

Title 12
ENVIRONMENTAL PROTECTION

Chapters:

12.04 SEPA Guidelines

12.08 Resource Lands and Critical Areas Development

Chapter 12.04 SEPA GUIDELINES

Sections:

- 12.04.010 Authority.
- 12.04.020 General requirements.
- 12.04.030 Categorical exemptions and threshold determinations.
- 12.04.040 Environmental impact statement (EIS).
- 12.04.050 Commenting.
- 12.04.060 Using existing environmental documents.
- 12.04.070 SEPA and agency decision.
- 12.04.080 Definitions.
- 12.04.090 Categorical exemptions.
- 12.04.100 Agency compliance.
- 12.04.110 Forms.
- 12.04.120 SEPA/GMA provisions.

12.04.010 Authority.

The city of Wenatchee ("city") hereby adopts this chapter under the State Environmental Policy Act (SEPA) RCW 43.21C.120 and the SEPA rules, WAC 197-11-904.

This chapter contains this city's SEPA procedures and policies.

The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter. (Ord. 2000-19 § 1; Ord. 2554 § 1, 1984)

12.04.020 General requirements.

(1) Purpose of this Section and Adoption by Reference. This section 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 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicant.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxic Control Act integration.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial action.
- 197-11-262 Determination of significance and EIS for MTCA remedial action.
- 197-11-265 Early scoping for MTCA remedial action.
- 197-11-268 MTCA interim action.

(2) Additional Definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, excluding WAC 197-11-721 and 197-11-775, when used in this chapter 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) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

- (c) "Ordinance" means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.
- (d) "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 procedures).
- (e) "Complete application for threshold determination process" means an application for a project requiring environmental assessment and supporting documentation therefor shall be deemed complete at such time as the lead agency can determine the nature and scope of the project and can determine from the application and supporting materials whether or not the project is likely to have significant adverse environmental impact.

(3) Designation of Responsible Official.

- (a) The director of the department of community development or his/her designated representative shall be the responsible official.
- (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 sections 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.

(4) Lead Agency Determination and Responsibilities.

- (a) The director of the department of community development shall determine the lead agency for any nonexempt action under WAC 197-11-050, 197-11-253 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the director is aware that another agency is in the process of determining the agency.
- (b) When the city is the lead agency for a proposal, the director of community development 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 the preparation of the DNS or EIS in addition to that prepared by the lead agency, unless required 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 Department of Ecology for a lead agency determination under WAC 197-11-940 within the 15-day time period. Any such petition on behalf of the city may be initiated by the responsible official.
- (e) The director of the department of community development is 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 a result of such agreement approve of the agreement.

- (f) The director of community development, in 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.

(5) Transfer of Lead Agency Status to a State Agency. For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city'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 city shall be an agency with jurisdiction. To transfer lead agency duties, the city'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 city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

(6) Additional Timing Considerations.

- (a) For nonexempt proposals, the DNS or final 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. 2000-19 §§ 2 – 5; Ord. 2963 § 1, 1992; Ord. 2554 § 2, 1984)

12.04.030 Categorical exemptions and threshold determinations.

(1) Purpose of this Section and Adoption by Reference. This section contains the rules for deciding whether a proposal has a probable significant adverse environmental impact requiring preparation of an EIS. This section 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 section:

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.
 - 197-11-355 Optional DNS process.
 - 197-11-360 Determination of significance (DS), initiation of.
 - 197-11-390 Effect of threshold determination.
- (2) Flexible Thresholds for Categorical Exemptions.

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

- (i) For residential dwelling units in WAC 197-11-800(1)(b)(i) up to 20 dwelling units;

- (ii) For agricultural structures in WAC 197-11-800 up to 30,000 square feet;
 - (iii) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii) up to 12,000 square feet and up to 40 parking spaces;
 - (iv) For parking lots in WAC 197-11-800(1) up to 40 spaces;
 - (v) For landfills and excavations in WAC 197-11-800(1)(b)(v) up to 500 cubic yards.
- (b) Whenever the city establishes new levels under this section, such levels shall be filed with the Department of Ecology headquarters office, Olympia, Washington 98504 under WAC 197-11-800(1)(c).

(3) Use of Exemptions.

- (a) Each department within the city that receives an application for a proposed action or, in the case of governmental proposals, the department initiating the proposal, shall consult with the director of community development, as the responsible official, to determine whether the proposed action and/or the proposal is exempt. The responsible official'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 chapter 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 responsible official shall ascertain that the proposal is properly defined and shall identify the governmental action required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the application that triggers the department's consideration is exempt.
- (c) If a proposal includes both exempt and nonexempt actions the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - (i) 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 reasonable alternatives;
 - (ii) 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 if nonexempt action(s) were not approved; and
 - (iii) 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.

(4) 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 chapter, except a checklist is not needed if the city and applicant 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.

(5) Mitigated DNS.

- (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 DS is likely under WAC 197-11-350. The request must:
 - (i) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 - (ii) Precede the city'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 in writing shall:
 - (i) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and
 - (ii) 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 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 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:
 - (i) If the city 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 city shall issue and circulate a DNS under WAC 197-11-340(2);
 - (ii) If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate;
 - (iii) 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 stormwater retention pond at Y location” are adequate;

- (iv) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- (f) A mitigated DNS issued under WAC 197-11-340(2) requires a 14-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 shall 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. 2000-19 §§ 6 – 9; Ord. 3149 § 1, 1995; Ord. 2963 § 2, 1992; Ord. 2554 § 3, 1984)

12.04.040 Environmental impact statement (EIS).

(1) Purpose of this Section and Adoption by Reference. The purpose of this section is to set forth the rules for preparing environmental impact statements for the city of Wenatchee. The following sections are adopted by reference, as supplemented by this section:

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 (Optional).
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter and memo.
- 197-11-440 EIS contents.
- 197-11-442 EIS contents 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 draft EIS.
- 197-11-460 Issuance of final EIS.

(2) Preparation of EIS – Additional Considerations.

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

- (b) The DEIS and FEIS or draft and final SEIS shall be prepared by the city staff, the applicant, or by consultants selected by the city and 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, billing procedures, financial arrangements for the consultant and shall include approval process clarification for 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 which will aid the decision making process. However, the applicant is not required to provide information that is not necessary to aid decision makers or is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.) (Ord. 2000-19 § 10; Ord. 2554 § 4, 1984)

12.04.050 Commenting.

(1) Adoption by Reference. This section 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 section:

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 hearing 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 cost to assist lead agency.

(2) Public Notice.

- (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:
 - (i) 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;
 - (ii) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by:
 - (A) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located,
 - (B) Notifying the news media;
 - (iii) 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 a SEIS under WAC 197-11-620 notice of availability of those documents shall be given by:

- (i) Indicating the availability of the DEIS in any public notice required by a nonexempt license; and
 - (ii) Publishing notice in a newspaper of general circulation in the county, city or general area;
 - (iii) Notifying the news media.
- (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 the expense of the applicant.

(3) Designation of Official to Perform Consulted Agency Responsibilities for the City. The director of community development 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 the response to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. Responses from the consulted agency shall be derived from the department head of the agency with general responsibility or expertise in regard to the issue to be discussed. Written comments shall be forwarded to the lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS. (Ord. 2000-19 § 11; Ord. 2554 § 5, 1984)

12.04.060 Using existing environmental documents.

(1) Purpose of this Section and Adoption by Reference. This section 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. 2554 § 6, 1984)

12.04.070 SEPA and agency decision.

(1) Purpose of this Section and Adoption by Reference. This section contains rules and policies for SEPA's substantive authority, such as decision to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations. 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.
- (2) Substantive Authority.

- (a) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city of Wenatchee.
- (b) The city may attach conditions to a permit or approval for a proposal so long as:
 - (i) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
 - (ii) Such conditions are in writing; and
 - (iii) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - (iv) The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - (v) Such conditions are based on one or more policies in subsection (d) of this section and cited in the license or other decision documents.
- (c) The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
 - (i) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in an FEIS or a final SEIS prepared pursuant to this chapter; and
 - (ii) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impacts; and
 - (iii) 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 a basis for the city's exercise of authority pursuant to this section:
 - (i) 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 a 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 use 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, whenever 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.
- (ii) 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.
 - (iii) The city adopts by reference the goals, policies and purposes in the following city documents:
 - (A) Wenatchee Urban Area Comprehensive Plan;
 - (B) Wenatchee Zoning Ordinance;
 - (C) Wenatchee Subdivision Ordinance;
 - (D) Wenatchee Shoreline Master Program;
 - (E) Wenatchee Landscape and Screening Ordinance.

(3) Appeals. An appeal of environmental determinations made or lacking under SEPA shall be filed pursuant to the judicial appeal procedures of the underlying governmental action.

- (a) The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- (b) The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

(4) 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 responsible official, city clerk, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 2000-19 §§ 12 - 15; Ord. 3149 § 1, 1995; Ord. 2554 § 7, 1984)

12.04.080 Definitions.

(1) Purpose of this Part and Adoption by Reference. This part contains uniform usage and definitions of terms under SEPA. The city 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 Environmental impact statement (EIS).
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
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 National Environmental Policy Act (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 State Environmental Policy Act (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. 3149 § 1, 1995; Ord. 2554 § 8, 1984)

12.04.090 Categorical exemptions.

(1) Adoption by Reference. The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including flexible thresholds, use of exemptions:

WAC

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

(Ord. 3149 § 1, 1995; Ord. 2554 § 9, 1984)

12.04.100 Agency compliance.

(1) Purpose of this Section and Adoption by Reference. This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, 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:

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-908 Critical areas.
- 197-11-912 Procedures of consulted agencies.
- 197-11-914 SEPA fees and costs.
- 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 the 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 agencies for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 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.

(2) Fees.

(a) Environmental Impact Statement.

- (i) 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 an EIS. 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.
- (ii) For all proposals requiring an EIS in which the city is the lead agency and for which the responsible official determines that an EIS shall be prepared, an initial fee of \$500.00 plus an additional amount equal to the actual cost of staff time and expenses incurred in supervision of the preparation of the EIS, shall be charged to the proponent on a monthly basis, provided that such total fee shall not exceed \$5,000.

(iii) 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 the applicant after a call for proposals.

(iv) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (i), (ii) or (iii) of this section which remains after incurred costs are paid.

(b) The city 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 as set forth in subsection (a)(i) of this section.

(c) The city shall not collect a fee for performing its duties as a consulted agency.

(d) The city 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.

(3) Effective Date. The effective date of this chapter is September 5, 2000.

(4) Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 2000-19 §§ 16, 17; Ord. 3149 § 1, 1995; Ord. 2554 § 10, 1984)

12.04.110 Forms.

(1) 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. 2000-19 § 18; Ord. 2554 § 11, 1984)

12.04.120 SEPA/GMA provisions.

(1) Adoption by Reference. The city adopts by reference the following rules for SEPA and Growth Management Act compliance, as supplemented in this chapter:

WAC

197-11-158 GMA project review – Reliance on existing plans, laws and regulations.

197-11-164 Planned actions – Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.

197-11-172 Planned actions – Project review.

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 Documents.

(Ord. 2000-19 § 19; Ord. 3149 § 1, 1995)