

Title 16

ENVIRONMENT

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Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Authority.
- 16.04.020 Purpose – Adoption by reference.
- 16.04.030 Additional definitions.
- 16.04.040 Responsible official designated.
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16.04.010 Authority.

The city adopts the ordinance codified in this title under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904. This title contains this city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this title. (Ord. 84-339 § 1, 1984)

16.04.020 Purpose – Adoption by reference.

This chapter contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

- 197-11-040 Definitions
- 197-11-050 Lead agency
- 197-11-055 Timing of the SEPA process
- 197-11-060 Content of environmental review
- 197-11-070 Limitation on actions during SEPA process
- 197-11-080 Incomplete or unavailable information
- 197-11-090 Supporting documents
- 197-11-100 Information required of applicants (Ord. 84-339 § 2(A), 1984)

16.04.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, adopted by reference in AMC 16.28.010, when used in this title, the following terms shall have the following meaning, unless the context indicates otherwise:

A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

B. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the

applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

C. "Ordinance" means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.

D. "SEPA rules" means Chapter 197-11 WAC, adopted by the Department of Ecology. (Ord. 84-339 § 2(B), 1984)

16.04.040 Responsible official designated.

A. For those proposals for which the city is the lead agency, the responsible official shall be the mayor or his designee.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those section of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW. (Ord. 84-339 § 2(C), 1984)

16.04.050 Lead agency determination and responsibilities.

A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, the department receiving that application shall determine the responsible official who shall supervise compliance with the threshold determination requirements and if an EIS is necessary shall supervise preparation of the EIS.

C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the city may be initiated by the mayor or his designee.

E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses?). (Ord. 84-339 § 2(D), 1984)

16.04.060 Time limits applicable to processes.

The following time limits, expressed in calendar days, shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

A. Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.

B. Threshold Determinations.

1. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within 15 days of the date an applicant's adequate application and completed checklist are submitted.

2. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

a. The city should request such further information within 15 days of receiving an adequate application and completed environmental checklist.

b. The city shall wait no longer than 30 days for a consulted agency to respond.

c. The responsible official should complete the threshold determination within 15 days of receiving the requested information from the application or the consulted agency.

3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within 30 days of receiving an adequate application and a completed checklist.

4. The city may complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within 15 days of receiving an adequate application and completed checklist. (Ord. 84-339 § 2(E), 1984)

16.04.070 Additional timing considerations.

A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. (Ord. 84-339 § 2(F), 1984)

Chapter 16.08

CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

Sections:

- 16.08.010 Purpose – Adoption by reference.
- 16.08.020 Flexible thresholds for categorical exemptions.
- 16.08.030 Use of exemptions.
- 16.08.040 Environmental checklist.
- 16.08.050 Mitigated DNS.

16.08.010 Purpose – Adoption by reference.

This chapter 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 part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this part:

WAC

- 197-11-300 Purpose of this part
- 197-11-305 Categorical exemptions
- 197-11-310 Threshold determination required
- 197-11-315 Environmental checklist
- 197-11-330 Threshold determination process
- 197-11-335 Additional information
- 197-11-340 Determination of nonsignificance (DNS)
- 197-11-350 Mitigated DNS
- 197-11-360 Determination of significance (DS)/initiation of scoping
- 197-11-390 Effect of threshold determination (Ord. 84-339 § 3(A), 1984)

16.08.020 Flexible thresholds for categorical exemptions.

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

1. For residential dwelling units: up to 20 dwelling units;
2. For agricultural structures: up to 30,000 square feet;
3. For office, school, commercial, recreational, service, or storage buildings: up to 12,000 square feet and up to 40 parking spaces;
4. For parking lots: up to 40 parking spaces;
5. For landfills and excavations: up to 500 cubic yards.

B. Whenever the city establishes new exempt levels under this chapter, it shall send them to the

Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c). (Ord. 84-339 § 3(B), 1984)

16.08.030 Use of exemptions.

A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this title apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and non-exempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this title, except that:

1. The city shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives;

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose of nonexempt action(s) were not approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (Ord. 84-339 § 3(C), 1984)

16.08.040 Environmental checklist.

A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate or other approval not specifically exempted in this title; except, a checklist is not needed if the city and application agree an EIS is required, SEPA compliance has been

completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The city has technical information on a question or questions that is unavailable to the private application; or

2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. (Ord. 84-339 § 3(D), 1984)

16.08.050 Mitigated DNS.

A. As provided in this section and WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarification of, the proposal made by the applicant.

B. An application may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which department is lead agency; and

2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 15 working days. The response shall:

1. Be written;

2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the application with identification to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the application changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarification, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.

F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a 15-day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 84-339 § 3(E), 1984)

Chapter 16.12

ENVIRONMENTAL IMPACT STATEMENT

Sections:

- 16.12.010 Purpose – Adoption by reference.
- 16.12.020 Preparation – Additional considerations.
- 16.12.030 Additional elements.

16.12.010 Purpose – Adoption by reference.

This chapter contains the rules for preparing environmental impact statements. The city adopts the following sections by reference as supplemented by this chapter:

WAC

- 197-11-400 Purpose of EIS
 - 197-11-402 General requirements
 - 197-11-405 EIS types
 - 197-11-406 EIS timing
 - 197-11-408 Scoping
 - 197-11-410 Expanded scoping
 - 197-11-420 EIS preparation
 - 197-11-425 Style and size
 - 197-11-430 Format
 - 197-11-435 Cover letter or memo
 - 197-11-440 EIS contents
 - 197-11-442 Contents of EIS on nonproject proposals
 - 197-11-443 EIS contents when prior nonproject EIS
 - 197-11-444 Elements of the environment
 - 197-11-448 Relationship of EIS to other considerations
 - 197-11-450 Cost-benefit analysis
 - 197-11-455 Issuance of DEIS
 - 197-11-460 Issuance of FEIS
- (Ord. 84-339 § 4(A), 1984)

16.12.020 Preparation – Additional considerations.

A. Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the community development department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with the ordinance codified in this chapter and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the

city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this title or that is being requested from another agency. This does not apply to information the city may request under another ordinance or statute. (Ord. 84-339 § 4(B), 1984)

16.12.030 Additional elements.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this title:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis. (Ord. 84-339 § 4(C), 1984)

Chapter 16.16

DOCUMENT COMMENTING

Sections:

- 16.16.010 Adoption by reference.
- 16.16.020 Public notice requirements.
- 16.16.030 Consulted agency responsibilities – Official designated.

16.16.010 Adoption by reference.

This chapter contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearing. The city adopts the following sections by reference, as supplemented in this chapter:

WAC

- 197-11-500 Purpose of this part
- 197-11-502 Inviting comment
- 197-11-504 Availability and cost of environmental documents
- 197-11-508 SEPA register
- 197-11-535 Public hearings and meetings
- 197-11-545 Effect of no comment
- 197-11-550 Specificity of comments
- 197-11-560 FEIS response to comments
- 197-11-570 Consulted agency costs to assist lead agency

(Ord. 84-339 § 5(A), 1984)

16.16.020 Public notice requirements.

A. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If no public notice is required for the permit or approval, the city shall have notice of the DNS or DS by:

- a. Posting the property, for site-specific proposals;
- b. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located;
- c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- d. Notifying the news media;
- e. Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or
- f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists

(either general lists or lists for specific proposals for subject areas).

3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

B. Whenever the city issues a DEIS under WAC 197-11-455(5) or an SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license by:

- a. Posting the property, for site-specific proposals;
- b. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- d. Notifying the news media; and/or
- e. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas).

C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 84-339 § 5(B), 1984)

16.16.030 Consulted agency responsibilities - Official designated.

A. The mayor or his designees shall be responsible for preparation of written comments for the city in response to the consultation request prior to a threshold determination, participation in scoping, and reviewing DEIS.

B. This official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation request are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 84-339 § 5(C), 1984)

Chapter 16.20**USE OF EXISTING ENVIRONMENTAL DOCUMENTS**

Sections:

16.20.010 Purpose – Adoption by reference.

16.20.010 Purpose – Adoption by reference.

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:

WAC

- 197-11-600 When to use existing environmental documents
- 197-11-610 Use of NEPA documents
- 197-11-620 Supplemental environmental impact statement – Procedures
- 197-11-625 Addenda – Procedures
- 197-11-630 Adoption – Procedures
- 197-11-635 Incorporation by reference – Procedures
- 197-11-640 Combining documents
(Ord. 84-339 § 6, 1984)

Chapter 16.24**SEPA AND AGENCY DECISIONS**

Sections:

16.24.010 Purpose – Adoption by reference.

16.24.020 Substantive authority.

16.24.030 Notice – Statute of limitations.

16.24.010 Purpose – Adoption by reference.

This chapter contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determination to agencies or the courts. The city adopts the following sections by reference:

WAC

- 197-11-650 Purpose of this part
- 197-11-655 Implementation
- 197-11-660 Substantive authority and mitigation
- 197-11-680 Appeals
(Ord. 84-339 § 7(A), 1984)

16.24.020 Substantive authority.

A. The policies and goals set forth in this title are supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval for a proposal as long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this title; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in subsection (D) of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in an FEIS or final SEIS prepared pursuant to this title; and
2. A finding is made that there are no reasonable mitigation measures capable of being accom-

plished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this chapter:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment of succeeding generations;

b. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences;

d. Preserve important historic, cultural and natural aspects of our national heritage;

e. Maintains, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The city adopts by reference the policies in the following plans: zoning ordinance, building codes and comprehensive plans as adopted.

E. Except for permits and variances issued pursuant to shoreline management act as adopted by the city, when any proposal or action not requiring a decision of the city is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the city shall be on a de novo basis. (Ord. 84-339 § 7(B), 1984)

16.24.030 Notice – Statute of limitations.

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the clerk-treasurer, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 84-339 § 7(C), 1984)

Chapter 16.28**DEFINITIONS**

Sections:

16.28.010 Purpose – Adoption by reference.

16.28.010 Purpose – Adoption by reference.

This chapter contains uniform usage and definitions of terms under SEPA. The city adopts the following section by reference, as supplemented by WAC 173-806-040:

WAC

197-11-700 Definition
 197-11-702 Act
 197-11-704 Action
 197-11-706 Addendum
 197-11-708 Adoption
 197-11-710 Affected tribe
 197-11-712 Affecting
 197-11-714 Agency
 197-11-716 Applicant
 197-11-718 Built environment
 197-11-720 Categorical exemption
 197-11-722 Consolidated appeal
 197-11-724 Consulted agency
 197-11-726 Cost-benefit analysis
 197-11-728 County/city
 197-11-730 Decision maker
 197-11-732 Department
 197-11-734 Determination of nonsignificance (DNS)
 197-11-736 Determination of significance (DS)
 197-11-738 EIS
 197-11-740 Environment
 197-11-742 Environmental checklist
 197-11-744 Environmental document
 197-11-746 Environmental review
 197-11-748 Environmentally sensitive area
 197-11-750 Expanded scoping
 197-11-752 Impacts
 197-11-754 Incorporation by reference
 197-11-756 Lands covered by water
 197-11-758 Lead agency
 197-11-760 License
 197-11-762 Local agency
 197-11-764 Major action
 197-11-766 Mitigated DNS
 197-11-768 Mitigation
 197-11-770 Natural environment
 197-11-772 NEPA
 197-11-774 Nonproject
 197-11-776 Phase review
 197-11-778 Preparation

197-11-780 Private project
 197-11-782 Probable
 197-11-784 Proposal
 197-11-786 Reasonable alternative
 197-11-788 Responsible official
 197-11-790 SEPA
 197-11-792 Scope
 197-11-793 Scoping
 197-11-794 Significant
 197-11-796 State agency
 197-11-797 Threshold determination
 197-11-799 Underlying governmental action
 (Ord. 84-339 § 8, 1984)

Chapter 16.32**CATEGORICAL EXEMPTIONS**

Sections:

16.32.010 Adoption by reference.

16.32.010 Adoption by reference.

The city adopts by reference the following rules for categorical exemptions, as supplemented in this title, including WAC 173-806-070 (flexible thresholds), WAC 173-806-080 (use of exemptions) and WAC 173-806-190 (environmentally sensitive areas):

WAC

197-11-800 Categorical exemptions
 197-11-880 Emergencies
 197-11-890 Petitioning DOE to change exemptions
 (Ord. 84-339 § 9, 1984)

Chapter 16.36**AGENCY COMPLIANCE**

Sections:

16.36.010 Purpose – Adoption by reference.

16.36.020 Fees.

16.36.010 Purpose – Adoption by reference.

This chapter contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference, as supplemented by WAC 173-806-043 through 173-806-045 and this chapter:

WAC

197-11-900 Purpose of this part
 197-11-902 Agency SEPA policies
 197-11-916 Application to ongoing actions
 197-11-920 Agencies with environmental expertise
 197-11-922 Lead agency rules
 197-11-924 Determining the lead agency
 197-11-926 Lead agency for governmental proposals
 197-11-928 Lead agency for public and private proposals
 197-11-930 Lead agency for private projects with one agency jurisdiction
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency
 197-11-938 Lead agencies for specific proposals
 197-11-940 Transfer of lead agency status to a state agency
 197-11-942 Agreements on lead agency status
 197-11-944 Agreements on division of lead agency duties
 197-11-946 DOE resolution of lead agency disputes
 197-11-948 Assumption of lead agency status
 (Ord. 84-339 § 10(A), 1984)

16.36.020 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this title:

A. **Threshold Determination.** For every environmental checklist the city will review when it is lead agency, the city shall collect a fee of \$50.00 from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this title for making a threshold determination shall not begin to run until payment of the fee. When the city completes the environmental checklist at the applicant's request or under WAC 173-806-090(3) or this title, an additional \$50.00 will be collected.

B. **Environmental Impact Statement.**

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover the costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsections (B)(1) and (B)(2) of this section.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this title relating to the applicant's proposal.

D. The city may charge any person for copies of any document prepared under this title, and for mailing the document in a manner provided by Chapter 42.17 RCW. (Ord. 84-339 § 10(B), 1984)

Chapter 16.40**FORMS**

Sections:

16.40.010 Adoption by reference.

16.40.010 Adoption by reference.

The city adopts the following forms and sections by reference:

WAC

197-11-960 Environmental checklist

197-11-965 Adoption notice

197-11-970 Determination of nonsignificance (DNS)

197-11-980 Determination of significance and scoping notice (DS)

197-11-985 Notice of assumption of lead agency status

197-11-990 Notice of action

(Ord. 84-339 § 11, 1984)