



Walla Walla County Community Development Department

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Date: June 1, 2022
To: Walla Walla County Planning Commission
From: Lauren Prentice, Community Development Director
RE: Amendments to Title 18, Environment, Walla Walla County Code – updating exemptions for minor new construction

Introduction

The purpose of this staff report is to provide an introduction information regarding proposed amendments to Chapter 18.04 Walla Walla County Code (WWCC) in response to changes made to the State Environmental Policy Act (SEPA) Rules in Washington Administrative Code (WAC) 197-11-800. The proposed code amendments to Section 18.04.070.D WWCC would increase the existing threshold levels exempting some minor new construction from SEPA review.

Background

Located in Revised Code of Washington (RCW) Chapter 43.21C, SEPA was enacted in 1971, when the nation's awareness of environmental issues was just beginning to emerge. Intended to ensure that environmental values are considered during decision-making, SEPA applies to all state and local government decisions, unless they are considered categorically exempt. These decisions may be related to issuing permits for private projects such as office buildings or apartment complexes, constructing public facilities such as new schools or highways, as well as decisions associated with the adoption of development regulations, policies, or comprehensive plans.

The SEPA Rules, found in WAC 197-11, were enacted in 1984. The SEPA Rules provide comprehensive guidance on how local governments make SEPA determinations. Categorical exemptions from SEPA are outlined in WAC 197-11-800. The County has codified the requirements of SEPA within Chapter 18.04 WWCC.

Most project proponents interested in land development within unincorporated Walla Walla County must go through a formal review process. Part of this process specifically requires the Walla Walla County Community Development Department staff to determine compliance with Titles 14 through 17. The Titles in the WWCC implement the County's Growth Management Act (GMA) Comprehensive Plan by providing a set of standards and procedures to regulate building and land development within unincorporated Walla Walla County. These development regulations are consistent with established goals and policies in the County's comprehensive plan and designated to protect natural resources and prevent or mitigate adverse environmental impacts.

In 2012, the Washington State Legislature passed Senate Bill 6406, directing the Washington State Department of Ecology (Ecology) to modernize the rules that guide state and local agencies in conducting SEPA reviews. Recognizing the overlap between SEPA and many local, state, and federal regulations, one intended outcome of the SEPA rule updates was to improve coordination with current land use planning and development regulations. Also, in light of the increased environmental protections associated with the GMA (RCW 36.70A), updates to the Shoreline Management Act (RCW

90.58) and other laws, this effort was intended to streamline the regulatory process while also maintaining existing levels of environmental protection.

In response to the legislative directive, Ecology undertook a two-phase rule adoption process. The first phase, completed in December 2021, included increases to exemption levels for minor new construction projects and efficiency improvements to the environmental checklist. The subsequent round of rule changes occurred in both 2014 and 2016, adding more exemptions and updates to the categorical exemptions section of WAC 197-11.

Updating Exemptions for Minor New Construction

Existing Code Structure

Section 18.04.065 outlines those sections of WAC 197-11 that are adopted by reference, including WAC 197-11-800, Categorical Exemptions. To be exempt from SEPA, projects must be equal to or smaller than the exempt level. Under the existing county code, the following project types are currently exempt from SEPA:

Project types	Incorporated and unincorporated UGA	Other unincorporated areas
Single family residential	30 units	20 units
Multifamily residential	60 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	30,000 square feet	30,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	12,000 square feet 40 parking spaces	12,000 square feet 40 parking spaces
Fill or excavation	500 cubic yards	500 cubic yards
Parking facilities	40 parking spaces	40 parking spaces

The proposed code amendments to WWCC 18.04.070 would increase the exemption levels for commercial development within incorporated and unincorporated UGA to the maximum allowed as detailed below:

- a. **Office, school, commercial, recreational, service, storage building, parking facilities** – Within UGAs, SEPA exemptions are currently allowed for these development types of 12,000 sf of less and associated parking facilities designed for 40 or fewer vehicles. These same exemption provisions apply to all other unincorporated areas of the county as well.

The proposed amendments would allow for an increase from 12,000 up to 30,000 for these commercial development activities *within the UGA*. The parking facilities associated with these commercial projects would also allow for an increase from 40 up to 90 parking spaces, the maximum exemption allowance per WAC 197-11-800. For all other areas of unincorporated county, the categorical exemptions would remain the same.

There are no other proposed amendments to the categorical exemptions and all other flexible thresholds based on local conditions would remain the same.

ATTACHMENT A

Summary of how existing Walla Walla County, state, and federal regulations address SEPA elements with minor new construction activities.

SEPA ELEMENT	COUNTY, STATE, OR FEDERAL REGULATION AUTHORITY
EARTH	Title 11 Stormwater regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare; Chapter 15.04.430 regulates clearing and grading.
AIR	Chapter 19.94.110 WWCC regulates clean air requirements.
WATER	Chapter 11.05 SCC regulates treatment and control of discharges from property; Chapter 8.16 SCC regulates sewage disposal; Chapter 18.08 regulates critical areas and development in and around wetlands and fish and wildlife habitat; Chapter 18.08 WWCC also regulates critical area aquifer recharge areas and development surrounding these areas; Title 11 Stormwater regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare; Chapter 15.04.430 regulates clearing and grading;
PLANTS/ANIMALS	Chapter 18.09 WWCC regulates critical areas including wetlands, fish, and wildlife habitat; federal and state protections for endangered species
ENERGY/NATURAL RESOURCES	Chapter 15.04 WWCC adopts the Washington Energy Code; Chapter 18.10 WWCC regulates mineral lands; Chapter 19.04 WWCC regulates natural resources
ENVIRONMENTAL HEALTH	Chapter 18.09 WWCC regulates critical area aquifer recharge areas; Title 11 Stormwater regulates stormwater discharges;
NOISE	Chapter 9.20 WWCC regulates exposure of citizens to the dangers of excessive noise and to protect, promote and preserve the public health, safety, and welfare.
LAND/ShORELINE USE	Chapter 17.16 WWCC regulates permitted use types where they are allowed in specific zones; Chapter 18.08 WWCC regulates critical areas, including frequently flooded areas; WWC Shoreline Master Program regulates lands within shoreline jurisdiction and implements the goals of the Shoreline Management Act (90.58 RCW) and the implementing guidelines from Ecology (WAC 173-26)
HOUSING	Chapter 17.18 WWCC regulates development standards, including density and dimensional standards for housing and other structures
AESTHETICS	Chapter 17.34 WWCC provides design standards for development
LIGHT/GLARE	Chapter 17.34 WWCC provides regulations regarding light and glare
RECREATION	Title 17 Zoning provides for regulations related to recreational and open space standards; Chapter 19.04 WWCC regulates cultural resources, wildlife, and wilderness
HISTORIC/CULTURAL PRESERVATION	Chapter 19.04 WWCC regulates cultural resources, recreation, wildlife, and wilderness
TRANSPORTATION	Title 12 Streets, Sidewalks, and Public Places regulates design of roads and bridges in the county. Title 16 Subdivisions provides for regulations related to road standards; Chapter 12.50 WWCC provides for the concurrency management system and ensures that public health, safety, and welfare will be

	preserved by having safe and efficient roads serving new and existing developments.
PUBLIC SERVICES	Chapter 12.50 WWCC provides for the concurrency management system and ensures that public health, safety, and welfare will be preserved by having safe and efficient roads serving new and existing developments.
UTILITIES	Title 8 includes health and safety regulations related to utilities, including those for sewage disposal, septic systems, water systems, solid waste handling

ATTACHMENT B

DRAFT amendment to Section 18.04.070 WWCC, Flexible Thresholds

18.04.070 - Flexible thresholds.

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

- A. For agricultural structures ~~in WAC 197-11-800(1)(b)(ii)~~, up to thirty thousand square feet;
- B. For parking lots ~~in WAC 197-11-800(1)(b)(iv)~~, up to forty spaces;
- C. For landfills and excavations ~~in WAC 197-11-800(1)(b)(v)~~, up to five hundred cubic yards;
- D. For the construction of an office, school, commercial, recreational, service or storage building, and associated parking facilities designed for ~~up to forty automobiles in WAC 197-11-800(1)(c)(iii)~~ up to thirty thousand square feet of gross floor area and 90 automobiles within incorporated and unincorporated urban growth areas (UGA), and up to twelve thousand square feet of gross floor area and 40 automobiles in all other areas outside of the UGA.
- E. Whenever the county establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, WA 98504. ~~under WAC 197-11-800(1)(c).~~