

ORDINANCE O-4361

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEPA PROCEDURES AND AMENDING SECTION 24.02.065 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. PLN12-00493.

WHEREAS, the City seeks to streamline development review when possible; and

WHEREAS, the City has already raised the level of some categorical exemptions for minor new construction as allowed by state law; and

WHEREAS, the City can review projects and maintain environmental protection by using existing Kirkland rules and regulations to condition permits rather than SEPA; and

WHEREAS, Washington Administrative Code ("WAC") 197-11-800(1) allows cities, towns or counties to raise the exempt levels to the maximum specified in the section by implementing ordinance, and Kirkland has some remaining capacity to reach the maximum specified;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 24.02.065 is hereby amended to read as follows:

24.02.065 Threshold levels for categorical exemptions.

WAC 197-11-800 establishes certain actions as exempt from SEPA. Under (1)(c) of that section, the city establishes raised levels of exemptions for the following types of actions as exempt from SEPA except as provided in WAC 197-11-305 and 197-11-800(1)(a):

- (a) The construction or location of any residential structures of ~~nine~~ twenty or fewer dwelling units (WAC 197-11-800(1)(b)(i));
- (b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 or fewer 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 feed lots (WAC 197-11-800 (1)(b)(ii));
- (c) The construction of an office, school, commercial, recreational, service or storage building with 12,000 or

- fewer square feet of gross floor area, and with associated parking facilities designed for forty or fewer automobiles (WAC 197-11-800 (1)(b)(iii));
- (d) The construction of a parking lot designed for forty or fewer automobiles (WAC 197-11-800 (1)(b)(iv));
- (be) Any landfill or excavation of five hundred or fewer cubic yards throughout the total lifetime of the fill or excavation, and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder (WAC 197-11-800(1)(b)(v)).

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of June, 2012.

Signed in authentication thereof this 19th day of June, 2012.




 Mayor

Attest:



 City Clerk

Approved as to Form:



 City Attorney