

ORDINANCE NO. 8236

AN ORDINANCE relating to State Environmental Policy Act (SEPA) amending Ordinance 6949 Sections 5 and 6, and K.C.C. 20.44.030 and 20.44.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 6949, Section 5 and K.C.C. 20.44.030 are each hereby amended as follows:

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

A. Pursuant to WAC 197-11-055(4), the building and land development division shall adopt rules and regulations pursuant to K.C.C. 2.98 establishing a process for environmental review at the conceptual stage of permit applications which require detailed project plans and specifications (i.e., building permits and PUD's). This process shall not become effective until it has been reviewed by the council.

B. The optional provision of WAC 197-11-060(3)(c) is adopted ((7 provided analysis of more than one independent private proposal shall occur in a single environmental document only if all affected private applicants agree to such an analysis)).

C. Under WAC 197-11-100, the applicant shall be responsible for completion of the environmental checklist, unless the lead agency specifically elects to prepare the checklist.

SECTION 2. Ordinance 6949, Section 6 and K.C.C. 20.44.040 are each hereby amended as follows:

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1           1. The determination of whether a proposal is  
2 categorically exempt shall be made by the county department  
3 that serves as lead agency for such proposal.

4           2. Sensitive area maps adopted by K.C.C. 21.54.130 are  
5 designated as maps of environmentally sensitive areas for  
6 purposes of WAC 197-11-908. The following categorical  
7 exemptions shall not apply should the proposal site be within  
8 areas designated as environmental sensitive pursuant to  
9 sensitive area maps and K.C.C. 21.54.070: WAC 197-11-800 ((~~1~~  
10 ~~2~~)(~~a-h~~)~~7~~ ~~3~~)~~7~~ (~~5~~)~~7~~) (6)(a)((~~7~~ ~~14~~)(~~e~~)~~7~~ ~~24~~)(~~a-g~~)~~7~~ and ~~25~~)(~~d~~)~~7~~  
11 ~~f~~)~~7~~ (~~h~~) and (~~1~~)).

12           3. The exemption standards for minor new construction  
13 contained in WAC 197-11-800(1)(c) are adopted except that  
14 filling, excavation and other grading which is both no greater  
15 than 500 cubic yards and which is less than five feet of  
16 excavation and less than three feet of fill shall be exempt  
17 pursuant to WAC 197-11-800(1)(c)(v).

18           B. The mitigated DNS provision of WAC 197-11-350 shall be  
19 enforced as follows:

20           1. If the department issues a mitigated DNS, conditions  
21 requiring compliance with the mitigation measures which were  
22 specified in the application and environmental checklist shall  
23 be deemed conditions of any decision or recommendation of  
24 approval of the action.

