



SEPA/CAO Fee Worksheet



This worksheet is designed to assist applicants in determining whether the SEPA (State Environmental Policy Act) and/or CAO (Critical Areas Ordinance) Mitigation fees are required for their proposal. The area below must be completed by the applicant after reviewing the list of SEPA exemptions and the list of activities requiring Critical Area Mitigation. This sheet must be completed and submitted with your application.

TO BE COMPLETED BY APPLICANT

Based upon a review of the attached criteria:

SEPA

_____The proposal is exempt from requiring a SEPA Threshold Determination and therefore the SEPA filing fee does not apply. The applicable exemption is _____.

_____The proposal is not exempt from requiring a SEPA Threshold Determination and therefore the SEPA filing fee applies.

Critical Area Mitigation

_____The proposal does not include activity that would require Critical Area mitigation, and therefore the CAO mitigation fee does not apply.

_____The proposal includes activity that would require Critical Areas mitigation and therefore the CAO mitigation fee applies.

Note: The City makes the final determination as to whether CAO mitigation is required and whether a project is exempt from SEPA. Should the City make a determination that one or both fees apply, the applicable fee(s) shall be assessed at a later date, if not previously paid.

SEPA CATEGORICAL EXEMPTIONS

The following is a list of actions that are exempt from review under the State Environmental Policy Act. The exemptions listed apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt, the project must be equal to or smaller than the exempt level.

(1) Minor New Construction: The following types of construction shall be exempt, **except when undertaken wholly or partly on lands covered by water, or unless wholly or partly on lands designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas):**

- (a) The construction or location of any residential structures of twenty dwelling units.
- (b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing

(e) Any landfill or excavation of 500 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.

(2) Other minor new construction. The following types of construction shall be exempt **except where undertaken wholly or in part on lands covered by water** (unless specifically exempted); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto **unless wholly or partly on lands designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas).**

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class, **unless wholly or partly on lands designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas).**

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; **except that, where undertaken wholly or in part on lands covered by water**, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) Minor land use decisions. The following land use decisions shall be exempt:

(a) **Except upon lands covered by water and on lands wholly or partly designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas),** the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(5) Utilities. The utility-related actions listed below shall be exempt, **except for installation, construction, or alteration on lands covered by water.** The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class. **Items (a) through (g) are not exempt if undertaken on lands wholly or partly designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas).**

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: provided that chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(6) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

- (a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.
- (b) Licenses or approvals to remove firewood.
- (c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.
- (d) Issuance of leases for Christmas tree harvesting or brush picking.
- (e) Issuance of leases for school sites, **unless on lands wholly or partly designated as Critical Areas. (with the exception of Wellhead Protection Zones and Seismic Hazard Areas)**
- (f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.
- (g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.
- (h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, that chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660. **This exemption shall not apply to lands wholly or partly designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas).**
- (i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.
- (j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(7) Personal wireless service facilities.

- (a) The siting of personal wireless service facilities are exempt if the facility:
 - (i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;
 - (ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or
 - (iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.
- (b) For the purposes of this subsection:
 - (i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.
 - (ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.
 - (iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:
 - (A) Four feet in height and with an area of not more than five hundred eighty square inches; or
 - (B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to lands wholly or partly on lands designated as Critical Areas (with the exception of Wellhead Protection Zones and Seismic Hazard Areas)

CRITICAL AREA MITIGATION:

Pursuant to RZC 21.64.010(C), the following activities shall result in a requirement for Critical Area Mitigation if taken place within a designated critical area and/or its associated buffer.

1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind.
2. Dumping, discharging or filling with any material.
3. Draining, flooding or disturbing the water level or water table.
4. Driving pilings or placing obstructions.
5. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure that results in disturbance of a critical area or the addition of any impervious surface coverage to a site.
6. Destroying or altering vegetation through clearing, grading, harvesting, shading or planting vegetation that would alter the character of the critical area.
7. Activities that result in significant changes in water temperature, physical or chemical characteristics of water sources, including quantity and pollutants.
8. Any other activity that has a potential to significantly adversely impact a critical areas or established buffer.

Pursuant to RZC 21.64.010(D), Exemptions, the following activities shall be exempt:

(a) Existing and ongoing agricultural activities provided no alteration of flood storage capacity or conveyance occurs and the activity does not adversely affect critical areas, or existing and on-going agricultural activities identified in a farm plan approved by both the King County Conservation District and the City;

(b) Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams or swales created as mitigation or that provide habitat for salmonid fishes;

(c) Activities occurring in areas of 40 percent slope or greater with a vertical elevation change of up to 10 feet based upon City review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no significant adverse impact will result from the exemption;

(d) Normal and routine maintenance, operation and reconstruction of existing roads, streets, utilities and associated rights-of-way and structures; provided, that reconstruction of any structures may not increase the impervious area, remove flood storage capacity, or further encroach into a critical area or its buffer;

(e) Normal maintenance and repair, and reconstruction or remodeling of residential or commercial structures, or legal pre-existing and on-going uses of the site; provided, that reconstruction of any structures may not increase the size of the previously approved building footprint (see subsection (5) of this section);

(f) Site investigative work and studies necessary for preparing land use applications, including soils tests, water

quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies and provided that the area is restored to its previous condition;

(g) Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, and birdwatching that will not have a significant adverse effect on the critical area;

(h) Emergency activities necessary to prevent an immediate threat to public health, safety or property;

(i) Normal and routine maintenance and operation of existing landscaping and gardens provided they comply with all other regulations in this chapter;

(j) Construction of pedestrian trails which are permeable, have a maximum width of six feet, and are located in the outer 25 percent of the buffer;

(k) Minor activities not mentioned above and determined by the Department to have minimal impacts to a critical area;

(l) Previously legally filled wetlands or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway, or wetlands accidentally created by other human actions within 20 years of the date the development application is filed. The latter shall be documented by the applicant through photographs, statements, and/or other evidence;

(m) Activities affecting Category IV wetlands which are 250 square feet in size or smaller and hydrologically isolated;

(n) Installation, construction, replacement, repair or alteration of utilities and their associated facilities, lines, pipes, mains, equipment or appurtenances in improved City road rights-of-way and provided that the area is restored to its previous condition;

(o) Removal of non-native vegetation providing removal is accomplished using hand methods and that removal is in compliance with this chapter. Hand removal does not include using mechanical equipment such as weed whackers, mowers, power hedges, or other similar devices. This does not include the use of herbicides.