



DETERMINATION OF NONSIGNIFICANCE

Proponent: Snohomish County Department of Planning and Development Services
County Administration Building
3000 Rockefeller Avenue, M/S 604
Everett, WA 98201

Description of Proposal: Proposed ordinance to amend the Snohomish County Code to regulations related to building height measurements and daylight basements. Code Amendment:

Relating to building measurement and daylight basements; Amending existing sections in Snohomish County Code (SCC) 30.23.050 and 30.23.032

Proposed Amendments

The proposed amendments would address building height exemptions, clarify roof types used in building height measurements, and encourage construction along various topographies without significant regarding by allowing daylight basements with a height bonus.

Lead Agency: Snohomish County Department of Planning and Development Services

Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS NOT** required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by December 19, 2022, to the responsible official at the address listed below.

Appeals: This DNS together with the subsequent legislative action by the County Council to amend the County Code may be appealed to the Central Puget Sound Growth Management Hearings Board. **THIS DNS MAY BE APPEALED ONLY WHEN SUCH APPEAL IS COMBINED WITH THE APPEAL OF THE UNDERLYING ACTION PURSUANT TO SCC 30.73.100. THE APPEAL MUST BE FILED WITHIN 60 DAYS OF THE PUBLISHED NOTICE OF ACTION ISSUED SUBSEQUENT TO THE FINAL DECISION BY THE COUNTY.** The Notice of Action describing the final decision by the County to pursue or not pursue the

proposed action will be published in the County's paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953 Olympia WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

Responsible Official: David Killingstad
Position/Title: Manager, Department of Planning and Development Services
Address: 3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4046

David Killingstad

David Killingstad, Long Range Planning Division Manager

For further information, contact Michael Saponaro, Snohomish County PDS (425-262-2779), or michael.saponaro@snoco.org. Please include your full name and mailing address in any email comments.

Date Issued: December 5, 2022
Date Published: December 5, 2022

SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help identify impacts from the proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

This checklist is for a proposed ordinance that would amend Snohomish County's development regulations regarding Building Measurement and Daylight Basements.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the *SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS* (part D).

A. Background

1. Name of proposed project:

Ordinance titled: Relating to building height measurements and daylight basements; Amending existing sections in Snohomish County Code (SCC) 30.23.050 and 30.23.032

2. Name of applicant:

Snohomish County Department of Planning and Development Services (PDS)

3. Address and phone number of applicant and contact person:

***Snohomish County PDS c/o Michael Saponaro
3000 Rockefeller Avenue
Everett WA 98201
425-262-2779
michael.saponaro@snoco.org***

4. Date checklist prepared:

December 1, 2022.

5. Agency requesting checklist:

Snohomish County PDS

6. Proposed timing or schedule (including phasing, if applicable):

County Council consideration of amendments based on the Planning Commission recommendation is likely to occur around Spring 2023.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No. This proposal is for a non-project action with no directly related plans for future activities associated with these code amendments.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Not applicable. The proposed ordinance is consistent with the policies and goals of the adopted Growth Management Act (GMA) Comprehensive Plan, which included an EIS that was adopted on June 3, 2015. No additional environmental information or studies have been prepared for the proposed development regulations.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not applicable. This is a non-project action which affects the regulations surrounding subdivisions and short subdivisions. The non-project action is not associated with a specific property.

10. List any government approvals or permits that will be needed for your proposal, if known.

Adoption of proposed ordinance by the County Council following a public hearing.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposed ordinance would amend Snohomish County Code (SCC) Title 30 to address building height exemptions, clarify roof types used in building height measurements, and encourage construction along various topographies without significant regrading by allowing daylight basements with a height bonus.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The building height measurement proposal would affect all zones while the daylight basement proposal would affect urban residential zones in unincorporated Snohomish County.

B. Environmental Elements

1. Earth

a. General description of the site: **Flat**, rolling, **hilly**, steep slopes, mountainous, other **Varies**

The potentially affected areas in unincorporated Snohomish County are generally flat, except individual sites applying to daylight basement which are likely hilly.

b. What is the steepest slope on the site (approximate percent slope)?

Varies, although existing regulations would normally prohibit development in areas with 33% slope or greater.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Soil types vary. Existing land disturbing activity and drainage regulations would require specific project proposals to disclose soil types and provide appropriate construction designs.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Existing landslide regulations would prevent development in unstable areas, if any.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable to this non-project proposal. Project level review would address grading through existing land disturbing activity regulations.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable to this non-project proposal. Project level review would address erosion through existing land disturbing activity and drainage regulations.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable to this non-project proposal. Project-level review considers existing regulations regarding lot coverage which can vary by zone and development type. Overall patterns created by these regulations are evaluated and addressed in programmatic manner during the environmental review associated with periodic comprehensive plan updates.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable to these non-project code amendments; however, existing regulations for drainage and land disturbing activities would apply to any projects relying on the proposed changes.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not Applicable

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not Applicable

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not Applicable

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable to the proposed non-project code amendments.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable to the proposed non-project code amendments. During project-level review, existing shoreline and critical areas regulations would generally prohibit such work.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not Applicable

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not Applicable to the proposed non-project code amendments.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable to this non-project proposal. Very little of the unincorporated Urban Growth Area is in the floodplain and any projects relying on the proposed code amendments would be subject to existing flood hazard regulations.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not Applicable

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable to this non-project code amendment. A standard requirement for development proposals in unincorporated urban growth areas is that they connect to a municipal water purveyor. Some sites outside of UGAs may connect to a municipal water supply, however some isolated sites may use groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable to this non-project code amendment. A standard requirement for development proposals in unincorporated urban growth areas is that they connect to a municipal sanitary sewer system. Sites outside the UGA will generally use onsite septic subject to Health Department review and approval.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Water runoff issues identified in 1-3 above are not applicable to this non-project code amendment. Review for runoff would occur on a case-by-case basis under existing other stormwater and drainage regulations for project proposals that rely on the proposed code amendments.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable to this non-project code amendment. Existing drainage and land disturbing activity regulations would ensure that any projects allowed under the amendments would not have a significant impact.

4. Plants

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards, or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable to this non-project action. Unincorporated areas with various zoning can contain a variety of vegetation.

c. List threatened and endangered species known to be on or near the site.

Not applicable to this non-project action, although any projects proposed using these amendments would be subject to critical areas review which already includes projections for endangered species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable to this non-project action. Existing landscape regulations apply to new buildings that would rely on the proposed changes.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable to this non-project action.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

Not applicable to this non-project action. The potentially affected areas include a variety of habitats and animal species. Evaluation of critical and protected animal habitat would occur on a site-specific basis during project-level review.

b. List any threatened and endangered species known to be on or near the site.

Not applicable to this non-project action.

c. Is the site part of a migration route? If so, explain.

Not applicable to this non-project action.

d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable to this non-project action.

e. List any invasive animal species known to be on or near the site.

Not applicable to this non-project action.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable to this non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable to this non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable to this non-project action.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not applicable to this non-project action.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable to this non-project action. In rare instances, project-level review may need to address existing contamination issues under existing regulations.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable to this non-project action. Project-level review would address setbacks from pipelines as necessary.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable to this non-project action.

- 4) Describe special emergency services that might be required.

Not applicable to this non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable to this non-project action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable to this non-project action.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable to this non-project action.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable to this non-project action.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable to this non-project action. Existing regulations would address compatibility with adjacent properties on a project-by-project basis during project level review.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable to this non-project action. Snohomish County has not zoned any working farms or forest lands commercially.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable to this non-project action.

c. Describe any structures on the site.

Not applicable to this non-project action. Existing structures would be evaluated during project-level review.

d. Will any structures be demolished? If so, what?

Not applicable to this non-project action.

e. What is the current zoning classification of the site?

This non-project action would be applicable to residential sites of various zoning.

f. What is the current comprehensive plan designation of the site?

This non-project action would be applicable to sites in various urban residential zoning.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable to this non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable to this non-project action. Existing critical area regulations would apply to any future project proposals.

i. Approximately how many people would reside or work in the completed project?

Not applicable to this non-project action.

j. Approximately how many people would the completed project displace?

Not applicable to this non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable to this non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable to this non-project action. Project level action would include review for compliance with existing regulations that ensure compatibility between land uses.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable to this non-project action.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable to this non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable to this non-project action.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable to this non-project action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable to this non-project action. Project level review would include verifying that any development meets the applicable height limit for the zone.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable to this non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable to this non-project action.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable to this non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable to this non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable to this non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable to this non-project action.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable to this non-project action.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable to this non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable to this non-project action.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Not applicable to this non-project action.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable to this non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable to this non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable to this non-project action. During project-level review, sites will be evaluated to for potential cultural resources using the Department of Historic Preservation's Wisaard system.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable to this non-project action.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable to this non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable to this non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable to this non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable to this non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable to this non-project action.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable to this non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable to this non-project action.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable to this non-project action. Snohomish County and appropriate public service districts address demand for public services separately through the programmatic SEPA

evaluation of growth during period comprehensive plan updates, which includes capital facilities planning.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable to this non-project action.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Not applicable to this non-project action. Project-level review would include confirmation that the required utilities are available.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable to this non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Signature:

Name of signee: Michael Saponaro

Position and Agency/Organization: Senior Planner, Snohomish County PDS

Date Submitted: December 1, 2022

OPTIONAL

D. Supplemental sheet for nonproject actions

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Not applicable to this non-project action. These issues would be addressed during project level review relying on existing regulations.

Proposed measures to avoid or reduce such increases are:

Existing protections such as for critical areas and noise regulations would be applied during project-level development review.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

It is unlikely that there would be any significant impact on plants, animals, fish, or marine life. Snohomish County would apply existing critical area regulations and other requirements during project-level review.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable to this non-project action.

3. How would the proposal be likely to deplete energy or natural resources?

Not applicable to this non-project action.

Proposed measures to protect or conserve energy and natural resources are:

Not applicable to this non-project action. Snohomish County addresses energy and other resource conservation in a programmatic manner during environmental review for period comprehensive plan updates. The last programmatic review was in 2015. Since then, new energy standards have been adopted in the building code. The next programmatic review is due in 2024.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is unlikely to result in any significant impacts to the components of the environment described above.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Most of these described areas already have protection under existing regulations that would apply during project-level review.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Existing shoreline management and critical areas regulations would ensure that any project-level actions relying on the proposed amendments would be compatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable to this non-project action.

6. How would the proposal be likely to increase demands on transportation or public service and utilities?

The effect on demand for transportation, public services and utilities will likely be minimal and in proportion to the effect on overall population growth.

Proposed measures to reduce or respond to such demand(s) are:

Transportation, public services, and utilities are all addressed in a programmatic manner during the SEPA review for periodic comprehensive plan updates. Therefore, the current action does not need to respond to demands on transportation, public services, or utilities since the programmatic EIS for the 2015 comprehensive plan update already addressed these. The next update will be in 2024.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Snohomish County has not identified any potential conflicts.