

**CITY OF GRANITE FALLS,
WASHINGTON**

ORDINANCE NO. 1019-2022

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON,
AMENDING GRANITE FALLS MUNICIPAL CODE (GFMC) SUBSECTION
19.07.010(H)(3) RELATING TO SEPA CATEGORICAL EXEMPTIONS;
ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, under Chapter 36.70A RCW, the State Growth Management Act (GMA), the City is authorized to adopt concurrent zoning code amendments to implement its Comprehensive Plan; and

WHEREAS, amendments to the zoning code contained in GFMC Title 19 are required to ensure consistency with the Comprehensive Plan; and

WHEREAS, the development regulation amendments relating to SEPA categorical exemptions contained in this ordinance are consistent with the procedural guidelines for amendments to the development regulations of the City; and

WHEREAS, on February 9 and July 13, 2021 the Granite Falls Planning Commission reviewed the amendments set forth in this Ordinance during the amendment process; and

WHEREAS, the City of Granite Falls SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on July 1, 2021; and

WHEREAS, on September 14, 2021 and October 12, 2021, following notice as required by law, public hearings were held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard; and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearing were provided as required by law; and

WHEREAS, no comments or appeals were received as a result of the issuance of the DNS; and

WHEREAS, at its July 14, 2021 regular Council meeting and September 8, 2021 study session the City Council reviewed the proposed amendments contained in this Ordinance and provided direction on each of the proposed amendments; and

WHEREAS, at its regular November 3, 2021 Council meeting the City Council reviewed the recommendation of the Planning Commission to adopt the proposed SEPA Categorical Exemption Increases under GFMC 19.07.010(H) and the Council concurred with said recommendation; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code and allowing for a 60-day comment period; and

WHEREAS, during the 60-day comment period the State Department of Commerce did not provide comment; and

WHEREAS, the City has authority to enact thresholds for permitting and categorical exemptions that are consistent with those set forth in SEPA and WAC 197-11- the SEPA Guidelines; and

WHEREAS, the City Council finds that the processes set forth in WAC 197-11-800(1)(c) (i) – (iv) have or will be satisfied as follows:

1. On a project level basis, the City will provide 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 through the City's development regulations and applicable state and federal regulations;
2. City codes and practices will provide for notice and opportunity for comment to the public, affected tribes and agencies on a project specific basis regarding the increased exemption levels contained herein;
3. The City has provided a minimum of sixty (60) days notice to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology and the public and has provided an opportunity to comment on the proposed new exemption levels;
4. On a project level basis, the City will document how its development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources resulting from the increased exemption levels set forth herein; and
5. The City Council also finds that specific development proposals will be reviewed individually for environmental impacts, where applicable. Environmental elements of individual projects determined categorically exempt from SEPA threshold determination and EIS requirements would be regulated by numerous other land use regulations administered by the City of Granite Falls. Such regulations include but are not limited to the following:
 - i. GFMC Title 19 "Zoning" limits development by imposing stringent land use and density limitations, such as regulating construction within the 100- year floodplain within the Pilchuck River and South Fork of the Stilliguamish River floodplain.
 - ii. GFMC Chapter 19.07.020 – Critical Areas Regulations – Critical Areas (Wetlands), Critical Areas (Streams - Fish and Wildlife Habitat Conservation Areas), Critical Areas (Landslide Hazards), Critical Areas (Erosion Hazards), Critical Areas (Seismic Hazards), Critical Areas (Aquifer Recharge) – Specific Standards limits development which may impact wildlife habitat, wetlands, streams, etc.

- iii. Section 19.07.030 “Shoreline Management” limits development and subdivisions within close proximity to the City's streams and rivers which are designated as shorelines of statewide significance.
- iv. Section 19.07.035 “Flood Damage Prevention” limits development and construction within designated floodplains.
- v. Chapter 15.02 “Building Codes” regulates construction for purposes of protecting public health, safety and welfare.
- vi. Title 13 "Water and Sewer" regulates water and wastewater distribution systems.
- vii. GFMC Title 20 "Subdivision code" regulates land divisions and adjustments by imposing stringent development guidelines and integrates compliance with other development regulations, including SEPA.
- viii. GFMC Title 12 “Public Works Standards” regulate construction of roads and utilities (water, sewer, and stormwater) for purposes of protecting public health, safety and welfare.
- ix. Chapter 13.20 “Storm Drainage System” regulates the treatment of stormwater run-off.
- x. Other state and federal regulations requiring environmental protection including but not limited to RCW 70. 94 "Washington Clean Air Act" and associated laws and policies, numerous water quality, numerous hazardous waste regulations, and the " Endangered Species Act of 1973", and Environmental Policy SEPA threshold determination and EIS requirements when physically or functionally related to a greater project.

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the subsections of Title 19 set forth below, all related to zoning and development;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. GFMC Subsection 19.07.010(H) is hereby amended to read as follows (all other provisions of GFMC 19.07.010 entitled “Environmental review (SEPA)” remains in effect and unchanged):

19.07.010 Environmental review (SEPA)

(H) Categorical Exemptions and Threshold Determinations.

(1) Purpose. 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.

(2) Categorical Exceptions – Adoption by Reference. The city adopts the rules of WAC 197-11-800, as now existing and hereafter amended, by reference as supplemented by this chapter.

(3) Flexible Thresholds for Categorical Exemptions. The city establishes the following exempt levels for minor new construction under WAC 197-11-800 (1) based on local conditions:

(a) ~~For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to four detached single-family dwelling units, cumulative. The construction or location of any single-family residential structures of 30 dwelling units or fewer.~~

(b) ~~For multifamily residential unit in WAC 197-11-800(b)(ii): Up to four multifamily residential units. The construction or location of any multifamily residential structures of less than or equal to 60 dwelling units.~~

(c) ~~For agricultural structures in WAC 197-11-800(1)(b)(iii): Up to 10,000 square feet, cumulative. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 40,000 square feet or less, 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.~~

(d) ~~For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iv): Up to 4,000 square feet and up to 20 parking spaces, cumulative. This exemption includes stand-alone parking lots. The construction of an office, school, commercial, recreational, service or storage building with 30,000 square feet or less of gross floor area, and with associated parking facilities and/or independent parking facility designed for 90 parking spaces or fewer.~~

(e) ~~For landfills and excavations in WAC 197-11-800(1)(c)(v): Up to 500 cumulative cubic yards not associated with exempt projects in subsections (H)(3)(a), (b), (c), and (d) of this section. Any landfill or excavation of 1,000 or fewer cubic yards, not associated with exempt projects in subsections (H)(3)(a), (b), (c), and (d) of this section; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.~~

(f) The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or


(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

Section 2. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Granite Falls City Council this 16th day of February 2022.

CITY OF GRANITE FALLS




Matthew Hartman, Mayor

ATTEST:



Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:



Thom Graafstra, City Attorney
Emily Guildner, City Attorney

Passed by City Council: February 16, 2022
Date of Publication: February 19, 2022
Effective Date: February 24, 2022