

Chapter 16.04

PURPOSE-AUTHORITY

Sections:

- 16.04.005 User Guide
- 16.04.010 Authority
- 16.04.015 Policy

16.04.005 User Guide. This Title contains the City's laws that implement the State Environmental Policy Act (RCW 43.21C). This Title contains several parts. These parts correspond to the parts contained in Chapter 197-11 of the Washington Administrative Code, which also implements the State Environmental Policy Act. At the beginning of each part of this Chapter is a list of sections of the Washington Administrative Code, Chapter 197-11, that are adopted by reference. These WAC sections, as well as RCW 43.21C, should be consulted for complete information regarding SEPA.

16.04.010 Authority. These rules are promulgated under the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and SEPA Rules, WAC 197-11. WAC 197-11-020 grants authority for promulgation.

16.04.015 Policy. The City hereby adopts by reference the following sections of the WAC which contain related information.

197-11-030 Policy

Chapter 16.08

16.08.015 Early Review.

GENERAL REQUIREMENTS

Sections:

- 16.08.005 SEPA Process
- 16.08.010 Use of Environmental Documents
- 16.08.015 Early Review

16.08.005 SEPA Process. This chapter contains information on the basic requirements that apply to the SEPA process. The City hereby adopts by reference the following sections of the WAC which contain related information.

- 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 Action During SEPA Process;
- 197-11-080 Incomplete or Unavailable Information;
- 197-11-090 Supporting Documents;
- 197-11-100 Information Required of Applicants.

16.08.010 Use of Environmental Documents. For nonexempt proposals, the DNS, MDNS, or final EIS or SEIS for the proposal shall accompany the city's staff recommendation to the appropriate decision-maker. A project's compliance with SEPA and the City's Environmental Policy shall be based on that document, public testimony, and/or any relevant materials within the project's official file.

- (a) 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 detailed plans and specifications. A decision as to whether or not to do early environmental review, prior to receiving a complete development permit application having been filed, shall be at the discretion of the responsible official. A fee for environmental review, as set by Resolution 1991-10 as amended, shall be paid at the time of request.
- (b) The responsible official may elect to do early environmental review if adequate information is available to determine the size and scope of the proposed action, including dimensions and use of all proposed improvements, project timing, and the extent of clearing and grading.
- (c) The city may invite preliminary environmental review and have informal conferences with the applicants prior to receipt of a complete development permit application. However, this review shall not be binding on the city or the applicant.
- (d) Any request for early notice of whether or not a DS is likely under WAC 197-11-350 shall be in writing.

Chapter 16.12

197-11-390

Effect of threshold determination.

**CATEGORICAL EXEMPTIONS
AND THRESHOLD
DETERMINATIONS**

Sections:

- 16.12.005 General -- Categorical Exemptions and Threshold Determinations
- 16.12.010 Use of Exemptions
- 16.12.015 Environmental Checklist
- 16.12.020 Additional Information -- Preparation of Technical Studies
- 16.12.025 Mitigated DNS
- 16.12.030 Issuance of Threshold Determination to Coincide with Public Notice and Public Hearing Requirements

16.12.005 General -- Categorical Exemptions and Threshold Determinations. This chapter contains information for deciding whether or not a proposal has a "probable significant, adverse, environmental impact," and for evaluating the impact of proposals not requiring an EIS. The city adopts by reference the following sections of the WAC which contain related information:

- 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)/invitation of scoping;

16.12.010 Use of Exemptions. Each city department receiving an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be subject to review by the environmental coordinator. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal.

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

16.12.020 Additional Information -- Preparation of Technical Studies. WAC 197-11-335 allows the lead agency to require additional information when necessary to make a Threshold Determination. When the Responsible Official determines that this information should take the form of technical studies, they shall be prepared by experts qualified in that field (as confirmed by the appropriate certification). Additionally, these studies shall be in the following format and contain the following information unless otherwise specified in City ordinances, policies, or guidelines specifically addressing report format and/or contents:

- (a) Title Page -- project name and number; lead agency name; name of preparer of document; name of who the document was prepared for; and date;
- (b) Signature Page -- signature, name, title, and qualifications of lead author; names, titles, and qualifications of sous-authors;
- (c) Table of Contents -- section names and pages;

TITLE 16 -- SEPA PROCEDURES AND POLICIES

- (d) **Introduction** -- why this document was prepared; use of document; permitting process;
- (e) **Summary** -- main findings;
- (f) **Project Description** -- project name and number; description of proposal and permit requested; project location; current land use, Plan, and Zone designation of property and surrounding properties;
- (g) **Existing Conditions** -- description of resources, including their sensitivity status (e.g., state of federal listing of species.; LOS of road; etc.);
- (h) **Environmental Impacts of the Project** -- how the project's approval and implementation will affect the existing resources;
- (i) **Analysis of Significance** -- analysis of whether or not the impact will be significant and why;
- (j) **Mitigation Measures** -- proposed measures that will reduce impacts below a level of significance (mitigation measures must meet SEPA requirements and be written in a conditional format (i.e., be made a condition of a permit);
- (k) **Impacts That Cannot Be Mitigated Below a Level of Significance** -- list of those impacts which cannot be mitigated;
- (l) **References** -- bibliography of documents, agencies, and persons consulted;
- (m) **Appendices** -- any additional information used in preparing the document (e.g., data tables).

In addition, any wetland mitigation plan shall meet the requirements of the Sensitive Areas Ordinance's Appendix A "City of Lake Stevens Wetlands Mitigation Plan Requirements."

16.12.025 Mitigated DNS.

- (a) For a mitigated DNS, the applicant's proposed mitigation measures (clarifications, changes or conditions) must be written in the form of an Application

Amendment Form, and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibels" or "construct a 200-foot storm water retention pond at Y location" are adequate.

- (b) The signing of the Application Amendment Form by the applicant or his/her representative indicates the applicant's proposal of, and agreement to, the mitigation measures. If the applicant refuses to sign an Application Amendment Form indicating his/her proposal of, and agreement to, the mitigation measures, then this refusal shall be considered an objection to certain mitigation measures. The applicant must identify those measures to which s/he objects and sign the agreement without these measures. Pursuant to WAC 197-11-350(b) the City could still issue an MDNS with those measures included, and the applicant could file an appeal of the MDNS following the issuance of the final MDNS. See §16.28.25 for appeal procedures.
- (c) Mitigation measures incorporated in the mitigated DNS are deemed conditions of approval of the permit decision and shall be enforced in the same manner as any term or condition of the permit, or enforced in any manner available to the city.
- (d) If the city's final decision on a proposed action does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city shall reevaluate the threshold determination to insure that the DNS is still valid or determine if it should be withdrawn under WAC 197-11-340(3)(a). (Ord. 390, 1992)

16.12.030 Issuance of Threshold Determination to Coincide with Public Notice and Public Hearing Requirements.

- (a) Except for a determination of significance, the City may not issue a threshold determination or issue a decision or recommendation on a permit until the expiration of the public comment period on the notice of application issued pursuant to Chapter 14.16B.
- (b) If an open record predecision hearing is required and the City's threshold determination requires public notice under Chapter 43.21C RCW, the City shall issue the threshold determination at least 15 days prior to the hearing. (Ord. 811, Sec. 91, 2010; Ord. 512, Sec. 2, 1996)

Chapter 16.16

ENVIRONMENTAL IMPACT STATEMENT

Sections:

- 16.16.005 General -- Environmental Impact Statement
- 16.16.010 Preparation of EIS -- Additional Considerations

16.16.005 General -- Environmental Impact Statement. This chapter contains information on the rules for preparing EIS's. The city adopts by reference the following sections of the WAC which contain related information:

- 197-11-400 Purpose of EIS;
- 197-11-402 General requirements;
- 197-11-404 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 Non-Project Proposals;
- 197-11-443 EIS contents when prior Non-Project 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.

16.16.010 Preparation of EIS -- Additional Considerations.

- (a) The responsible official shall determine

whether the draft, or final EIS, or SEIS will be prepared by the city or by a private consultant. Unless otherwise specified by City ordinance, policy, or guidelines addressing the choosing of preparers of reports, an applicant on a private development will normally be able to choose his/her consultant, as long as the consultant meets the qualifications specified in §16.12.020.

- (b) Regardless of who prepares the EIS, the responsible official shall ensure that the EIS or SEIS is prepared in accordance with all applicable laws, regulations, and ordinances. The responsible official shall determine the elements of the environment to be included in the document through the scoping process described in this section.
 - (1) Whenever the city issues a DS under WAC 197-11-360(3), the city shall provide notice as prescribed in subsection (b) of §16.20.010 of this chapter and shall circulate copies of the DS to the applicant; agencies with jurisdiction and expertise, if any; affected tribes and the public.
 - (2) All comments on a DS and scoping notices must be in writing and received within twenty-one days from the date of issuance of the DS, except where a public meeting on EIS scoping occurs, pursuant to WAC 197-11-410(1)(b).
- (c) If the EIS is prepared by a private consultant, the technical reports on which the EIS must be based shall meet the requirements of §16.12.020, above, and any other format and content requirements as specified in other applicable City ordinances, policies, and guidelines.
- (d) The cost of preparation of EIS shall be borne by the applicant, and is a private arrangement between the applicant and his/her consultant.

- (e) City review and processing:
 - (1) The applicant shall deposit with the city an amount for review and processing of the Environmental Impact Statement or SEIS as required by Ordinance Nos. 377, and Resolution No. 1991-10 as amended.
 - (2) The city will not begin to review and process any EIS or SEIS until the deposit required by §16.16.010(e)(1) is received by the city.
 - (3) The City will make available to the applicant a monthly itemized billing for costs incurred in the review and processing of an EIS or SEIS upon request.
 - (4) If the amount deposited exceeds the cost of review and processing, the city will refund the excess to the applicant following issuance of the final EIS or SEIS.
 - (5) If the cost of review and processing exceeds the amount deposited, the applicant shall pay the full amount due to the city within 30 days of receipt of an itemized billing by the city.
 - (6) The city will cease all work on the proposal, including review and processing of the EIS or SEIS, if the amounts due to the city have not been paid in full in the manner specified in this section.
- (g) Before the city issues an EIS or SEIS for public review or use, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

Chapter 16.20

COMMENTING

Sections:

16.20.005 General -- Commenting
16.20.010 Public Notice

16.20.005 General -- Commenting. This chapter contains rules for consulting, commenting and responding to environmental documents including rules for public notices and hearings. The city adopts by reference the following sections of the WAC which contain related information:

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 responses to comments;
197-11-570	Consultant agency costs to assist lead agency.

16.20.010 Public Notice.

- (a) Whenever the city issues a DNS under WAC 197-11-340(2), or DS under WAC 197-11-360(3), the city shall give public notice by publishing notice in a newspaper of general circulation in the city where the proposal is located.
- (b) Whenever the city issues a draft EIS or SEIS under WAC 197-11-455(5) or WAC 197-11-620, notice of availability of those documents shall be given by:

- (1) Posting the property for site-specific proposals; and
 - (2) Publishing notice in a newspaper of general circulation in the City.
- (c) If, in either case (a) or (b), above, the Threshold Decision is issued on a subdivision or short plat, notice of availability of those documents shall be given by:
- (1) Posting the property for site-specific proposals; and
 - (2) Publishing notice in a newspaper of general circulation in the City.
- (d) The responsible official may require notice by alternative methods, as specified in WAC 197-11-510, if deemed necessary to provide public notice of impending action.

Chapter 16.24

USING EXISTING
ENVIRONMENTAL
DOCUMENTS

Sections:

16.24.005 General -- Using Existing
Environmental Documents

16.24.005 General -- Using Existing
Environmental Documents. This chapter
contains information on using and
supplementing the existing environmental
documents prepared under SEPA or NEPA for
the city's own environmental compliance. The
city adopts by reference the following sections
of the WAC which contain related information:

197-11-600	When to use existing environmental documents;
197-11-610	Use of NEPA;
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.

Chapter 16.28

SEPA AND AGENCY DECISIONS

Sections:

- 16.28.005 General -- SEPA and Agency Decisions
- 16.28.007 Use of Adopted Plans and Regulations as SEPA Analysis and/or Mitigation
- 16.28.010 SEPA Policies
- 16.28.015 Technical Reports and EIS's -- Use as a Basis for Requiring Mitigation
- 16.28.020 Finalization of Threshold Decisions
- 16.28.025 Administrative Appeals
- 16.28.030 Judicial Review

16.28.005 General -- SEPA and Agency Decisions.

This chapter contains information on SEPA's substantive authority and procedures for appealing SEPA determinations to agencies or the courts. The city adopts by reference the following sections of the WAC which contain related information:

197-11-650	Purpose of this part;
197-11-655	Implementation;
197-11-660	Substantive authority and mitigation;
197-11-680	Appeals.

(Ord. 390, 1992)

16.28.007 Use of Adopted Plans and Regulations as SEPA Analysis and/or Mitigation.

(a) If the requirements of Subsection (b) of this section are satisfied, the City may determine that the requirements for environmental analysis, protection, and mitigation measures in the City's development regulations and com-

prehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

- (b) The City may make the determination provided for in Subsection (a) of this section if:
 - (1) In the course of project review, including any required environmental analysis, the City considers the specific probable adverse environmental impacts of the proposed action and determined that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws: and,
 - (2) The City bases or conditions its approval on compliance with these requirements or mitigation measures.
- (c) If the City's comprehensive plan, subarea plan(s), and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under Subsections (a) and (b) of this section, the City shall not impose additional mitigation under this Title during project review. Project review shall be integrated with environmental analysis under this Title.
- (d) A comprehensive plan, subarea plan, or development regulations shall be considered to adequately address an impact if the City, through the planning and environmental review process under Chapter 36.70A RCW and Chapter 2 of ESHB 1724, has identified the specific adverse environmental impacts and:
 - (1) The impacts have been avoided or otherwise mitigated; or,
 - (2) The City Council has designated as acceptable certain levels of service, land use designations, development stan-

dards, or other land use planning required or allowed by chapter 36.70A RCW.

- (e) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.
- (f) Nothing in this Section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 2 of ESHB 1724. (Ord. 512, Sec. 1, 1996)

16.28.010 SEPA Policies.

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

- (a) The policies of the State Environmental Policy Act - Chapter 43.21C RCW;
- (b) Ordinance No. 445 and its successors, as amended, and supporting documents - GMA Comprehensive Plan;
- (c) Lake Stevens Municipal Code, all applicable titles, chapters, and sections, and its successors, as amended, including, but not limited to: Title 6 - Sewer, Title 11 - Storm and Surface Water Management, Title 12 - Building and Construction, and Title 14 - Land Use Code;
- (d) Ordinance No. 805 and its successors, as amended - The Official Zoning Map;
- (e) Ordinance No. 390 and its successors, as amended - SEPA Procedures and Policies;
- (f) The City of Lake Stevens Shoreline Master Program, as well as the Shoreline Policies adopted in the Lake Stevens Municipal Code Chapter 14.92;

- (g) The perpetual six-year Transportation Improvement Program and Administrative Guidelines, including annual amendments;
- (h) The Park Comprehensive Plan and its successors, as amended;
- (i) Lake Stevens Sewer District Year 2000 Comprehensive Plan;
- (j) Lake Stevens Watershed Water Quality Management Plan;
- (k) Lake Stevens "Guidelines for the Preparation of Historical/Archaeological Reports";
- (l) Ordinance No. 371, School Mitigation Ordinance;
- (m) Ordinance No. 741 and its successors, as amended - Critical Areas Ordinance;
- (n) North City Sewer Extension Plan;
- (o) City Annexation Policy;
- (p) Watershed Water Quality Management Plan;
- (q) Lake Stevens Area Regional Traffic Study, October 1991;
- (r) Any other applicable documents currently adopted by the City of Lake Stevens. (Ord. 808, Sec. 3, 2009)

16.28.015 Technical Reports and EIS's -- Use as a Basis for Requiring Mitigation.

Technical reports prepared for additional information pursuant to Section 16.12.020 or as part of an EIS, or EIS's themselves, may be used as a basis for requiring mitigation. (Ord. 390, 1992)

16.28.020 Finalization of Threshold Decisions.

- (a) A DNS is final on the day the permit on the underlying project is issued by the permit-issuing authority (as specified in LSMC Title 14)
- (b) A DS is final on the date it is published under Section 16.12.005 of this chapter. (Ord. 494, 1995; Ord. 390, 1992)

16.28.025 Administrative Appeals.

TITLE 16 -- SEPA PROCEDURES AND POLICIES

- (a) **Appealable Decisions.** Only the following decisions of the city are appealable under this section:
 - (1) The issuance of a declaration of nonsignificance, including mitigation measures and conditions that are required as part of that declaration of nonsignificance; except that the applicant may not appeal a mitigation measure listed on his/her signed Application Amendment Form. The applicant may appeal mitigation measures on a final DNS that were not listed on his/her signed Application Amendment Form.
 - (2) The issuance of a declaration of significance.
- (b) **Who May Appeal.** Any person, including the applicant, or any agency, group, or other entity with just cause (as determined by the Responsible Official) may appeal a Threshold Decision, provided that a complete appeal is filed. A complete appeal includes a letter of appeal and an appeal fee, as set by Resolution 1991-10, or its successors. One fee per appeal letter is required; however, there is no limit as to the number of signatures that can be placed on one appeal letter.
- (c) **Time to Appeal.**
 - (1) The applicant may appeal initial mitigation measures on a DNS pursuant to §16.12.025(b).
 - (2) Other than an applicant's appeal of initial mitigation measures pursuant to §16.12.025(b), an appeal of a DS or DNS by any party listed in §16.28.025(b)(1), including the applicant, must be filed with environmental coordinator within seven days of the date the determination is final.
- (d) **How to Appeal.** The appeal must be in the form of a written notice of appeal, and must contain a concise statement of the matter being appealed, the specific

components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal. The appeal may also contain whatever supplemental information the appellant wishes to include. An appeal fee pursuant to Resolution 1991-10 must also be included.

- (e) **Who Will Hear and Decide Upon the Appeal.**
 - (1) **Threshold Determinations:** Appeals of threshold determinations will be heard and decided upon by the hearing examiner using the appeal provisions, as applicable, of Chapter 16.28, except that:
 - (a) The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal; and
 - (b) The decision of the responsible official shall be accorded substantial weight; and
 - (c) All testimony will be taken under oath; and
 - (d) The decision of the hearing examiner shall be the final decision on any appeal of a threshold determination, including appeals of measures included in a Mitigated Determination of Non-Significance.
 - (e) All Hearing Examiner appeal decisions shall be reported to the City Council at their first regular meeting following the issuance of the decision.

16.28.030 Judicial Review. Judicial review of SEPA determinations are by RCW 43.21C.075 required to be heard only at the time of judicial review of the underlying action, i.e. approval or disapproval of the proposal for which SEPA review was required. For rules on perfecting and timing of the SEPA determination and

TITLE 16 -- SEPA PROCEDURES AND POLICIES

judicial appeal, see RCW 43.21C.075 and WAC 197-11-680(4). The notice required by WAC 197-11-680(5) shall be appended to the permit or "notice of appeal" at the time of final city action.

Chapter 16.32

DEFINITIONS

Sections:

- 16.32.005 General Definitions
- 16.32.010 Additional Definitions

16.32.005 General Definitions. This chapter contains information on the usage and definition of terms under SEPA. The city adopts the following sections of WAC by reference and as supplemented by §16.32.010 of 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 Incorporated 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 Non-Project;
- 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.

16.32.010 Additional Definitions.

- (1) In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this Ordinance, the following terms shall have the following meanings unless the context indicates otherwise:
 - a. "City Department" means any Department of the City of Lake Stevens established by Title 2 of the Lake Stevens Municipal Code

- b. "SEPA Rules" means Chapter 197-11 WAC adopted by the Department of Ecology.
- c. "Complete Development Permit Application" means a development permit application which has been reviewed by the appropriate Department(s) of the City with all information as required by the "Development Permit Application and the Submission Requirements" found to be adequate, and a final Threshold Determination has been made.
- d. "Complete SEPA Application" means a development permit application which has been reviewed by the appropriate Department(s) of the City with all information as required by the "Development Permit Application and the Submission Requirements" found to be adequate, as well as all information necessary to make a threshold determination, including a SEPA Checklist and any initial or technical studies necessary to make such a determination.
- e. "City" means the City of Lake Stevens.
- f. "Improvement" means any structure or man-made feature, or alteration of natural landform or other natural resource.

(2) The following abbreviations are used in this Chapter:

- a. "SEPA" means State Environmental Policy Act.
- b. "DS" means Determination of Significance.
- c. "EIS" means Environmental Impact Statement.
- d. "SEIS" means Supplemental Environmental Impact Statement.
- e. "DNS" means Determination of

Nonsignificance.

- f. "MDNS" means Mitigated Determination of Nonsignificance.
- g. "WAC" means Washington Administrative Code.
- h. "RCW" means Revised Code of Washington.

Chapter 16.36

CATEGORICAL EXEMPTIONS

Sections:

- 16.36.005 General -- Categorical Exemptions
- 16.36.010 Threshold Levels for Categorical Exemptions

16.36.005 General -- Categorical Exemptions.
This chapter contains information on the rules for categorical exemptions. The city adopts by reference the following sections of the WAC which contain related information:

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

16.36.010 Threshold Levels for Categorical Exemptions. WAC 197-11-800 establishes certain actions as exempt from SEPA. Under (1)(c) of that section, the city establishes raised levels of exemptions for the following types of actions as exempt from SEPA except as provided in WAC 197-11-305 and WAC 197-11-800(1)(a):

- (1) Any landfill or excavation that does not require a Clearing and Grading Permit, or any fill or excavation classified as Class I, II, or III forest practice under RCW 76.09.050 or regulations there under [WAC 197-11-800(1)(b)(v)]; except that grading shall not be exempt in a waterway, in any wetland, or in mapped areas of severe geologic hazard.

Chapter 16.40

AGENCY COMPLIANCE

Sections:

- 16.40.005 General -- Agency Compliance
- 16.40.010 Designation of Responsible Official
- 16.40.015 Environmental Coordinator
- 16.40.020 Agency Consultation
- 16.40.025 Environmentally Sensitive Area
Map Adopted by Reference
- 16.40.030 Fees

16.40.005 General -- Agency Compliance.

This chapter contains information on rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts by reference the following sections of the WAC which contain related information:

- 197-11-900 Purpose of this part;
- 197-11-902 Agency SEPA policies;
- 197-11-908 Environmentally sensitive areas;
- 197-11-916 Application to ongoing action;
- 197-11-920 Agencies with environmental expertise;
- 197-11-922 Lead agency rules;
- 197-11-924 Determining lead agency;
- 197-11-926 Lead agency for governmental proposals;
- 197-11-928 Lead agency for public and private proposals;
- 197-11-930 Lead agency for private projects with one-agency jurisdiction;
- 197-11-932 Lead agency for private projects requiring licenses from more than

197-11-934

197-11-936

197-11-938

197-11-940

197-11-942

197-11-944

197-11-948

197-11-950

197-11-955

one agency, when one of the agencies is a county/city;
 Lead agency for private projects requiring licenses from a local agency, not a county/city; and one or more state agencies;
 Lead agency for private projects requiring licenses from more than one state agency;
 Lead agency for specific proposals;
 Transfer lead agency status to a state agency;
 Agreements on lead agency status;
 Agreements on division of lead agency disputes;
 Assumption of lead agency status;
 Severability;
 Effective date.

16.40.010 Designation of Responsible Official. For all proposals for which the City of Lake Stevens is the Lead Agency, the Responsible Official shall be the Director of the Department of Planning and Community Development, or his/her designee. For these proposals 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 this Chapter.

16.40.015 Environmental Coordinator. The Responsible Official or his/her designee shall act as environmental coordinator. It shall be the responsibility of the environmental coordinator to:

TITLE 16 -- SEPA PROCEDURES AND POLICIES

- (1) Assure that all SEPA-related city ordinances and policies are in compliance with corresponding regulations and policies at the state level;
- (2) Assist all city departments in the interpretation and implementation of this chapter;
- (3) Coordinate the processing of appeals pursuant to §16.28 of this chapter;
- (4) Assist the public with inquiries concerning environmental policy and other SEPA-related information;
- (5) Maintain all public information on SEPA;
- (6) Coordinate the review of and response to impact statements submitted by the city as a consulted agency by other governmental agencies;
- (7) Coordinate the preparation and distribution of EIS's and SEIS's undertaken by the city or its consultant;
- (8) Review each environmental checklist submitted to the city and make a recommendation to the responsible official on each action or proposal;
- (9) Determine whether or not the proposal is an exempt action, make certain the proposal is properly defined and identify the governmental licenses required (WAC 197-11-060);
- (10) Be responsible for preparation of written comments for the city in response to consultation requests prior to a threshold determination, participating in scoping, and reviewing draft EIS;
- (11) Be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency. The environmental coordinator is authorized to develop operating procedures that will insure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city;

- (12) Perform all other activities required to implement SEPA in the city except those performed by the responsible official.

16.40.020 Agency Consultation. Pursuant to WAC 197-11-912 the procedure for agency consultation shall be as follows:

- (a) Responses to inquiries from other agencies regarding Threshold Determinations may be made by telephone, unless specifically requested by the agency that they be in writing. A memorandum to the case file outlining the agency's name, the contact's name, telephone number, date of call, and brief summary of discussion should be made.

16.40.025 Environmentally Sensitive Area Map Adopted by Reference. The map(s) entitled "Environmentally Sensitive Areas Map within the City of Lake Stevens," or other similar maps, and bearing the dates of adoption and the signature of the mayor and the Director of the Department of Planning and Community Development of the city respectively, and their successors, are hereby adopted by reference as though fully set forth herein. This map generally shows known environmentally sensitive areas of the city and surrounding areas. These maps are not all-inclusive and neither their existence nor use precludes the City's authority to require additional inventory and mitigation for impacts.

16.40.030 Fees. The city shall require fees as set forth in Resolution 1991-10, as amended, for its activities in accordance with provisions of this chapter.

Chapter 16.44

FORMS

Sections:

16.44.005 General -- Forms

16.44.005 General -- Forms. This chapter contains information on forms. The City adopts by reference the following sections of the WAC which contain related information:

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.

Chapter 16.48

SEVERABILITY

Sections:

16.48.005 General

16.48.005 General. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this title or the application of the provision to other persons or circumstances shall not be affected. (Ord. 390, 1992; Ord. 251, 1984; Ord. 146, 1976)