

0008.150.013

WDT/tw

11/02/88

ORDINANCE NO. 546

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A NEW CHAPTER 18.04 IN THE GIG HARBOR MUNICIPAL CODE TO BE ENTITLED "ENVIRONMENTAL REVIEW (SEPA)"; ADOPTING BY REFERENCE PROVISIONS OF THE WASHINGTON ADMINISTRATIVE CODE RELATING TO SEPA; ADOPTING POLICIES AS A BASIS FOR EXERCISE OF SUBSTANTIVE AUTHORITY UNDER SEPA; PROVIDING FOR APPEALS; AND ESTABLISHING FEES.

WHEREAS, the State Environmental Policy Act (SEPA), RCW 43.21C requires that the City adopt policies and procedures to implement the law, now, therefore,

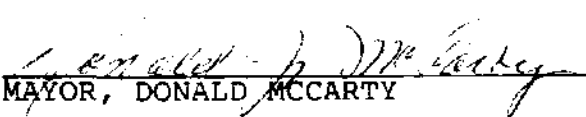
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 18.04 is hereby created in the Gig Harbor Municipal Code to be entitled "Environmental Review (SEPA)", and to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


MAYOR, DONALD MCCARTY

ATTEST/AUTHENTICATED:


CITY CLERK, MICHAEL WILSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 12/9/88
PASSED BY THE CITY COUNCIL: 12/28/88
PUBLISHED: 1/11/89
EFFECTIVE DATE: 1/16/89
ORDINANCE NO. 546

0008.150.013

WDT/tw

11/02/88

SUMMARY OF ORDINANCE NO. 546

of the City of Gig Harbor, Washington

On December 28, 1988, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 546, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A NEW CHAPTER 18.04 IN THE GIG HARBOR MUNICIPAL CODE TO BE ENTITLED "ENVIRONMENTAL REVIEW (SEPA)"; ADOPTING BY REFERENCE PROVISIONS OF THE WASHINGTON ADMINISTRATIVE CODE RELATING TO SEPA; ADOPTING POLICIES AS A BASIS FOR EXERCISE OF SUBSTANTIVE AUTHORITY UNDER SEPA; PROVIDING FOR APPEALS; AND ESTABLISHING FEES.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 28, 1988.

Michael Wilson
CITY CLERK, MICHAEL WILSON

TITLE 18
CHAPTER 18.04
ENVIRONMENTAL REVIEW (SEPA)

18.04.010 AUTHORITY

The City of Gig Harbor adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules WAC 197-11-904. The SEPA rules contained in Chapter 197-11 WAC must be used in conjunction with this chapter.

18.04.020 ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

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.

18.04.030 ADDITIONAL DEFINITIONS

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

18.04.040 DESIGNATION OF RESPONSIBLE OFFICIAL

- A. For those proposals for which the City is a lead agency, the responsible official shall be the Planning Director or such other person as the Director may designate in writing.
- B. For all proposals for which the City is a lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference.

18.04.050 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES

- A. The responsible official or the department 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 WAC 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 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 the City determines a supplemental environmental review is necessary under WAC 197-11-600.
- C. 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 fifteen (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 fifteen (15) day time period. Any such petition on behalf of the City may be initiated by the responsible official or any department.
- D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944.
- E. The responsible official shall require sufficient information from the applicant to identify other agencies with jurisdiction.

18.04.060 CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended by reference as supplemented in this chapter:

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.

18.04.070 CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS -
TIME ESTIMATES

The time estimates contained in this section apply when the City processes licenses for all private projects and those governmental proposals submitted to the City by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. The time estimates contained herein shall not be construed to be mandatory. For the purpose of this section the word "day" shall mean a day upon which the City's administrative offices are open for business.

- A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within ten (10) days of receiving a completed application.
- B. Threshold Determinations.
1. The City will normally complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (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 consults with other agencies with jurisdiction:
 - a. The City will normally request such further information within fifteen (15) days of receiving an adequate application and completed environmental checklist.
 - b. The City will normally wait no longer than fifteen (15) days for a consulted agency to respond.
 - c. The responsible official will normally complete the threshold determination within fifteen (15) days of receiving the requested information from the applicant 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 will normally complete the studies within thirty (30) days of receiving an adequate application and a completed checklist.

4. The City will normally complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impacts described in the application, within fifteen (15) days of receiving an adequate application and completed checklist.
5. The responsible official will normally respond to a request for early notice within ten (10) days. The threshold determination will normally be made within fifteen (15) days of receipt of the changed or clarified proposal, environmental checklist and/or permit application.

18.04.080 CATEGORICAL EXEMPTIONS - ADOPTION BY REFERENCE

The City adopts the following rules for categorical exemption of Chapter 197-11, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

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

18.04.090 CATEGORICAL EXEMPTIONS - DETERMINATION

- A. When the City receives an application for a license or, in the case of governmental proposals a department initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The 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 shall apply to the proposal.
- B. In determining whether or not a proposal is exempt the responsible official shall make certain the proposal is properly defined and shall identify the governmental license required. If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the 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:
 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 reasonable alternatives.
- 2. The City may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the nonexempt actions were not approved, and
- 3. The City may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved.

18.04.100 DETERMINATION - REVIEW AT CONCEPTUAL STAGE

- A. If the City's only action on a proposal is a decision on a building permit or other licenses 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.
- B. In addition to the environmental documents an applicant shall submit the following information for early environmental review:
 - 1. A copy of any permit or license application;
 - 2. Other information as the responsible official may determine.

18.04.110 THRESHOLD DETERMINATIONS - ENVIRONMENTAL CHECKLIST

- A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate or other approval not exempted by this chapter. The checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).
- B. A checklist is not needed if the City and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency or adoption of a previous document.
- C. For private proposals, the applicant is required to complete the environmental checklist. The City may provide assistance as necessary. For City proposals the department initiating the proposal shall complete the environmental checklist for that proposal.

D. The City may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs:

1. The City has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

E. The applicant shall pay to the City the actual costs of providing information under subparagraph D(2).

18.04.120 THRESHOLD DETERMINATIONS - MITIGATED DNS

A. The responsible official may issue a determination of nonsignificance (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. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
2. Precede the City's actual threshold determination for the proposal.

C. The responsible official's response to the request for early notice shall:

1. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the City to consider a DS; and
2. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and may revise the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the City shall base its threshold determination on the changed or clarified proposal.

1. 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 determination of nonsignificance if the City determines that no additional information or mitigation measures are required.

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, issue 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.
 4. 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.
- E. The City shall not act upon a proposal for which a mitigated DNS has been issued for fifteen (15) days after the date of issuance.
- F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any matter specifically prescribed by the City. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.
- G. 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) relating to the withdrawal of a DNS.
- H. The City's written response under subsection C of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification 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.

18.04.130 ENVIRONMENTAL IMPACT STATEMENT (EIS) - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented by this chapter:

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.

18.04.140 EIS - PREPARATION

- A. Preparation of draft and final EISs and SEISs shall be under the direction 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 draft and final EIS or SEIS shall be prepared at the City's option by the City staff, the applicant or by a consultant approved by the City. 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 draft and final EIS prior to distribution.
- C. The City may require an applicant to provide additional information which the City does not possess, including information which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulation, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

18.04.150 EIS - COMMENTING - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

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.

18.04.160 PUBLIC NOTICE

Whenever the City issues a threshold determination, or EIS requiring public notice, the City shall give public notice of the determination or the availability of the environmental documents and whether any public hearing will be held as follows:

- A. Threshold Determination Notice - Public notice will be given on the following situations:
 - 1. DNS involving another agency with jurisdiction.
 - 2. DNS involving demolition of any structure or facility not exempted by WAC 197-11-800(2)(f) or WAC 197-11-880.
 - 3. DNS involving issuance of clearing or grading permits not exempted under WAC Part Nine - Categorical Exemptions.
 - 4. DNS under WAC 197-11-350(2) Early Notice.
 - 5. DNS under WAC 197-11-350(3) Mitigated DNS.
 - 6. DNS under WAC 197-11-360(4) change from DS to DNS.
 - 7. DS for scoping purposes.
 - 8. Availability of a DEIS.
- B. Type of Notice - Under subparagraph A, above, notice will be given as follows:
 - 1. Posting the site of the proposed action and at Gig Harbor City Hall.
 - 2. SEPA register.
 - 3. Publication in the official newspaper for the City of Gig Harbor.
- C. Public Hearing - Whenever a public hearing is held notice shall be given. Such notice shall precede the hearing by at least ten (10) days.

D. Type of Notice - Under subparagraph C, above, notice will be given as follows:

1. Posting or near the property for site specific proposals.
2. Mailing to property owners within 300 feet for site specific proposals.
3. Publication in the official newspaper of the City of Gig Harbor.
4. Other methods as deemed necessary and appropriate by the responsible official, provided that a public hearing on a non-project proposal must be preceded by written, published notice in accordance with WAC 197-11-502(6)(b) at least ten (10) days prior to the hearing.

18.04.170 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES

- A. The responsible official shall be responsible for preparation of written documents for the City in response to a consultation request prior to a threshold determination, participation in scoping and reviewing of a draft EIS.
- B. The responsible 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 requests are prepared in a timely fashion and include data from all appropriate departments of the City.

18.04.180 USING EXISTING ENVIRONMENTAL DOCUMENTS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statements.
197-11-625	Addenda--Procedures.
197-11-630	Adoption--Procedures.
197-11-635	Incorporation by reference--Procedures.
197-11-640	Combining documents.

18.04.190 SEPA DECISIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-650	Purpose of this Part.
197-11-655	Implementation.

197-11-660 Substantive authority and mitigation.
197-11-680 Appeals.
197-11-700 Definitions.

18.04.200 SEPA DECISIONS

For nonexempt proposals, the DNS or EIS for the proposal shall accompany the City staff's recommendation. If a Final EIS is or becomes available, it shall be substitute for the draft.

18.04.210 SEPA DECISIONS - SUBSTANTIVE AUTHORITY

- A. The City may attach conditions to a permit or approval for a proposal so long as:
1. Such conditions are necessary to mitigate specific adverse environmental impacts clearly identified in an environmental document prepared pursuant to this chapter; and
 2. Such conditions are in writing; and
 3. 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 Section 18.04.220 and cited in the permit, approval, license or other decision document.
- B. 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 a final EIS or final supplemental EIS; and
 2. A finding is made that there are no reasonable mitigation measures sufficient to mitigate the identified impact; and
 3. The denial is based on one (1) or more policies identified in Section 18.04.220 and identified in writing in the decision document.

18.04.220 SEPA - POLICES

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

B. The City adopts by reference the policies in the following City codes, ordinances, resolutions and plans, as now existing or hereinafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals.

1. Chapter 43.21C RCW State Environmental Policy Act.
2. Title 5 - Business Licenses and Regulations.
3. Title 6 - Animals.
4. Title 8 - Health and Safety.
5. Title 10 - Vehicles and Traffic.
6. Title 12 - Streets and Sidewalks.
7. Title 13 - Water and Sewers.
8. Title 15 - Buildings and Construction.
9. Title 16 - Subdivision.
10. Title 17 - Zoning.
11. The Gig Harbor Comprehensive Plan, 1986.
12. The Gig Harbor Shorelines Master Program.
13. 6 Year Street Program.
14. Comprehensive Water Plan (1986).

18.04.230 APPEALS

- A. Any interested person may appeal the adequacy of a final EIS and the conditions or denial of a requested action made by a non-elected City official pursuant to the procedures set forth in this section. No other SEPA appeal shall be allowed.
- B. All appeals filed pursuant to this section must be filed in writing with the Planning Director within ten (10) calendar days of the date of the decision appealed from.
- C. On receipt of a timely written notice of appeal, the Planning Director shall transmit said appeal to the Hearing Examiner and request that a date for considering the appeal be established. The decision of the Hearing Examiner shall be final pursuant to the provisions of Chapter 17.10.

- D. All relevant evidence shall be received during the hearing of the appeal and the decision shall be made de novo. The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.
- E. For any appeal under this section, the City shall provide for a record that shall consist of the following:
 - 1. Findings and conclusions;
 - 2. Testimony under oath; and
 - 3. A taped or written transcript.
- F. The City shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

18.04.240 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 City Clerk, applicant or proponent pursuant to RCW 43.21C.080.

18.04.250 DEFINITIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

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.

18.04.260 COMPLIANCE WITH SEPA - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

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	Determination 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 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.

18.04.270 ENVIRONMENTALLY SENSITIVE AREAS

(Reserved)

18.04.280 FEES

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

A. Threshold determination.

For every environmental checklist the City will review lead agency, the City shall collect a fee of Forty Dollars (\$40.00) from the proponent of the proposal prior to undertaking the threshold determination. This fee shall not apply if the checklist is required only as a result of Section 18.04.040. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of fees. When the City assists the applicant or completes the environmental checklist at the applicant's request or under Section 18.04.110(E) of this chapter an additional fee equal to the estimated actual cost of providing the assistance shall 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 costs incurred, including overhead, by the City in preparing the EIS. The responsible official shall advise the applicant of the projected costs for the EIS prior to actual preparation.
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. Such consultants shall be selected by the City.

3. The applicant shall pay the projected amount to the City prior to commencing work. The City will refund the excess, if any, at the completion of the EIS. If the City's cost exceed the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subparagraphs (1) or (2) of this subsection which remain after incurred costs, including overhead, are paid.
- C. The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.
- D. The City may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by Chapter 42.17 RCW.
- E. If review of the application involves scientific, technical or specialized knowledge beyond the capabilities of City staff, the City may hire experts to review the application and shall charge the applicant for such expense.

18.04.290 FORMS - ADOPTION BY REFERENCE

The City adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

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.