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0046.150.002  
WDT/srf  
03/17/93

ORDINANCE NO. 53

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING BY REFERENCE CHAPTER 14.04--ENVIRONMENTAL PROTECTION, RELATING TO STATE ENVIRONMENTAL POLICY ACT (SEPA); DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the following ordinance is in the best interest of the public health, safety and general welfare, NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SEPA Provisions Adopted. Chapter 14.04 Environmental Protection, one copy of which has been and is on file in the office of City Clerk for use and examination by the public, is hereby adopted by this reference as if set forth in full.

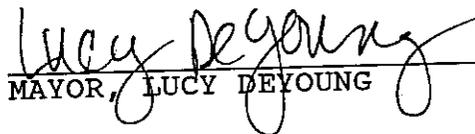
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause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

Section 3. Effective date. The City Council finds that the City of Woodinville will be incorporated on March 31, 1993. Failure to have the regulations contained in this ordinance in existence as of the date of incorporation will mean that the subject matter of this ordinance will be unregulated and thus will

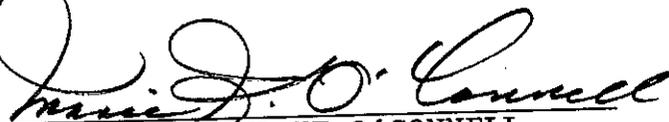
cause substantial detriment to the public health, safety and general welfare. The City Council therefore declares that an emergency exists necessitating that this ordinance be in full force in effect on March 31, 1993. This ordinance or a summary thereof consisting of the title shall be published in the City's official newspaper.

PASSED by a majority of not less than five members of the City Council of the City of Woodinville this 29<sup>th</sup> day of March, 1993.

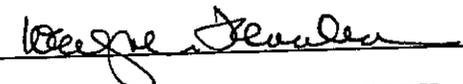
APPROVED:

  
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 3/25/93  
PASSED BY THE CITY COUNCIL: 3/29/93  
PUBLISHED: 4/5/93  
EFFECTIVE DATE: 3/31/93  
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## CHAPTER 14.04

### ENVIRONMENTAL PROTECTION

#### Sections:

- 14.04.010 Authority.
- 14.04.020 Definitions--Adoption by reference.
- 14.04.030 Additional definitions.
- 14.04.040 WAC sections adopted by reference.
- 14.04.050 Designation of responsible official.
- 14.04.060 Lead agency determination and responsibilities.
- 14.04.070 Categorical exemptions and threshold determination--Adoption by reference.
- 14.04.080 Categorical exemptions and threshold determination--Time estimates.
- 14.04.090 Categorical exemptions--Adoption by reference.
- 14.04.100 Categorical exemptions--Flexible thresholds.
- 14.04.110 Categorical exemptions--Determination.
- 14.04.120 Threshold determination--Review at conceptual state.
- 14.04.130 Threshold determination--Environmental checklist.
- 14.04.140 Threshold determination--Mitigated DNS.
- 14.04.150 Environmental impact statement (EIS)--Adoption by reference.
- 14.04.160 EIS--Preparation.
- 14.04.170 EIS--Additional elements.
- 14.04.180 EIS--Commenting--Adoption by reference.
- 14.04.190 Public notice.
- 14.04.200 Designation of official to perform consulted agency responsibilities.
- 14.04.210 Using existing environmental documents--Adoption by reference.
- 14.04.220 SEPA Decisions--Adoption by reference.
- 14.04.230 SEPA Decisions.
- 14.04.240 SEPA Decisions--Substantive authority.
- 14.04.250 SEPA--Policies.
- 14.04.260 Appeals.
- 14.04.270 Notice/statute of limitations.
- 14.04.280 Compliance with SEPA--Adoption by reference.
- 14.04.290 Environmentally sensitive areas.
- 14.04.300 Fees.
- 14.04.310 Forms--Adoption by reference.
- 14.04.320 WAC's on file.

Section 14.04.010. Authority. The city adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules WAC 107-11-904. This chapter contains the City's SEPA procedures and policies. The SEPA

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rules contained in WAC Chapter 197-11 must be used in conjunction with this chapter.

Section 14.04.020. Definitions -- Adoption by reference. The City adopts the following sections of WAC Chapter 197-11 as now existing or hereinafter amended, by reference, as supplemented in this chapter:

WAC 197-11-700	Definitions.
702	Act.
704	Action.
706	Addendum.
708	Adoption.
710	Affected tribe.
712	Affecting.
714	Agency.
716	Applicant.
718	Built environment.
720	Categorical appeal.
722	Consolidated appeal.
724	Consulted agency.
726	Cost-benefit analysis.
728	County/city.
730	Decision maker.
734	Determination of Nonsignificance (DNS).
736	Determination of Significance (DS).
738	EIS.
740	Environment.
742	Environmental checklist.
744	Environmental document.
746	Environmental review.
748	Environmentally sensitive area.
750	Expanded scoping.
752	Impacts.
754	Incorporation by reference.
756	Lands covered by water.
758	Lead agency.
760	License.
762	Local agency.
764	Major action.
766	Mitigated DNS.
768	Mitigation.
770	Natural environment.
772	NEPA.
774	Non-project.
776	Phased review.
778	Preparation.
780	Private project.
782	Probable.
784	Proposal.
786	Reasonable alternative.

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197-11-788	Responsible official.
790	SEPA.
792	Scope.
793	Scoping.
794	Significant.
796	State agency.
797	Threshold determination.
799	Underlying governmental action.

Section 14.04.030. 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 WAC Chapter 197-11 adopted by the Department of Ecology.

C. "Early Notice" means the City's response to an applicant stating whether it considers issuance of the determination of significance likely for the applicant's proposal.

Section 14.04.040. WAC sections adopted by reference. The City adopts the following sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference:

WAC 197-11-040	Definitions.
050	Lead agency.
055	Timing of the SEPA process.
060	Content of environmental review.
070	Limitations on actions during SEPA process.
080	Incomplete or unavailable information.
090	Supporting documents.
100	Information required of applicants.

Section 14.04.050. 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 City Manager 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 rule that have been adopted by reference.

Section 14.04.060. Lead agency determination and responsibilities.

A. The responsible official or the department receiving an application for or initiating a proposal that involves a nonexempt

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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 must be resolved within fifteen 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-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.

Section 14.04.070. Categorical exemptions and threshold determinations--Adoption by reference. The City adopts the following sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference as supplemented in this ordinance:

WAC 197-11-300	Purpose of this part.
305	Categorical exemptions.
310	Threshold determination required.
315	Environmental checklist.
330	Threshold determination process.
335	Additional information.
340	Determination of nonsignificance (DNS).
350	Mitigated DNS.
360	Determination of significant (DS)/initiation of scoping.
390	Effect of threshold determination.

Section 14.04.080. 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

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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 as mandatory, unless specifically required.

A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within seven 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 15 working days of the date an applicant's completed application and 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 working days of receiving a completed application and environmental checklist;

b. The City will normally wait no longer than thirty days for a consulted agency to respond;

c. The responsible official will normally complete the threshold determination within fifteen working 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 working days of receiving a completed application and 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 working days of receiving a completed application and checklist.

5. The responsible official will normally respond to a request for early notice within ten working days. The threshold determination will normally be made within fifteen working days of receipt of the changed or clarified proposal, environmental checklist, and/or permit application.

6. Notwithstanding any time period above, pursuant to RCW 43.21C.033, the responsible official shall make a threshold decision within 90 days after the application and supporting documentation are complete, unless the applicant requests an additional 30 days.

Section 14.04.090. Categorical exemptions--Adoption by reference. The City adopts the following rules for categorical

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exemption of Chapter 197-11, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

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

Section 14.04.100. Categorical exemptions--Flexible thresholds.

A. The City establishes the following exempt levels for minor new construction based on local conditions:

1. For residential dwelling units in WAC 197-11-800(1)(b)(i), up to 4 dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(ii), up to 10,000 square feet;
3. For office, school, commercial, recreational service, or storage buildings in AC 197-11-800(1)(b)(iii), up to 4,000 square feet, and up to 20 parking spaces;
4. For parking lots in WAC 197-11-800(1)(b)(iv), up to 20 parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), up to 100 cubic yards;

B. The responsible official shall send copies of all adopted flexible thresholds to the Department of Ecology, Headquarters Office, Olympia, Washington.

Section 14.04.110. 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. 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 make certain the proposal is properly defined and shall identify the governmental license required. If a proposal includes exempt and non-exempt 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 non-exempt 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 non-exempt action,
  - b. Any action that would have an adverse environmental impact, or
  - c. Any action that would limit the choice of reasonable alternatives;

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2. The City may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the non-exempt actions were not approved; and

3. The City 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 the non-exempt actions were not approved.

## Section 14.04.120. Threshold 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 require 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 such additional information as required by the responsible official.

## Section 14.04.130. Threshold determination--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.

C. 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.

D. For private proposals, the applicant is required to complete the environmental checklist as required in WAC 197-11-315(2). The City may provide assistance as necessary. For City proposals the department initiating the proposal shall complete the environmental checklist for that proposal.

E. The City may decide to complete all or part of the environmental checklist for a private proposal under WAC 197-11-315(2), if either 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 proposal currently under consideration.

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## Section 14.04.140. Threshold determination--Mitigated DNS.

A. The responsible official may issue a determination of non-significance (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 non-exempt proposal for which the City 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 a 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, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures, clarifications, changes, or conditions must be in writing and must be specific.

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 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 terms or conditions 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.

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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 response under subsection B 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.

Section 14.04.150. Environmental impact statement (EIS)-- Adoption by reference. The City adopts the following sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference as supplemented by this chapter:

WAC 197-11-400	Purpose of EIS.
402	General requirements.
405	EIS types.
406	EIS timing.
408	Scoping.
410	Expanded scoping.
420	EIS preparation.
425	Style and size.
430	Format.
435	Cover letter or memo.
440	EIS contents.
442	Contents of EIS on non-project proposals.
443	EIS contents when prior non-project EIS.
444	Elements of the environment.
448	Relationship of EIS to other considerations.
450	Cost-benefit analysis.
455	Issuance of DEIS.
460	Issuance of FEIS.

Section 14.04.160. EIS--Preparation.

A. Preparation of draft and final EIS's and SEIS's shall be under the direction of the responsible official. Before the City issues and EIS, the responsible official shall be satisfied that it complies with this chapter and WAC Chapter 197-11.

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 information the City does not possess, including specific investigations; however, the applicant is not required to supply information that is not required under this chapter, or that is being requested from another agency; provided, however, this does not apply to information the City may request under another ordinance or statute.

Section 14.04.170. EIS--Additional elements. The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determination or perform any other function or purpose under this Chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Such other elements as may be required by the responsible official.

Section 14.04.180. EIS--Commenting--Adoption by reference. The City adopts the following sections of WAC 197-11, as now existing or hereinafter amended, by reference as supplemented in this chapter:

WAC 197-11-500	Purpose of this Part.
502	Inviting comment.
504	Availability and cost of environmental documents.
508	SEPA Register.
535	Public hearings and meetings.
545	Effect of no comment.
550	Specificity of comments.
560	FEIS response to comments.
570	Consulted agency costs to assist lead agency.

Section 14.04.190. Public notice.

A. 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:

1. If public notice is required for license, the notice shall state whether a DS or DNS has been issued and when comments are due, or that the EIS is available;

2. If no public notice is required for the license, the City shall give notice by:

a. Publishing notice in the City's official newspaper.

b. By any other means of notice deemed appropriate by the responsible official, based on the type of proposal involved.

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B. Whenever the City issues a DS, the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.

C. The City shall require an applicant to compensate the City for the costs of compliance with the public notice requirements as determined by the city for the applicant's proposal.

Section 14.04.200. Designation of official to perform consulted agency responsibilities.

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

Section 14.04.210. Using existing environmental documents-- adoption by reference. The City adopts the following sections of WAC Chapter 197-11 as now existing or hereinafter amended, by reference:

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

Section 14.04.220. SEPA decisions--Adoption by reference. The City adopts the following sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference:

WAC 197-11-650	Purpose of this Part.
655	Implementation.
660	Substantive authority and mitigation.
680	Appeals.
700	Definitions.

Section 14.04.230. SEPA decisions. For non-exempt proposals, the DNS or final EIS for the proposal shall accompany the City staff's recommendation to any appropriate advisory body such as the development commission, or planning policy commission.

Section 14.04.240. SEPA decisions--Substantive authority.

A. The City may attach conditions to a license 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 14.04.250 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 probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS; and
2. A finding is made that the mitigation measures are insufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in Section 14.04.250 and identified in writing in the decision document.

Section 14.04.250. SEPA policies.

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 exist and as may hereafter be amended:

1. RCW 43.21 - State Environmental Policy Act
2. Ord. No. 31 - Interim Comprehensive Plan
3. Ord. No. 43 - Interim Zoning Code and Map
4. Ord. No. 45 - Interim Subdivision and Short Subdivision Code
5. Ord. No. 24 - Water Quality Standards
6. Ord. No. 25 - Surface Water Runoff Policy
7. Ord. No. 27 - Land Use and Health Enforcement
8. Ord. No. 30 - Mitigation of Impacts
9. Ord. No. 33 - Official Street Plan
10. Ord. No. 35 - Hazardous Waste
11. Res. No. 93-20 - Surface Water Management
12. Ord. No. 35 - Washington State Energy Code
13. Res. No. 93-11 - Solid Waste Management
14. Ord. No. 44 - Shoreline Management Program
15. Ord. No. 40 - Emergency Management
16. Ord. No. 34 - Capital Improvement Plan

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## Section 14.04.260. Appeals.

A. The City establishes the following administrative appeal procedures:

1. Any agency or person may appeal the City's procedural compliance with WAC Chapter 197-11 for issuance of the following:

a. A final determination of non-significance (DNS). Appeal of the DNS must be made to the Hearing Examiner within 10 days of the date the DNS is final.

b. A Determination of Significance (DS). The appeal of the DS must be made to the Hearing Examiner within ten days of the date the DS is issued.

c. Substantive Appeals. Except for permits and variances issued pursuant to RCW Chapter 90.58, Shoreline Management Act of 1971, when any proposal or action not requiring a decision of the Hearing Examiner is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the Hearing Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the Hearing Examiner shall be on a de novo basis.

2. For any appeal under this subsection, the City shall provide for a record that shall consist of the following:

- a. Finding and conclusions;
- b. Testimony under oath; and
- c. A taped or written transcript.

3. The City may require the applicant to provide an electronic transcript.

4. The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

5. No permit shall be issued which would allow construction, demolition, grading, or other direct modification of the physical environment until expiration of the period for filing a notice of appeal, and until any appeal shall have been finalized at the Hearing Examiner level.

B. 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. The following permits or approvals require official notice:

1. All actions of the City Council, a City official, Board, or Commission for which no further administrative appeal is provided.

## Section 14.04.270. 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.

Section 14.04.280. Compliance with SEPA--Adoption by reference. The City adopts the following sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

- WAC 197-11-900 Purpose of this part.
- 902 Agency SEPA policies.
- 916 Application to ongoing actions.
- 920 Agencies with environmental expertise.
- 922 Lead agency rules.
- 924 Determining the lead agency.
- 926 Lead agency for public and private proposals.
- 928 Lead agency for private projects with one agency with jurisdiction.
- 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.
- 934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 936 Lead agency for private projects requiring licenses from more than one state agency.
- 938 Lead agencies for specific proposals.
- 940 Transfer of lead agency status to a state agency.
- 942 Agreements on lead agency status.
- 944 Agreements on division of lead agency duties.
- 946 DOE resolution of lead agency disputes.
- 948 Assumption of lead agency status.

Section 14.04.290. Environmentally sensitive areas.

A. The following maps shall designate environmentally sensitive areas: City of Woodinville Interim Comprehensive Plan Sensitive Areas Map and Erosion Problem Areas Map. For each environmentally sensitive area, the exemptions within WAC-197-11-800 that are applicable for that area are 197-11-800(1), (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (2)(h), (6)(A), (14)(c), (24)(a) through (g), 25(d), (25)(f), (25)(h), and (25)(i). Unidentified exemptions shall continue to apply within environmentally sensitive areas of the City.

B. The responsible official shall designate additional environmentally sensitive areas under the standards of WAC 197-11-908, and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in

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such areas, with the Washington State Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designation shall have full force and effect of law as of the date of filing.

C. The City shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

D. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

Section 14.04.300. 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 when it is lead agency, the City shall collect a fee of \$150.00 from the proponent of the proposal prior to undertaking a basic threshold determination. 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 14.04.130 of this chapter, or when the environmental review of the proposal is complex, the fee for making a threshold determination shall be \$300.00. For any complex review requiring staff time in excess of 10 hours, the City shall charge an hourly rate of \$65.00 for the additional time or as established pursuant to a contract with an environmental consultant hired by the City to complete the review.

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 consultant 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 costs 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

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subdivision (1) or (2) of this subsection which remain after incurred costs, including overhead, are paid.

4. For all proposals in which the City is the lead agency and the responsible official determines that an EIS is required, the applicant shall be charged \$500.00 or a fee equal to 5 percent of the costs of the draft and the final environmental impact statements, whichever is greater, to cover the City's administrative costs of supervision and preparation. For the purpose of this section, cost of an environmental impact statement shall include the cost of preparation and publication, including printing, collating, binding, and circulation of the preliminary and final EIS. Applicants may be required to post bond or otherwise insure payment of such costs. In the event the actual cost of the draft and final EIS exceeds the estimated cost of the EIS agreed upon by the City and the applicant, such excess shall be paid to the City by the applicant prior to final action by the City.

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

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 RCW Chapter 42.17.

Section 14.04.310. Forms-Adoption by reference. The City adopts the following forms and sections of WAC Chapter 197-11, as now existing or hereinafter amended, by reference.

WAC 197-11-960	Environmental checklist.
965	Adoption notice.
970	Determination of Nonsignificance (DNS).
980	Determination of Significance and scoping notice (DS).
985	Notice of assumption of lead agency status.
990	Notice of action.

Section 14.04.320. WAC's on file. The City Clerk shall maintain on file for public use and examination one copy of the Washington Administrative Code sections referred to in this chapter.