

Title 19

ENVIRONMENT

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19.04 Environmental Policy and Procedures

Chapter 19.04**ENVIRONMENTAL POLICY
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Article I. Authority**19.04.010 Authority.**

The town adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904. This chapter contains the town's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter. (Ord. 598 § 1, 2009; Ord. 296 § 1, 1984)

Article II. General Requirements

19.04.020 Purpose and adoption by reference.

This article contains the basic requirements that apply to the SEPA process. The town 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	Limitations 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. 598 § 1, 2009; Ord. 296 § 2, 1984)

19.04.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

A. "Town" means the town of Yarrow Point, Washington.

B. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

C. "Early notice" means the town'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). (Ord. 598 § 1, 2009; Ord. 296 § 3, 1984)

19.04.040 Designation of responsible official.

A. The responsible official shall be the town planner who is charged with reviewing applications for those uses of land which fall under this chapter.

B. 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 "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The town 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. 598 § 1, 2009; Ord. 425 § 1, 1994; Ord. 296 § 4, 1984)

19.04.050 Responsible official's determination and responsibilities.

When an application or a proposal involving a nonexempt action is received, the responsible official shall supervise compliance with the threshold determination requirements and, if an environmental impact statement (EIS) is necessary, shall supervise preparation of the environmental impact statement (EIS). (Ord. 598 § 1, 2009; Ord. 296 § 5, 1984)

19.04.060 Lead agency determination.

The responsible official is authorized to make agreement 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 a majority of the town council that will incur responsibilities as the result of such agreement approve the agreement. (Ord. 598 § 1, 2009; Ord. 296 § 6, 1984)

19.04.070 Transfer of lead agency status to a state agency.

For any proposal for a private project where the town would be the lead agency and for which one or more state agencies have jurisdiction, the town's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the town shall be an agency with jurisdiction. To transfer lead agency duties, the town's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the town shall also give notice of the transfer to the private applicant. (Ord. 598 § 1, 2009; Ord. 296 § 7, 1984)

19.04.080 Additional considerations in time limits applicable to SEPA process.

The following time limits (expressed in calendar days) shall apply when the town processes applications:

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

B. Threshold Determinations.

1. The town 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 town should request such further information within 15 days of receiving an adequate application and completed environmental checklist;

b. The town 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 applicant or the consulted agency.

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

4. The town shall 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 after receiving adequate application and completed checklist. (Ord. 598 § 1, 2009; Ord. 296 § 8, 1984)

19.04.090 Additional timing considerations.

A. For nonexempt proposals, the determination of nonsignificance or the final environmental impact statement for the proposal shall accompany the town's recommendation to any appropriate advisory body, such as the planning commission.

B. If the town's only action on a proposal is a decision on a building permit requiring detailed project plans and specifications, applicant may request in writing that the town conduct environmental review prior to submission of said plans and specifications.

C. The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is at the discretion of the responsible official. (Ord. 598 § 1, 2009; Ord. 296 § 9, 1984)

Article III. Categorical Exemptions and Threshold Determinations

19.04.100 Purpose and adoption by reference.

This article contains the rules for deciding whether a proposal has a “probable significant adverse environmental impact” requiring the preparation of an EIS. This article also contains rules for evaluating the impacts of proposals not requiring an EIS. The town adopts the following sections by reference, as supplemented in this article:

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. 598 § 1, 2009; Ord. 296 § 10, 1984)	

19.04.110 Flexible thresholds for categorical exemptions.

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

1. For recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): Up to 4,000 square feet.
2. For excavations in WAC 197-11-800(1)(b)(v): Up to 100 cubic yards.

B. Whenever the town 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). (Ord. 598 § 1, 2009; Ord. 296 § 11, 1984)

19.04.120 Use of exemptions.

A. The responsible official shall determine whether an application is exempt, except that in the case of governmental proposals initiated by the town, the town council shall determine whether the application is exempt. These determinations shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The town shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether a proposal is exempt, the town 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 town shall determine the lead agency, even if the application that triggers the consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the town may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

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

3. The town 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. 598 § 1, 2009; Ord. 296 § 12, 1984)

19.04.130 Environmental checklist.

A. A completed environmental checklist in the form provided in WAC 197-11-960 shall be filed at the same time as an application for permit or approval not exempted in this chapter; except a checklist is not needed if the town and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by an agency.

B. For private proposals, the town will require the applicant to complete the environmental checklist, providing assistance as necessary. For town proposals, the responsible official shall complete the environmental checklist for the proposal.

C. The town may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal if the applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. (Ord. 598 § 1, 2009; Ord. 296 § 13, 1984)

19.04.140 Mitigated determination of nonsignificance.

A. As provided in this section and in 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 clarifications of, the proposal made by the applicant.

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

1. Follow submission of a permit application and environmental checklist for a non-

exempt proposal for which the town is lead agency; and

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

C. The responsible official should respond to the request for early notice within 10 working days. The response shall:

1. Be written;

2. State whether the town currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the town 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 town should assist the applicant with identification of impacts 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 town 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 town indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the town shall issue and circulate a DNS under WAC 197-11-340(2).

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

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate,

whereas proposals to “muffle machinery to X decibel” or “construct 22-foot stormwater retention pond at Y location” are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to town staff reports, studies or other documents.

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 town.

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

I. The town’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 town to consider the clarifications or changes in its threshold determination. (Ord. 598 § 1, 2009; Ord. 296 § 14, 1984)

Article IV. Environmental Impact Statement (EIS)

19.04.150 Purpose and adoption by reference.

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

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 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. 598 § 1, 2009; Ord. 296 § 15, 1984)

19.04.160 Preparation of EIS – Additional considerations.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the duty of the responsible official. Before the town issues an EIS, the responsible official shall be satisfied that the EIS complies with this chapter and Chapter 197-11 WAC.

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

preparation, including approval of the DEIS and FEIS prior to distribution.

C. The town may require an applicant to provide information the town does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (Ord. 598 § 1, 2009; Ord. 296 § 16, 1984)

Article V. Commenting

19.04.170 Adoption by reference.

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

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. 598 § 1, 2009; Ord. 296 § 17, 1984)	

19.04.180 Public notice.

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

1. If public notice is required for a non-exempt 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 town shall give notice

of the DNS or DS by posting the property, for site-specific proposals.

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

B. Whenever the town issues a DEIS under WAC 197-11-455(5) or a 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;
2. Posting the property, for site-specific proposals; and
3. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered.

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

D. The town may require an applicant to complete the public notice requirements for the applicant’s proposal at the applicant’s expense. (Ord. 598 § 1, 2009; Ord. 296 § 18, 1984)

19.04.190 Designation of official to perform consulted agency responsibilities for the town.

A. The town planner shall be responsible for preparation of written comments for the town in response to a consultation request prior to a threshold determination, participation in scoping and reviewing a DEIS.

B. The town’s planner shall be responsible for the town’s compliance with WAC 197-11-550 whenever the town is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consul-

tation requests are prepared in a timely fashion and include all appropriate data. (Ord. 598 § 1, 2009; Ord. 425 § 2, 1994; Ord. 296 § 19, 1984)

Article VI. Using Existing Environmental Documents

19.04.200 Purpose and adoption by reference.

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the town's own environmental compliance. The town 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. 598 § 1, 2009; Ord. 296 § 20, 1984)

Article VII. SEPA and Agency Decisions

19.04.210 Purpose and adoption by reference.

This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The town 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. 598 § 1, 2009; Ord. 296 § 21, 1984)

19.04.220 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in any existing authorization of the town.

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

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; 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 town 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 town 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 a FEIS or final SEIS prepared pursuant to this chapter; and

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished 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 town designates and adopts by reference the following policies as the basis for the town's exercise of authority pursuant to this section:

1. The town 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 for 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. Maintain, 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 town 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. Except for permits and variances issued pursuant to YPMC Title 17, Zoning, when any proposal or action not requiring a decision of the town council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the town council. 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 repealed. Review by the town council shall be on a de novo basis. (Ord. 598 § 1, 2009; Ord. 296 § 22, 1984)

19.04.230 Notice – Statute of limitations.

A. The town, 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 town clerk/treasurer or county auditor, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 598 § 1, 2009; Ord. 296 § 23, 1984)

Article VIII. Definitions

19.04.240 Purpose and adoption by reference.

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

WAC	
197-11-700	Definitions
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 Phased 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. 598 § 1, 2009; Ord. 296 § 24, 1984)

Article IX. Categorical Exemptions

19.04.250 Adoption by reference.

The town adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (Flexible thresholds), 173-806-080 (Use of exemptions), and 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. 598 § 1, 2009; Ord. 296 § 25, 1984)

Article X. Agency Compliance

19.04.260 Purpose and adoption by reference.

This article 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 town adopts the following sections by reference, as supplemented by WAC 173-806-050 and 173-806-053 and this article:

- 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 with jurisdiction
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a town
- 197-11-934 Lead agency for private projects requiring licenses from a local agency not the town, 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. 598 § 1, 2009; Ord. 296 § 26, 1984)

19.04.270 Fees.

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

A. **Threshold Determination.** For every environmental checklist the town will review when it is lead agency, the town shall collect a fee as set by a resolution of the town council from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. **Environmental Impact Statement.**

1. When the town 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 town, the town may charge and collect a reasonable fee from any applicant to cover costs incurred by the town 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 town will contract directly with a consultant for preparation of an EIS, or a por-

tion of the EIS, for activities initiated by some persons or entity other than the town and may bill such costs and expenses directly to the applicant. The town may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the town 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) or (B)(2) of this section which remain after incurred costs are paid.

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

D. The town shall not collect a fee for performing its duties as a consulted agency.

E. The town may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 598 § 1, 2009; Ord. 296 § 27, 1984)

Article XI. Forms

19.04.280 Adoption by reference.

The town 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. 598 § 1, 2009; Ord. 296 § 31, 1984)