

7-6-76

ORDINANCE NO. 183

An Ordinance adopting the SEPA model ordinance, SEPA Guidelines, and providing for local administration and fees.
Be it ordained by the council of the Town of Yacolt.

I

The SEPA model ordinance (WAC 173-805) is hereby adopted by reference, except as modified herein.

II

POLICIES AND AUTHORITY. The town of Yacolt hereby adopts by reference the policies of the State Environmental Policy Act as expressed in RCW 43.21 .010 and RCW 43.21C.020.

III

ADOPTION BY REFERENCE. The town hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy):

WAC 197-10-040: Definitions.

-060: Scope of a Proposal and its Impacts.

-160: No Presumption of Significance for Non-Exempt Actions.

-170: Categorical Exemptions.

-175: Exemptions and Non-Exemptions Applicable to Specific State Agencies.

-180: Exemptions for Emergency Actions.

-200: Lead Agency--Responsibilities.

-203: Determination of Lead Agency--Procedures.

-205: Lead Agency Designation--Governmental Proposals.

-210: Lead Agency Designation--Proposals involving Both Private and Public Construction.

- 215: Lead Agency Designation--Private Projects for Which There is Only One Agency.
- 220: Lead Agency Designation--Private Projects, Licenses From More than One Agency.
- 230: Lead Agency Designation--Specific Proposals.
- 235: Local Agency Transfer of Lead Agency Status to a State Agency.
- 240: Agreements as to Lead Agency Status.
- 245: Agreements Between Agencies as to Division of Lead Agency Duties.
- 260: Dispute as to Lead Agency Determination--Resolution by CEP.
- 270: Assumption of Lead Agency by Another Agency with Jurisdiction.
- 300: Threshold Determination Requirement.
- 305: Recommended Timing for Threshold Determination.
- 310: Threshold Determination Procedures--Environmental Checklist.
- 320: Threshold Determination Procedures--Initial Review of Environmental Checklist.
- 330: Threshold Determination Procedures--Information in Addition to Checklist.
- 340: Threshold Determination Procedures--Negative Declarations.
- 345: Assumption of Lead Agency Status by Another Agency with Jurisdiction--Prerequisites, Effect and Form of Notice.
- 350: Affirmative Threshold Determinations.
- 355: Form of Declaration of Significance/Non-Significance.
- 360: Threshold Determination Criteria--Application of Environmental Checklist.
- 365: Environmental Checklist.
- 370: Withdrawal of Affirmative Threshold Determination.
- 375: Withdrawal of Negative Threshold Determination.
- 390: Effect of Threshold Determination by Lead Agency.

- 400: Duty to Begin Preparation of a Draft EIS.
- 410: Pre-Draft Consultation Procedures.
- 425: Organization and Style of a Draft EIS.
- 440: Contents of a Draft EIS.
- 442: Special Considerations Regarding Contents of an EIS.
- 444: List of Elements of the Environment.
- 450: Public Awareness of Availability of Draft EIS.
- 455: Circulation of the Draft EIS--Review Period.
- 460: Specific Agencies to which Draft EIS shall be sent.
- 465: Agencies possessing Environmental Expertise.
- 470: Costs to the Public for Reproduction of Environmental Documents.
- 480: Public Hearing on a Proposal--When Required.
- 485: Notice of Public Hearing on Environmental Impact of the Proposal.
- 490: Public Hearing on the Proposal--Use of Environmental Document.
- 495: Preparation of Amended or New Draft EIS.
- 500: Responsibilities of Consulted Agencies--Local Agencies.
- 510: Responsibilities of Consulted Agencies--State Agencies with Jurisdiction.
- 520: Responsibilities of Consulted Agencies--State Agencies with Environmental Expertise.
- 530: Responsibilities of Consulted Agencies--When Pre-Draft Consultation has Occurred.
- 535: Cost of Performance of Consulted Agency Responsibilities.
- 540: Limitations on Responses to Consultation.
- 545: Effect of No Written Comment.
- 550: Preparation of the Final EIS--Time Period Allowed.
- 570: Preparation of Final EIS--When no Critical Comments Received on the Draft EIS.

- 580: Preparation of the Final EIS--Contents--When Critical Comments Received on Draft EIS.
- 600: Circulation of the Final EIS.
- 650: Effect of an Adequate Final EIS Prepared Pursuant to NEPA.
- 652: Supplementation by a Lead Agency of an Inadequate Final NEPA EIS.
- 660: Use of Previously Prepared EIS for a Different Proposed Action.
- 690: Use of a Lead Agency's EIS by Other Acting Agencies for the Same Proposal.
- 695: Draft and Final Supplements to a Revised EIS.
- 700: No Action for Seven Days After Publication of the Final EIS.
- 710: EIS Combined with Existing Planning and Review Processes.
- 830: Responsibilities of Agencies--SEPA Public Information Center.
- 835: Regional SEPA Public Information Centers.
- 840: Application of Agency Guidelines to Ongoing Actions.

IV

TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.

For any proposal for a private project where the town would be the lead agency and for which one or more state agencies have jurisdiction, the responsible official of the town may elect to transfer the lead duties to that state agency with jurisdiction appearing first on the priority listing in WAC 197-10-225. In such event, the state agency so determined shall be the lead agency and the town shall be an agency with jurisdiction. Transfer is accomplished by the responsible official of the town transmitting a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the town shall also give

notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

V

PREPARATION OF EIS. (1) The draft and final EIS shall be prepared either by the responsible official or his designee, or by a private applicant or a consultant retained by the private applicant. In the event the responsible official determines that the applicant will be required to prepare an EIS, the applicant shall be so notified immediately after completion of the threshold determination.

(2) In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) In the event that the responsible official or his designee is preparing an EIS, the responsible official may require a private applicant to provide data and information which is not in the possession of the town relevant to any or all areas to be covered by the EIS.

(4) No matter who participates in the preparation of an EIS, it must be approved by the responsible official prior to distribution.

(5) In all occasions of EIS preparation the applicant is encouraged to provide information to the responsible official.

VI

ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS. The following additional elements are part of the environment

for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under these rules:

- (1) Economy.
- (2) Cultural factors.
- (3) Sociological factors.

VII

DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE TOWN. (1) The following office shall be responsible for the preparation of the written comments for the town in response to a consultation request prior to a threshold determination, participation in predraft consultation, or reviewing a draft EIS: Mayor.

(2) The official designated in paragraph (1) hereof shall be responsible for compliance by the town with WAC 197-10-500 through -540 wherever the town is a consulted agency, and is hereby authorized to develop operating procedures which will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the town.

VIII

DESIGNATION OF RESPONSIBLE OFFICIAL. (1) For those proposals for which the town is the lead agency, the responsible official shall be Mayor.

(2) The responsible official shall make the threshold determination, supervise preparation of any required EIS, and perform any other functions assigned to the "lead agency" for "responsible official" by those sections of the SEPA guidelines which were adopted by reference in WAC 173-805-020 hereof, for all proposals for which the town is the lead agency.

IX

SEPA PUBLIC INFORMATION CENTER. (1) The following location constitutes the town's SEPA public information center:

Town Hall
105 E. Yacolt Road
Yacolt, Washington
Telephone: (206) 686-3271

(2) All reasonable means will be used to make the existence and location of the town's SEPA public information center known to both the public generally and the employees of the town.

(3) The SEPA public information center shall contain the documents and provide the services required by WAC 197-10-830.

X

WAC 173-805-130 FEES. The following fees shall be required for actions by the town in accordance with the provisions of this ordinance:

(1) Threshold Determination For every environmental assessment to be performed by the town when the town is lead agency a fee of (\$50.00) shall be required of the proponent of the proposal. This fee shall be collected prior to undertaking the threshold determination, and the time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.

(2) Environmental Impact Statements

(a) For all proposals requiring an EIS for which the town is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the town, the town may charge and collect a reasonable fee from any applicant to cover costs incurred by

the town in the preparation of an EIS. If it is determined that an EIS is required, applicants shall be advised of projected costs of the statement prior to actual preparation and shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the town will contract directly with a consultant for preparation of environmental documents for activities initiated by some persons or entity other than the town and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the town and applicant after a call for proposals. Applicants may be required to post bond or otherwise insure payment of such costs.

(c) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a) and (b) of this subsection which were collected for costs not incurred.

(3) No fee shall be collected by the town for performing its duties as a consulted agency.

(4) The SEPA public information center of the town is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

(5) The town may charge any person for copies of any document prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by chapter 42.17, RCW.

XI

SEVERABILITY. If any provision of this ordinance

or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

PASSED this 6th day of July, 1976.

Richard L. Olpender
MAYOR

Attest: Pat Keesee
CLERK

AYES: 3

NAYES: 0

ABSENT: 2

Approved as to Form:

William M. Baumgartner
Town Attorney