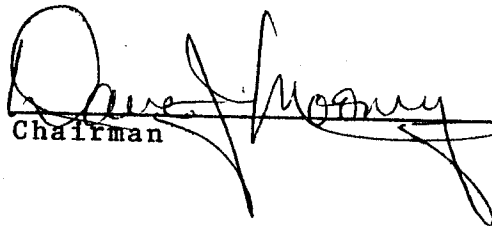
5 "Lands Covered by Water." Lands covered by water means lands
6 underlying the water areas of the state, including salt waters,
7 tidal waters, estuarine waters, natural water courses, lakes,
8 ponds, artificially impounded waters, marshes and swamps.
9 Certain categorical exemptions do not apply to lands covered by
10 water.

11 "License." License means any form of written permission
12 given to any person, organization or agency to engage in any
13 activity, as required by law or agency rule. A license thus
14 includes the whole or part of any agency permit, certificate,
15 approval, registration, charter, or plat approvals or rezones to
16 facilitate a particular project; a license required solely for
17 revenue purposes is not included. "Licensing" means the agency
18 process in granting, renewing or modifying a license.

19 INTRODUCED AND READ for the first time this 2nd day of
20 February, 19 76.

21 PASSED this 5th day of April, 19 76.

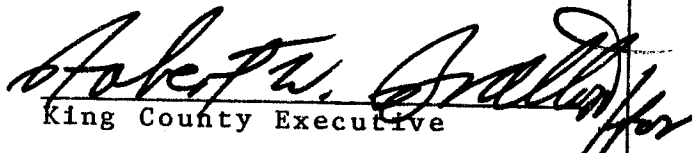
22 KING COUNTY COUNCIL
23 KING COUNTY, WASHINGTON

24 
25 Chairman

26 ATTEST:

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28 Clerk of the Council

29 APPROVED this 16th day of April, 19 76.

30 
31 King County Executive

30 zones, shelters, access facilities and pull-out lanes for
31 taxicabs, transit and school vehicles.

760005-22