ORDINANCE No. 114057

COUNCIL BILL No. 106755

AN ORDINANCE amending policies and procedures to implement the State Environmental Policy Act Rules (WAC 197-11), Ch. 25.05 of the Seattle Municipal Code.

COMPTROLLER FILE No.

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7-12-88-OMB

See Engrossed Bill
file si # 106755

The City of Seattle--Legislati

REPORT OF COMMITTEE

Honorable President:

Your Committee on

to which was referred the within Council Bill No.
report that we have considered the same and respectfully recommend

Committee Chair

See Engrossed Bills in C.B.
file si # 106755

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

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Committee Chair

7-12-88-OMB

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BM:eb
7/7/88

ORDINANCE 114057

AN ORDINANCE amending policies and procedures to implement the State Environmental Policy Act Rules (WAC 197-11), Ch. 25.05 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 25.05 of the Seattle Municipal Code, entitled "Environmental Policies and Procedures" is hereby amended to read as follows:

(~~Subchapter I.~~) PART ONE - PURPOSE/AUTHORITY

25.05.010 AUTHORITY. (See WAC 197-11-010).

This chapter is adopted as required by Washington Administrative Code (WAC) 197-11 to implement the State Environmental Policy Act and the State Environmental Policy Act Rules (WAC 197-11). This chapter may be cited as the "SEPA Rules", and "these rules" as used herein refers to this chapter. As required in RCW 43.21C.095 the SEPA Rules shall be given substantial deference in the interpretation of SEPA.

25.05.020 PURPOSE. (See WAC 197-11-020).

(~~A~~) (1) The purpose of these rules is to adopt the uniform requirements of WAC 197-11 for compliance with SEPA and to establish local procedures and policies where permitted. Many sections of WAC 197-11 are adopted verbatim or nearly so, and in all cases the last three digits of each section number of this chapter corresponds to the comparable section of WAC 197-11. (~~A vertical line opposite the text of this chapter indicates an addition to WAC 197-11. The symbol " . . " indicates an omission from WAC 197-11.~~)

(~~B~~) (2) These rules replace the previous guidelines in Chapter 197-10 WAC and Chapter 25.04 of the Seattle Municipal Code.

(~~C~~) (3) The provisions of these rules, Chapter 197-11 WAC and the State Environmental Policy Act must be read together as a whole in order to comply with the spirit and letter of the law. The City of Seattle adopts by reference the purposes and policies of SEPA as set forth in RCW 43.21C.010 and 43.21C.020.

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25.05.030 POLICY.

(~~A~~) (1) The policies and goals set forth in SEPA are supplementary to existing agency authority.

(~~B~~) (2) Agencies shall to the fullest extent possible:

(~~1~~) (a) Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.

(~~2~~) (b) Find ways to make the SEPA process more useful to decisionmakers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.

(~~3~~) (c) Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.

(~~4~~) (d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(~~5~~) (e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(~~6~~) (f) Encourage public involvement in decisions that significantly affect environmental quality.

(~~7~~) (g) Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

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25.05.035 RULES AND DEPARTMENTAL PROCEDURES

The Mayor is authorized to promulgate rules pursuant to the Administrative Code (Ch. 3.02), consistent with this chapter, to facilitate the application of this chapter to city departments and operations. All departments subject to the provisions of this chapter are authorized and directed to develop and promulgate such supplementary procedures as they deem appropriate for implementing the provisions of this chapter within each department. All such supplemental procedures shall be consistent with this Ordinance, WAC 197-11 and the State Environmental Policy Act, and shall be kept on file at the SEPA Public Information Center.

(~~Subchapter II~~) PART TWO - GENERAL REQUIREMENTS

25.05.040 DEFINITIONS.

The terms used in these rules are explained in Part Eight, Definitions, Sections 25.05.700 to 25.05.799. This terminology is uniform throughout the state as applied to SEPA, Chapter 43.21C RCW. In addition to the definitions set forth in WAC 197-11-700-799, this Chapter includes definitions for Seattle, as indicated in Section 25.05.700 et seq. 25.05.050 LEAD AGENCY.

(~~A.~~)(1) A lead agency shall be designated when an agency is developing or is presented with a proposal, following the rules beginning at Section 25.05.922.

(~~B.~~)(2) The lead agency shall be the agency with main responsibility for complying with SEPA's procedural requirements and shall be the only agency responsible for:

(~~1.~~) (a) The threshold determination; and

(~~2.~~) (b) Preparation and content of environmental impact statements.

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(~~C.~~)(3) In those instances in which the city is not the lead agency under the criteria of Sections 25.05.922 through 25.05.948, all departments shall use unchanged either a DNS subject to the limits of Section 25.05.390 or a final EIS subject to the limits of (~~Subchapter VI~~) Part SIX of this chapter in connection with the decisions of the city on the proposal.

25.05.055 TIMING OF THE SEPA PROCESS.

(~~A.~~)(1) Integrating SEPA And Agency Activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(~~B.~~)(2) Timing Of Review Of Proposals. The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decisionmaking process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(~~1.~~) (a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(~~a.~~) (i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(~~b.~~) (ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis.

(~~2.~~) (b) A major purpose of the environmental review process is to provide environmental information to governmental decisionmakers (~~to be considered~~) for consideration prior to making their decision on

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any action. The actual decision to proceed with any actions may involve a series of individual approvals or decisions. Agencies may also organize environmental review in phases, as specified in Section (~~25.05.060E~~) 25.05.060(5).

(~~3.~~) (c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (Section 25.05.070).

(~~C.~~)(3) Applications And Rulemaking. The timing of environmental review for applications and for rulemaking shall be as follows:

(~~1.~~) (a) At the latest, the lead agency shall begin environmental review, if required, when an application is complete. The lead agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or FEIS shall normally precede or accompany the final staff recommendations, if any, in a quasi-judicial proceeding on an application. Environmental documents shall be submitted to the city planning commission and similar advisory bodies when their advice is sought.

(~~2.~~) (b) For rulemaking, the DNS or DEIS, if required, shall normally accompany the proposed rule. An FEIS, if any, shall be issued at least seven days before adoption of a final rule (Section (~~25.05.060D~~) 25.05.460(4)).

(~~D.~~)(4) Applicant Review At Conceptual Stage. In general, procedures contemplate environmental review and (~~for~~) preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.

(~~1.~~) (a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

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(~~2.~~) (b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with Sections 25.05.100 and 25.05.335, in their SEPA or permit procedures. For master use permits, see Section 23.76.010.

(~~3.~~) (c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

(~~E.~~)(5) Decision to Proceed. An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in Sections 25.05.050 and 25.05.922.

(~~F.~~)(6) Circulation and Review of Environmental Documents. To meet the requirement to ensure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

(~~G.~~)(7) Extension of Lead Agency Time Limits. For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

25.05.060 CONTENT OF ENVIRONMENTAL REVIEW.

(~~A.~~)(1) Environmental review consists of the range of proposed activities, alternatives, and impacts to be analyzed in an environmental document, in accordance with SEPA's goals and policies. This section specifies the content of environmental review common to all environmental documents required under SEPA.

(~~B.~~)(2) The content of environmental review:

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(~~1.~~) (a) Depends on each particular proposal, on an agency's existing planning and decisionmaking processes, and on the time when alternatives and impacts can be most meaningfully evaluated;

(~~2.~~) (b) For the purpose of deciding whether an EIS is required, is specified in the environmental checklist, in Sections 25.05.330 and 25.05.444;

(~~3.~~) (c) For an environmental impact statement, is considered its "scope" (Section 25.05.792 and (~~Subchapter IV~~) Part Four of these rules);

(~~4.~~) (d) For any supplemental environmental review, is specified in (~~Subchapter VI~~) Part Six.

(~~C.~~)(3) Proposals.

(~~1.~~) (a) Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.

(~~a.~~) (i) Proposals include public projects or proposals by agencies, proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.

(~~b.~~) (ii) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.

(~~c.~~) (iii) Proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of floodprone areas; or relocation assistance."

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(~~2.~~) (b) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (~~E.~~)(5)). Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(~~a.~~) (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(~~b.~~) (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(~~3.~~) (c) Agencies may at their options analyze "similar actions" in a single environmental document.

(~~a.~~) (i) Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequencess together, such as common timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(~~b.~~) (ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: (~~(i)~~)(A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or (~~(ii)~~)(B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media, or subject matter.

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(~~D.~~)(4) Impacts.

(~~1.~~) (a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in Section 25.05.740 and of "impacts" in Section 25.05.752), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in Sections 25.05.782 and 25.05.080 on incomplete or unavailable information.)

(~~2.~~) (b) In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (See Section ~~(25.05.330(C))~~ 25.05.330(3) also).

(~~3.~~) (c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(~~4~~) (d) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects or extension of sewer lines would tend to encourage development in previously unsewered areas.

(~~5~~) (e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, Section 25.05.792) may be wider than the impacts for which mitigation measures are required of applicants (Section 25.05.660). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

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(~~E~~) (5) Phased Review.

(~~1.~~) (a) Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decisionmaking processes. (See 25.05.055 on timing of environmental review.)

(~~2.~~) (b) Environmental review may be phased. If used, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready. Broader environmental documents may be followed by narrower documents, for example, that incorporate prior general discussion by reference and concentrate solely on the issues specific to that phase of the proposal.

(~~3.~~) (c) Phased review is appropriate when:

(~~a.~~) (i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, Section 25.05.443); or

(~~b.~~) (ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

(~~4.~~) (d) Phased review is not appropriate when:

(~~a.~~) (i) The sequence is from a narrow project document to a broad policy document;

(~~b.~~) (ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or

(~~c.~~) (iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under Section (~~25.05.060D2~~)

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25.05.060(4)(b) or Section (~~25.05.305A~~) 25.05.305(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts.

(~~5.~~) (e) When a lead agency knows it is using phased review, it shall so state in its environmental document.

(~~6.~~) (f) Agencies shall use the environmental checklist, scoping process, nonproject EISs, incorporation by reference, adoption, and supplemental EISs, and addenda, as appropriate, to avoid duplication and excess paperwork.

(~~7.~~) (g) Where proposals are related to a large existing or planned network, such as highways, streets, pipelines, or utility lines or systems, the lead agency may analyze in detail the overall network as the present proposal or may select some of the future elements for present detailed consideration. Any phased review shall be logical in relation to the design of the overall system or network, and shall be consistent with this section and Section 25.05.070.

25.05.070 LIMITATIONS ON ACTIONS DURING SEPA PROCESS.

(~~A.~~)(1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

(~~1.~~) (a) Have an adverse environmental impact; or

(~~2.~~) (b) Limit the choice of reasonable alternatives.

(~~B.~~)(2) In addition, certain DNSs require a fifteen-day (15) period prior to agency action (Section (~~25.05.340B~~) 25.05.340(2)), and FEISs require a seven-day period prior to agency action (Section (~~25.05.460E~~) 25.05.460(5)).

(~~C.~~)(3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under Section 25.05.800(18)

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(information collection and research), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(~~D.~~)(4) This section does not preclude developing plans or designs, issuing requests for proposals (RFPs), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (~~A.~~) (1).

(~~E.~~)(5) No final authorization of any permit shall be granted until expiration of the time period for filing an appeal in accordance with Section 25.05.680, or if an appeal is filed, until the fifth day following termination of the appeal. If, on or before the fifth day following termination of an appeal, a party of record files with the Director of Construction and Land Use, a written notice of intent to seek judicial review of the city's action, no direct modification of the physical environment shall begin or be authorized until the thirty-first day following termination of the appeal or until a court has disposed of any requests for preliminary injunctive relief, whichever occurs first. Where substantial injury to a party would result from a delay of construction, demolition, grading, or other direct modification of the physical environment, the official or body hearing the appeal shall grant an expedited hearing, in which case shorter notice less than twenty (20) days prior to the hearing may be given as permitted by Section 3.02.090(A).

25.05.080 INCOMPLETE OR UNAVAILABLE INFORMATION.

(~~A.~~)(1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(~~B.~~)(2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear

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that such information is lacking or that substantial uncertainty exists.

(~~C.~~)(3) Agencies may proceed in the absence of vital information as follows:

(~~1.~~) (a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but it is not known, and the costs of obtaining it are exorbitant; or

(~~2.~~) (b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;

Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(~~D.~~)(4) Agencies may rely upon applicants to provide information as allowed in Section 25.05.100.

25.05.090 SUPPORTING DOCUMENTS.

If an agency prepares background or supporting analyses, studies, or technical reports, such material shall be considered part of the agency's record of compliance with SEPA, as long as the preparation and circulation of such material complies with the requirements in these rules for incorporation by reference and the use of supporting documents.

25.05.100 INFORMATION REQUIRED OF APPLICANTS.

Further information may be required if the responsible official determines that the information initially supplied is not reasonably

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adequate to fulfill the purposes for which it is required. An applicant may, at any time, voluntarily submit information beyond that required under these rules. An agency is allowed to require information from an applicant in the following areas:

(~~A.~~)(1) Environmental Checklist. An applicant may be required to complete the environmental checklist in Section 25.05.960 in connection with filing an application (see Section 25.05.315). Additional information may be required at an applicant's expense, but not until after initial agency review of the checklist (Section 25.05.315 and 25.05.335).

(~~B.~~)(2) Threshold Determination. Any additional information required by an agency after its initial review of the checklist shall be limited to those elements on the checklist for which the lead agency has determined that information accessible to the agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. The lead agency may require field investigation or research by the applicant reasonably related to determining a proposal's environmental impacts (Section 25.05.335). An applicant may clarify or revise the checklist at any time prior to a threshold determination. Revision of a checklist after a threshold determination is issued shall be made under Section 25.05.340 or 25.05.360.

(~~C.~~)(3) Environmental Impact Statements. The responsible official may require an applicant to provide relevant information that is not in the possession of the lead agency. Although an agency may include additional analysis not required under SEPA in an EIS (Sections (~~25.05.440H~~) 25.05.440(7), (~~25.05.448D~~) 25.05.448(4) and 25.05.640), the agency shall not require the applicant to furnish such information, under these rules. An applicant shall not be required to provide information requested of a consulted agency until the agency has responded or the time allowed for the consulted agency's response has elapsed, whichever is earlier. Preparation of an EIS by the applicant is in Section 25.05.420.

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(~~Subchapter III~~) PART THREE - CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION

25.05.300 PURPOSE OF THIS PART.

This Part provides rules for:

(~~A.~~)(1) Administering categorical exemptions for proposals that would not have probable significant adverse impacts;

(~~B.~~)(2) Deciding whether a proposal has a probable significant adverse impact and thus requires an EIS (the threshold determination);

(~~C.~~)(3) Providing a way to review and mitigate nonexempt proposals through the threshold determination; and

(~~D.~~)(4) Integrating SEPA into early planning to ensure appropriate consideration of SEPA's policies and to eliminate duplication and delay.

25.05.305 CATEGORICAL EXEMPTIONS.

(~~A.~~)(1) If a proposal fits within any of the provisions in (~~Subchapter IX~~) Part Nine of these rules, the proposal shall be categorically exempt from threshold determination requirements (Section 25.05.720) except as follows:

(~~1.~~) (a) The proposal is not exempt under Section 25.05.908, environmentally sensitive areas;

(~~2.~~) (b) The proposal is a segment of a proposal that includes:

(~~a.~~) (i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(~~b.~~) (ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an

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agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the Department of Ecology to resolve disputes (Section 25.05.946), or may petition the Mayor to resolve disputes between city agencies (Section 25.05.910).

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, if the requirements of Section 25.05.070 are met.

(~~B.~~)(2) An agency is not required to document that a proposal is categorically exempt. Agencies may note on an application that a proposal is categorically exempt or place such a determination in agency files.

(~~C.~~)(3) If requested by a private applicant, the responsible official shall make a preliminary determination as to the scope of a proposal and whether the proposal is categorically exempt within seven (7) days following submission of such request.

25.05.310 THRESHOLD DETERMINATION REQUIRED.

(~~A.~~)(1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt.

(~~B.~~)(2) The responsible official of the lead agency shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (Section 25.05.784).

(~~C.~~)(3) In most cases, the time to complete a threshold determination should not exceed seven (7) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a

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date for making the threshold determination and notify the applicant of such date in writing.

(~~D.~~)(4) All threshold determinations shall be documented in:

(~~1.~~) (a) A determination of nonsignificance (DNS) (Section 25.05.340); or

(~~2.~~) (b) A determination of significance (DS) (Section 25.05.360).

25.05.315 ENVIRONMENTAL CHECKLIST.

(~~A.~~)(1) Agencies:

(~~1.~~) (a) Shall use the environmental checklist substantially in the form found in Section 25.05.960 to assist in making threshold determinations for proposals, except for: Public proposals on which the lead agency has decided to prepare its own EIS, or proposals on which the lead agency and applicant agree an EIS will be prepared;

(~~2.~~) (b) May use an environmental checklist whenever it would assist in their planning and decisionmaking, but shall not require an applicant to prepare a checklist under SEPA, unless a checklist is required by (~~Subsectin A.1.~~) (1)(a) of this section.

(~~B.~~)(2) The lead agency shall prepare the checklist or require an applicant to prepare the checklist.

(~~C.~~)(3) The items in the environmental checklist are not weighted. The mention of one (1) or many adverse environmental impacts does not necessarily mean that the impacts are significant. Conversely, a probable significant adverse impact on the environment may result in the need for an EIS.

25.05.330 THRESHOLD DETERMINATION PROCESS.

An EIS is required for proposals for legislation and other major actions significantly affecting the quality of the environment. The

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lead agency decides whether an EIS is required in the threshold determination process, as described below.

(~~A.~~)(1) In making a threshold determination, the responsible official shall:

(~~1.~~) (a) Review the environmental checklist, if used:

(~~a.~~) (i) Independently evaluating the responses of any applicant and indicating the result of its evaluation in the DS, in the DNS, or on the checklist; and

(~~b.~~) (ii) Conducting its initial review of the environmental checklist and any supporting documents without requiring additional information from the applicant.

(~~2.~~) (b) Determine if the proposal is likely to have a probable significant adverse environmental impact, based on the proposed action, the information in the checklist (Section 25.05.960), and any additional information furnished under Section 25.05.335 (additional information) and Section 25.05.350 (mitigated DNS); and

(~~3.~~) (c) Consider mitigation measures which an agency or the applicant will implement as part of the proposal.

(~~B.~~)(2) In making a threshold determination, the responsible official should determine whether:

(~~1.~~) (a) All or part of the proposal, alternatives, or impacts have been analyzed in a previously prepared environmental document, which can be adopted or incorporated by reference (see (~~Subchapter VI~~) Part Six);

(~~2.~~) (b) Environmental analysis would be more useful or appropriate in the future in which case, the agency shall commit to timely, subsequent environmental review, consistent with Sections 25.05.055 through 25.05.070 and (~~Subchapter VI~~) Part Six.

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(~~C.~~)(3) In determining an impact's significance (Section 25.05.794), the responsible official shall take into account that:

(~~1.~~) (a) The same proposal may have a significant adverse impact in one location but not in another location;

(~~2.~~) (b) The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;

(~~3.~~) (c) Several marginal impacts when considered together may result in a significant adverse impact;

(~~4.~~) (d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified;

(~~5.~~) (e) A proposal may to a significant degree:

(~~a.~~) (i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;

(~~b.~~) (ii) Adversely affect endangered or threatened species or their habitat;

(~~c.~~) (iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and

(~~d.~~) (iv) Establish a precedent for future actions with significant effects, involve~~s~~ unique and unknown risks to the environment, or may affect public health or safety.

(~~D.~~)(4) If after following Section 25.05.080 (incomplete or unavailable information), and Section 25.05.335 (additional information), the lead agency reasonably believes that a proposal may have a significant adverse impact, an EIS is required.

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(~~E.~~)(5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

25.05.335 ADDITIONAL INFORMATION.

The lead agency shall make its threshold determination based upon information reasonably sufficient to evaluate the environmental impact of a proposal (Section 25.05.055(~~(B)~~)(2) and Section 25.05.060(~~(C)~~)(3)). The lead agency may take one or more of the following actions if, after reviewing the checklist, the agency concludes that there is insufficient information to make its threshold determination:

(1) Require an applicant to submit more information on subjects in the checklist;

(2) Make its own further study, including physical investigations on a proposed site or communicating with interested parties;

(3) Consult with other agencies, requesting information on the proposal's potential impacts which lie within the other agencies' jurisdiction or expertise (agencies shall respond in accordance with Section 25.05.550); or

(~~D.~~)(4) Decide that all or part of the action or its impacts are not sufficiently definite to allow environmental analysis and commit to timely, subsequent environmental analysis, consistent with Sections 25.05.055 through 25.05.070.

(~~E.~~)(5) Requests by the City for further information from a private applicant or consultation with other agencies with jurisdiction should

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be made within seven (7) days of the submission of the completed checklist. A threshold determination requiring such further information should be completed within seven (7) days of receiving the information requested from the private applicant or the consulted agency. When a request for further information is submitted to a consulted agency, the City shall wait a maximum of thirty (30) days for the consulted agency to respond.

When further studies, including field investigations, are initiated by the City, the threshold determination should be completed within thirty (30) days of submission of the completed checklist to the responsible official.

25.05.340 DETERMINATION OF NONSIGNIFICANCE (DNS).

(~~A.~~)(1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination (~~Subchapter VI~~) (Part Six), the notice of adoption (WAC 197-11-965) and the DNS shall be combined or attached to each other.

(~~B.~~)(2) When a DNS is issued for any of the proposals listed in (~~Subsection B.1.~~) (2)(a), the requirements in this subsection shall be met.

(~~1.~~) (a) An agency shall not act upon a proposal for fifteen (15) days after the date of issuance of a DNS if the proposal involves:

(~~a.~~) (i) Another agency with jurisdiction;

(~~b.~~) (ii) Demolition of any structure or facility not exempted by Section (~~25.05.800B6~~) 25.05.800(2)(f) (exempt construction other than historic) or Section 25.05.880 (emergency);

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(~~c.~~) (iii) Issuance of clearing or grading permits not exempted in (~~Subchapter IX~~) Part Nine of these rules; or

(~~d.~~) (iv) A DNS under Section (~~25.05.350B~~) 25.05.350(2), Section (~~25.05.350C~~) 25.05.350(3) (mitigated DNS) or Section (~~25.05.360D~~) 25.05.360(4) (withdrawn DS).

(~~2.~~) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(~~3.~~)(c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(~~4.~~) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(~~5.~~) (e) An agency with jurisdiction may assume lead agency status only within this fifteen (15) day period (Section 25.05.948).

(~~6.~~) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(~~G.1~~)(3) (a) The lead agency shall withdraw a DNS if:

(~~a.~~) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

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(~~b.~~) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(~~c.~~) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(~~2.~~) (b) Subsection (~~C1.b~~) (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(~~3.~~) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also Section 25.05.070 (limitations on actions during SEPA process)).

25.05.350 MITIGATED DNS.

The purpose of this section is to allow clarifications or changes to a proposal prior to making the threshold determination.

(~~A.~~)(1) In making threshold determinations, an agency may consider mitigation measures that the agency or applicant will implement.

(~~B.~~)(2) After submission of an environmental checklist and prior to the lead agency's threshold determination on a proposal, an applicant may ask the lead agency to indicate whether it is considering a DS. If the lead agency indicates a DS is likely, the applicant may clarify or change features of the proposal to mitigate the impacts which lead the agency to consider a DS likely. The applicant shall revise the environmental checklist as may be necessary to describe the clarifications or changes.

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The lead agency shall make its threshold determination based upon the changed or clarified proposal. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

(~~C.~~)(3) Whether or not an applicant requests early notice under subsection (~~B~~)(2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS. Mitigation measures specified by the lead agency may be based upon any adverse impacts revealed by the environmental checklist, and need not be limited to those permitted by agency SEPA policies. Compare Section (~~25.05.660A~~) 25.05.660(1) (substantive authority and mitigation).

(~~D.~~)(4) Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporated by reference in, the documents previously submitted. An addendum may be used; see (~~Subchapter VI~~) Part Six.

(~~E.~~)(5) Agencies may clarify or change features of their own proposal, and may specify mitigation measures in their DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

(~~F.~~)(6) An agency's indication under this section that a DS appears likely shall not be construed as a determination of significance. Likewise, the preliminary discussion of clarifications or changes to a proposal shall not bind the lead agency to a mitigated DNS.

(~~G.~~)(7) Anyone violating or failing to comply with any mitigation measure imposed under this section shall, upon conviction thereof, be subject to a civil penalty not exceeding Five Hundred Dollars ($500.00), and each day that anyone shall continue to violate or fail

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to comply with such measure after receiving notice of the violation shall be considered a separate offense. In addition, permits authorizing the work which is subject to the mitigation measure may be suspended or revoked.

(8) As provided for in SMC 25.05.340.2(a)(iv), notice of a 15-day comment period, consistent with Section 25.05.510, shall be issued concurrently with a Mitigated DNS. No further action shall be taken until expiration of the comment period. Notice shall include information sufficient to inform the public of the mitigation proposed.

25.05.360 DETERMINATION OF SIGNIFICANCE (DS)/INITIATION OF SCOPING.

(~~A.~~)(1) If the responsible official determines that a proposal may have a probable significant adverse environmental impact, the responsible official shall prepare and issue a determination of significance (DS) substantially in the form provided in Section 25.05.980. The DS shall describe the main elements of the proposal, the location of the site, if a site-specific proposal, and the main areas the lead agency has identified for discussion in the EIS. A copy of the environmental checklist may be attached.

(~~B.~~)(2) If an agency adopts another environmental document in support of a threshold determination (~~(Subchapter VI)~~) (Part Six), the notice of adoption (Section 25.05.965) and the DS shall be combined or attached to each other.

(~~C.~~)(3) The responsible official shall put the DS in the lead agency's file and shall commence scoping (Section 25.05.408) by circulating copies of the DS to the applicant, agencies with jurisdiction and expertise, if any, affected tribes, and to the public. Notice shall be given under Section 25.05.510. The lead agency is not required to scope if the agency is adopting another environmental document for the EIS or is preparing a supplemental EIS.

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(~~D.~~)(4) If at any time after the issuance of a DS a proposal is changed so, in the judgment of the lead agency, there are no probable significant adverse environmental impacts, the DS shall be withdrawn and a DNS issued instead. The DNS shall be sent to all who commented on the DS. A proposal shall not be considered changed until all license applications for the proposal are revised to conform to the changes or other binding commitments made by agencies or by applicants.

25.05.390 EFFECT OF THRESHOLD DETERMINATION

(~~A.~~)(1) When the responsible official makes a threshold determination, it is final and binding on all agencies, subject to the provisions of this section and Section 25.05.340 (DNS), Section 25.05.360 (Scoping), and (~~Subchapter VI~~) Part Six.

(~~B.~~)(2) The responsible official's threshold determination:

(~~1.~~) (a) For proposals listed in Section (~~25.05.340B~~) 25.05.340(2), shall not be final until fifteen (15) days after issuance.

(~~2.~~) (b) Shall not apply if another agency with jurisdiction assumes lead agency status under Section 25.05.948.

(~~3.~~) (c) Shall not apply when withdrawn by the responsible official under Section 25.05.340 or Section 25.05.360.

(~~4.~~) (d) Shall not apply when reversed on appeal.

(~~C.~~)(3) Regardless of any appeals, a DS or DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decisionmaking unless subsequently changed, reversed, or withdrawn.

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(~~Subchapter IV~~) PART FOUR - ENVIRONMENTAL IMPACT STATEMENT (EIS)

25.05.400 PURPOSE OF EIS.

(~~A.~~)(1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(~~B.~~)(2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decisionmakers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(~~C.~~)(3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decisionmaking process.

(~~D.~~)(4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

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25.05.402 GENERAL REQUIREMENTS.

Agencies shall prepare environmental impact statements as follows:

(~~A.~~)(1) EISs need analyze only the reasonable alternatives and probable adverse environmental impacts that are significant. Beneficial environmental impacts or other impacts may be discussed.

(~~B.~~)(2) The level of detail shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or referenced.

(~~C.~~)(3) Discussion of insignificant impacts is not required; if included, such discussion shall be brief and limited to summarizing impacts or noting why more study is not warranted.

(~~D.~~)(4) Description of the existing environment and the nature of environmental impacts shall be limited to the affected environment and shall be no longer than is necessary to understand the environmental consequences of the alternatives, including the proposal.

(~~E.~~)(5) EISs shall be no longer than necessary to comply with SEPA and these rules. Length should relate first to potential environmental problems and then to the size or complexity of the alternatives, including the proposal.

(~~F.~~)(6) The basic features and analysis of the proposal, alternatives, and impacts shall be discussed in the EIS and shall be generally understood without turning to other documents; however, an EIS is not required to include all information conceivably relevant to a proposal, and may be supplemented by appendices, reports, or other documents in the agency's record.

(~~G.~~)(7) Agencies shall reduce paperwork and the accumulation of background data by adopting or incorporating by reference, existing, publicly available environmental documents, wherever possible.

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(~~H.~~)(8) Agencies shall prepare EISs concurrently with and coordinated with environmental studies and related surveys that may be required for the proposal under other laws, when feasible.

(I.)(9) EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

25.05.405 EIS TYPES.

(~~A.~~)(1) Draft and final environmental impact statements (EISs) shall be prepared; draft and final supplemental EISs may be prepared.

(~~B.~~)(2) A draft EIS (DEIS) allows the lead agency to consult with members of the public, affected tribes, and agencies with jurisdiction and expertise. The lead agency shall issue a DEIS and consider comments as stated in (~~Supchapter V~~) Part Five.

(~~C.~~)(3) A final EIS (FEIS) shall revise the DEIS as appropriate and respond to comments as required in Section 25.05.560. An FEIS shall respond to opposing views on significant adverse environmental impacts and reasonable alternatives which the lead agency determines were not adequately discussed in the DEIS. The lead agency shall issue an FEIS as specified by Section 25.05.460.

(~~D.~~)(4) A supplemental EIS (SEIS) shall be prepared as an addition to either a draft or final statement if:

(~~1.~~) (a) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts; or

(~~2.~~) (b) There is significant new information indicating a proposal's probable significant adverse environmental impacts.

Preparation of a SEIS shall be carried out as stated in Section 25.05.620.

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(~~E.~~)(5) Agencies may use federal EISs, as stated in (~~Subchapter VI~~) Part Six.

25.05.406 EIS TIMING.

The lead agency shall commence preparation of the environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal, so that preparation can be completed in time for the final statement to be included in appropriate recommendations or reports on the proposal (Section 25.05.055). The statement shall be prepared early enough so it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made. EISs may be "phased" in appropriate situations (Section (~~25.05.060(E)~~) 25.05.060(5)).

25.05.408 SCOPING.

(~~A.~~)(1) The lead agency shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two (2) or three (3) significant impacts or alternatives, the EIS shall be focused on those.

(~~B.~~)(2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

(~~1.~~) (a) Invite agency, affected tribes, and public comment on the DS (Section 25.05.360 (DS/scoping)). If the agency requires written comments, agencies, affected tribes and the public shall be allowed twenty-one (21) days from the date of issuance of the DS in which to comment, unless expanded scoping is used. The date of issuance for a DS is the date it is sent to the Department of Ecology and other agencies with jurisdiction, and is publicly available;

(~~2.~~) (b) Identify reasonable alternatives and probable significant adverse environmental impacts;

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(~~3.~~) (c) Eliminate from detailed study those impacts that are not significant; and

(~~4.~~) (d) Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

(~~C.~~)(3) Agencies, affected tribes, and the public should comment promptly and as specifically as permitted by the details available on the proposal.

(~~D.~~)(4) Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The lead agency shall integrate the scoping process with its existing planning and decisionmaking process in order to avoid duplication and delay.

(~~E.~~)(5) The lead agency shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

(~~F.~~)(6) DEISs shall be prepared according to the scope decided upon by the lead agency in its scoping process.

(~~G.~~)(7) EIS preparation may begin during scoping.

25.05.409 SCOPING ON CITY-SPONSORED PROJECTS.
(See also SMC 23.76.014)

(1) When a City department is lead agency for a City project or non-project action and the department determines that an EIS is required for the project, the department shall hold a public scoping meeting to determine the range of proposed actions, alternatives, possible mitigating measures, and impacts to be discussed in an EIS (see Sections 25.05.510 and 25.05.535).

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(2) Depending on the size, timing, public comment, or other relevant aspects of the project, the lead agency may, at its option, expand scoping according to the provisions set forth in Section 25.05.410.

25.05.410 EXPANDED SCOPING. (OPTIONAL)

(~~A.~~)(1) At its option, the lead agency may expand the scoping process to include any or all of the following, which may be applied on a proposal-by-proposal basis:

(~~1.~~) (a) Using questionnaires or information packets;

(~~2.~~) (b) Using meetings or workshops, which may be combined with any other early planning meetings of the agency;

(~~3.~~) (c) Using a coordinator or team from inside or outside the agency;

(~~4.~~) (d) Developing cooperative consultation and exchange of information among agencies before the EIS is prepared, rather than awaiting submission of comments on a completed document;

(~~5.~~) (e) Coordinating and integrating other government reviews and approvals with the EIS process through memoranda or other methods;

(~~6.~~) (f) Inviting participation of agencies with jurisdiction or expertise from various levels of government, such as regional or federal agencies;

(~~7.~~) (g) Using other methods as the lead agency may find helpful.

(~~B.~~)(2) Use of expanded scoping is intended to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. Steps shall be taken, as the lead agency determines appropriate, to encourage and assist public participation. There are no specified procedural requirements for the methods, techniques, or

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documents which may be used in an expanded scoping process, to provide maximum flexibility to meet these purposes.

(~~C.~~)(3) The lead agency shall consult with an applicant prior to deciding the method and schedule for an expanded scoping process.

(~~D.~~)(4) Under expanded scoping, an applicant may request, in which case the lead agency shall set, a date by which the lead agency shall determine the scope of the EIS, including the need for any field investigations (to the extent permitted by the details available on the proposal). The date shall occur thirty (30) days or less after the DS is issued, unless the lead agency and applicant agree upon a later date.

25.05.420 EIS PREPARATION.

For draft and final EISs and SEISs:

(~~A.~~)(1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official, as specified by the lead agency's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the lead agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and the procedures of the lead agency.

(~~B.~~)(2) The lead agency may have an EIS prepared by agency staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the lead agency. 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. The lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

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(~~C.~~)(3) If a person other than the lead agency is preparing the EIS, the lead agency shall:

(~~1.~~) (a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency or person;

(~~2.~~) (b) Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;

(~~3.~~) (c) Allow any party preparing an EIS access to all public records of the lead agency that relate to the subject of the EIS, under Chapter 42.17 RCW (Public Disclosure and Public Records Law).

(~~D.~~)(4) In the event the responsible official or his designee is preparing an EIS, the responsible official may require a private applicant to provide data and information not in the possession of the City which is relevant to any or all areas to be covered by an EIS. However, a private applicant shall not be required to provide information which the lead agency has requested of a consulted agency until the consulted agency has responded, or the thirty (30) days allowed for response by the consulted agency has expired, whichever is earlier. An applicant may volunteer to provide any information or effort desired, as long as the EIS is supervised and approved by the responsible official. These rules do not prevent an agency from charging any fees which the agency is otherwise allowed to charge (Section 25.05.914).

(~~E.~~)(5) A draft EIS shall be prepared on a private project within one hundred twenty days of the end of the scoping comment period. The responsible official may extend the time period whenever the private project is unusually large in scope, or the environmental impact associated with the project is unusually complex.

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25.05.425 STYLE AND SIZE.

(~~A.~~)(1) Environmental impact statements shall be readable reports, which allow the reader to understand the most significant and vital information concerning the proposed action, alternatives, and impacts, without turning to other documents, as provided below and in Section 25.05.402 (general requirements).

(~~B.~~)(2) Environmental impact statements shall be concise and written in plain language. EISs shall not be excessively detailed or overly technical. EISs shall explain plainly the meaning of technical terms not generally understood by the general public. This may be done in a glossary or footnotes or by some other means. EISs may include an index for ease in using the statement.

(~~C.~~)(3) Most of the text of an environmental impact statement shall discuss and compare the environmental impacts and their significance, rather than describe the proposal and the environmental setting. Detailed descriptions may be included in appendices or supporting documents.

(~~D.~~)(4) The text of an EIS (Section (~~25.05.430C~~) 25.05.430(3)) normally ranges from thirty (30) to fifty (50) pages and may be shorter. The EIS text shall not exceed seventy-five (75) pages; except for proposals of unusual scope or complexity, where the EIS shall not exceed one hundred fifty (50) pages. Appendices and background material shall be bound separately from the EIS if they exceed twenty-five (25) pages, except if the entire document does not exceed one hundred (100) pages or a FEIS is issued under Section (~~25.05.560E~~) 25.05.560(5) (DEIS and addendum).

(~~E.~~)(5) If the lead agency decides that additional descriptive material or supporting documentation may be helpful for readers, this background information may be placed in appendices or in separate documents, and shall be readily available to agencies and the public during the comment period.

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(~~F.~~)(6) Agencies shall incorporate material into an environmental impact statement by reference to cut down on bulk, if an agency can do so without impeding agency and public review of the action (Sections 25.05.600 and 25.05.635).

25.05.430 FORMAT.

(~~A.~~)(1) Cover Letter and Fact Sheet.

A cover letter or memo from the lead agency shall precede the EIS (Section 25.05.435). A fact sheet (Section (~~25.05.440B~~) 25.05.440(1)) shall be the first section of every EIS.

(~~B.~~)(2) EIS Contents.

The following format should be used unless the lead agency determines that a different format would improve clear presentation of alternatives and environmental analysis for a particular proposal (except that the fact sheet shall always be the first section of an EIS):

(~~1.~~) (a) Fact sheet;

(~~2.~~) (b) Table of contents (may include the list of elements of the environment);

(~~3.~~) (c) Summary;

(~~4.~~) (d) Alternatives, including the proposed action;

(~~5.~~) (e) Affected environment, significant impacts, and mitigation measures (other than those included in the proposed action);

(~~6.~~) (f) Distribution list (may be included in appendix);

(~~7.~~) (g) Appendices, if any (including, for FEIS, comment letters and any separate responses).

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(~~C.~~)(3) EIS Text.

The EIS text is divided into two (2) sections: (~~B4~~) 2(d) and (~~B5~~) 2(e) above. Agencies have wide latitude to organize and present material as they see fit within these two basic sections. Agencies are not required to discuss each subject in Section (~~25.05.440E and F~~) 25.05.440(4) and (5) and Section 25.05.444 in a separate section of the EIS.

(~~D.~~)(4) Additional Format Considerations.

(~~1.~~) (a) Where relevant to the alternatives and impacts of a proposal, the analysis specified in Section 25.05.440 shall be included regardless of the format of a particular statement.

(~~2.~~) (b) The format of a FEIS may differ, as specified by Section 25.05.560.

(~~3.~~) (c) Additional flexibility is provided in Sections 25.05.442 and 25.05.443 for environmental impact statements related to nonproject proposals.

(~~4.~~) (d) The elements of the environment for purposes of analyzing environmental impacts are stated in Section 25.05.444.

(~~5.~~) (e) Additional guidance on the distinction between environmental and other considerations is given in Sections 25.05.448 and 25.05.450.

(~~6.~~) (f) EISs may be combined with other documents (Section 25.05.640).

25.05.435 COVER LETTER OR MEMO.

(A.)(1) A cover letter or memo shall precede every EIS, but shall not be considered part of the EIS for adequacy purposes.

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(~~B.~~)(2) The cover letter or memo:

(~~1.~~) (a) Shall not exceed two (2) pages;

(~~2.~~) (b) Shall highlight the key environmental issues and options facing agency decisionmakers as known at the time of issuance;

(~~3.~~) (c) May include beneficial, as well as adverse environmental impacts and may mention other relevant considerations for decision-makers;

(~~4.~~) (d) Shall identify, for SEISs, the EIS being supplemented.

25.05.440 EIS CONTENTS.

(~~A.~~) An EIS shall contain the following, in the style and format prescribed in the preceding sections.

(~~B.~~) (1) Fact Sheet.

The fact sheet shall include the following information in this order:

(~~1.~~) (a) A title and brief description (a few sentences) of the nature and location (by street address, if applicable) of the proposal, including principal alternatives.

(~~2.~~) (b) The name of the person or entity making the proposal(s) and the proposed or tentative date for implementation.

(~~3.~~) (c) The name and address of the lead agency, the responsible official, and the person to contact for questions, comments, and information.

(~~4.~~) (d) A list of all licenses which the proposal is known to require. The licenses shall be listed by name and agency; the list shall be as complete and specific as possible.

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(~~5.~~) (e) Authors and principal contributors to the EIS and the nature or subject area of their contributions.

(~~6.~~) (f) The date of issue of the EIS.

(~~7.~~) (g) The date comments are due (for DEISs).

(~~8.~~) (h) The time and place of public hearings or meetings, if any and if known.

(~~9.~~) (i) The date final action is planned or scheduled by the lead agency, if known. Agencies may indicate that the date is subject to change. The nature or type of final agency action should be stated unless covered in subsection (~~1~~) (a) above.

(~~10.~~)(j) The type and timing of any subsequent environmental review to which the lead agency or other agencies have made commitments, if any.

(~~11.~~)(k) The location of a prior EIS on the proposal, EIS technical reports, background data, adopted documents, and materials incorporated by reference for this EIS, if any.

(~~12.~~)(l) The cost to the public for a copy of the EIS.

(~~C.~~)(2) Table of Contents.

(~~1.~~) (a) The table of contents should list, if possible, any documents which are appended, adopted, or serve as technical reports for this EIS (but need not list each comment letter).

(~~2.~~) (b) The table of contents may include the list of elements of the environment (Section 25.05.444), indicating those elements or portions of elements which do not involve significant impacts.

(~~D.~~)(3) Summary.

The EIS shall summarize the contents of the statement and shall not merely be an expanded table of contents. The summary shall briefly

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state the proposal's objectives, specifying the purpose and need to which the proposal is responding, the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made among alternative courses of action and the effectiveness of mitigation measures. The summary need not mention every subject discussed in the EIS, but shall include a summary of the proposal, impacts, alternatives, mitigation measures, and significant adverse impacts, alternatives, mitigation measures, and significant adverse impacts that cannot be mitigated. The summary shall state when the EIS is part of a phased review, if known, or the lead agency is relying on prior or future environmental review (which should be generally identified). The lead agency shall make the summary significantly broad to be useful to the other agencies with jurisdiction.

(~~E.~~)(4) Alternatives Including The Proposed Action.

(~~1.~~) (a) This section of the EIS describes and presents the proposal (or preferred alternative, if one or more exists) and alternative courses of action.

(~~2.~~) (b) Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

(~~a.~~) (i) The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

(~~b.~~) (ii) The "no-action" alternative shall be evaluated and compared to other alternatives.

(~~c.~~) (iii) Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

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(~~3.~~) (c) This section of the EIS shall:

(~~a.~~) (i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives. Include the proposed action, including mitigation measures that are part of the proposal.

(~~b.~~) (ii) Describe the location of the alternatives, including the proposed action, so that a lay person can understand it. Include a map, street address, if any, and legal description (unless long or in metes and bounds).

(~~c.~~) (iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals, if known.

(~~d.~~) (iv) Tailor the level of detail of descriptions to the significance of environmental impacts. The lead agency should retain any detailed engineering drawings and technical data, that have been submitted, in agency files and make them available on request.

(~~e.~~) (v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One (1) alternative (including the proposed action) may be used as a benchmark for comparing alternatives. The EIS may indicate the main reasons for eliminating alternatives from detailed study.

(~~f.~~) (vi) Present a comparison of the environmental impacts of the reasonable alternatives, and include the no action alternative. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation, may be discussed.

(~~g.~~) (vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective

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should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(~~4.~~) (d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

(~~F.~~)(5) Affected Environment, Significant Impacts, And Mitigation Measures.

(~~1.~~) (a) This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see Section (~~25.05.430C~~) 25.05.430(3)).

(~~2.~~) (b) General requirements for this section of the EIS:

(~~a.~~) (i) This section shall be written in a nontechnical manner which is easily understandable to lay persons whenever possible, with the discussion commensurate with the importance of the impacts. Only significant impacts must be discussed; other impacts may be discussed.

(~~b.~~) (ii) Although the lead agency should discuss the affected environment, environmental impacts, and other mitigation

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measures together for each element of the environment where there is a significant impact, the responsible official shall have the flexibility to organize this section in any manner useful to decisionmakers and the public (see Section (~~25.05.430C~~) 25.05.430(3)).

(~~c.~~) (iii) This subsection is not intended to duplicate the analysis in subsection (~~E~~)(4) and shall avoid doing so to the fullest extent possible.

(~~3.~~) (c) This section of the EIS shall:

(~~a.~~) (i) Succinctly describe the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration. Inventories of species should be avoided, although rare, threatened, or endangered species should be indicated.

(~~b.~~) (ii) Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as storage, handling, or disposal of toxic or hazardous material.

(~~c.~~) (iii) Clearly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, as well as those, if any, that agencies or applicants are committed to implement.

(~~d.~~) (iv) Indicate what the intended environmental benefits of mitigation measures are for significant impacts, and may discuss their technical feasibility and economic practicability, if there is concern about whether a mitigation measure is capable of being accomplished. The EIS need not analyze mitigation measures in detail unless they involve substantial changes to the proposal causing significant adverse impacts, or new information regarding significant impacts, and those measures will not be subsequently analyzed under

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SEPA (see Section (~~25.05.660B~~) 25.05.660(2)). An EIS may briefly mention nonsignificant impacts or mitigation measures to satisfy other environmental review laws or requirements covered in the same document (Section (~~25.05.402H~~) 25.05.402(8) and Section 25.05.640).

(~~c.~~) (v) Summarize significant adverse impacts that cannot or will not be mitigated.

(~~4.~~) (d) This section shall incorporate, when appropriate:

(~~a.~~) (i) A summary of existing plans (for example: land use and shoreline plans) and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(~~b.~~) (ii) Energy requirements and conservation potential of various alternatives and mitigation measures, including more efficient use of energy, such as insulating, as well as the use of alternate and renewable energy resources.

(~~c.~~) (iii) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(~~d.~~) (iv) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(~~5.~~) (e) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (Section 25.05.444). This involves impacts upon and the quality of the physical surroundings, whether they are in wild, rural, or urban areas. Discussion of significant impacts shall include the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which

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includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW 43.21C.11(1) (d) and (f), as listed in Section 25.05.444.

(~~6.~~) (f) Analysis of the following social, cultural, and economic issues shall be included in every EIS unless eliminated by the scoping process (Section 25.05.408):

(~~a.~~) (i) Economic factors, including but not limited to employment, public investment, and taxation where appropriate, provided that this section shall not authorize the City to require disclosure of financial information relating to the private applicant or the private applicant's proposal.

(~~b.~~) (ii) Regional, city, and neighborhood goals, objectives, and policies adopted or recognized by the appropriate local governmental authority prior to the time the proposal is initiated.

(~~c.~~) (iii) The level of detail used in discussing these additional elements should be proportionate to the impacts the proposal may have if approved.

(~~G.~~)(6) Appendices.

Comment letters and responses shall be circulated with the FEIS as specified by Section 25.05.560. Technical reports and supporting documents need not be circulated with an EIS (Sections (~~25.05.425D~~) 25.05.425(4) and (~~25.05.440B11~~) 25.05.440(1)(k)), but shall be readily available to agencies and the public during the comment period.

(~~H.~~)(7) Additional Analysis.

The lead agency may at its option include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process. The

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provision for combining documents may be used (Section 25.05.640). The EIS shall comply with the format requirements of this Part. The decision whether to include such information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

25.05.442 CONTENTS OF EIS ON NONPROJECT PROPOSALS.

(~~A.~~)(1) The lead agency shall have more flexibility in preparing EISs on nonproject proposals, because there is normally less detailed information available on their environmental impacts and on any subsequent project proposals. The EIS may be combined with other planning documents.

(~~B.~~)(2) The lead agency shall discuss impacts and alternatives in the level of detail appropriate to the scope of the nonproject proposal and to the level of planning for the proposal. Alternatives should be emphasized. In particular, agencies are encouraged to describe the proposal in terms of alternative means of accomplishing a stated objective (see Section (~~25.05.060C~~) 25.05.060(3)). Alternatives including the proposed action should be analyzed at a roughly comparable level of detail, sufficient to evaluate their comparative merits (this does not require devoting the same number of pages in an EIS to each alternative).

(~~C.~~)(3) If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern. The EIS should identify subsequent agencies as a result of the nonproject proposal, such as transportation and utility systems.

(~~D.~~)(4) The EIS's discussion of alternatives for a comprehensive plan, community plan, or other areawide zoning or for shoreline or land use plans shall be limited to a general discussion of the impacts of alternate proposals for policies contained in such plans, for land

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use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics. The EIS content may be limited to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed plan.

25.05.443 EIS CONTENTS WHEN PRIOR NONPROJECT EIS.

(~~A.~~)(1) The provisions for phased review (Section (~~25.05.060E~~) 25.05.060(5)) and use of existing environmental documents, (~~Subchapter VI~~) Part Six, apply to EISs on nonproject proposals.

(~~B.~~)(2) A nonproject proposal may be approved based on an EIS assessing its broad impacts. When a project is then proposed that is consistent with the approved nonproject action, the EIS on such a project shall focus on the impacts and alternatives including mitigation measures specific to the subsequent project and not analyzed in the nonproject EIS. The scope shall be limited accordingly. Procedures for use of existing documents shall be used as appropriate, see (~~Subchapter VI.~~) Part Six.

(~~C.~~)(3) When preparing a project EIS under the preceding subsection, the lead agency shall review the nonproject EIS to ensure that the analysis is valid when applied to the current proposal, knowledge, and technology. If it is not valid, the analysis shall be reanalyzed in the project EIS.

25.05.444 ELEMENTS OF THE ENVIRONMENT.

(~~A.~~)(1) Natural environment.

(~~1.~~) (a) Earth

(~~a.~~) (i) Geology
(~~b.~~) (ii) Soils
(~~c.~~) (iii) Topography
(~~d.~~) (iv) Unique physical features
(~~e.~~) (v) Erosion/enlargement of land area (accretion)

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(~~2.~~) (b) Air

(~~a.~~) (i) Air quality
(~~b.~~) (ii) Odor
(~~c.~~) (iii) Climate

(~~3.~~) (c) Water

(~~a.~~) (i) Surface water movement/quantity/quality
(~~b.~~) (ii) Runoff/absorption
(~~c.~~) (iii) Floods
(~~d.~~) (iv) Ground water movement/quantity/quality
(~~e.~~) (v) Public water supplies

(~~4.~~) (d) Plants and animals

(~~a.~~) (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife
(~~b.~~) (ii) Unique species
(~~c.~~) (iii) Fish or wildlife migration routes

(~~5.~~) (e) Energy and natural resources

(~~a.~~) (i) Amount required/rate of use/efficiency
(~~b.~~) (ii) Source/availability
(~~c.~~) (iii) Nonrenewable resources
(~~d.~~) (iv) Conservation and renewable resources
(~~e.~~) (v) Scenic resources

(~~B.~~)(2) Built environment.

(~~1.~~) (a) Environmental health

(~~a.~~) (i) Noise
(~~b.~~) (ii) Risk of explosion
(~~c.~~) (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials

(~~2.~~) (b) Land and shoreline use

(~~a.~~) (i) Relationship to existing land use plans and to estimated population
(~~b.~~) (ii) Housing
(~~c.~~) (iii) Light and glare
(~~d.~~) (iv) Aesthetics
(~~e.~~) (v) Recreation
(~~f.~~) (vi) Historic and cultural preservation
(~~g.~~) (vii) Agricultural crops

(~~3.~~) (c) Transportation

(~~a.~~) (i) Transportation systems
(~~b.~~) (ii) Vehicular traffic
(~~c.~~) (iii) Waterborne, rail, and air traffic
(~~d.~~) (iv) Parking
(~~e.~~) (v) Movement/circulation of people or goods
(~~f.~~) (vi) Traffic hazards

(~~4.~~) (d) Public services and utilities

(~~a.~~) (i) Fire
(~~b.~~) (ii) Police
(~~c.~~) (iii) Schools

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(~~d.~~) (iv) Parks or other recreational facilities
(~~e.~~) (v) Maintenance
(~~f.~~) (vi) Communications
(~~g.~~) (vii) Water/storm water
(~~h.~~) (viii) Sewer/solid waste
(~~i.~~) (ix) Other governmental services or utilities

(~~C.~~)(3) Elements May Be Combined.

To simplify the EIS format, reduce paperwork and duplication, improve readability, and focus on the significant issues, some or all of the elements of the environment in Section 25.05.444 may be combined.

25.05.448 RELATIONSHIP OF EIS TO OTHER CONSIDERATIONS.

(~~A.~~)(1) SEPA contemplates that the general welfare, social, economic, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing alternatives and in making final decisions. However, the environmental impact statement is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments that must ultimately be made by the decisionmakers. Rather, an environmental impact statement analyzes environmental impacts and must be used by agency decisionmakers, along with other relevant considerations or documents, in making final decisions on a proposal. The EIS provides a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA, because it provides information on the environmental costs and impacts. SEPA does not require that an EIS be an agency's only decisionmaking document.

(~~B.~~)(2) The term "socioeconomic" is not used in the statute or in these rules because the term does not have a uniform meaning and has caused a great deal of uncertainty. Areas of urban environmental concern which must be considered are specified in RCW 43.21C.110(1)(f), the environmental checklist (Section 25.05.960) and Sections 25.05.440 and 25.05.444. (See Section (~~25.05.440F6~~) 25.05.440(5)(f)).

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(~~C.~~)(3) Examples of information that are not required to be discussed in an EIS are: Methods of financing proposals, economic competition, profits and personal income and wages, and social policy analysis (such as fiscal and welfare policies and nonconstruction aspects of education and communications). EISs may include whether housing is low, middle, or high income.

(~~D.~~)(4) Agencies have the option to combine EISs with other documents or to include additional analyses in EISs, that will assist in making decisions (Sections (~~25.05.440H~~) 25.05.440(7) and 25.05.640). Agencies may use the scoping process to help identify issues of concern to citizens.

25.05.450 COST-BENEFIT ANALYSIS.

A cost-benefit analysis (Section 25.05.726) is not required by SEPA. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered by an agency for the proposal, it may be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. For purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.

25.05.455 ISSUANCE OF DEIS.

(~~A.~~)(1) A draft EIS shall be issued by the responsible official and sent to the following:

(~~1.~~) (a) The Department of Ecology (2 copies).

(~~2.~~) (b) Each federal agency with jurisdiction over the proposal.

(~~3.~~) (c) Each agency with jurisdiction over or environmental expertise on the proposal.

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(~~4.~~) (d) Each city/county in which adverse environmental impacts identified in the EIS may occur, if the proposal were implemented.

(~~5.~~) (e) Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

(~~6.~~) (f) The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review and coordinate federal activities with state or local planning.

(~~7.~~) (g) Any person requesting a copy of the EIS from the lead agency (fee may be charged for DEIS, see Section 25.05.504).

(~~8.~~) (h) Any affected tribe.

(~~9.~~) (i) The SEPA Public Information Center.

(~~B.~~)(2) The lead agency is encouraged to send a notice of availability or a copy of the DEIS to any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (for example, local and regional libraries). This is not meant to duplicate subsection (~~A7~~) (1)(g) of this section.

(~~C.~~)(3) The lead agency should make additional copies available at its offices to be reviewed or obtained.

(~~D.~~)(4) The date of issue is the date the DEIS is publicly available and sent to the Department of Ecology, other agencies with jurisdiction and the SEPA Public Information Center.

(~~E.~~)(5) Notice that a DEIS is available shall be given under Section 25.05.510.

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(~~F.~~)(6) Any person or agency shall have thirty (30) days from the date of issue in which to review and comment upon the DEIS.

(~~G.~~)(7) Upon request, the lead agency may grant an extension of up to fifteen (15) days to the comment period. Agencies and the public must request any extension before the end of the comment period.

(~~H.~~)(8) The rules for notice, costs, commenting, and response to comments on EISs are stated in (~~Subchapter V~~) Part Five of these rules.

25.05.460 ISSUANCE OF FEIS.

(~~A.~~)(1) A final EIS (FEIS) shall be issued by the responsible official and sent to the Department of Ecology (2 copies), to all agencies with jurisdiction, to all agencies who commented on the DEIS, to the SEPA Public Information Center, and to anyone requesting a copy of the FEIS. (Fees may be charged for the FEIS, see Section 25.05.504.)

(~~B.~~)(2) The responsible official shall send the FEIS, or a notice that the FEIS is available, to anyone who commented on the DEIS and to those who received but did not comment on the DEIS. If the agency receives petitions from a specific group or organization, a notice or EIS may be sent to the group or organization, a notice or EIS may be sent to the group and not to each petitioner. Failure to notify any individual under this subsection shall not affect the legal validity of an agency's SEPA compliance.

(~~C.~~)(3) The lead agency should make additional copies available in its offices for review.

(~~D.~~)(4) The date of issue is the date the FEIS, or notice of availability, is sent to the persons, agencies and SEPA Public Information Center specified in the preceding subsections and the FEIS is publicly available. Copies sent to the department of ecology shall satisfy the statutory requirement of availability to the governor and to the ecological commission.

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(~~E.~~)(5) Agencies shall not act on a proposal for which an EIS has been required prior to seven (7) days after issuance of the EIS.

(~~F.~~)(6) The lead agency shall issue the FEIS within sixty (60) days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to public comments.

(~~G.~~)(7) The form and content of the FEIS is specified in Section 25.05.560.

(~~Subchapter V~~) PART FIVE - COMMENTING

25.05.500 PURPOSE OF THIS PART.

This Part provides rules for:

(~~A.~~)(1) Notice and public availability of environmental documents, especially environmental impact statements;

(~~B.~~)(2) Consultation and comment by agencies and members of the public on environmental documents;

(~~C.~~)(3) Public hearings and meetings; and

(~~D.~~)(4) Lead agency response to comments and preparation of final environmental impact statements. Review, comment, and responsiveness to comments on a draft EIS are the focal point of the act's commenting process because the DEIS is developed as a result of scoping and serves as the basis for the final statement.

25.05.502 INVITING COMMENT.

(~~A.~~)(1) Involving Other Agencies and the Public.

Agency efforts to involve other agencies and the public in the SEPA process should be commensurate with the type and scope of the environmental document.

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(~~B.~~)(2) Agency Response.

Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments (Sections 25.05.545, 25.05.550, and 25.05.724).

(~~C.~~)(3) Threshold Determinations.

(~~1.~~) (a) Agencies shall send DNSs to other agencies with jurisdiction, if any, as required by Section (~~25.05.340B~~) 25.05.340(2).

(~~2.~~) (b) For DNSs issued under Section (~~25.05.340B~~) 25.05.340(2), agencies shall provide public notice under Section 25.05.510 and receive comments on the DNS for fifteen (15) days.

(~~D.~~)(4) Scoping.

(~~1.~~) (a) Agencies shall circulate the DS and invite comments on the scope of an EIS, as required by Sections 25.05.360, 25.05.408, and 25.05.510.

(~~2.~~) (b) Agencies may use other reasonable methods to inform agencies and the public, such as those indicated in Section 25.05.410.

(~~3.~~) (c) The lead agency determines the method for commenting Sections (25.05.408 and 25.05.410).

(~~E.~~)(5) DEIS.

(~~1.~~) (a) Agencies shall invite comments on and circulate DEISs as required by Section 25.05.455.

(~~2.~~) (b) The commenting period shall be thirty (30) days unless extended by the lead agency under Section 25.05.455.

(~~3.~~) (c) Agencies shall comment and respond as stated in this Part. This meets the act's formal consultation and comment requirement in RCW 43.21C.030(2)(d).

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(~~F.~~)(6) Public Hearings and Meetings.

(~~1.~~) (a) Public hearings or meetings may be held (Section 25.05.535). Notice of such public hearings shall be given under Section 25.05.510 and may be combined with other agency notice.

(~~2.~~) (b) In conjunction with the requirements of Section 25.05.510, notice of public hearings shall be published no later than ten (10) days before the hearing. For nonproject proposals, notice of the public hearing shall be published in the City Official Newspaper. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia Bureaus of the Associated Press and United Press International.

(~~G.~~)(7) FEIS.

Agencies shall circulate FEISs as required by Section 25.05.460.

(~~H.~~)(8) Supplements.

(~~1.~~) (a) Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.

(~~2.~~) (b) When a DNS is issued after a DS has been withdrawn (Section (~~25.05.360D~~) 25.05.360(4)), agencies shall give notice under Section 25.05.510 and receive comments for fifteen (15) days.

(~~3.~~) (c) An addendum need not be circulated unless required under Section 25.05.625.

(~~I.~~)(9) Appeals.

Notice provisions for appeals are in Section 25.05.680.

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(~~J.~~)(10) Circulating Documents.

Agencies may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(~~K.~~)(11) Additional Notification.

In addition to any required notice of circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(~~L.~~)(12) Combining Notices.

Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

25.05.504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.

(~~A.~~)(1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with chapter 42.17 RCW.

(~~B.~~)(2) The lead agency shall make copies of any environmental document available in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

Agencies shall waive the charge for one (1) copy of an environmental document (not including the SEPA REGISTER) provided to a public interest organization.

25.05.508 SEPA REGISTER.

(~~A.~~)(1) The Department of Ecology (DOE) is required by WAC 197-11-508 to publish and mail each week a SEPA REGISTER, giving notice of all

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environmental documents required to be sent to the DOE under these rules, specifically:

(~~1.~~) (a) DNSs under Section (~~25.05.340B~~) 25.05.340(2);

(~~2.~~) (b) DSs (scoping notices) under Section 25.05.408;

(~~3.~~) (c) EISs under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630; and

(~~4.~~) (d) Notices of Action under RCW 43.21C.080 and 43.21C.087.

(~~B.~~)(2) All agencies shall submit the environmental documents listed in subsection (~~A.~~)(1) to DOE promptly and in accordance with procedures established by the DOE.

(~~C.~~)(3) Agencies are encouraged to subscribe to the SEPA REGISTER.

(~~D.~~)(4) DOE is authorized by WAC 197-11-508:

(~~1.~~) (a) To establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(~~2.~~) (b) To charge a reasonable fee for the SEPA REGISTER as allowed by law, in at least the amount allowed by chapter 42.17 RCW, from agencies, members of the public, and interested organizations.

(~~E.~~)(5) Members of the public, citizen and community groups, and educational institutions are encouraged by WAC 197-11-508 to subscribe and refer to the SEPA REGISTER for notice of SEPA actions which may affect them.

25.05.510 PUBLIC NOTICE.

(1) Notice for Master Use Permits and Council Land Use Decisions

(~~(A.) When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearings(s), if any, will be held.~~)

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For proposals requiring a Master Use Permit (MUP) or Council Land Use Decision under Ch. 23.76, a notice of availability of environmental documents, administrative SEPA appeals and SEPA public hearings shall be given pursuant to Ch. 23.76. These notice procedures shall be in lieu of the requirements of section 3 and 4 of this section. The general mailed releases (GMRs) constitute the City SEPA register for these actions, as required by subsection 2(c) of this section, but do not satisfy publication in the SEPA register as required by subsection (5) of this section.

~~(B.) Master Use Permits. For proposals requiring a Master Use Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, notice of availability of environmental documents, SEPA appeals and SEPA public hearings shall be provided as required in Chapter 23.76.~~)

~~(C.~~)(2) SEPA Public Information Center.

~~(1.~~) (a) The Department of Construction and Land Use shall be responsible for establishing and maintaining the City's SEPA Public Information Center at a location readily accessible to the public, and for making the existence and location of the Center known to the general public and City employees, and for satisfying the public information requirements of WAC 197-11-510.

~~(2.~~) (b) The following documents shall be maintained at the SEPA Public Information Center:

~~(a.~~) (i) Copies of all declarations of significance and declarations of nonsignificance filed by the City, for a period of one (1) year;

~~(b.~~) (ii) Copies of all EISs prepared by or on behalf of the City, for a period of three (3) years;

~~(c.~~) (iii) Copies of all decisions in administrative appeals wherein SEPA issues were raised;

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(~~d.~~) (iv) Copies of all adoption notices and addenda issued under (~~Subchapter VI~~) Part Six of these rules.

(v) Copies of all general mailed releases (notice of master use permit applications) relating to master use permit applications requiring SEPA compliance.

(vi) For City of Seattle-sponsored projects, any programmatic EISs adopted by the City.

(~~3.~~) (c) In addition, the Department of Construction and Land Use shall maintain the following registers at the SEPA Public Information Center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and the contact person or office from which further information may be obtained:

(~~a.~~) (i) A "Declaration of Nonsignificance Register" which shall contain a listing of all declarations of nonsignificance made by the City during the previous year;

(~~b.~~) (ii) An "EIS in Preparation Register" which shall contain a listing of all proposals for which the City is currently preparing an EIS, and the date by which the EIS is expected to be available to the public;

(~~c.~~) (iii) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by or on behalf of the City during the previous six (6) months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(~~4.~~) (d) Each of the registers shall be kept current and maintained at the SEPA Public Information Center for public inspection. In addition, the registers, or updates containing new entries added

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since the last mailing, shall be mailed once every week to those organizations and individuals who make written requests, unless no new entries are made on the register, in which event a copy of the register or update shall be mailed when a new entry is added. The Department of Construction and Land Use may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(~~5.~~) (e) The documents required to be maintained at the SEPA Public Information Center shall be available for public inspection; copies shall be provided upon written request. The City shall charge a fee for copies in the manner provided by ordinance, and for the cost of mailing.

(~~6.~~) (f) Copies of all documents filed and registers maintained at the SEPA Public Information Center shall be maintained at the main branch of the Seattle Public Library.

(~~B.~~)(3) Notice of Declarations of Nonsignificance.

Notice of Declarations of Nonsignificance shall be provided as follows:

(~~1.~~) (a) The SEPA Public Information Center shall maintain a "Declaration of Nonsignificance Register" which shall contain a listing of all DNSs. The register shall be maintained and used in accordance with the provisions of subsection (~~B~~)(4).

(~~2.~~) (b) The information in the register or its update, along with notice of the right to appeal a DNS in accordance with Section 25.05.680, shall be published once every week in the City official newspaper. In addition, notice of a DNS and notice of the right to appeal a DNS in accordance with Section 25.05.680 shall be submitted in a timely manner to at least one community newspaper with distribution in the area impacted by the proposal for which the DNS was

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adopted, and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(~~E.1~~)(4) Notice of Scoping, Declarations of Significance (DS), Draft and Final EISs.

(a) Upon publication, notice of scoping, DS (excluding those for MUPs), and the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.

(~~2.~~) (b) Notice of a draft EIS shall be published in the official newspaper. Notice of a final EIS and the procedures for appeal pursuant to Section 25.05.680 shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one (1) community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(~~F.~~)(5) Publication in SEPA register.

Documents which are required to be sent to the Department of Ecology under these rules will be published in the SEPA REGISTER, which will also constitute a form of public notice. However, publication in the SEPA REGISTER shall not, in itself, (~~meet~~) be considered compliance with this section.

25.05.535 PUBLIC HEARINGS AND MEETINGS.

(~~A.~~)(1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(~~B.~~)(2) A public hearing shall be held on every draft EIS.

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(~~C.~~)(3) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever the lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules.

(~~D.~~)(4) Whenever a public hearing is held under subsection (~~B~~)(2) of this section, it shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued, nor later than fifty (50) days from its issuance. Notice shall be given under Section (~~25.05.502F~~) 25.05.502(6) and as provided for a draft EIS in Section (~~25.05.510D2~~) 25.05.510(4)(b) and may be combined with other agency notice.

(~~E.~~)(5) If a public hearing is required under this chapter, it shall be open to discussion of all environmental documents and any written comments that have been received by the lead agency prior to the hearing. A copy of the environmental document shall be available at the public hearing.

(~~F.~~)(6) Comments at public hearings should be as specific as possible (see Section 25.05.550).

(~~G.~~)(7) Agencies and their designees may hold informal public meetings or workshops. Such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

25.05.545 EFFECT OF NO COMMENT.

(~~A.~~)(1) Consulted Agencies. If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the lead agency may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the lead agency in response to a draft EIS is

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thereafter barred from alleging any defects in the lead agency's compliance with (~~Subchapter IV~~) Part Four of these rules.

(~~B.~~)(2) Other Agencies And The Public. Lack of comment by other agencies or members of the public on environmental documents, within the time periods specified by these rules, shall be construed as lack of objection to the environmental analysis, if the requirements of Section 25.05.510 (public notice) are met. Other agencies and the public shall comment in the manner specified in Section 25.05.550. Each commenting citizen need not raise all possible issues independently. Appeals to the hearing examiner are considered de novo; the only limitation is that the issues on appeal shall be limited to those cited in the notice of appeal. See Section 25.05.680(1)(c).

25.05.550 SPECIFICITY OF COMMENTS.

(~~A.~~)(1) Contents of Comments. Comments on an EIS, DNS, scoping notice or proposal shall be as specific as possible and may address either the adequacy of the environmental document or the merits of the alternatives discussed or both.

(~~B.~~)(2) Documents Referenced. Commenters shall briefly describe the nature of any documents referenced in their comments, indicating the material's relevance, and should indicate where the material can be reviewed or obtained.

(~~C.~~)(3) Methodology. When an agency criticizes a lead agency's predictive methodology, the commenting agency should describe, when possible, the alternative methodology which it prefers and why.

(~~D.~~)(4) Additional Information. A consulted agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs, to the extent permitted by the details available on the proposal.

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(~~E.~~)(5) Mitigation Measures. When an agency with jurisdiction objects to or expresses concerns about a proposal, it shall specify the mitigation measures, if any are possible, it considers necessary to allow an agency to grant or approve applicable licenses.

(~~F.~~)(6) Comments By Other Agencies. Commenting agencies that are not consulted agencies shall specify any additional information or mitigation measures the commenting agency believes are necessary or desirable to satisfy its concerns.

(~~G.~~)(7) Citizen Comments. Recognizing their generally more limited resources, members of the public shall make their comments as specific as possible and are encouraged to comment on methodology needed, additional information, and mitigation measures in the manner indicated in this section.

(~~H.~~)(8) Responding to Comments. An agency shall consider and may respond to comments as the agency deems appropriate; the requirements for responding in a FEIS shall be met (Section 25.05.560).

25.05.560 FEIS RESPONSE TO COMMENTS.

(~~A.~~)(1) The lead agency shall prepare a final environmental impact statement whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed. The lead agency shall consider comments on the proposal and shall respond by one (1) or more of the means listed below, including its response in the final statement. Possible responses are to:

(~~1.~~) (a) Modify alternatives including the proposed action.

(~~2.~~) (b) Develop and evaluate alternatives not previously given detailed consideration by the agency.

(~~3.~~) (c) Supplement, improve, or modify the analysis.

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(~~4.~~) (d) Make factual corrections.

(~~5.~~) (e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons that support the agency's response and, if appropriate, indicate those circumstances that would trigger agency reappraisal or further response.

(~~B.~~)(2) All substantive comments received on the draft statement shall be appended to the final statement or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included (except for petitions).

(~~C.~~)(3) In carrying out subsection (~~A~~)(1), the lead agency may respond to each comment individually, respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments. When extensive corrections or revisions to the DEIS are made, the affected sections of the FEIS shall be rewritten in full, with corrections and revisions indicated by underlining, italics or other method.

(~~D.~~)(4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an updated fact sheet (Section (~~25.05.440A~~) 25.05.440(1)), which shall be circulated under Section 25.05.460. The FEIS shall consist of the DEIS and updated fact sheet.

(~~E.~~)(5) If changes in response to comments are minor and are largely confined to the responses described in subsections (~~A4 and A5~~) (1)(d) and (e) of this section, agencies may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet.

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The FEIS, consisting of the DEIS and the addendum, shall be issued under Section 25.05.460, except that only the addendum need be sent to anyone who received the DEIS.

(~~F.~~)(6) An FEIS shall be issued and circulated under Section 25.05.460.

25.05.570 CONSULTED AGENCY COSTS TO ASSIST LEAD AGENCY.

A consulted agency shall not charge the lead agency for any costs incurred in complying with Section 25.05.550, including providing relevant data to the lead agency and copying documents for the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW and SMC Section 3.104.010 for copying any environmental document requested by an agency other than the lead agency or by an individual or private organization. This section does not prohibit agencies from making interagency agreements on cost or personnel sharing to provide environmental information to each other.

(~~Subchapter VI~~) PART SIX - USING EXISTING ENVIRONMENTAL DOCUMENTS

25.05.600 WHEN TO USE EXISTING ENVIRONMENTAL DOCUMENTS.

(~~A.~~)(1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(~~B.~~)(2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts, provided that the information in the existing document(s) is accurate and reasonably up-to-date. The proposals may be the same as, or different than, those analyzed in the existing documents.

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(~~C.~~)(3) Other agencies acting on the same proposal shall use an environmental document unchanged, except in the following cases:

(~~1.~~) (a) For DNSs, an agency with jurisdiction is dissatisfied with the DNS, in which case it may assume lead agency status (Section (~~25.05.340B,C~~) 25.05.340(2)(3) and Section 25.05.948).

(~~2.~~) (b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(~~a.~~) (i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(~~b.~~) (ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents.

(~~3.~~) (c) For EISs, the agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

(~~D.~~)(4) Existing documents may be used for a proposal by employing one (1) or more of the following methods:

(~~1.~~) (a) "Adoption", where an agency may use all or part of an existing environmental document to meet its responsibilities under SEPA. Agencies acting on the same proposal for which an environmental document was prepared are not required to adopt the document; or

(~~2.~~) (b) "Incorporation by reference", where an agency preparing an environmental document includes all or part of an existing document by reference; or

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(~~3.~~) (c) An addendum, that adds analyses or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document; or

(~~4.~~) (d) Preparation of a SEIS if there are:

(~~a.~~) (i) Substantial changes so that the proposal is likely to have significant adverse environmental impacts; or

(~~b.~~) (ii) New information indicating a proposal's probable significant adverse environmental impacts.

(~~5.~~) (e) If a proposal is substantially similar to one covered in an existing EIS, that EIS may be adopted; additional information may be provided in an addendum or SEIS (see (~~3~~)(c) and (~~4~~)(d) of this subsection).

25.05.610 USE OF NEPA DOCUMENTS.

(~~A.~~)(1) An agency may adopt any environmental analysis prepared under the National Environmental Policy ACT (NEPA) by following Section 25.05.600 (when to use existing environmental documents) and Section 25.05.630 (adoption procedures).

(~~B.~~)(2) A NEPA environmental assessment may be adopted to satisfy requirements for a determination of nonsignificance or EIS, if the requirements of Sections 25.05.600 and 25.05.630 are met.

(~~C.~~)(3) An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

(~~1.~~) (a) The requirements of Sections 25.05.600 and 25.05.630 are met (in which case the procedures in (~~Suchapters III through V~~) Parts Three through Five of these rules for preparing an EIS shall not apply); and

(~~2.~~) (b) The federal EIS is not found inadequate: (~~a~~) (i) By a Court; (~~b~~) (ii) by the Council on Environmental Quality (CEQ) (or is

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at issue in a predecision referral to CEQ) under the NEPA regulations; or (~~c~~) (iii) by the administrator of the United States Environmental Protection Agency under section 309 of the Clean Air Act, 42 U.S.C. 1857.

(~~D.~~)(4) Subsequent use by another agency of a federal EIS, adopted under subsection (~~C~~) (3) of this section, for the same (or substantially the same) proposal does not require adoption, unless the criteria in Section (~~25.05.600D~~) 25.05.600(4) are met.

(~~E.~~)(5) If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty (30) days of circulating its statement of adoption, a written request is received from at least fifty (50) persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

25.05.620 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT--PROCEDURES.

(~~A.~~)(1) An SEIS shall be prepared in the same way as a draft and final EIS (Sections 25.05.400 to 25.05.600), except that scoping is optional. The SEIS should not include analysis of actions, alternatives, or impacts that is in the previously prepared EIS.

(~~B.~~)(2) The fact sheet and cover letter or memo for the SEIS shall indicate the EIS that is being supplemented.

(~~C.~~)(3) Unless the SEPA lead agency wants to prepare the SEIS, an agency with jurisdiction which needs the SEIS for its action shall be responsible for SEIS preparation.

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25.05.625 ADDENDA--PROCEDURES.

(~~A.~~)(1) An addendum shall clearly identify the proposal for which it is written and the environmental document it adds to or modifies.

(~~B.~~)(2) An agency is not required to prepare a draft addendum.

(~~C.~~)(3) An addendum for a DEIS shall be circulated to recipients of the initial DEIS under Section 25.05.455.

(~~D.~~)(4) If an addendum to a final EIS is prepared prior to any agency decision on a proposal, the addendum shall be circulated to the recipients of the final EIS.

(~~E.~~)(5) Agencies ((~~are encouraged to~~)) shall circulate ((~~addenda~~)) notice of addendum availability to interested persons. Unless otherwise provided in these rules, however, agencies are not required to circulate an addendum.

(6) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of an addendum.

25.05.630 ADOPTION -- PROCEDURES.

(~~A.~~)(1) The agency adopting an existing environmental document must independently review the content of the document and determine that it meets the adopting agency's environmental review standards and needs for the proposal. However, a document is not required to meet the adopting agency's own procedures for the preparation of environmental documents (such as circulation, commenting, and hearing requirements) to be adopted.

(~~B.~~)(2) An agency shall adopt an environmental document by identifying the document and stating why it is being adopted, using the adoption form substantially as in Section 25.05.965. The adopting

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agency shall ensure that the adopted document is readily available to agencies and the public by:

(~~1.~~) (a) Sending a copy to agencies with jurisdiction that have not received the document, as shown by the distribution list for the adopted document; and

(~~2.~~) (b) Placing copies in libraries and other public offices, or by distributing copies to those who request one~~.~~; and

(c) Placing a copy in the SEPA Public Information Center.

(~~C.~~)(3) When an existing EIS is adopted and:

(~~1.~~) (a) A supplemental environmental impact statement or addendum is not being prepared, the agency shall circulate its statement of adoption as follows:

(~~a.~~) (i) The agency shall send copies of the adoption notice to the Department of Ecology, to agencies with jurisdiction, to cities/counties in which the proposal will be implemented, to the SEPA Public Information Center, and to local agencies or political subdivisions whose public services would be changed as a result of implementation of the proposal.

(~~b.~~) (ii) The agency is ~~encouraged~~ required to send the adoption notice to persons or organizations that have expressed an interest in the proposal or are known by the agency to have an interest in the type of proposal being considered, or the lead agency should announce the adoption in agency newsletters or through other means.

(~~c.~~) (iii) No action shall be taken on the proposal until seven (7) days after the statement of adoption has been issued. The date of issuance shall be the date the statement of adoption has been sent to the Department of Ecology, the SEPA Public Information Center, and other agencies and is publicly available.

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(~~2.~~) (b) A SEIS is being prepared, the agency shall include the statement of adoption in the SEIS; or

(~~3.~~) (c) An addendum is being prepared, the agency shall include the statement of adoption with the addendum and circulate both as in subsection (~~C1~~) (3)(a) of this section.

(~~D.~~)(4) A copy of the adopted document must accompany the current proposal to the decisionmaker; the statement of adoption may be included.

((~~E.) If known, the adopting agency shall disclose in its adoption notice when the adopted document or proposal it addresses is the subject of a pending appeal or has been found inadequate on appeal.~~

(5) When a previous document (DNS or EIS) is adopted pursuant to this section and applied to a new project for which a decision has not been issued, the document can be appealed as an element of SEPA compliance for the new project (see Section 25.05.680 for appeal procedures and Section 25.05.510 for notice requirements).

(6) Departments shall not adopt a portion of a document if the adequacy of that portion has been appealed to the City Hearing Examiner and is either pending the Hearing Examiner's decision or has been found by the Hearing Examiner to be inadequate. This does not preclude adoption of portions of the document which have not been challenged.

25.05.635 INCORPORATION BY REFERENCE--PROCEDURES.

(~~A.~~)(1) Agencies should use existing studies and incorporate material by reference whenever appropriate.

(~~B.~~)(2) Material incorporated by reference (~~1~~) (a) shall be cited, its location identified, and its relevant content briefly described; and (~~2~~) (b) shall be made available for public review during applicable comment periods.

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25.05.640 COMBINING DOCUMENTS.

The SEPA process shall be combined with the existing planning, review, and project approval processes being used by each agency with jurisdiction. When environmental documents are required, they shall accompany a proposal through the existing agency review processes. Any environmental document in compliance with SEPA may be combined with any other agency documents to reduce duplication and paperwork and improve decisionmaking. The page limits in these rules shall be met, or the combined document shall contain, at or near the beginning of the document, a separate summary of environmental considerations, as specified by Section (~~25.05.440D~~) 25.05.440(~~4~~)(3). SEPA page limits need not be met for joint state-federal EISs prepared under both SEPA and NEPA, in which case the NEPA page restrictions (40 CFR 1502.7) shall apply.

(~~Subchapter VII~~) PART SEVEN - SEPA AND AGENCY DECISIONS

25.05.650 PURPOSE OF THIS (~~Subchapter~~) PART.

The purpose of this (~~Subchapter~~) Part is to:

(~~A.~~)(1) Ensure the use of concise, high quality environmental documents and information in making decisions.

(~~B.~~)(2) Integrate the SEPA process with other laws and decisions.

(~~C.~~)(3) Encourage actions that preserve and enhance environmental quality, consistent with other essential considerations of state policy.

(~~D.~~)(4) Provide basic, uniform principles for the exercise of substantive authority and appeals under SEPA.

25.05.655 IMPLEMENTATION.

(~~A.~~)(1) See RCW 43.21C.020, 43.21C.030(1), 43.21C.060, 43.21C.075, and 43.21C.080.

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(~~B.~~)(2) Relevant environmental documents, comments, and responses shall accompany proposals through existing agency review processes, as determined by agency practice and procedure, so that agency officials use them in making decisions.

(~~C.~~)(3) When a decisionmaker considers a final decision on a proposal:

(~~1.~~) (a) The alternatives in the relevant environmental documents shall be considered.

(~~2.~~) (b) The range of alternative courses of action considered by decisionmakers shall be within the range of alternatives discussed in the relevant environmental documents. However, mitigation measures adopted need not be identical to those discussed in the environmental document.

(~~3.~~) (c) If information about alternatives is contained in another decision document which accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make that information available to the public before the decision is made.

25.05.660 SUBSTANTIVE AUTHORITY AND MITIGATION.

(~~A.~~)(1) Any governmental actions on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

(~~1.~~) (a) Mitigation measures or denials shall be based on policies, plans, rules, or regulations formally designated in (Section (~~25.05.902~~) 25.05.665, .670, and .675 as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued. (Compare Section (~~25.05.350C~~) 25.05.350(3)).

(~~2.~~) (b) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental

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document on the proposal and shall be stated in writing by the decisionmaker. The decisionmaker shall cite the city's SEPA policy that is the basis of any condition or denial under this chapter (for proposals of applicants). After its decision, each agency shall make available to the public a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the license itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(~~3.~~) (c) Mitigation measures shall be reasonable and capable of being accomplished.

(~~4.~~) (d) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(~~5.~~) (e) Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(~~6.~~) (f) To deny a proposal under SEPA, an agency must find that:

(~~a.~~) (i) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and

(~~b.~~) (ii) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(~~B.~~)(2) Decisionmakers should judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (Section (~~25.05.440E~~)

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25.05.440(5)). EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

(~~1.~~) (a) Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(~~2.~~) (b) Will not be analyzed in a subsequent environmental document prior to their implementation.

(~~C.~~)(3) The City Clerk shall prepare a document that contains the City's SEPA policies (Sections (~~25.05.402~~) 25.05..665, 670, and .675) so that applicants and members of the public know what these policies are. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

(~~D.~~)(4) Required mitigation measures or denials under this section shall be an additional ground for or issue in appeals of decisions otherwise provided by city ordinance; provided that for proposals involving more than one action, such issue may be raised only with regard to the first decision which weighed the environmental impacts of the proposal, or the first decision of each phase if phased review is employed.

25.05.665 SEPA POLICIES -- OVERVIEW (1)

Purpose of the SEPA Policies

(a) It is the City's policy to protect the environment and provide for reasonable property development while enhancing the predictability of land use regulation. In order to provide predictability, it is the City's intent to incorporate

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environmental concerns into its codes and development regulations to the maximum extent possible. However, comprehensive land use controls and other regulations cannot always anticipate or effectively mitigate all adverse environmental impacts.

(b) The policies set forth in this part of the SEPA Rules shall serve as the basis for exercising substantive SEPA authority pursuant to SMC Section 25.05.660. Based on these policies, a decisionmaker may condition a proposal to reduce or eliminate its environmental impacts. The decisionmaker may deny a proposed project if an environmental impact statement has been prepared and if reasonable mitigating measures are insufficient to mitigate significant, adverse impacts identified in the environmental impact statement. Conditioning or denial of project proposals will occur pursuant to RCW 43.21C.060, WAC 197-11-660 and SMC 25.05.660.

(2) Relationship to Other City Policies

Nothing in these SEPA policies shall diminish the independent effect and authority of other environmentally related policies adopted by the City. Such City policies shall be considered together with these SEPA policies to guide discretionary land use decisions such as conditional uses and legislative actions such as rezones, adoption of area plans and siting of City facilities. Such adopted City policies may serve as the basis for exercising substantive SEPA authority with respect to a project only to the extent that they are explicitly referenced herein.

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(3) Relationship to Neighborhood and Business District Plans

Neighborhood and Business District Plans which have been adopted by the City Council may serve as the basis for exercising substantive SEPA authority, subject to the following:

(a) New Plans

A plan approved subsequent to the passage of this chapter may serve as the basis of exercising substantive SEPA authority only to the extent that the provisions of the plan explicitly identify any of its elements intended to have application for SEPA purposes;

(b) Existing Plans

A plan existing prior to the date of passage of this Chapter[1] may be used as a basis for the exercise of substantive SEPA authority only to the extent that:

(i) The plan identifies unusual circumstances such as substantially different site size or shape, topography, or inadequate infrastructure which would result in adverse environmental impacts which susbstantially exceed those anticipated by the code or zoning; or

(ii) The plan establishes a different balance of environmental and other goals than is characteristic of the land use code as a whole.

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1 The following neighborhood plans as constituted prior to the date of passage of this Chapter shall be considered existing plans:

Adams, Atlantic, Fremont, Leschi, Mount Baker, Harrison, Highland Park, Lawton Park, Madrona, Mann/Minor, North Beacon, North Delridge, North Greenwood, South Delridge, South Park, Stevens, Riverview, West Woodlawn, Eastlake, Capitol Hill, Queen Anne.

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Provided that the authority and conditions based upon an existing plan do not exceed the limitations contained in the Cumulative Effects policy and the Specific Environmental Policies contained in Sections 25.05.670 and 25.05.675 of this Chapter, respectively; and

(c) All Plans

SEPA conditions based upon a neighborhood or business district plan shall be consistent with any rezone action taken by the City Council subsequent to the adoption of the plan.

(4) Relationship to City Codes

Many environmental concerns have been incorporated in the City's codes and development regulations. Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to the limitations set forth in (a)-(g) below. Unless otherwise specified in the Policies for Specific Elements of the Environment (SMC 25.05.675), denial or mitigation of a project based on adverse environmental impacts shall be permitted only under the following circumstances:

(a) No City code or regulation has been adopted for the purpose of mitigating the environmental impact in question; or

(b) The applicable City code or regulation has been judicially invalidated; or

(c) The project site presents unusual circumstances such as substantially different site size or shape, topography, or inadequate infrastructure which would result in adverse environmental impacts which substantially exceed those anticipated by the applicable city code or zoning; or

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(d) The development proposal presents unusual features, such as unforeseen design, new technology, or a use not identified in the applicable city code, which would result in adverse environmental impacts which substantially exceed those anticipated by the applicable city code or zoning; or

(e) The project is located near the edge of a zone, and results in substantial problems of transition in scale or use which were not specifically addressed by the applicable city code or zoning; or

(f) The project is vested to a regulation which no longer reflects the City's policy with respect to the relevant environmental impact because of the adoption of more recent policies, provided that the new policies are in effect prior to the issuance of a DNS or DEIS for the project; or

(g) The project creates undue impacts based on cumulative effects as provided for in SMC 25.05.670.

(5) Relationship to Federal, State and Regional Regulations

Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. Where applicable, federal, state and regional environmental regulations will be presumed to provide sufficient impact mitigation, unless the City finds that such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project, and the regulations do not preempt the substantive authority of these policies.

25.05.670 CUMULATIVE EFFECTS POLICY

(1) Policy Background

(a) A project or action which by itself does not create undue impacts on the environment may create undue impacts when combined with the cumulative effects of prior or simultaneous

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developments; further, it may directly induce other developments, due to a causal relationship, which will adversely affect the environment.

(b) An individual project may have an adverse impact on the environment or public facilities and services which, though acceptable in isolation, could not be sustained given the probable development of subsequent projects with similar impacts.

(2) Policies

(a) The analysis of cumulative effects shall include a reasonable assessment of:

(i) the present and planned capacity of such public facilities as sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas to serve the area affected by the proposal;

(ii) the present and planned public services such as transit, health, police and fire protection and social services to serve the area affected by the proposal;

(iii) the capacity of natural systems -- such as air, water, light, and land -- to absorb the direct and reasonably anticipated indirect impacts of the proposal;

(iv) the demand upon facilities, services and natural systems of present, simultaneous and known future development in the area of the project or action; and

(b) Subject to the Policies for Specific Elements of the Environment (SMC 25.05.675):

An action or project may be conditioned or denied to lessen or eliminate its cumulative effects on the environment

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(i) when considered together with prior, simultaneous or induced future development; or

ii) when, taking into account known future development under established zoning, it is determined that a project will use more than its share of present and planned facilities, services and natural systems.

(3) Unless otherwise specified in the Policies for Specific Elements of the Environment (SMC 25.05.675), if the scope of substantive SEPA authority is limited with respect to a particular element of the environment, the authority to mitigate that impact in the context of cumulative effects is similarly limited.

25.05.675 SPECIFIC ENVIRONMENTAL POLICIES

(1) **Air Quality**

A. Policy Background

1. Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life.

2. Seattle's air quality is adversely affected primarily by vehicular emissions which create "hot spots" and non-attainment areas (such as downtown Seattle, Northgate, and the University District) that are identifiable through quarterly monitoring.

3. Seattle's air quality is also affected by particulates from industries, power plants, and wood stoves, the burning of toxics or wastes, and other emissions, including odor impacts.

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4. Federal auto emission controls, the state inspection/ maintenance program, and public transportation improvements are the primary means of mitigating air quality impacts from motor vehicles.

5. The Puget Sound Air Pollution Control Agency is responsible for monitoring air quality in the Seattle area, setting standards and regulating development to achieve regional air quality goals.

6. Federal, state and regional regulations and programs cannot always anticipate or adequately mitigate adverse air quality impacts.

B. Policies

1. It is the City's policy to minimize or prevent adverse air quality impacts.

2. For any project proposal which has a substantial adverse effect on air quality, the decisionmaker shall, in consultation with appropriate agencies with expertise, assess the probable effect of the impact and the need for mitigating measures. "Non-attainment areas" identified by the Puget Sound Air Pollution Control Agency shall be given special consideration.

3. Subject to the Overview Policy set forth in SMC 25.05.665, if the decisionmaker makes a written finding that the applicable federal, state and/or regional regulations did not anticipate or are inadequate to address the particular impact(s) of the project, the decisionmaker may condition or deny the proposal to mitigate its adverse impacts.

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4. Mitigating measures may include but are not limited to:

a. The use of alternative technologies, including toxic air control technologies;

b. Controlling dust sources with paving, landscaping, or other means;

c. Berming, buffering and screening;

d. Landscaping and/or retention of existing vegetation; and

e. A reduction in size or scope of the project or operation.

(2) Construction Impacts

A. Policy Background

1. For many projects, the construction process itself creates temporary adverse impacts on the site and the surrounding area.

2. Seattle's Street Use Ordinance and Building Code are intended to address many of the impacts caused by the construction process. The codes do not, however, adequately address all construction impacts such as those relating to pedestrian flow and safety due to sidewalk and street closures, excessive mud and dust, noise, drainage, and increased truck traffic.

B. Policies

1. It is the City's policy to minimize or prevent temporary adverse impacts associated with construction activities.

2. The decisionmaker may require, as part of the environmental review of a project, an assessment of noise, drainage,

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pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction phase.

3. Based on such assessments, the decisionmaker may, subject to the Overview Policy set forth in SMC.25.05.665, condition or deny a project to mitigate adverse impacts of the construction process.

4. Noise

Mitigating measures to address adverse noise impacts during construction include, but are not limited to:

a. Limiting the hours of construction;

b. Specifying the time and duration of loud noise;

c. Specifying a preferred type of construction equipment; and

d. Requiring sound buffering and barriers.

5. Drainage

Mitigating measures to address adverse drainage impacts during construction may include, but are not limited to:

a. Sedimentation traps and filters;

b. Sedimentation tanks or ponds;

c. Oil separators;

d. Retention facilities;

e. Maintenance programs; and

f. Performance bonds.

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6. Pedestrian Circulation

Mitigating measures to address adverse impacts relating to pedestrian circulation during construction may include, but are not limited to:

a. Covered sidewalks or alternative safe, convenient and adequate pedestrian routes; and

b. Limits on the duration of disruptions to pedestrian flow.

7. Transportation

Mitigating measures to address transportation impacts during construction may include, but are not limited to:

a. A construction phase transportation plan which addresses ingress and egress of construction equipment and construction worker vehicles at the project site;

b. Traffic control and street maintenance in the vicinity of the construction site;

c. Rerouting of public vehicular and pedestrian circulation in the vicinity of the construction site;

d. Providing a temporary High Occupancy Vehicle (HOV) incentive program for construction workers at the site to reduce the number of their vehicles taking parking places in the vicinity of the construction site; and

e. HOV discounts for members of the public who were displaced from a traditional parking area by the construction activity.

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(3) Drainage

A. Policy Background

1. Property development and redevelopment often creates increased volumes and rates of storm water runoff, which may cause property damage, safety hazards, nuisance problems and water quality degradation.

2. Pollution, mechanical damage, excessive flows, and other conditions in drainage basins will increase the rate of downcutting and/or the degree of turbidity, siltation, and other forms of pollution in streams, creeks, and lakes. They may also reduce low flows or low water levels to a level which endangers aquatic and benthic life within these streams, creeks, and lakes.

3. The aesthetic quality of the water and watercourses, as well as the suitability of waters for contact recreation and wildlife habitat, may be destroyed.

4. Authority provided through the Grading and Drainage Control Ordinance is intended to achieve mitigation of drainage impacts in most cases, although the Ordinance may not anticipate or eliminate all impacts.

B. Policies

1. It is the City's policy to protect streams, lakes, drainage basins and property from adverse drainage impacts.

2. The decisionmaker may condition or deny projects to mitigate their adverse drainage impacts consistent with the Overview Policy set forth in SMC 25.05.665; provided, that in addition to projects which meet one or more of the threshold criteria

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set forth in the Overview Policy, the following may be conditioned or denied:

a. Projects located in environmentally sensitive areas and areas tributary to them;

b. Projects located in areas where downstream drainage facilities are known to be inadequate; and

c. Projects draining into streams identified by the State Department of Fisheries or Wildlife as bearing anadromous fish.

3. To mitigate adverse drainage impacts associated with the projects identified in Policy 2, projects may be required to provide drainage control measures designed to a higher standard than the design storm specified in the Grading and Drainage Control Ordinance. Mitigating measures may include, but are not limited to:

a. Reducing the size or scope of the project;

b. Requiring landscaping and/or retention of existing vegetation;

c. Requiring additional drainage control or drainage improvements either on or offsite; and

d. Soil stabilization measures.

(4) Earth

A. Policy Background

1. Property development and redevelopment sometimes contribute to landslides, accelerated soil creep, settlement and subsidence, and abnormal erosion. They may also be subject to seismic hazards such as strong ground motion and liquefaction.

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2. The Grading and Drainage Control Ordinance was specifically developed to prevent or minimize impacts resulting from earth fills and excavations, however, the ordinance may not anticipate or adequately mitigate such impacts in all cases.

3. Drainage impacts, which are closely related to earth movement hazards, are addressed separately in subsection (3) of these policies.

B. Policies

1. It is the City's policy to protect life and property from loss or damage by landslides, strong ground motion and soil liquefaction, accelerated soil creep, settlement and subsidence, abnormal erosion, and other hazards related to earth movement and instability.

2. The decisionmaker may condition or deny projects to mitigate impacts related to earth movement or earth instability consistent with the Overview Policy set forth in SMC 25.05.665; provided, that in addition to projects which meet one or more of the threshold criteria set forth in the Overview Policy, projects located in environmentally sensititive areas and areas tributary to them may be conditioned or denied.

3. Mitigating measures may include, but are not limited to:

a. Reducing the size or scope of the operation or project;

b. Limiting the duration of the project or the hours of operation;

c. Requiring landscaping, the retention of existing vegetation or revegetation of the site;

d. Requiring additional drainage control measures or drainage facilities; and

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e. Requiring water quality and erosion controls on or off-site to control earth movement.

(5) Energy

A. Policy Background

1. The City's Energy Code is intended to regulate the design of buildings for adequate thermal resistance and low air leakage. It requires the design and selection of mechanical, electrical, water, heating and illumination systems which will enable the efficient use of energy. Application of the Energy Code results in projects which achieve substantial energy savings.

2. Industrial processes and manufacturing activities may have significant adverse energy impacts that are not addressed by the Seattle Energy Code.

3. Energy conservation measures may conflict, in some cases, with the goal of preserving structures of historical significance.

B. Policies

1. It is the City's policy to promote energy conservation and the most efficient possible use and production of energy.

2. All major projects shall be required to analyze and disclose their energy impacts by fuel type and end-use.

3. For projects with significant adverse energy impacts which involve activities not covered by the Energy Code, such as heavy industrial activities, or which meet one or more of the conditions set forth in the Overview Policy, SMC 25.05.665(4), the decisionmaker may require that the

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environmental review include a reasonable assessment of alternatives and mitigating measures.

4. Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny projects with significant adverse impacts relating to the use of the electrical energy in order to mitigate their adverse impacts to the City's electric utility system. Mitigating measures may include, but are not limited to conservation measures such as the use of alternative technologies.

5. In applying these policies to the rehabilitation of structures with historical significance, the decisionmaker shall be flexible in the application of energy conservation measures which may be in conflict with historical preservation goals and shall attempt to achieve a balance in meeting these competing objectives.

(6) Environmental Health

A. Policy Background

1. The use, discharge, disposal, emission or application of toxic or hazardous materials, may pose hazards to human health and to plants, animals and ecological systems. Hazardous materials include such things as pesticides, herbicides, and electromagetic transmissions.

2. Federal, state and regional regulations are the primary means of mitigating risks associated with hazardous and toxic materials.

3. Federal, state and regional regulations cannot always anticipate or eliminate adverse impacts from hazardous materials and transmissions. Public knowledge regarding such hazardous

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materials and transmissions may develop more quickly than regulations can react and be implemented.

B. Policies

1. It is the City's policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions.

2. For all proposed projects involving the use, treatment, transport, storage, disposal, emission, or application of toxic or hazardous chemicals, materials, wastes or transmissions, the decisionmaker shall, in consultation with appropriate agencies with expertise, assess the extent of potential adverse impacts and the need for mitigation.

3. Subject to the Overview Policy set forth in SMC 25.05.665, if the decisionmaker makes a written finding that applicable federal, state and regional laws and regulations did not anticipate or do not adequately address the adverse impacts of a proposed project, the project may be conditioned or denied to mitigate its adverse impacts. Mitigating measures may include, but are not limited to:

a. Use of an alternative technology;

b. Reduction in the size or scope of a project or operation;

c. Limits on the time and/or duration of operation; and

d. Alternative routes of transportation.

(7) Height, Bulk and Scale

A. Policy Background

1. The City's adopted Land Use Policies are intended to provide for smooth transition between industrial, commercial, and

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residential areas, to preserve the character of individual city neighborhoods, and to reinforce natural topography. These Land Use Policies are: Single Family Residential Areas Policies, Multi-Family Residential Areas Policies, Major Institutions Policies, Land Use Policies for Neighborhood Commercial Areas, Land Use Policies for Downtown, Industrial Area Policies, Open Space Policies (once adopted), and Shoreline Policies.

2. The Land Use Code (Title 23) which implements these policies controls height, bulk and scale but cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. For example, unanticipated adverse impacts may occur when a project is located on a site with unusual topographic features or on a site which is substantially larger than the prevalent platting pattern in an area.

3. Whenever new land use policies are adopted, adverse impacts may result when height, bulk and scale permitted by previously adopted zoning conflicts with the new land use policies.

B. Policies

1. It is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies listed in A(1) for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.

2. Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny a project to mitigate

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the adverse impacts of substantially incompatible height, bulk and scale. Mitigating measures may include but are not limited to:

a. Limiting the height of the development;

b. Modifying the bulk of the development;

c. Modifying the development's facade including but not limited to color and finish material;

d. Reducing the number or size of accessory structures or relocating accessory structures including but not limited to towers, railings, and antennae;

e. Repositioning the development on the site; and

f. Modifying or requiring setbacks, screening, landscaping or other techniques to offset the appearance of incompatible height, bulk and scale.

(8) Historic Preservation

A. Policy Background

1. Historic buildings, special historic districts, and sites of archaeological significance are found within Seattle. The preservation of these buildings, districts and sites is important to the retention of a living sense and appreciation of the past.

2. Historic sites, structures, districts and archeological sites may be directly or indirectly threatened by development or redevelopment projects.

3. Historic buildings are protected by the Landmarks Preservation Ordinance, as administered by the Landmarks Preservation Board. However, not all sites and structures

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meeting the criteria for historic landmark status have been designated yet.

4. Special districts have been established to protect certain areas which are unique in their historical and cultural significance, including for example Pike Place Market, Pioneer Square and the International District. These areas are subject to development controls and project review by special district review boards.

5. Archaeologically significant sites present a unique problem because protection of their integrity may, in some cases, eliminate any economic opportunity on the site.

B. Policies

1. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites.

2. For projects involving structure or sites which have been designated as historic landmarks, compliance with the Landmarks Preservation Ordinance shall constitute compliance with Policy number 1.

3. For projects involving structures or sites which are not yet designated as historical landmarks but which appear to meet the criteria for designation, the decisionmaker or any interested person may refer the site or structure to the Landmarks Preservation Board for consideration. If the Board approves the site or structure for nomination as an historic landmark, consideration of the site or structure for designation as an historic landmark and application of controls and incentives shall proceed as provided by the Landmarks Preservation Ordinance. If the project is rejected for nomination, the project shall not be conditioned or

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denied for historical preservation purposes, except pursuant to paragraph 4 or 5 of this subsection.

4. When a project is proposed adjacent to or across the street from a designated site or structure, the decisionmaker shall refer the proposal to the City's Historic Preservation Officer for an assessment of any adverse impacts on the designated landmark and for comments on possible mitigating measures. Mitigation may be required to insure the compatibility of the proposed project with the color, material and architectural character of the designated landmark and to reduce impacts on the character of the landmarks' site. Subject to the Overview Policy set forth in SMC 25.05.665, mitigating measures may be required and are limited to the following:

a. Sympathetic facade treatment;

b. Sympathetic street treatment;

c. Sympathetic design treatment; and

d. Reconfiguration of the project and/or relocation of the project on the project site;

provided, that mitigating measures shall not include reductions in a project's gross floor area.

5. On sites with potential archaeological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the Overview Policy set forth in SMC 25.05.665, mitigating measures which may be required to mitigate adverse impacts to an archaeological site include, but are not limited to:

a. Relocation of the project on the site;

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b. Providing markers, plaques, or recognition of discovery;

c. Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and

d. Excavation and recovery of artifacts.

(9) Housing

A. Policy Background

1. Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and reduction in the supply of housing.

B. Policies

1. It is the City's policy to encourage preservation of housing opportunities, especially for low income persons, and to ensure that persons displaced by redevelopment are relocated.

2. Proponents of projects shall disclose the on-site and off-site impacts of the proposed projects upon housing, with particular attention to low-income housing.

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3. Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this housing policy.

4. Housing preservation shall be an important consideration in the development of the City's public projects and programs. The City shall give high priority to limiting demolition of low-income housing in the development of its own facilities.

(10) Land Use

A. Policy Background

1. The City has adopted land use policies and code which are designed, in part, to minimize or prevent impacts resulting from incompatible land uses. These Land Use Policies are: Single Family Residential Areas Policies, Multi-family Residential Areas Policies, Major Institutions Policies, Land Use Policies for Neighborhood Commercial Areas, Land Use Policies for Downtown, Industrial Area Policies, Open Space Policies (once adopted), and Shoreline Policies.

2. The adopted Land Use Code cannot identify or anticipate all possible uses and all potential land use impacts.

3. When land use policy changes are adopted, adverse land use impacts may result when a proposed project includes uses which may be consistent with the applicable zoning requirements but are in conflict with the new land use policies.

4. Adverse cumulative land use impacts may result when a particular use or uses permitted under the zoning code occur in an area to such extent that they foreclose opportunities for higher priority, preferred uses called for in the City's land use policies.

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5. Density-related impacts of development are addressed under Policy 7: Height, Bulk and Scale, Policy 13: Parking, Policy 18: Traffic, and Policy 15: Public Services and Facilities and are not addressed under this policy.

B. Policies

1. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use policies for the area in which the project is located.

2. Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land use impacts associated with a proposed project and achieve consistency with the applicable City land use policies listed in (A)(1).

(11) Light and Glare

A. Policy Background

1. Development projects sometimes include lighting and/or reflective surface materials which can adversely affect motorists, pedestrians, and the surrounding area. Such adverse impacts may be mitigated by alternative lighting techniques and surface materials.

2. The City's Land Use Code specifically addresses the issue of light and glare control associated with commercial and industrial projects.

B. Policies

1. It is the City's policy to minimize or prevent hazards and other adverse impacts created by light and glare.

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2. If a proposed project may create adverse impacts due to light and glare, the decisionmaker shall assess the impacts and the need for mitigation.

3. Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny a proposed project to mitigate its adverse impacts due to light and glare.

4. Mitigating measures may include, but are not limited to:

a. Limiting the reflective qualities of surface materials that can be used in the development;

b. Limiting the area and intensity of illumination;

c. Limiting the location or angle of illumination;

d. Limiting the hours of illumination; and

e. Providing landscaping.

(12) **Noise**

A. Policy Background

1. Noise may be injurious to the public health, safety and welfare. It may have adverse impacts on commerce; the use, value, and enjoyment of property; sleep and repose; and the physiological and psychological well-being of those who live and work in Seattle.

2. The Noise Control Ordinance effectively addresses most noise impacts. However, some noise impacts are not addressed by the Noise Control Ordinance, such as the continual or repetitive noise of a project's operation.

3. The Land Use Code addresses noise generators and noise impacts associated with commercial and industrial uses.

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However, all noise impacts may not be anticipated and mitigated by the Land Use Code.

B. Policies

1. It is the City's policy to minimize or prevent adverse noise impacts resulting from new development or uses.

2. The decisionmaker may require, as part of the environmental review of a project, an assessment of noise impacts likely to result from the project.

3. Based in part on such assessments, and in consultation with appropriate agencies with expertise, the decisionmaker shall assess the extent of adverse impacts and the need for mitigation.

4. Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny a proposal to mitigate its adverse noise impacts.

5. Mitigating measures may include, but are not limited to:

a. Use of an alternative technology;

b. Reduction in the size or scope of a project or operation;

c. Limits on the time and/or duration of operation; and

d. Requiring buffering, landscaping, or other techniques to reduce noise impacts offsite.

(13) Parking

A. Policy Background

1. Increased parking demand associated with development

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projects may adversely affect the availability of parking in an area.

2. Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are included in the City's land use policies and implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb any additional parking spillover. The policies recognize that the cost of providing additional parking may have an adverse effect on the affordability of housing.

B. Policies

1. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

2. Subject to the Overview and Cumulative Effects Policies set forth in SMC 25.05.665 and SMC 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided, that no SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones; provided further, that parking impact mitigation for multi-family development may be required only where on-street parking is at capacity as defined by the Seattle Engineering Department or where the development itself would cause on-street parking to reach capacity as so defined.

3. Parking impact mitigation for projects outside of downtown zones may include but is not limited to:

a. Transportation management programs;

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b. Parking management and allocation plans;

c. Incentives for the use of alternatives to single occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;

d. Increased parking ratios; and

e. Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multi-family development may not include reduction in development density.

(14) Plants and Animals

A. Policy Background

1. Many species of birds, mammals, fish, and other classes of animals and plants living in the urban environments are of aesthetic, educational, ecological and in some cases economic value.

2. Local wildlife populations are threatened by habitat loss through destruction and fragmentation of living and breeding areas and travelways, and by the reduction of habitat diversity.

3. Substantial protection of wildlife habitats and travel corridors within the City is provided by the Seattle Shoreline Master Program.

B. Policies

1. It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial

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aesthetic, educational, ecological, and/or economic value. A high priority shall be given to the preservation and protection of special habitat types. Special habitat types include, but are not limited to, wetlands and associated areas (such as upland nesting areas), and spawning, feeding, or nesting sites. A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.

2. For projects which are proposed within an identified plant or wildlife habitat or travelway, the decisionmaker shall assess the extent of adverse impacts and the need for mitigation.

3. When the decisionmaker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value, the decisionmaker may condition or deny the project to mitigate its adverse impacts. Such conditioning or denial is permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665; provided, that for any project subject to the City's Shoreline Master Program, the Overview Policy set forth in SMC 25.05.665 shall apply.

4. Mitigating measures may include but are not limited to:

a. Relocation of the project on the site;

b. Reducing the size or scale of the project;

c. Preservation of specific on-site habitats, such as trees or vegetated areas;

d. Limitations on the uses allowed on the site;

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e. Limitations on times of operation during periods significant to the affected species (i.e. spawning season, mating season, etc.); and

f. Landscaping and/or retention of existing vegetation.

(15) Public Services and Facilities

A. Policy Background

A single development, though otherwise consistent with zoning regulations, may create excessive demands upon existing public services and facilities. "Public services and facilities" in this context includes facilities such as sewers, storm drains, solid waste disposal facilities, parks, schools, and streets and services such as transit, solid waste collection, public health services, and police and fire protection, provided by either a public agency or private entity.

B. Policies

1. It is the City's policy to minimize or prevent adverse impacts to existing public services and facilities.

2. The decisionmaker may require, as part of the environmental review of a project, a reasonable assessment of the present and planned condition and capacity of public services and facilities to serve the area affected by the proposal.

3. Based upon such analyses, a project which would result in adverse impacts on existing public services and facilities may be conditioned or denied to lessen its demand for services and facilities, or required to improve or add services and/or facilities for the public, whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665.

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(16) Public View Protection

A. Policy Background

1. Seattle has a magnificent natural setting of greenery, mountains, and water; visual amenities and opportunities are an integral part of the City's environmental quality.

2. The City has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many scenic routes and other public places where such views enhance one's experience.

3. Obstruction of public views may occur when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern, or when development along a street creates a continuous wall separating the street from the view.

4. Authority provided through the Historic Preservation Ordinance is intended to preserve sites and structures which reflect significant elements of the City's historic heritage and to designate and regulate such sites and structures as historic landmarks.

5. The adopted Downtown Land Use Policies and Code provide for the preservation of specified view corridors through setback requirements and policies for the use of street space.

6. Adopted Land Use Codes attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review.

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B. Policies

1.a. It is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1. (Attachment 1 is located at the end of this section 25.05.675.)

b. The decisionmaker may condition or deny a proposal to eliminate or reduce its adverse impacts on designated public views, whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665; provided that downtown projects may be conditioned or denied only when public views from outside of downtown would be blocked as a result of a change in the street grid pattern.

2.a. It is the City's policy to protect public views of historic landmarks designated by the Landmarks Preservation Board which, because of their prominence of location or contrasts of siting, age, or scale, are easily identifiable visual features of their neighborhood or the city and contribute to the distinctive quality or identity of thier neighborhood or the city.

b. A proposed project may be conditioned or denied to mitigate view impacts on historic landmarks, whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665.

3. Mitigating measures may include, but are not limited to:

a. Requiring a change in the height of the development;

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b. Requiring a change in the bulk of the development;

c. Requiring a redesign of the profile of the development;

d. Requiring on-site view corridors or requiring enhancements to off-site view corridors;

e. Relocating the project on the site;

f. Requiring a reduction or rearrangement of walls, fences or plant material; and

g. Requiring a reduction or rearrangement of accessory structures including, but not limited to towers, railings and antennae.

(17) Shadows on Open Spaces

A. Policy Background

1. Access to sunlight, especially in Seattle's climate, is an amenity of public open spaces.

2. It is possible to design and locate structures to minimize the extent to which they block light from public open spaces.

3. The Downtown Land Use Code provides some protections against shadow impacts created by development in downtown. However, due to the scale of development permitted in downtown, it is not practical to prevent such blockage at all public open spaces downtown.

4. The City's Land Use Code attempts to protect private property from undue shadow impacts through height, bulk and setback controls, but it is impractical to protect private properties from shadows through project-specific review.

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B. Policies

1. It is the City's policy to minimize or prevent light blockage and the creation of shadows on open spaces most used by the public. Areas outside of downtown to be protected are as follows:

   a. Publicly owned parks;

   b. Public schoolyards;

   c. Private schools which allow public use of schoolyards during non-school hours; and

   d. Publicly-owned street ends in shoreline areas.

   Areas in downtown where shadow impacts may be mitigated are:

   a. Freeway Park;

   b. Westlake Park and Plaza;

   c. Market (Steinbrueck) Park; and

   d. Convention Center Park.

2. The decisionmaker shall assess the extent of adverse impacts and the need for mitigation. The analysis of sunlight blockage and shadow impacts shall include an assessment of the extent of shadows, including times of the year, hours of the day, anticipated seasonal use of open spaces, availability of other open spaces in the area, and the number of people affected.

3. When the decisionmaker finds that a proposed project would substantially block sunlight from open spaces listed in Subsection 1 above at a time when the public most frequently uses that space, the decisionmaker may condition or deny the

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project to mitigate the adverse impacts of sunlight blockage, whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665.

4. Mitigating measures may include, but are not limited to:

a. Limiting the height of the development;

b. Limiting the bulk of the development;

c. Redesigning the profile of the development;

d. Limiting or rearranging walks, fences, or plant material;

e. Limiting or rearranging accessory structures, i.e., towers, railing, antennae; and

f. Relocating the project on the site.

(18) Traffic and Transportation

A. Policy Background

1. Excessive traffic can adversely affect the stability, safety and character of Seattle's communities.

2. Substantial traffic volumes associated with major projects may adversely impact surrounding areas.

3. Individual projects may create adverse impacts on transportation facilities which service such projects. Such impacts may result in a need for turn channelization, right-of-way dedication, street widening or other improvements including traffic signalization.

4. Seattle's land use policies call for decreasing reliance on the single occupant automobile and increased use of alternative transportation modes.

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5. Regional traffic and transportation impacts arising as a result of downtown development have been addressed in substantial part by the Downtown Land Use and Transportation Plan. Actions underway to mitigate impacts include the implementation of the Downtown Land Use Code and the construction of the downtown transit tunnel, both of which promote and encourage transit use.

6. The University District is an area of the City which is subject to particularly severe traffic congestion problems, as highlighted in the 1983 City-University Agreement, and therefore deserves special attention in the environmental review of project proposals.

B. Policies

1. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas.

2. In determining the necessary traffic and transportation impact mitigation, the decisionmaker shall examine the expected peak traffic and circulation pattern of the proposed project weighed against such factors as the availability of public transit; existing vehicular and pedestrian traffic conditions; accident history; the trend in local area development; parking characteristics of the immediate area; the use of the street as determined by the Seattle Engineering Department's Seattle Comprehensive Transportation Plan; and the availability of goods, services and recreation within reasonable walking distance.

3. Mitigation of traffic and transportation impacts shall be permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665.

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4. Mitigating measures which may be applied to residential projects in downtown are limited to the following:

   a. Signage;

   b. Provision of information on transit and ride-sharing programs; and

   c. Bicycle parking.

5. Mitigating measures which may be applied to non-residential projects in downtown are limited to the following:

   a. Provision of transit incentives including transit pass subsidies;

   b. Signage;

   c. Improvements to pedestrian and vehicular traffic operations, signalization, turn channelization, right-of-way dedication, street widening, or other improvements proportionate to the impact of the project; and

   d. Transportation management plans.

6.a. Mitigating measures which may be applied to projects outside of downtown may include, but are not limited to:

   i. Changes in access;

   ii. Changes in the location, number and size of curb cuts and driveways;

   iii. Provision of transit incentives including transit pass subsidies;

   iv. Bicycle parking;

   v. Signage;

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vi. Improvements to pedestrian and vehicular traffic operations including signalization, turn channelization, right-of-way dedication, street widening, or other improvements proportionate to the impacts of the project; and

vii. Transportation management plans.

b. For projects outside downtown which result in adverse impacts, the decisionmaker may reduce the size and/or scale of the project only if the decisionmaker determines that the traffic improvements outlined under number 6.a. above would not be adequate to effectively mitigate the adverse impacts of the project.

(19) Water Quality

A. Policy Background

1. Seattle's water quality is adversely affected primarily by the dumping of pollutants and drainage-related sewage overflows into Puget Sound, Lake Union, the Lake Washington Ship Canal, the Duwamish Waterway and all lakes, streams, creeks, and other systems draining into these bodies of water.

2. Seattle's water quality is also adversely affected by storm drainage runoff; nonpoint source discharges from streets, parking lots and other impervious surfaces; construction site run-off; and sewage and gray water discharge from recreational and commercial watercraft.

3. Federal, state and regional water quality regulations and programs cannot always anticipate or eliminate adverse impacts to water quality.

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B. Policies

1. It is the City's policy to minimize or prevent adverse water quality impacts.

2. For any project proposal which poses a potential threat to water quality in Seattle, the decisionmaker shall assess the probable effect of the impact and the need for mitigating measures. The assessment shall be completed in consultation with appropriate agencies with expertise.

3. Subject to the Overview Policy set forth in SMC 25.05.665, if the decisionmaker makes a written finding that the applicable federal, state and regional regulations did not anticipate or are inadequate to address the particular impact(s) of the project, the decisionmaker may condition or deny the project to mitigate its adverse impacts.

4. Mitigating measures may include, but are not limited to:

   a. Use of an alternative technology;

   b. Reduction in the size or scope of the project or operation;

   c. Landscaping; and

   d. Limits on the time and duration of the project or operation.

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ATTACHMENT 1

Alki Beach Park
Alki Avenue S.W.

Atlantic City Park
S. Henderson and Seward Park S.

Bagley Viewpoint
10th Avenue E. and E. Roanoke

Ballard High School
N.W. 65th Street and 14th Avenue N.W.

Banner Place
N.E. Banner Place off N.E. 75th Street

Bayview Playground
24th Avenue W. and W. Raye Street

Beacon Hill Playground
S. Holgate and 14th Avenue S.

Belvidere Viewpoint
S.W. Admiral Way and S.W. Olga

Bhy Kracke Park
Bigelow North and Comstock Place

Bitter Lake Playground
N. 130th and Linden Avenue N.

Briarcliff Elementary School
W. Dravus and 38th Avenue W.

Broadview Elementary School
12515 Greenwood Avenue N.

Carkeek Park
N.W. 110th off N. Greenwood

Cleveland High School Playfield
S. Lucille and 15th Avenue S.

Colman Park
36th S. and Lakeside S.

Colman Playground
23rd Avenue S. and S. Grant

Commodore Park
W. Commodore Way and W. Gilmore

Denny Blaine Park
Lake Washington Boulevard E. and 40th E.

Discovery Park
36th W. and W. Government Way

Emerson Elementary School
9709 - 60th Avenue S.

Emma Schmitz Overlook
Beach Drive S.W. and S.W. Alaska

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Four Columns
Pike and Boren at I-5

Frink Park
Lake Washington Boulevard and S. Jackson

Gasworks Park
N. Northlake Way and Meridian Avenue N.

Genesee Park
45th Avenue S. and S. Genesee

Golden Gardens Park
North end of Seaview Avenue N.W.

Green Lake
Beaches (E. Green Lake Drive N. and W. Green Lake Drive N.)
Playfield (E. Green Lake Drive N. and Latona Avenue N.E.)
Park (N. 73rd Street and Green Lake Drive N.)
Community Center (Latona Avenue N.E. and E. Green Lake Drive N.)

Hamilton Viewpoint
California Avenue S.W. and S.W. Donald

Harborview Hospital Viewpoint
Eighth and Jefferson

Harbor Vista Park
1660 Harbor Avenue S.W.

Highland Park Playground
S.W. Thistle and 11th S.W.

Hughes Elementary School
S.W. Holden and 32nd Avenue S.W.

Inverness Ravine
Inverness Drive N.E. off N.E. 85th Street

Jose Rizal Park
S. Judkins and 12th Avenue S.

Kerry Park
W. Highland and Second Avenue W.

Kinnear Park
Seventh W. and W. Olympic Place

Kobe Terrace
Sixth Avenue and Washington Street

Lakeview Park
Lake Washington Boulevard E. and E. McGilvra

Lawton Playground
W. Emerson and Williams Avenue W.

Leschi Park
Lakeside W. off E. Alder

Lincoln Park
Fauntleroy S.W. and S.W. Webster

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Louisa Boren Lookout/Boren-Interlaken Park
15th E. and E. Garfield

Lowman Beach
Beach Drive S.W. and 48th Avenue S.W.

Lynn Street-end Park
Lynn Street at east side of Lake Union

McCurdy Park
E. Hamlin and E. Park Drive

Madison Park Beach
E. Madison and Lake Washington Boulevard E.

Madrona Park Beach
Lake Washington Boulevard and Madrona Drive

Magnolia Elementary School Playground
W. Smith Street and 27th Avenue W.

Maple Leaf Playground
N.E. 82nd and Roosevelt Way N.E.

Marshall Park-Betty Bowen Viewpoint
Parson Gardens Park
Seventh W. and W. Highland

Martha Washington Park
S. Holly Street and 57th Avenue S.

Mathews Beach
N.E. 93rd and Sandpoint Way N.E.

Mayfair Park
Second Avenue N. and Raye Street

Mee-Kwa-Mooks
Beach Drive S.W. and S.W. Oregon

Montlake Park
E. Shelby and E. Park Drive E.

Montlake Playfield
16th Avenue E. and E. Calhoun

Mount Baker Park
S. McClellan and Lake Park Drive S.

Myrtle Edwards Park
Alaskan Way and Bay Street

Myrtle Street Reservoir
S.W. Myrtle and 35th S.W.

Newton Street-end Park
Newton Street at east side of Lake Union

North and South Passage Point Park
Sixth Avenue N.E. and N.E. Northlake Way
Fuhrman E. and Fairview E.

Othello Park
43rd Avenue S. and S. Othello

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Pritchard Beach
55th Avenue S. and S. Grattan

Riverview Playfield
7000 Block of 12th Avenue S.W.

Roanoke Street-end Park
Roanoke Street at east side of Lake Union

Rogers Park
Third Avenue W. and W. Fulton Street

Sand Point Park/Beach
Sand Point Way N.E. and N.E. 65th Street

Schmitz Park
Admiral Way S.W. and S.W. Stevens

Seward Park Beach
Lake Washington Boulevard S. and S. Juneau

Smith Cove Park
Pier 91

Soundview Terrace Park
11th W. and W. Wheeler

Sunset Hill Viewpoint
N.W. 77th and 34th Avenue N.W.

Twelfth Avenue South Viewpoint
12th Avenue S. and S. McClellan Street

U. S. Public Health Service Hospital
1131 - 14th Avenue S.

Victor Steinbrueck (Market) Park
Virginia Street and Western Avenue

Viretta Park
39th Avenue E. and E. John

Volunteer Park (Tower)
1400 E. Prospect

Wallingford Playfield
N. 43rd Street and Wallingford Avenue N.

Washington Park - Arboretum
E. Madison and Lake Washington Boulevard S.

Waterfront Park
Pier 57 - On Alaskan Way

West Crest Park
S.W. Henderson Street and Eighth Avenue S.W.

West Seattle Municipal Golf Course
West Seattle Recreation Area

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West Seattle Reservoir
S.W. Trenton Street and Eighth Avenue S.W.

West Seattle Rotary Viewpoint
S.W. Oregon Street and 35th Avenue S.W.

Woodland Park
N. 50th Street and Phinney Avenue N.

Scenic routes 1) described by the City of Seattle Department of Engineering, Traffic Division Map and by Ordinance 97027, and 2) identified as protected view rights-of-way in the Mayor's April 1987 Open Space Policies Recommendation. (See Exhibit 1 of this Chapter for a map of the designated SEPA Scenic Routes described above.)

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25.05.680 APPEALS.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

(~~A.~~)(1) Master Use Permits. For proposals requiring a master use permit under SMC Chapter 23.76; Procedures for Master Use Permits and Council Land Use Decisions; SEPA appeal procedures shall be as provided in Chapter 23.76.

(~~B.~~)(2) Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits.

(~~1.~~) (a) The following agency decisions shall be subject to appeal to the Hearing Examiner by any interested person on proposals not requiring a master use permit as provided in this subsection:

(~~a.~~) (i) Threshold determination. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

(~~b.~~) (ii) Adequacy of the final EIS as filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

(~~2.~~) (b) An appeal shall be commenced by the filing of a notice of appeal with the Office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later. The notice of appeal shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125 (~~of this code~~).

(~~3.~~) (c) Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from

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shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within fifteen (15) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

(~~4.~~) (d) The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this Section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

(~~5.~~) (e) If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

(~~C.~~)(3) Appeal To The City Council.

(~~1.~~) (a) Any decision of the Hearing Examiner(~~,~~) or of any other authorized official or body concerning the approval, conditioning or denial of proposals pursuant to (~~which reviews compliance with~~) on proposals not requiring a master use permit Section 25.05.660 (substantive authority and mitigation) (~~shall be subject to~~) may be appealed to the City Council(~~.~~) according to the procedures and criteria set forth in this subsection.

(~~2.~~) (b) An appeal to the City Council (~~pursuant to subsection C1 of this section~~) may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal shall be filed with the City Clerk no

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later than the fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

(c) Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to Subsection 3 of this Section.

(d) The Council shall accept for review those appeals which raise issues regarding: (i) Council intent with respect to interpretation of the City's substantive SEPA policies; or ii) the sufficiency or appropriateness of mitigation or denial of a proposal.

(~~3.~~) (e) The City Council's review on appeal shall be limited to the issues identified under subsection (d), including issues of factual dispute (~~of compliance with Section 25.05.660~~). (~~Such~~) The Council's review shall be based (~~solely~~) upon the record from the hearing below; provided (however) that the City Council Committee may allow oral or written arguments(~~.~~) and may permit the record to be supplemented; and, provided further, that members of the Committee or of the full Council may make a site visit.

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(f) Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

(~~4.~~) (g) (~~The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party.~~) The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings, or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

(~~D.~~)(3) Judicial Appeals.

(~~1.~~) (a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(~~2.~~) (b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit, but allows for the SEPA and non-SEPA portions of that lawsuit to be filed at different times.

(~~3.~~) (c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within thirty (30) days after the agency gives official notice (see subsection (~~E~~) (5) of this section for content of official notice).

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(~~4.~~) (d) In any instance where subsection (~~B~~) (c) of this subsection allows the SEPA portion of an appeal to be filed after the time limit established by statute or ordinance for appealing the underlying governmental action, some judicial action must be filed within the time set by statute or ordinance. That action may be later amended to raise SEPA issues within thirty (30) days after the agency gives official notice (see subsection (~~E~~) (5) of this section). In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency with the time limit set by statute or ordinance for appealing the underlying governmental action.

(~~5.~~) (e) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be within thirty (30) days after the agency gives official notice (see subsection (~~E~~) (5) of this section). If the proposal requires more than one (1) governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one (1) judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(~~6.~~) (f) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen (15) days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

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(~~7.~~) (g) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(~~8.~~) (h) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(~~9.~~) (i) (See WAC 197-11-680(4)(i) for judicial review of state agency decisions in contested cases and petitions for a declaratory judgment on the validity of a rule, both of which are governed exclusively by the Administrative Procedure Act, chapter 34.04 RCW.)

(4) Reserved.

(~~E.~~)(5) Official Notice Of The Date And Place For Commencing An Appeal.

(~~1.~~) (a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(~~a.~~) (i) The time limit for commencing appeal of the underlying governmental action and the statute or ordinance establishing the time limit; and

(~~b.~~) (ii) The time for appealing SEPA issues (thirty (30) days after notice); and

(~~c.~~) (iii) A statement that a notice of intent is required, if a notice is required under subsection (~~D~~4) (4)(d) of this section, and instructions on where to send the notice and by what date; and

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(~~d.~~) (iv) Where an appeal may be filed.

(~~2.~~) (b) Notice is given by:

(~~a.~~) (i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(~~b.~~) (ii) Following the agency's normal methods of notice for the type of governmental action taken.

(~~3.~~) (c) Written notice containing the information required by subsection (~~E1~~) (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(~~4.~~) (d) Official notices required by this subparagraph shall not be given prior to final agency action.

(~~Subchapter VIII~~) PART EIGHT - DEFINITIONS

25.05.700 DEFINITIONS.

(1) The terms used in WAC 197-11 are to be uniform throughout the state as applied to SEPA (WAC 197-11-040). The City may add to certain of those definitions in its procedures, to help explain how it carries out SEPA, but may not change those definitions (WAC 197-11-906).

(~~B.~~)(2) Unless the context clearly requires otherwise:

(~~1.~~) (a) Use of the singular shall include the plural and conversely.

(~~2.~~) (b) "Preparation" of environmental documents refers to preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements.

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(~~3.~~) (c) "Impact" refers to environmental impact.

(~~4.~~) (d) "Permit" means "license" (Section 25.05.760).

(~~5.~~) (e) "Commenting" includes but is not synonymous with "consultation" ((~~Subchapter V~~) Part Five).

(~~6.~~) (f) "Environmental cost" refers to adverse environmental impact and may or may not be quantified.

(~~7.~~) (g) "EIS" refers to draft, final, and supplement EISs (Sections 25.05.405 and 25.05.738).

(~~8.~~) (h) "Under" includes pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

(~~C.~~)(3) In these rules:

(~~1.~~) (a) "Shall" is mandatory.

(~~2.~~) (b) "May" is optional and permissive and does not impose a requirement.

(3) (c) "Includes" means "includes but is not limited to."

(~~D.~~)(4) The following terms are synonymous:

(~~1.~~) (a) "Effect" and "impact" (Section 25.05.752).

(~~2.~~) (b) "Environment" and "environmental quality" (Section 25.05.740).

(~~3.~~) (c) "Major" and "significant" (Sections 25.05.764 and 25.05.794).

(~~4.~~) (d) "Proposal" and "proposed action" (Section 25.05.784).

(~~5.~~) (e) "Probable" and "likely" (Section 25.05.782).

25.05.702 ACT.

"Act" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, as amended, which is also referred to as "SEPA".

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25.05.704 ACTION.

(~~A.~~)(1) "Actions" include, as further specified below:

(~~1.~~) (a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(~~2.~~) (b) New or revised agency rules, regulations, plans, policies, or procedures; and

(~~3.~~) (c) Legislative proposals.

(~~B.~~)(2) Actions fall within one of two categories:

(~~1.~~) (a) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(~~a.~~) (i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(~~b.~~) (ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(~~2.~~) (b) Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs.

(~~a.~~) (i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(~~b.~~) (ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;

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(~~c.~~) (iii) The adoption of any policy, plan, or program that will govern the development of a series of connected actions (Section 25.05.060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;

(~~d.~~) (iv) Creation of a district or annexations to any city, town or district;

(~~e.~~) (v) Capital budgets; and

(~~f.~~) (vi) Road, street, and highway plans.

(~~C.~~)(3) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in (~~Subchapter IX~~) Part Nine identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

25.05.706 ADDENDUM.

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

25.05.708 ADOPTION.

"Adoption" means an agency's use of all or part of an existing environmental document to meet all or part of the agency's responsibilities under SEPA to prepare an EIS or other environmental document.

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25.05.709 AESTHETICS.

"Aesthetics" as listed in (Section (~~25.05.444B2d~~) 25.05.444(2)(b)(iv) shall be interpreted to include all views whether available from public or private property.

25.05.710 AFFECTED TRIBE.

"Affected tribe" or "treaty tribe" means any Indian tribe, band, nation or community in the state of Washington, that is federally recognized by the United States Secretary of the Interior and that will or may be affected by the proposal.

25.05.712 AFFECTING.

"Affecting" means having, or may be having, an effect on (see Section 25.05.752 on impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW 43.21C.031 and 43.21C.110(1)(c)).

25.05.714 AGENCY.

(~~A.~~)(1) "Agency" as defined in WAC 197-11-714(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762). In this chapter "agency" means the city or a city department or organizational unit of the city established by charter or ordinance.

(~~B.~~)(2) "Agency with environmental expertise" means an agency with special expertise on the environmental impacts involved in a proposal or alternative significantly affecting the environment. These agencies are listed in Section 25.05.920; the list may be expanded in agency procedures (Section 25.05.906). The appropriate agencies must

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be consulted in the environmental impact statement process, as required by Section 25.05.502.

(~~C.~~)(3) "Agency with jurisdiction" means an agency with authority to approve, veto, or finance all or part of a nonexempt proposal (or part of a proposal). The term does not include an agency authorized to adopt rules or standards of general applicability that could apply to a proposal, when no license or approval is required from the agency for the specific proposal. The term also does not include a local, state, or federal agency involved in approving a grant or loan, that serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are those from which a license or funding is sought or required.

(~~D.~~)(4) If a specific agency has been named in these rules, and the functions of that agency have changed or been transferred to another agency, the term shall mean any successor agency.

(~~E.~~)(5) For those proposals requiring a hydraulic project approval under RCW 75.20.100, both the Department of Wildlife and the Department of Fisheries shall be considered agencies with jurisdiction.

25.05.716 APPLICANT.

"Applicant" means any person or entity, including an agency, applying for a license from an agency. Application means a request for a license.

25.05.718 BUILT ENVIRONMENT.

"Built environment" means the elements of the environment as specified by RCW 43.21C.110(1)(f) and Section (~~25.05.444B~~) 25.05.444(2), which are generally built or made by people as contrasted with natural processes.

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25.05.720 CATEGORICAL EXEMPTION.

"Categorical exemption" means a type of action, specified in these rules, which does not significantly affect the environment (RCW 43.21C.110(1)(a)); categorical exemptions are found in (~~Subchapter IX~~) Part Nine of these rules. Neither a threshold determination nor any environmental document, including an environmental checklist or environmental impact statement, is required for any categorically exempt action (RCW 43.21C.030). These rules provide for those circumstances in which a specific action that would fit within a categorical exemption shall not be considered categorically exempt (Section 25.05.305).

25.05.722 CONSOLIDATED APPEAL.

"Consolidated appeal" means the procedure requiring a person to file an agency appeal challenging both procedural and substantive compliance with SEPA at the same time, as provided under RCW 43.21C.075(3)(b) and the exceptions therein. If an agency does not have an appeal procedure for challenging either the agency's procedural or its substantive SEPA determinations, the appeal cannot be consolidated prior to any judicial review. The requirement for a consolidated appeal does not preclude agencies from bifurcating appeal proceedings and allowing different agency officials to hear different aspects of the appeal. (Section 25.05.680).

25.05.724 CONSULTED AGENCY.

"Consulted agency" means any agency with jurisdiction or expertise that is requested by the lead agency to provide information during the SEPA process.

25.05.726 COST-BENEFIT ANALYSIS.

"Cost-benefit analysis" means a quantified comparison of costs and benefits generally expressed in monetary or numerical terms. It is

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not synonymous with the weighing or balancing of environmental and other impacts or benefits of a proposal.

25.05.728 COUNTY/CITY.

"County/city" means a county, city, or town. In WAC 197-11, duties and powers are assigned to a county, city, or town as a unit. The delegation of responsibilities among the various departments of a county, city, or town is left to the legislative or charter authority of the individual counties, cities, or towns.

25.05.730 DECISIONMAKER.

"Decisionmaker" means the agency official or officials who make the agency's decision on a proposal. The decisionmaker and responsible official are not necesarily synonymous, depending on the agency and its SEPA procedures (Sections 25.05.906 and 25.05.910).

25.05.732 DEPARTMENT. (See WAC 197-11-732)

25.05.733 DEPARTMENT.

"Department" in this chapter means any city department or organizational unit of the City established by charter or ordinance.

25.05.734 DETERMINATION OF NONSIGNIFICANCE (DNS).

"Determination of nonsignificance" (DNS) means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required (Sections 25.05.310 and 25.05.340).

25.05.736 DETERMINATION OF SIGNIFICANCE (DS).

"Determination of significance" (DS) means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an

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EIS is required (Sections 25.05.310 and 25.05.360). The DS form is in Section 25.05.980 and must be used substantially in that form.

25.05.738 EIS.

"EIS" means environmental impact statement. The term "detailed statement" in RCW 43.21C.030(2)(c) refers to a final EIS. The term "EIS" as used in these rules refers to draft, final, or supplemental EISs (Sec : , 25.05.405).

25.05.740 ENVIRONMENT.

"Environment" means, and is limited to, those elements listed in Section 25.05.444, as required by RCW 43.21C.110(1)(f). Environment and environmental quality refer to the state of the environment and are synonymous as used in these rules and refer basically to physical environmental quality.

25.05.742 ENVIRONMENTAL CHECKLIST.

"Environmental checklist" means the form in Section 25.05.960. Rules for its use are in Section 25.05.315.

25.05.744 ENVIRONMENTAL DOCUMENT.

"Environmental document" means any written public document prepared under this chapter. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular environmental documents (unlike various other state or federal environmental impact procedures).

25.05.746 ENVIRONMENTAL REVIEW.

"Environmental review" means the consideration of environmental factors as required by SEPA. The "environmental review process" is the procedure used by agencies and others under SEPA for giving

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appropriate consideration to the environment in agency decisionmaking.

25.05.748 ENVIRONMENTALLY SENSITIVE AREA.

"Environmentally sensitive area" means an area designated and mapped by a county/city under Section 25.05.908. Certain categorical exemptions do not apply within environmentally sensitive areas (Sections 25.05.305, 25.05.908, and (~~Subchapter IX~~) Part Nine of these rules).

25.05.750 EXPANDED SCOPING.

"Expanded scoping" is an optional process that may be used by agencies to go beyond minimum scoping requirements.

25.05.752 IMPACTS.

"Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in Section 25.05.444.

25.05.754 INCORPORATION BY REFERENCE.

"Incorporation by reference" means the inclusion of all or part of any existing document in an agency's environmental documentation by reference (Sections 25.05.600 and 25.05.635).

25.05.755 INTERESTED PERSON.

"Interested person" means any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

25.05.756 LANDS COVERED BY WATER.

"Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters,

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tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes, and swamps. Certain categorical exemptions do not apply to lands covered by water, as specified in (~~Subchapter IX~~) Part Nine.

25.05.758 LEAD AGENCY.

"Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements (Sections 25.05.050 and 25.05.922). The procedures for determining lead agencies are in (~~Subchapter X~~) Part Ten of these rules. "Lead agency" may be read as "responsible official" (Sections 25.05.788 and 25.05.910) unless the context clearly requires otherwise. Depending on the agency and the type of proposal, for example, there may be a difference between the lead agency's responsible official, who is at a minimum responsible for procedural determinations (such as Sections 25.05.330, 25.05.455, 25.05.460) and its decisionmaker, who is at a minimum responsible for substantive determinations (such as Sections 25.05.448, 25.05.655, and 25.05.660).

25.05.760 LICENSE.

"License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

25.05.762 LOCAL AGENCY.

"Local agency" or "local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties and their legislative bodies. The term encompasses but does not refer specifically to the departments within a city or county.

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25.05.764 MAJOR ACTION.

"Major action" means an action that is likely to have significant adverse environmental impacts. "Major" reinforces but does not have a meaning independent of "significantly" (Section 25.05.794).

25.05.766 MITIGATED DNS.

"Mitigated DNS" means a DNS that includes mitigation measures and is issued as a result of the process specified in Section 25.05.350.

25.05.768 MITIGATION.

"Mitigation" means:

(~~A.~~)(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(~~B.~~)(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(~~C.~~)(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(~~D.~~)(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(~~E.~~)(5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

(~~F.~~)(6) Monitoring the impact and taking appropriate corrective measures.

25.05.770 NATURAL ENVIRONMENT.

"Natural environment" means those aspects of the environment contained in Section (~~25.05.444A~~) 25.05.444(1), frequently referred to as

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natural elements, or resources, such as earth, air, water, wildlife, and energy.

25.05.772 NEPA.

"NEPA" means the National Environmental Policy Act of 1969 (42 USCA 4321 et seq; P.L. 91-190), that is like SEPA at the federal level. The federal NEPA regulations are located at 40 CFR 1500 et seq.

25.05.774 NONPROJECT.

"Nonproject" means actions which are different or broader than a single site specific project, such as plans, policies, and programs (Section 25.05.704).

25.05.776 PHASED REVIEW.

"Phased review" means the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (Section (~~25.05.060.E~~) 25.05.060(5)). Phased review may be used for a single proposal or EIS (Section 25.05.060).

25.05.778 PREPARATION.

"Preparation" of an environmental document means preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements (see Section (~~25.05.700B~~) 25.05.700(2)).

25.05.780 PRIVATE PROJECT.

"Private project" means any proposal primarily initiated or sponsored by an individual or entity other than an agency.

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25.05.782 PROBABLE.

"Probable" means likely or reasonably likely to occur, as in "a reasonable probability of more than a moderate effect on the quality of the environment" (see Section 25.05.794 (significant)). Probable is used to distinguish likely impacts from those that merely have a possibility of occurring, but are remote or speculative. This is not meant as a strict statistical probability test.

25.05.784 PROPOSAL.

"Proposal" means a proposed action. A proposal includes both actions and regulatory decisions of agencies as well as any actions proposed by applicants. A proposal exists at that state in the development of an action when an agency is presented with an application, or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the environmental effects can be meaningfully evaluated. (See Sections 25.05.055 and (~~25.05.060C~~) 25.05.060(3)). A proposal may therefore be a particular or preferred course of action or several alternatives. For this reason, these rules use the phrase "alternatives including the proposed action." The term "proposal" may therefore include "other reasonable courses of action," if there is no preferred alternative and if it is appropriate to do so in the particular context.

25.05.786 REASONABLE ALTERNATIVE.

"Reasonable alternative" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. (See Sections (~~25.05.440D~~) 25.05.440(4) and 25.05.660). Also see the definition of

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"scope" for the three types of alternatives to be analyzed in EISs (Section 25.05.792).

25.05.788 RESPONSIBLE OFFICIAL.

"Responsible official" means that officer or officers, committee, department, or section of the lead agency (~~is~~) designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency (Section 25.05.910).

25.05.790 SEPA.

"SEPA" means the State Environmental Policy Act of 1971 (chapter 43.21C RCW), which is also referred to as the act. The "SEPA process" means all measures necessary for compliance with the act's requirements.

25.05.792 SCOPE.

(~~A.~~)(1) "Scope" means the range of proposed actions, alternatives, and impacts to be analyzed in an environmental document (Section (~~25.05.060B~~) 25.05.060(2) (content of environmental review)).

(~~B.~~)(2) To determine the scope of environmental impact statements, agencies consider three (3) types of actions, three (3) types of impacts, and three (3) types of alternatives.

(~~1.~~) (a) Actions may be:

(~~a.~~) (i) Single (a specific action which is not related to other proposals or parts of proposals);

(~~b.~~) (ii) Connected (proposals or parts of proposals which are closely related under Section (~~25.05.060C~~) 25.05.060(3) or Section (~~25.05.305A~~) 25.05.305(1)); or

(~~c.~~) (iii) Similar (proposals that have common aspects and may be analyzed together under Section (~~25.05.060C~~) 25.05.060(3)).

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(~~2.~~) (b) Alternatives may be:

(~~a.~~) (i) No action;

(~~b.~~) (ii) Other reasonable courses of action; or

(~~c.~~) (iii) Mitigation measures (not in the proposed action).

(~~3.~~) (c) Impacts may be:

(~~a.~~) (i) Direct;

(~~b.~~) (ii) Indirect; or

(~~c.~~) (iii) Cumulative.

(~~C.~~)(3) Section 25.05.060 provides general rules for the content of any environmental review under SEPA; (~~Subchapter IV~~) Part Four and Section 25.05.440 provide specific rules for the content of EISs. The scope of an individual statement may depend on its relationship with other EISs or on phased review.

25.05.793 SCOPING.

"Scoping" means determining the range of proposed actions, alternatives, and impacts to be discussed in an EIS. Because an EIS is required to analyze significant environmental impacts only, scoping is intended to identify and narrow the EIS to the significant issues. The required scoping process (Section 25.05.408) provides interagency and public notice of a DS, or equivalent notification, and opportunity to comment. The lead agency has the option of expanding the scoping process (Section 25.05.410), but shall not be required to do so. Scoping is used to encourage cooperation and early resolution of potential conflicts, to improve decisions, and to reduce paperwork and delay.

25.05.794 SIGNIFICANT.

(~~A.~~)(1) "Significant" as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality.

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(~~B.~~)(2) Significance involves context and intensity (Section 25.05.330 (threshold determination process)) and does not limit itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact.

The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

(~~C.~~)(3) Section 25.05.330 specifies a process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

25.05.796 STATE AGENCY.

"State agency" means any state board, commission, department, or officer, including state universities, colleges, and community colleges, that is authorized by law to make rules, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature.

25.05.797 THRESHOLD DETERMINATION.

"Threshold determination" means the decision by the responsible official of the lead agency whether or not an EIS is required for a proposal that is not categorically exempt (Sections 25.05.310 and (~~25.05.330A2~~) 25.05.330(1)(b)).

25.05.799 UNDERLYING GOVERNMENTAL ACTION.

"Underlying governmental action" means the governmental action, such as zoning, or permit approvals, that is the subject of SEPA compliance.

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(~~Subchapter IX~~) PART NINE - CATEGORICAL EXEMPTIONS

25.05.800 CATEGORICAL EXEMPTIONS.

The proposed actions contained in (~~Subchapter IX~~) Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

(~~A.~~)(1) Minor New Construction--Flexible Thresholds.

(~~1.~~) (a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this section, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city establishes an exempt level under (c) of this subsection. If the proposal is located in more than one (1) city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(~~2.~~) (b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally sensitive areas:

~~(i) The construction or location of any residential structures of four dwelling units.~~

(i) The construction or location of residential structures of four or fewer dwelling units, in all Single Family Zones, Lowrise-One (L-1) and all Commercial zones; six or fewer units in Lowrise-Two (L-2) zones; eight or fewer units in Lowrise-Three (L-3) zones; and twenty or fewer units in midrise, (MR) highrise (HR) and all downtown zones.

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(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building, with (~~four~~) twelve thousand (~~(4,000)~~) (12,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20) automobiles.

(iv) The construction of a parking lot designed for twenty (20) automobiles, as well as the addition of twenty (20) spaces to existing lots if the addition does not remove the lot from an exempt class.

(v) Any landfill or excavation of five hundred (500) cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(vi) Mixed use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, when considered separately, is exempt under the criteria of (i)-(v) above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305(1)(b)(ii)).

~~(c) (Reserved - see WAC 197-11-800(1)(c).)~~

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(2) Other Minor New Construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection). The exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles;

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals;

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including

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adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes;

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section (~~or this subsection~~), as well as fencing and the construction of small structures and minor accessory facilities (~~accessory thereto~~);

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section (~~and this subsection~~) when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class;

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance;

(g) The installation of impervious underground tanks, having a capacity of ten thousand (10,000) gallons or less;

(h) The vacation of streets or roads;

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water;

(3) Repair, Remodeling And Maintenance Activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no

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material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection.

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) Water Rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty (50) cubic feet per second or less of surface water for irrigation purposes, when done without a government subsi...

(b) Appropriations of one (1) cubic foot per second or less of surface water, or of two thousand two hundred fifty (2,250) gallons per minute(~~s~~) or less of ground water, for any purpose.

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(5) Purchase Or Sale Of Real Property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) Minor Land Use Decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.35. RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) School Closures. The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification or change of a facility from a school use shall not be exempt under this subsection.

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(8) Open Burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(9) Variances Under Clean Air Act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one (1) year or less shall be exempt.

(10) Water Quality Certifications. The granting or denial of water quality certifications under the federal clean water act (Federal Water Pollution Control Act Amendments of 1972, 33 USC 1341) shall be exempt.

(11) Activities Of The State Legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (Section 25.05.704).

(12) Judicial Activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(13) Enforcement And Inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt

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by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(14) Business And Other Regulatory Licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession;

(b) All licenses required under electrical, fire, plumbing, hearing, mechanical, and safety codes and regulations, but not including building permits;

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above;

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(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers;

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services;

(f) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks; provided, that regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection;

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat;

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection;

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(15) Activities Of Agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs;

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(b) The assessment and collection of taxes;

(c) The adoption of all budgets and agency requests for appropriation; provided, that if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection;

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals;

(e) The review and payment of vouchers and claims;

(f) The establishment and collection of liens and service billings;

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force;

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions;

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates;

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection (see also 25.05.800(7));

(16) Financial Assistance Grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance;

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(17) Local Improvement Districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under 25.05.800 and 25.05.880;

(18) Information Collection And Research. Basic data collection, research, resource evaluation, request for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see Section 25.05.070 (limitations on actions during SEPA process));

(19) Acceptance Of Filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection;

(20) Procedural Actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt;

(21) Building Codes. The adoption by ordinance of all codes as required by the State Building Code Act (chapter 19.27 RCW);

(22) Adoption Of Noise Ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the Department of Ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and

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thus requires approval of the Department of Ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations;

(23) Review And Comment Actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt;

(24) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class;

(a) All communications lines, including cable TV, but not including communication towers or relay stations;

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter;

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty five thousand (55,000) volts or less; and the overbuilding of existing distribution lines (fifty five thousand (55,000) volts or less) with transmission lines (more than fifty five thousand (55,000) volts); and the undergrounding of all electrical facilities, lines, equipment or appurtenances;

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups;

(e) All developments within the confines of any existing electrical substation, reservoir, pump station or well; provided, that

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additional appropriations of water are not exempted by this subsection;

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes;

(h) All grants of franchises by agencies to utilities;

(i) All disposals of rights of way by utilities;

(25) Natural Resources Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II III forest practices as defined by RCW 76.09.050 or regulations thereunder;

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten (10) years;

(c) Licenses or approvals to remove firewood;

(d) Issuance of agricultural leases covering one hundred sixty (160) contiguous acres or less;

(e) Issuance of leases for Christmas tree harvesting or brush picking;

(f) Issuance of leases for school sites;

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(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft;

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve (12) campsites;

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

(j) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas;

(k) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW;

25.05.810 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.

(See WAC 197-11-820 through 197-11-875).

25.05.880 EMERGENCIES.

Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.

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25.05.890 PETITIONING DOE TO CHANGE EXEMPTIONS.

(~~A.~~)(1) Except for the preceding section, the city (see WAC 197-11-890) may create additional exemptions in these procedures only after receiving approval from the Department of Ecology under this section.

(~~B.~~)(2) A petition to the Department of Ecology (DOE) to adopt additional exemptions or to delete existing exemptions must be authorized by ordinance. The petition shall state the language of the requested amendment, the city's views on the environmental impacts of the activities covered by the proposed amendment, and the approximate number of actions of this type which have come before the city over a particular period of time. DOE is to consider and decide upon a petition within thirty (30) days of receipt. If the determination is favorable, DOE is required to begin rule-making under chapter 34.04 RCW. Any resulting amendments will apply either generally or to specified classes of agencies. The city shall then amend these rules accordingly.

(~~C.~~)(3) The city may also petition DOE for an immediate ruling upon any request to add, delete, or change an exemption. If such a petition is granted, DOE is to notify the city, which may immediately include the change in these rules approved by DOE. DOE may thereafter begin rulemaking proceedings to amend WAC 197-11. Until WAC 197-11 is amended, any change granted under this subsection shall apply only to the city.

(~~D.~~)(4) DOE is to provide public notice of any proposed amendments to these rules in the manner required by the administrative procedure act, chapter 34.04 RCW. A copy of all approvals by DOE under the preceding subsection is required to be given to any person requesting DOE for advance notice of rulemaking.

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(~~Subchapter X~~) PART TEN - AGENCY COMPLIANCE

25.05.900 PURPOSE OF (~~THIS Subchapter~~) SEATTLE SEPA RULES SECTIONS

(See WAC 197-11-900)

(~~The purpose of this subchapter is to:~~)

(~~A.~~)(1) (~~Set forth~~) The City's SEPA policies designated as possible bases for the exercise of substantive authority under SEPA are set forth in sections 25.05.665, .670, and .675. ~~(Section 25.05.902).~~

(~~B.~~)(2) (~~Identify the~~) The City's environmentally sensitive areas and the categorical exemptions which are inapplicable in such areas(~~.~~) are set forth in section (~~(~~)25.05.908(~~)~~).

(~~C.~~)(3) (~~Provide~~) Rules for designating the responsible department and responsible official when the City is the lead agency(~~.~~) are provided in section (~~(~~)25.05.910(~~)~~).

(~~D.~~)(4) (~~Provide~~) Procedures on request for consultation(~~.~~) are provided in section (~~(~~)25.05.912(~~)~~).

(~~E.~~)(5) (~~Provide for~~) Fees and costs for SEPA compliance for private projects(~~.~~) are provided for in section (~~(~~)25.05.914(~~)~~).

(~~F.~~)(6) (~~Provide for~~) The application of these rules to ongoing actions(~~.~~) is provided in section (~~(~~)25.05.916(~~)~~).

(~~G.~~)(7) (~~Identify~~) Agencies with environmental expertise(~~.~~) are provided in section (~~(~~)25.05.920(~~)~~).

(~~H.~~)(8) (~~Provide~~) Rules for determining the lead agency(~~.~~) are provided in section (~~(~~)25.05.922-948(~~)~~).

25.05.902 AGENCY SEPA POLICIES.

(See WAC 197-11-902 and Sections 25.05.665, .670 and .675.)

(~~(1) The act, WAC 197-11, and these rules allow agencies to condition or deny proposals if such action is based upon policies~~

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~~incorporated into regulations, plans, or codes formally designated by the City Council by ordinance as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; 25.05.660.) The City's SEPA policies are set forth in the following subsections.~~)

~~(2) Overview.~~

~~(a) Policy Intent. It is the intent of the City that the SEPA environmental review process be implemented by integrating the consideration of environmental impacts with existing planning and decisionmaking processes. To the greatest extent possible, the mechanism for mitigating or preventing adverse impacts to the environment will be incorporated into present and future city ordinances relating to the affected element of the environment. The SEPA review process and the measures necessary to minimize or prevent adverse impacts are, therefore, not to be treated as a separate review or permitting process, but rather are to be employed as an integral element of the existing decisionmaking process.~~

~~(b) Policies. In assessing the environmental impacts of a proposal and in determining the need for conditioning or denial pursuant to Section 25.05.660, the city official or authorizing agency shall utilize SEPA, and shall use other environmentally related policies adopted by the City Council in the form of resolutions, codes, ordinances, regulations or plans identified in Appendix A and on file in the SEPA Public Information Center, and federal, state, and regional environmental quality standards.~~

~~(3) Cumulative Effects.~~

~~(a) Policy Intent. Recognizing that:~~

~~(i) Comprehensive land use controls and other regulations cannot always anticipate or eliminate adverse impacts upon public facilities and services, natural systems or the surrounding area; and~~

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~~(ii) A single development, use, or modification, though otherwise consistent with zoning regulations, may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior development; and a single development may induce, due to a causal relationship, other developments, which ultimately will adversely affect public facilities and services, natural systems or the surrounding area; it is the policy of the city to condition or deny proposals to minimize or prevent such adverse environmental impacts from occurring.~~

~~(b) Policies.~~

~~(i) The analysis of cumulative effects shall include a reasonable assessment of the present and planned capacity of such public facilities as sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas to serve the area affected by the proposal.~~

~~(ii) The analysis of cumulative effects shall include a reasonable assessment of the present and planned public services such as transit, health, police and fire protection and social services to serve the area affected by the proposal.~~

~~(iii) The analysis of cumulative effects shall include a reasonable assessment of the capacity of natural systems - air, water, light, land - to absorb the direct and reasonably anticipated indirect impacts of the proposal.~~

~~(iv) Based in part upon such analysis, a project may be modified to lessen its demand for support services and facilities or its impact on natural systems. Modification may also be required to provide for subsequent projects which can be expected to share the need for support services, and facilities or use of the natural systems' capacity.~~

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~~4) Parking And Traffic.~~

~~(a) Policy Intent. Recognizing that new development and some modifications will generate travel and parking demands, with resultant adverse impacts on the surrounding areas relative to parking and traffic flow, it is the policy of the city to:~~

~~(i) Encourage transportation modes such as public transit, vanpools, carpools, and bicycles rather than single occupancy vehicles;~~

~~(ii) Modify off-street parking requirements to mitigate adverse impacts;~~

~~(iii) Make other requirements as necessary to assure reasonable access and flow.~~

~~(b) Policies.~~

~~(i) The city official or authorizing agency shall examine the proposed building occupants likely vehicle use pattern and guest and service parking needs.~~

~~(ii) In determining the necessary off-street parking, the city official or authorizing agency shall weigh these needs against factors such as:~~

~~a. Availability of on-street parking and public transit;~~

~~b. Existing traffic conditions;~~

~~c. Trend in local area development;~~

~~d. Peaking characteristics of the proposed building and the immediate area;~~

~~e. Availability of goods, services, and recreation within reasonable pedestrian distance.~~

~~(iii) The city official or authorizing agency may require measures to mitigate adverse parking impacts including~~

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~~requiring preference of some parking spaces for carpool or vanpool vehicles and provisions of bicycle racks.~~

~~(iv) The city official or authorizing agency may require curb cuts, construction of sidewalk, and other pedestrian access amenities or deeding of street right-of-way.~~

~~(v) Any condition or mitigating measure must be continuously met by the property owner.~~

~~(5) Landscaping.~~

~~(a) Policy Intent. Recognizing that certain developments, although consistent with zoning, may require separation from adjacent uses or modification if they are to exist in harmony with the surrounding area, the city official or authorizing agency may require foliage and greenery to promote the aesthetic and natural qualities of Seattle. Also, recognizing that vegetation can sometimes mitigate adverse environmental impacts, the city official or authorizing agency may require new landscaping to reduce storm water runoff, erosion and aesthetic incompatibility with the surrounding area.~~

~~(b) Policies.~~

~~(i) Landscaping may be required when it can provide a buffer between incompatible land uses or zones such as between parking areas and pedestrian ways.~~

~~(ii) Landscaping may be required when it can reduce the potential for erosion or excessive storm water runoff.~~

~~(iii) Landscaping may be required for new development to reduce the site coverage by impervious surfaces and to add to the beauty of the city.~~

~~(iv) Where structures prevent on-site landscaping, street trees may be required as a substitute.~~

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~~(v) Preference shall be given for species compatible with surrounding flora.~~

~~vi) The city official or authorizing agency may require existing vegetation to be retained.~~

~~vii) Maintenance of landscaped areas and replacement of dying or dead plants shall be the responsibility of the property owner.~~

~~(6) Drainage.~~

~~(a) Policy Intent. Recognizing that property development and redevelopment usually contribute to increased rates and volumes of storm water runoff, it is the policy of the city to:~~

~~(i) Prevent storm water flooding and related property damage, safety hazards, nuisance problems and water quality degradation from increasing as a result of property development and redevelopment;~~

~~(ii) Preserve and enhance the aesthetic quality of the water and watercourses;~~

~~(iii) Preserve and enhance the suitability of waters for contact recreation and wildlife habitat.~~

~~(b) Policies. Until a comprehensive drainage control ordinance is adopted, the following policies shall apply:~~

~~(i) On- or off-site control of storm water, in conjunction with property development and redevelopment, shall be required throughout the city except where separate storm drain systems have sufficient capacity to carry existing and anticipated increases in loads from the point of source to one of the following major bodies of water: Puget Sound, the Duwamish River and Waterway, Lake Washington, Lake Union, and the Lake Washington Ship Canal.~~

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~~(ii) The peak storm water runoff discharge rate from property development and redevelopment involving more than two thousand square feet of impervious surface shall not exceed 0.2 cubic feet per second per acre under an appropriate design storm condition, except where the separate storm drain systems have the necessary capacity as stated above. For purposes of this section, property development shall include demolition of an existing building, structure or impervious surface.~~

~~(iii) A drainage control plan shall accompany or be included with the application and/or request for any city action on a proposed project. The plan may consist of a statement of compliance in cases where no drainage control facilities are required to meet the criteria stated above.~~

~~(iv) Approval of the most suitable method of drainage control shall be made by the city official or authorizing agency on a case-by-case basis.~~

~~(7) View Protection.~~

~~(a) Policy Intent. Recognizing that:~~

~~(i) Part of what makes Seattle a unique city is its magnificent natural setting which combines greenery, mountains, and water; and~~

~~(ii) Visual amenities and opportunities are an integral part of the city's environmental quality and contribute to community pride and prestige; and~~

~~(iii) The city is committed to preserving sites, improvements, and objects which reflect significant elements of the city's cultural, aesthetic, social, economic, political,~~

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~~architectural, engineering, historical or other heritage and has designated such sites, improvements and objects as historic landmarks; and~~

~~(iv) It is the city's policy to encourage concentration of high density of high-rise development in the Central Business District (Western Avenue on the west, Yesler Way on the south, I-5 on the east and Lenora Street on the north), and that such development may obstruct views in may instances; and~~

~~(v) The city has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many other public places where such views enhance one's experience; it is the policy of the city to:~~

~~a. Reasonably protect views from such public places; and~~

~~b. Reasonably protect the view of certain designated historic landmarks.~~

~~(b) Policies. Until such time as specific view protection policies are enacted by the city, it is the policy of the city that:~~

~~(i) The city official or authorizing agency shall assess the extent of obstruction of views of mountains, water, skyline, and greenery by a proposed project from public places identified in Appendix B;~~

~~(ii) The city official or authorizing agency shall assess the extent of obstruction of views of historic landmarks designated by the Landmarks Preservation Board as having significance which, because of their prominence of location or contrasts of siting, age or scale, are easily identifiable visual features of their~~

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~~neighborhood or the city and contribute to the distinctive quality or identity of such neighborhood or the city; or they embody the distinctive visible characteristics of an architectural style, or period, or of a method of construction;~~

~~(iii) The city official or authorizing agency may mitigate such adverse impacts by measures including, but not limited to:~~

~~a. Requiring a change in the height of the development;~~

~~b. Requiring a change in the bulk of the development;~~

~~c. Requiring a redesign of the profile of the development;~~

~~d. Requiring view corridors;~~

~~e. Requiring a reduction or rearrangement of walls, fences, or plant material;~~

~~f. Requiring a reduction or rearrangement of accessory structures, i.e., towers, railings, antennae.~~

~~(iv) In the Central Business District, the city may mitigate the adverse impacts described in subsections (b)(i) and (ii), solely to maintain existing street view corridors to the water or to other prominent natural or man made features or to historic landmarks as defined in subsection (b)(ii); provided that such street view corridors shall be identified by rule adopted in accordance with the Administrative Code (Ch. 3.02), and no condition may be imposed to maintain such street view corridors until the view corridors have been identified.~~

~~(8) Shadows On Publicly Owned Parks.~~

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~~(a) Policy Intent. Recognizing that:~~

~~(i) Access to sunlight, especially in Seattle's climate, is an amenity of publicly owned parks; and~~

~~(ii) It is possible to design and locate structures to minimize the extent to which they block light from publicly owned parks; it is the policy of the city to consider the extent of light blockage and creation of shadows on publicly owned parks by proposed development or redevelopment and alternative mitigation measures and to weigh the benefits of preventing or minimizing shadows against the public benefits of the costs of conditioning or denying the proposal.~~

~~(b) Policies.~~

~~(i) The analysis of sunlight blockage and shadow impacts shall include an assessment of the publicly owned parks and extent of shadows, including times of the year, hours of the day, the land uses and number of people affected.~~

~~(ii) The city official or authorizing agency shall assess the extent of adverse impacts and the need for mitigation.~~

~~(iii) When the city official or authorizing agency finds that a proposed project would substantially block sunlight from a park at a time when the public most frequently uses that park, the city official or authorizing agency may mitigate adverse impacts of sunlight blockage by measures, including but not limited to:~~

~~a. Limiting the height of the development;~~

~~b. Limiting the bulk of the development;~~

~~c. Redesigning the profile of the development;~~

~~d. Limiting or rearranging walks, fences, or plant material;~~

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~~e. Limiting or rearranging accessory structures, i.e., towers, railing, antennae.~~

~~(9) Light And Glare.~~

~~(a) Policy Intent. Recognizing that development and redevelopment sometimes include lighting and/or reflective surface materials which can adversely affect the surrounding area and that such adverse impacts may be mitigated by alternative lighting techniques and surface materials, it is the policy of the city to consider the adverse impacts and the effectiveness of mitigating measures and to weigh the costs of conditioning or denying the proposal against the benefits to be gained.~~

~~(b) Policies.~~

~~(i) If the city official or authorizing agency finds a significant potential for adverse impacts due to light and glare, the city official or authorizing agency shall assess the impacts and need for mitigation.~~

~~(ii) The city official or authorizing agency may mitigate adverse impacts of lighting and glare by measures including, but not limited to:~~

~~a. Limiting the reflective qualities of surface materials that can be used in the development;~~

~~b. Limiting the area and intensity of illumination;~~

~~c. Limiting the location or angle of illumination;~~

~~d. Limiting the hours of illumination.~~

~~(10) Housing.~~

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~~(a) Policy Intent. Recognizing that:~~

~~(i) The city is committed to providing safe and sanitary shelter for all its citizens; and~~

~~(ii) Housing opportunities within the city are inadequate generally and are especially for low income citizens; and~~

~~(iii) Demolition or rehabilitiation of low rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and a reduction in the supply of housing;~~

~~(b) Policies.~~

~~(i) The city official or authorizing agency shall require any permit applicant who proposes to demolish, rehabilitate or convert housing to other uses to specify the monthly rent for each housing unit occupied at any time during the one year prior to the date of permit applicant.~~

~~(ii) When the city official or authorizing agency finds that the average rent of any housing unit occupied at any time during the one year prior to the date of permit application was at or below federal Section 8 Existing Fair Market Rent levels and the proposed project results in the eviction of tenants from such units, the city official or authorizing agency shall require the permit applicant to make a good faith effort to locate housing acceptable to the tenants of such low-rent units on or before the date the tenants vacate.~~

~~(iii) Compliance with the requirements of the Housing Preservation Ordinance (Ch. 22.210) shall constitute compliance with the policies expressed in this section.~~

~~(11) Supplemental Status of Subchapter.~~

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~~The policies established in this subchapter are intended to be supplemental to other adopted city policies protective of the environment, and are not intended to repeal any such adopted policies.~~

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~~APPENDIX A~~

~~R.17483 -- Comprehensive Plan and modifications and updates thereafter, including neighborhood improvements plans.~~

~~R.23782 -- Unique characteristics of International District and Pioneer Square District.~~

~~R.23831 -- Asian Cultural and Trade Center.~~

~~R.23835 -- Capital Improvement Program Committee Role in Pioneer Square and International District.~~

~~R.23841 -- Housing in Pioneer Square and International District.~~

~~R.23842 -- Need for public facilities and amenities in South Central Business District.~~

~~R.24098 &~~
~~R.24259 -- Air Quality.~~

~~R.24283 -- Goals for Seattle -- 2000 Commission Report.~~

~~R.25340 -- Redlining.~~

~~R.24514 -- Surface water control.~~

~~R.24957 -- Downtown parking policies.~~

~~R.25011 -- Goals, objectives, and policies of City codes.~~

~~R.25076 -- Guidance for parking and traffic access for King County Stadium.~~

~~R.25159 -- Policies to guide implementation of SEPA.~~

~~R.25173 -- Shoreline Master Program.~~

~~R.25259 -- Energy conservation policies.~~

~~R.25260 -- Electrical generation policies.~~

~~R.25434 -- Solid Waste Management Plan for King County.~~

~~R.25492 -- Capital Improvement Policy Plan and modifications and updates thereafter.~~

~~R.25532 -- City and University of Washington - Joint Statement of Goals.~~

~~R.25533 -- Seattle growth policies.~~

~~R.25601 -- Solid Waste Management goals and policies.~~

~~R.25670 -- Urban Greenbelt Plan.~~

~~R.25812 -- 1978 Housing Assistance Plan and updates thereafter.~~

~~R.25821 -- International District Neighborhood Strategy and Application.~~

~~O.86300 -- Zoning Code and amendments thereafter.~~

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~~O.102916 - Urban Renewal Plan - Pike Place Market.~~

~~O.106348 - Landmark Preservation Ordinance.~~

~~All other resolutions and ordinances included in the Policy Catalogue prepared in response to R.25477.~~

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~~APPENDIX B~~

~~Alki Beach Park~~
~~Alki Avenue S.W.~~

~~Atlantic City Park~~
~~S. Henderson and Seward Park S.~~

~~Bagley Viewpoint~~
~~10th Avenue E. and E. Roanoke~~

~~Ballard High School~~
~~N.W. 65th Street and 14th Avenue N.W.~~

~~Banner Place~~
~~N.E. Banner Place off N.E. 75th Street~~

~~Bayview Playground~~
~~24th Avenue W. and W. Raye Street~~

~~Beacon Hill Playground~~
~~S. Holgate and 14th Avenue S.~~

~~Belvidere Viewpoint~~
~~S.W. Admiral Way and S.W. Olga~~

~~Bhy Kracke Park~~
~~Bigelow North and Comstock Place~~

~~Bitter Lake Playground~~
~~N. 130th and Linden Avenue N.~~

~~Briarcliff Elementary School~~
~~W. Dravus and 38th Avenue W.~~

~~Broadview Elementary School~~
~~12515 Greenwood Avenue N.~~

~~Carkeek Park~~
~~N.W. 110th off N. Greenwood~~

~~Cleveland High School Playfield~~
~~S. Lucille and 15th Avenue S.~~

~~Colman Park~~
~~36th S. and Lakeside S.~~

~~Colman Playground~~
~~23rd Avenue S. and S. Grant~~

~~Commodore Park~~
~~W. Commodore Way and W. Gilmore~~

~~Denny Blaine Park~~
~~Lake Washington Boulevard E. and 40th E.~~

~~Discovery Park~~
~~36th W. and W. Government Way~~

~~Emerson Elementary School~~
~~9709 - 60th Avenue S.~~

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~~Emma Schmitz Overlook~~
~~Beach Drive S.W. and S.W. Alaska~~

~~Four Columns~~
~~Pike and Boren at I-5~~

~~Frink Park~~
~~Lake Washington Boulevard and S. Jackson~~

~~Gasworks Park~~
~~N. Northlake Way and Meridian Avenue N.~~

~~Genesee Park~~
~~45th Avenue S. and S. Genesee~~

~~Golden Gardens Park~~
~~North end of Seaview Avenue N.W.~~

~~Green Lake~~
~~Beaches (E. Green Lake Drive N. and W. Green Lake Drive N.)~~
~~Playfield (E. Green Lake Drive N. and Latona Avenue N.E.)~~
~~Park (N. 73rd Street and Green Lake Drive N.)~~
~~Community Center (Latona Avenue N.E. and E. Green Lake Drive N.)~~

~~Hamilton Viewpoint~~
~~California Avenue S.W. and S.W. Donald~~

~~Harborview Hospital Viewpoint~~
~~Eighth and Jefferson~~

~~Harbor Vista Park~~
~~1660 Harbor Avenue S.W.~~

~~Highland Park Playground~~
~~S.W. Thistle and 11th S.W.~~

~~Hughes Elementary School~~
~~S.W. Holden and 32nd Avenue S.W.~~

~~Inverness Ravine~~
~~Inverness Drive N.E. off N.E. 85th Street~~

~~Jose Rizal Park~~
~~S. Judkins and 12th Avenue S.~~

~~Kerry Park~~
~~W. Highland and Second Avenue W.~~

~~Kinnear Park~~
~~Seventh W. and W. Olympic Place~~

~~Kobe Terrace~~
~~Sixth Avenue and Washington Street~~

~~Lakeview Park~~
~~Lake Washington Boulevard E. and E. McGilvra~~

~~Lawton Playground~~
~~W. Emerson and Williams Avenue W.~~

~~Leschi Park~~
~~Lakeside W. off E. Alder~~

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~~Lincoln Park~~
~~Fauntleroy S.W. and S.W. Webster~~

~~Louisa Boren Lookout/Boren-Interlaken Park~~
~~15th E. and E. Garfield~~

~~Lowman Beach~~
~~Beach Drive S.W. and 48th Avenue S.W.~~

~~Lynn Street-end Park~~
~~Lynn Street at east side of Lake Union~~

~~McCurdy Park~~
~~E. Hamlin and E. Park Drive~~

~~Madison Park Beach~~
~~E. Madison and Lake Washington Boulevard E.~~

~~Madrona Park Beach~~
~~Lake Washington Boulevard and Madrona Drive~~

~~Magnolia Elementary School Playground~~
~~W. Smith Street and 27th Avenue W.~~

~~Maple Leaf Playground~~
~~N.E. 82nd and Roosevelt Way N.E.~~

~~Marshall Park-Betty Bowen Viewpoint~~
~~Parson Gardens Park~~
~~Seventh W. and W. Highland~~

~~Martha Washington Park~~
~~S. Holly Street and 57th Avenue S.~~

~~Mathews Beach~~
~~N.E. 93rd and Sandpoint Way N.E.~~

~~Mayfair Park~~
~~Second Avenue N. and Raye Street~~

~~Mee-Kwa-Mooks~~
~~Beach Drive S.W. and S.W. Oregon~~

~~Montlake Park~~
~~E. Shelby and E. Park Drive E.~~

~~Montlake Playfield~~
~~16th Avenue E. and E. Calhoun~~

~~Mount Baker Park~~
~~S. McClellan and Lake Park Drive S.~~

~~Myrtle Edwards Park~~
~~Alaskan Way and Bay Street~~

~~Myrtle Street Reservoir~~
~~S.W. Myrtle and 35th S.W.~~

~~Newton Street-end Park~~
~~Newton Street at east side of Lake Union~~

~~North and South Passage Point Park~~
~~Sixth Avenue N.E. and N.E. Northlake Way~~
~~Fuhrman E. and Fairview E.~~

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~~Othello Park~~
~~43rd Avenue S. and S. Othello~~

~~Pritchard Beach~~
~~55th Avenue S. and S. Grattan~~

~~Queen Anne High School~~
~~215 Galer~~

~~Riverview Playfield~~
~~7000 Block of 12th Avenue S.W.~~

~~Roanoke Street-end Park~~
~~Roanoke Street at east side of Lake Union~~

~~Rogers Park~~
~~Third Avenue W. and W. Fulton Street~~

~~Sand Point Park/Beach~~
~~Sand Point Way N.E. and N.E. 65th Street~~

~~Schmitz Park~~
~~Admiral Way S.W. and S.W. Stevens~~

~~Seward Park Beach~~
~~Lake Washington Boulevard S. and S. Juneau~~

~~Smith Cove Park~~
~~Pier 91~~

~~Soundview Terrace Park~~
~~11th W. and W. Wheeler~~

~~Sunset Hill Viewpoint~~
~~N.W. 77th and 34th Avenue N.W.~~

~~Twelth Avenue South Viewpoint~~
~~12th Avenue S. and S. McClellan Street~~

~~U. S. Public Health Service Hospital~~
~~1131 - 14th Avenue S.~~

~~Viretta Park~~
~~39th Avenue E. and E. John~~

~~Virginia Street Park~~
~~First Avenue and Virginia Street~~

~~Volunteer Park (Tower)~~
~~1400 E. Prospect~~

~~Wallingford Playfield~~
~~N. 43rd Street and Wallingford Avenue N.~~

~~Washington Park - Arboretum~~
~~E. Madison and Lake Washington Boulevard S.~~

~~Waterfront Park~~
~~Pier 57 - On Alaskan Way~~

~~West Crest Park~~
~~S.W. Henderson Street and Eighth Avenue S.W.~~

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~~West Seattle Municipal Golf Course~~
~~West Seattle Recreation Area~~

~~West Seattle Reservoir~~
~~S.W. Trenton Street and Eighth Avenue S.W.~~

~~West Seattle Rotary Viewpoint~~
~~S.W. Oregon Street and 35th Avenue S.W.~~

~~Woodland Park~~
~~N. 50th Street and Phinney Avenue N.~~

((~~All streets within the Central Business District as defined in Section 6 of this Ordinance.~~))

((~~Scenic routes as described by map and the City of Seattle Department of Engineering, Traffic Division and by Ordinance 97027, both on file in the SEPA Public Information Center and City public libraries.~~)))

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25.05.904 AGENCY SEPA PROCEDURES.

(See WAC 197-11-904)

25.05.906 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES.

(See WAC 197-11-906)

25.05.908 ENVIRONMENTALLY SENSITIVE AREAS.

(See WAC 197-11-908). (1) Environmentally sensitive areas are areas within the city within which certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, including but not limited to areas with unstable soils, steep slopes, unusual or unique plants or animals, wetlands, or areas which lie within flood plains. The areas in Seattle designated as environmentally sensitive include and are limited to the following areas, as mapped pursuant to subsection 3:

(~~1.~~) (a) Areas of steep slopes which are:

(~~a.~~) (i) Known slide areas identified by documented history, or

(~~b.~~) (ii) Potential slide areas based on documented geological characteristics, or

(~~c.~~) (iii) Steep slopes of fifty (50) percent or more;

(~~2.~~) (b) Flood-prone areas as defined and designated as to location by the Flood Insurance Administration of the United States Department of Housing and Urban Development;

(~~3.~~) (c) All areas extending landward for one hundred (100) feet in all directions as measured on a horizontal plane from the ordinary high water mark of Thornton Creek, Longfellow Creek, Piper's Creek, Bitter Lake and Haller Lake;

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(~~4.~~) (d) Areas subject to instability due to peat deposits and/or land fills as defined and designated as to location by the Department of Construction and Land Use or Engineering Department;

(e) Anadromous fish streams as identified by the Washington State Departments of Fisheries or Wildlife and areas wthin one hundred (100) feet on either side of the stream.

(2) The following (~~categorical exemptions listed in 25.05.800~~) types of development shall not ~~apply~~ be categorically exempt in (~~such~~) designated environmentally sensitive areas (See Section 25.05.800):

~~(1)~~(a) Minor new construction

~~(b)~~(i) Residential - ~~two (2) through four (4) units only~~;

(~~(b)~~)(ii) Agricultural structures (~~less than ten thousand (10,000) square feet~~);

(~~(b)~~)(iii) (~~Specified structures of less than four thousand (4,000) square feet~~) Office, school, commercial, recreational, service and storage buildings

(~~(b)~~)(iv) Parking lots (~~twenty (20 automobiles or less~~)

(~~(b)~~)(v) Landfill or excavation (~~five hundred (500) cubic yards or less for its lifetime~~)

(~~(2)~~)(b) Other minor new construction

(~~(c)~~)(i) Construction/installation of minor road and street improvements - transportation corridor landscaping and herbicides for weed control.

~~(6)~~(c) Minor land use decisions

(~~(a)~~)(i) Short plats or short subdivisions.

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(~~(24)~~)(d) Utilities

(~~(f)~~)(i) Chemical means to maintain design condition

(~~(25)~~)(e) Natural resources management

(~~(d)~~)(i) Issuance of agricultural leases of one hundred acres or less

(f) Issuance of leases for school sites

(~~(h)~~)(g) Development of non-ATV recreational sites (twelve (12) campsites or less)

(~~(i)~~)(h) Chemical means to maintain public park or recreation land.

(~~C.~~)(3) The Kroll Atlas of the City of Seattle with overlays identifying the boundaries of all designated environmentally sensitive areas within the city, with the exception of areas subject to instability due to peat deposits and/or landfills, contained in C.F. 284314 and incorporated in this section by reference, is adopted as part of this chapter. A copy of the maps shall be maintained in the SEPA Public Information Center. The contents of these designated environmentally sensitive areas can be amended by following the ordinance amendment procedures as set forth in Section 23.76.062 of the Land Use Code.

(~~D.~~)(4) Proposals that will be located within environmentally sensitive areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(~~E.~~)(5) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

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25.05.910 DESIGNATION OF RESPONSIBLE DEPARTMENT AND RESPONSIBLE OFFICIAL WHERE CITY IS LEAD AGENCY. (See WAC 197-11-910)

(~~A.~~) (a) For each proposal where the City is the lead agency, the responsible department shall be designated prior to designation of the responsible official.

(~~B.~~) (b) In designating the responsible department:

(~~1.~~) (i) The first department receiving or initiating a proposal which involves a major action, and for which the city is the lead agency, shall determine the responsible department for that proposal;

(~~2.~~) (ii) If that department determines that another department is the responsible department, it shall immediately notify such department of its determination;

(~~3.~~) (iii) When a department determines that it is the responsible department, it shall immediately notify all other departments with jurisdiction over the proposal;

(~~4.~~) (iv) Except for the Legislative Department, the responsible department for all proposals initiated by a department shall be the department making the proposal. In the event that two or more departments share in the initiation of a proposal, the departments shall by agreement determine which department will assume the status of responsible department;

(5.) (v) When the proposal will involve both private and public construction activity, it shall be characterized as either a private or a public project for the purposes of responsible department designation, depending upon whether the primary sponsor or initiator of the project is a department or from the private sector. Any project in which department and private interests are too interwined to make this characterization shall be considered a public project.

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(~~6.~~) (vi) For proposals for private projects which require licenses from more than one department, the responsible department shall be the department with responsibility for making the final recommendation or report on the first major action of the proposal or the first action which would result in irreversible commitment to the proposal; or in the event these conditions do not apply, the responsible department shall be the department whose action, license, or licenses will have the greatest effect on the environment;

(~~7.~~) (vii) Nothing in this section shall prohibit a department from assuming the role of responsible department as the result of an agreement among all departments with jurisdiction;

(~~8.~~) (viii) In the event that the departments with jurisdiction are unable to determine which department is the responsible department under this subchapter, any department with jurisdiction may petition the Mayor for such determination. The petition shall clearly describe the proposal in question and include a list of all licenses and approvals required for the proposal. The petition shall be filed with the Mayor within fifteen (15) days after receipt by the petitioning department of the determination to which it objects. Within fifteen (15) days of receipt of a petition, the Mayor shall designate the responsible department.

(c) The responsible official shall be the official within the responsible department who is responsible for making the final recommendation or report on the first major action of the proposal or on the first action which would result in irreversible commitment to the proposal. The department head shall designate for each proposed action, or for classes of actions, the responsible official in accordance with the criteria of this subsection.

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25.05.912 PROCEDURES ON CONSULTED AGENCIES.
(See WAC 197-11-912)

Any request for consultation with the City by another agency shall be directed to the Mayor. The Mayor shall establish and promulgate procedures for responding to such requests.

25.05.914 SEPA COSTS AND FEES.
(See WAC 197-11-914)

~~(A.)~~(1) For the purpose of reimbursing the city for necessary costs and expenses related to its compliance with the SEPA rules and this chapter in connection with private projects, the following schedule of fees, in addition to those otherwise provided by ordinance, is established:

~~(1.)~~ (a) For a threshold determination which requires information in addition to that contained in or accompanying the environmental checklist, a fee in an amount equal to the actual costs and expenses incurred by the city in conducting any studies or investigations necessary to provide such information; provided that the fee shall not be less than twenty dollars ($20.00) nor more than five hundred dollars ($500.00);

~~(2.)~~ (b) For all private projects requiring an EIS for which the city is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the city, or that the city will contract directly with a consultant or consultants for the preparation of an EIS, a fee in an amount equal to the actual costs and expenses incurred by the city in preparing the EIS. Such fee shall also apply when the applicant prepares the EIS, and the responsible official determines that substantial rewriting or reassessing of impacts must be performed by employees of the city to insure compliance with the provisions of the SEPA Guidelines and this subchapter.

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(~~3.~~) (c) When the responsible official is the Director of Construction and L nd Use, fees shall be paid as described in the Permit Fee Ordinance (Ch. 22.900).

(~~B.~~)(2) If the responsible official determines that an EIS is required, and that the EIS shall be prepared by employees of the city or by a consultant or consultants retained by the city, or that the applicant-prepared EIS shall be substantially rewritten by employees of the city, the private applicant shall be advised by the responsible official of the estimated costs and expenses of preparing or rewriting the EIS prior to actual preparation or rewriting, and the private applicant shall post bond or otherwise insure payment of such costs and expenses. The ultimate charge to the applicant shall not exceed the estimate. A consultant or consultants shall be selected by the responsible official in consultation with the private applicant.

(~~C.~~)(3) All fees owed the city under this section shall be paid in full by the private applicant prior to final action by the city on the private project. Any fee owed the city under subsection (~~A1~~)(1)(a) shall be paid by the private applicant prior to the initiation of actual preparation of an EIS (if required) or actual rewriting of an applicant-prepared EIS by the City of its consultant(s). If the private applicant disputes the amount of fee charged, the fee may be paid under protest and without prejudice to the applicant's right to file a claim and bring an action to recover the fee.

(~~D.~~)(4) Proceeds from fees and charges imposed pursuant to this subchapter shall be transmitted to the City Treasurer and shall be deposited by him in the General Fund; provided, that proceeds from fees and charges collected by the Director of Construction and Land Use shall be deposited in the Department of Construction and Land Use Fund.

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25.05.916 APPLICATION TO ONGOING ACTIONS.

(~~A.~~)(1) These SEPA procedures shall apply to any proposal initiated after the effective date of these SEPA procedures or those of the agency proposing the action.

(~~B.~~)(2) For proposals made before the effective date of these agency SEPA procedures, the revised procedures shall apply to those elements of SEPA compliance initiated after the procedures went into effect. Agency procedures adopted under RCW 43.21C.120 and these rules shall not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed before the effective date of these procedures or those of the agency proposing the action.

(~~C.~~)(3) Agencies are responsible for compliance with any statutory requirements that went into effect before the adoption of these rules and agency SEPA procedures (for example, the statutory requirements for appeals).

25.05.917 RELATIONSHIP OF CHAPTER 197-11 WAC WITH CHAPTER 197-10 WAC.
(See WAC 197-11-917).

25.05.918 LACK OF AGENCY PROCEDURES.
(See WAC 197-11-918).

25.05.920 AGENCIES WITH ENVIRONMENTAL EXPERTISE.

The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(~~A.~~)(1) Air quality.

(~~1.~~) (a) Department of Ecology.

(~~2.~~) (b) Department of Natural Resources (only for burning in forest areas).

(~~3.~~) (c) Department of Social and Health Services.

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(~~4.~~) (d) Regional air pollution control authority or agency.

(~~B.~~)(2) Water resources and water quality.

(~~1.~~) (a) Department of Wildlife (~~Game~~).

(~~2.~~) (b) Department of Ecology.

(~~3.~~) (c) Department of Natural Resources (state-owned tidelands, shorelands, harbor areas or beds of navigable waters).

(~~4.~~) (d) Department of Social and Health Services (public water supplies, sewer systems, shellfish habitats).

(~~5.~~) (e) Department of Fisheries.

(~~6.~~) (f) Municipality of Metropolitan Seattle (METRO).

(~~C.~~)(3) Hazardous and toxic substances (including radiation).

(~~1.~~) (a) Department of Ecology.

(~~2.~~) (b) Department of Social and Health Services.

(~~3.~~) (c) Department of Agriculture (foods or pesticides).

(~~4.~~) (d) Department of Fisheries (introduction into waters).

(~~5.~~) (e) Department of Wildlife (~~Game~~) (introduction into waters).

(~~D.~~)(4) Solid and hazardous waste.

(~~1.~~) (a) Department of Ecology.

(~~2.~~) (b) Department of Fisheries (dredge spoils).

(~~3.~~) (c) Department of Social and Health Services.

(~~4.~~) (d) Department of Wildlife (~~Game~~) (dredge spoils).

(~~F.~~)(5) Fish and wildlife.

(~~1.~~) (a) Department of Wildlife (~~Game~~).

(~~2.~~) (b) Department of Fisheries.

(~~G.~~)(6) Natural resources development.

(~~1.~~) (a) Department of Commerce and Economic Development.

(~~2.~~) (b) Department of Ecology.

(~~3.~~) (c) Department of Natural Resources.

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(~~4.~~) (d) Department of Fisheries.

(~~5.~~) (e) Department of Wildlife (~~Game~~).

(~~G.~~)(7) Energy production, transmission and consumption.

(~~1.~~) (a) Department of Ecology.

(~~2.~~) (b) Department of Natural Resources (geothermal, coal, uranium).

(~~3.~~) (c) State energy office.

(~~4.~~) (d) Energy facility site evaluation council.

(~~5.~~) (e) Utilities and transportation commission.

(~~H.~~)(8) Land use and management.

(~~1.~~) (a) Department of Commerce and Economic Development.

(~~2.~~) (b) Department of Ecology.

(~~3.~~) (c) Department of Fisheries (affecting surface or marine waters).

(~~4.~~) (d) Department of Natural Resources (tidelands, shorelands, or state-owned or managed lands).

(~~5.~~) (e) Planning and community affairs agency.

(~~6.~~) (f) Department of Wildlife (~~Game~~).

(~~I.~~)(9) Noise.

(~~1.~~) (a) Department of Ecology.

(~~2.~~) (b) Department of Social and Health Services.

(~~J.~~)(10) Recreation.

(~~1.~~) (a) Department of Commerce and Economic Development.

(~~2.~~) (b) Department of Wildlife (~~Game~~).

(~~3.~~) (c) Department of Fisheries.

(~~4.~~) (d) Parks and Recreation Commission.

(~~5.~~) (e) Department of Natural Resources.

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(~~K.~~)(11) Archaeological/historical.

(~~1.~~) (a) Office of Archaeology and Historic Preservation.

(~~2.~~) (b) Washington State University at Pullman (Washington Archaeological Research Center).

(~~L.~~)(12) Transportation.

(~~1.~~) (a) Department of Transportation.

(~~2.~~) (b) Utilities and Transportation Commission.

(~~3.~~) (c) Municipality of Metropolitan Seattle (METRO).

25.05.922 LEAD AGENCY RULES.

The rules for deciding when and how an agency is the lead agency (Section 25.05.050) are contained in this part. The method and criteria for lead agency selection are in Section 25.05.924. Lead agency rules for different types of proposals as well as for specific proposals are in Sections 25.05.926 through 25.05.940. Rules for interagency agreements are in Sections 25.05.942 through 25.05.944. Rules for asking the Department of Ecology to resolve lead agency disputes are in WAC 197-11-946. Rules for the assumption of lead agency status by another agency with jurisdiction are in Section 25.05.948. Rules for designation of responsible department where the City is the lead agency are in Section 25.05.910.

25.05.924 DETERMINING THE LEAD AGENCY.

(~~A.~~)(1) The first agency receiving an application for or initiating a nonexempt proposal shall determine the lead agency for that proposal, unless the lead agency has been previously determined, or the agency receiving the proposal is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in Sections 25.05.926 through 25.05.944.

(~~B.~~)(2) If an agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it

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received, together with its determination of lead agency and an explanation. If the agency receiving this determination agrees that it is the lead agency, it shall notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition the Department of Ecology (DOE) for a lead agency determination under Section 25.05.946.

(~~C.~~)(3) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition DOE for a lead agency determination within fifteen (15) days of receiving the determination. Any such petition on behalf of the city shall be initiated by the Mayor or the Mayor's designee.

(~~D.~~)(4) An applicant may also petition DOE to resolve the lead agency dispute under Section 25.05.946.

(~~F.~~)(5) To make the lead agency determination, an agency must determine to the best of its ability the range of proposed actions for the proposal (Section 25.05.060) and the other agencies with jurisdiction over some or all of the proposal. This can be done by:

(~~1.~~) (a) Describing or requiring an applicant to describe the main features of the proposal;

(~~2.~~) (b) Reviewing the list of agencies with expertise;

(~~3.~~) (c) Contacting potential agencies with jurisdiction either orally or in writing.

25.05.926 LEAD AGENCY FOR GOVERNMENTAL PROPOSALS.

(~~A.~~)(1) When an agency initiates a proposal, it is the lead agency for that proposal. If two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will be the lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity.

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(~~B.~~)(2) Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

25.05.928 LEAD AGENCY FOR PUBLIC AND PRIVATE PROPOSALS.

When the proposal involves both private and public activities, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined under Section 25.05.926.

25.05.930 LEAD AGENCY FOR PRIVATE PROJECTS WITH ONE AGENCY WITH JURISDICTION.

For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction.

25.05.932 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE (1) AGENCY, WHEN ONE (1) OF THE AGENCIES IS A COUNTY/CITY.

For proposals for private projects that require nonexempt licenses from more than one (1) agency, when at least one (1) of the agencies requiring such a license is a county/city, the lead agency shall be that county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

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25.05.934 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM A LOCAL AGENCY, NOT A COUNTY/CITY, AND ONE OR MORE STATE AGENCIES.

(See WAC 197-11-934)

25.05.936 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

(See WAC 197-11-936)

25.05.938 LEAD AGENCIES FOR SPECIFIC PROPOSALS.

Notwithstanding the lead agency designation criteria contained in Sections 25.05.926 through 25.05.936, the lead agency for proposals within the areas listed below shall be as follows:

(~~A.~~)(1) For all governmental actions relating to energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the energy facility site evaluation council (EFSEC); however, for any public project requiring such certification and for which the study under RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(~~B.~~)(2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the Department of Natural Resources.

(~~C.~~)(3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the Department of Natural Resources; however, for projects under RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(~~D.~~)(4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, Chapter 76.09 RCW, the lead agency shall be the Department of Natural Resources; however, for any proposal that will require a license from a county/city acting under

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the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(~~E.~~)(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidential to a larger project for which one or more licenses from other state or local agencies is required.

(~~F.~~)(6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), Chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.

(~~G.~~)(7) For a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

(~~H.~~)(8) For proposals to construct a pipeline greater than six inches (6") in diameter and fifty (50) miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(~~I.~~)(9) For proposals that will result in an impoundment of water with a water surface in excess of forty (40) acres, the lead agency shall be the Department of Ecology.

(~~J.~~)(10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million

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(1,000,000) or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(~~K.~~)(11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand (10,000) barrels per day or more not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(~~L.~~)(12) For proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent (10%) or more of design capacity, the lead agency shall be the Department of Ecology.

(~~M.~~)(13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the Department of Social and Health Services.

25.05.940 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.
(See WAC 197-11-940)

25.05.942 AGREEMENTS ON LEAD AGENCY STATUS.

Any agency may assume lead agency status if all agencies with jurisdiction agree.

25.05.944 AGREEMENTS ON DIVISION OF LEAD AGENCY DUTIES.

Two (2) or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved shall designate one (1) of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these rules. Other agencies with jurisdiction shall be notified of the agreement and determination of the nominal lead agency.

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25.05.946 DOE RESOLUTION OF LEAD AGENCY DISPUTES.

(~~A.~~)(1) If the agencies with jurisdiction are unable to determine which agency is the lead agency under the rules, any agency with jurisdiction may petition the Department of Ecology (DOE) for a determination. The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. The petition shall be filed with DOE within fifteen (15) days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with DOE a written response to the petition within ten (10) days of the date of the initial filing.

(~~B.~~)(2) Within fifteen (15) days of receipt of a petition, DOE shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. DOE shall make its determination in accordance with these rules and considering the following factors (which are listed in order of descending importance):

(~~1.~~) (a) Magnitude of an agency's involvement.

(~~2.~~) (b) Approval/disapproval authority over the proposal.

(~~3.~~) (c) Expertise concerning the proposal's impacts.

(~~4.~~) (d) Duration of an agency's involvement.

(~~5.~~) (e) Sequence of an agency's involvement.

(~~C.~~)(3) For resolution of interdepartmental lead agency disputes see Section 25.05.910.

25.05.948 ASSUMPTION OF LEAD AGENCY STATUS.

(~~A.~~)(1) An agency with jurisdiction over a proposal, upon review of a DNS (Section 25.05.340) may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." This notice

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shall be substantially similar to the form in Section 25.05.985. Assumption of lead agency status shall occur only within fifteen (15) days of issuance of a DNS, and must first be approved by the Mayor or the Mayor's designee.

(~~B.~~)(2) The DS by the new lead agency shall be based only upon information contained in the environmental checklist attached to the DNS transmitted by the first lead agency on the matters contained in the environmental checklist.

(~~C.~~)(3) Upon transmitting the DS and notice of assumption of lead agency status, the consulted agency with jurisdiction shall become the "new" lead agency and shall expeditiously prepare an EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

25.05.950 SEVERABILITY.

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

25.05.955 EFFECTIVE DATE.

(See WAC 197-11-955 for effective date of WAC 197-11).

(~~Subchapter XI~~) PART ELEVEN - FORMS

25.05.960 ENVIRONMENTAL CHECKLIST

Environmental Checklist

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment.

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The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the mose precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

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For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the site of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

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12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range our boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: _____.

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, or runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

__ deciduous tree: alder, maple, aspen, other
__ evergreen tree: fir, cedar, pine, other

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

__ shrubs
__ grass
__ pasture
__ crop or grain
__ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
__ water plants: water lily, eelgrass, milfoil, other
__ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: _____

mammals: deer, bear, elk, beaver, other: _____

fish: bass, salmon, trout, herring, shellfish, other: _____

b. List any threatened or endangered species known to be on or near the site.

c. is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site?

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

b. Has the site been used for agriculture? If so, describe.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of th site been classified as an "environmentally sensitive" area? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any;

l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing?

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b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing?

c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

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c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

b. Generally describe any landmarks or evidence of historic, archaelogical, scientific, or cultural importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

14. Transportation

a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

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f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

g. Proposed measures to reduce or control transportation impacts, if any.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature:_____

Date submitted:_____

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TO BE COMPLETED BY APPLICANT:

EVALUATION FOR AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

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EVALUATION FOR AGENCY USE ONLY

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

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25.05.965 Adoption notice.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box) ☐ DNS ☐ EIS ☐ other _____

Description of current proposal _____

_____

_____

Proponent _____

Location of current proposal _____

_____

_____

Title of document being adopted _____

Agency that prepared document being adopted _____

Date adopted document was prepared _____

Description of document (or portion) being adopted _____

_____

_____

If the document being adopted has been challenged (197-11-630), please describe:

_____

_____

The document is available to be read at (place/time)_____

_____

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.

Name of agency adopting document _____

Contact person, if other than responsible official _____ Phone _____

Responsible official _____

Position/title _____ Phone _____

Address _____

Date _____ Signature _____

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25.05.970 Determination of Nonsignificance (DNS)

DETERMINATION OF NONSIGNIFICANCE

Description of proposal _____

_____

_____

Proponent _____

Location of proposal, including street address, if any _____

_____

_____

Lead agency _____

The lead agency for this proosal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☐ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by _____.

Responsible official _____

Position/title _____ Phone _____

Address _____

Date _____ Signature _____

(OPTIONAL)

☐ You may appeal this determination to (name) _____

at (location) _____

no later than (date) _____

by (method) _____

You should be prepared to make specific factual objection. Contact _____ to read or ask about the procedures for SEPA appeals.

☐ There is no agency appeal.

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25.05.980 Determination of significance and scoping notice (DS).

DETERMINATION OF SIGNIFICANCE
AND REQUEST FOR COMMENTS ON SCOPE OF EIS

Description of proposal _____

_____

_____

Proponent _____

Location of proposal _____

_____

Lead agency _____

EIS Required. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas for discussion in the EIS:

_____

_____

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for giving us your comments is:

_____

_____

Responsible official _____

Position/title _____ Phone _____

Address _____

Date _____ Signature _____

(OPTIONAL)

☐ You may appeal this determination of significance

to (name) _____

at (location) _____

no later than (date) _____

by (method) _____

You should be prepared to make specific factual objection. Contact _____ to read or ask about the procedures for SEPA appeals.

CS 19.2

☐ There is no agency appeal.

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25.05.985 Notice of assumption of lead agency status.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of current proposal _____

_____

_____

Proponent _____

Location of proposal _____

_____

Initial lead agency _____

New lead agency _____

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated _____.

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts: _____

_____

_____

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare and EIS on the proposal.

Responsible official _____

Position/title _____ Phone _____

Address _____

Date _____ Signature _____

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25.05.990 Notice of action.

NOTICE OF ACTION

Notice is given under SEPA, RCW 43.21C.0-80, that (name of agency or entity) _____ took the action described in (2) below on (date) _____.

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of Chapter 43.21 (RCW (State Environmental Policy Act) shall be commenced on or before (date) _____.

2. Description of agency action: _____

_____

_____

3. Description of proposal (if not covered by (2)):

_____

_____

4. Location of proposal (A sufficient description should be given to locate the site, if any, but a complete legal description is not required):

_____

_____

5. Type of environment review under SEPA (include name and date of any environmental documents:

_____

6. Documents may be examined during regular business hours at (location, including room number, if any):

_____

7. Name of agency, proponent, or applicant giving notice:

_____

8. This notice is filed by (signature of individual and capacity in which the person is signing):

_____

_____ Date _____

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Pass by three-fourths vote of the City Council the 11th day of July, 1988, and signed by me in open session in authentication of its passage this 11th day of July, 1988.

Pro Tem
President of the City Council

Approved by me this 15th day of July, 1988.

Mayor

Filed by me this 15th day of July, 1988.

ATTEST: Norward J. Brooks
City Comptroller and City Clerk

BY: Margaret Carter
Deputy CLerk

(SEAL)

Published _____

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Exhibit 1

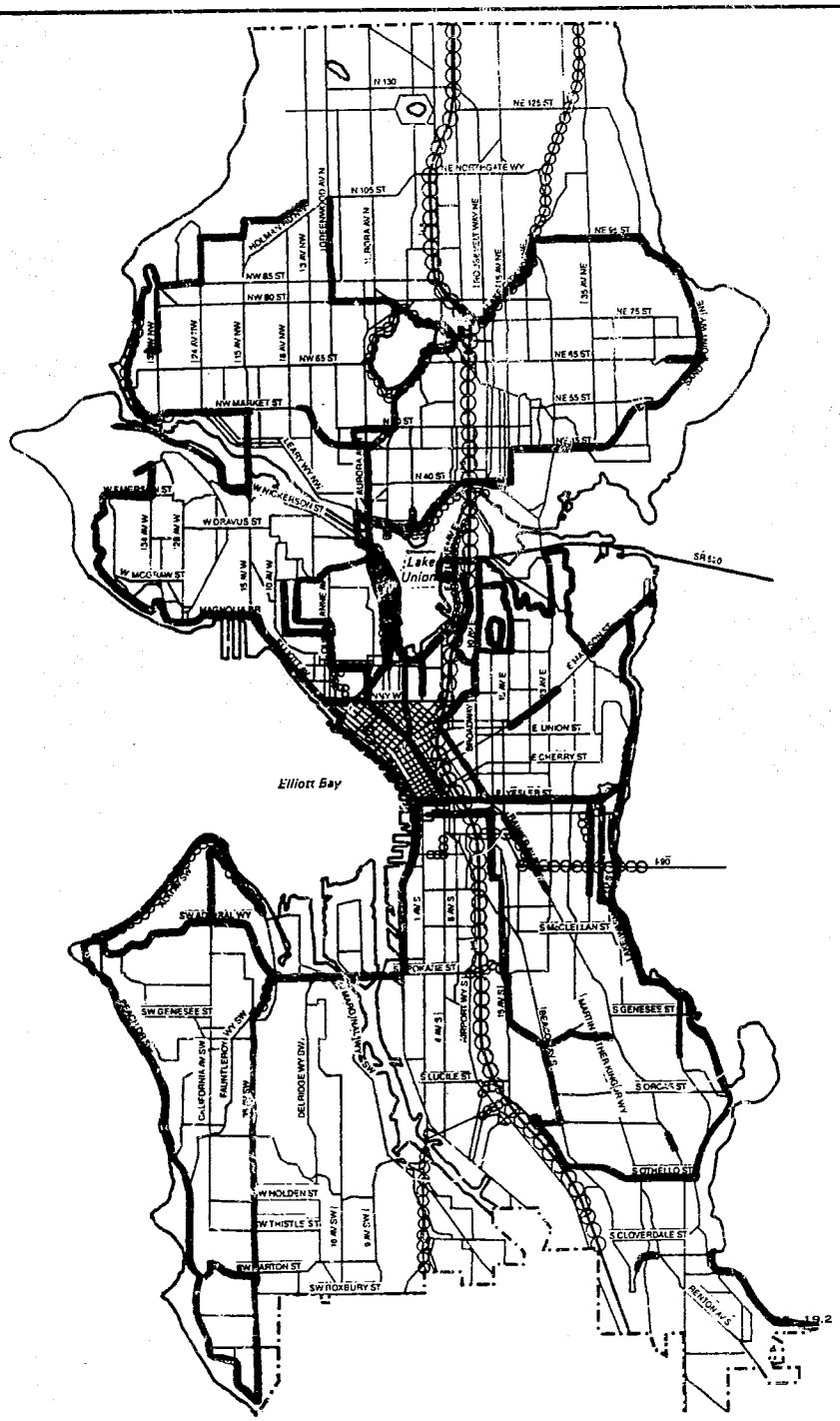
SEPA SCENIC ROUTES

(All routes marked in the map below by either circles or broad solid lines are designated scenic routes for SEPA purposes)

LEGEND

--Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.

—Scenic routes identified as protected view rights of way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.



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amended by Council 7/11/78

developments; further, it may directly induce other developments, due to a causal relationship, which will adversely affect the environment.

(b) An individual project may have an adverse impact on the environment or public facilities and services which, though acceptable in isolation, could not be sustained given the probable development of subsequent projects with similar impacts.

(2) Policies

(a) The analysis of cumulative effects shall include a reasonable assessment of:

(i) the present and planned capacity of such public facilities as sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas to serve the area affected by the proposal;

(ii) the present and planned public services such as transit, health, police and fire protection and social services to serve the area affected by the proposal;

(iii) the capacity of natural systems -- such as air, water, light, and land -- to absorb the direct and reasonably anticipated indirect impacts of the proposal;

(iv) the demand upon facilities, services and natural systems of present, simultaneous and reasonably anticipated future development in the area of the project or action; and

(b) Subject to the Policies for Specific Elements of the Environment (SMC 25.05.675):

An action or project may be conditioned or denied to lessen or eliminate its cumulative effects on the environment

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(i) when considered together with prior, simultaneous or induced future development; or

ii) when, taking into account reasonably anticipated future development under established zoning, it is determined that a project will use more than its share of present and planned facilities, services and natural systems.

(3) Unless otherwise specified in the Policies for Specific Elements of the Environment (SMC 25.05.675), if the scope of substantive SEPA authority is limited with respect to a particular element of the environment, the authority to mitigate that impact in the context of cumulative effects is similarly limited.

25.05.675 SPECIFIC ENVIRONMENTAL POLICIES

(1) Air Quality

A. Policy Background

1. Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life.

2. Seattle's air quality is adversely affected primarily by vehicular emissions which create "hot spots" and non-attainment areas (such as downtown Seattle, Northgate, and the University District) that are identifiable through quarterly monitoring.

3. Seattle's air quality is also affected by particulates from industries, power plants, and wood stoves, the burning of toxics or wastes, and other emissions, including odor impacts.

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Amended by full Council 7/11/88

b. Providing markers, plaques, or recognition of discovery;

c. Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and

d. Excavation and recovery of artifacts.

(9) Housing

A. Policy Background

1. Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and reduction in the supply of housing.

2. The State Surpreme Court has invalidated City requirements that developers replace housing that is demolished or changed to a non-residential use. City requirements for relocation assistance have been deemed unconstitutional by a lower court. The City Attorney has advised the City Council that SEPA relocation assistance or replacement of housing would be subject to the same issues of legal validity as the City's Housing Preservation Ordinance.

B. Policies

1. It is the City's policy to encourage preservation of housing opportunities, especially for low income persons, and to ensure that persons displaced by redevelopment are relocated.

2. Proponents of projects shall disclose the on-site and off-site impacts of the proposed projects upon housing, with particular attention to low-income housing.

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Amended by Committee of the Whole and Full Council 7/11/88.

projects may adversely affect the availability of parking in an area.

2. Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are included in the City's land use policies and implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb any additional parking spillover. The policies recognize that the cost of providing additional parking may have an adverse effect on the affordability of housing.

B. Policies

1. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

2. Subject to the Overview and Cumulative Effects Policies set forth in SMC 25.05.665 and SMC 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided, that no SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones; provided further, that parking impact mitigation for multi-family development may be required only where on-street parking is at capacity as defined by the Seattle Engineering Department.

3. Parking impact mitigation for projects outside of downtown zones may include but is not limited to:

a. Transportation management programs;

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amended by full Council 7/11/88

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building, with four thousand (4,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20)automobiles.

(iv) The construction of a parking lot designed for twenty (20) automobiles, as well as the addition of twenty (20) spaces to existing lots if the addition does not remove the lot from an exempt class.

(v) Any landfill or excavation of five hundred (500) cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(vi) Mixed use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, when considered separately, is exempt under the criteria of (i)-(v) above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305(1)(b)(ii)).

~~(c) (Reserved - see WAC 197-11-800(1)(c).)~~

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C-573-X

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter refered to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a rdinance No. 114057

was published on August 16, 1988

Subscribed and sworn to before me on August 16, 1988

Notary Public for the State of Washington, residing in Seattle.

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ORD#114057

ord. 114057

Children's Hospital and Medical Center
Transportation Management Program
Addendum to the Memorandum of Agreement dated October 26, 1988

The Children's Hospital and Medical Center (CHMC) Memorandum of Agreement (MOA), executed October 26, 1988, is hereby amended to reflect the following program goals, additions and changes to the Transportation Management Program (TMP) in accordance with Master Use Permit (MUP) Number 8903967 and pursuant to Director's Rule 4-91. The parties specifically agree that all terms, conditions and requirements of the MOA executed October 26, 1988 shall remain binding and in full force and effect unless specifically modified, changed or eliminated by the terms of these amendments.

Intent

The purpose of this addendum is to establish additional program elements and monitoring methods intended to off-set 100 percent of the peak-hour trips that would be generated by the Children's Hospital and Medical Center Patient Care Facility Improvements project (MUP Number 8903967). For every peak-hour trip that the Patient Care Facility Improvements project would add to the surrounding system (approximately 70 p.m. trips), CHMC shall reduce existing trips by one trip.

Authority

This addendum to the MOA is established as a requirement MUP Number 8903967, and according to the provisions set forth by the Seattle Municipal Code section 23.54.016 and the State Environmental Policy Act (SEPA). The addendum consistent with Director's Rule 4-91, establishing contents and procedures for Transportation Management Programs. This addendum to the MOA shall run for the life of the Institution and for the properties and buildings located at 4800 Sand Point Way Northeast.

Program Requirements and Goals

The goal of this addendum is to establish additional mitigation measures and program requirements to off-set 100 percent of the new peak-hour trips resulting from the Patient Care Facility addition and improvements. According to MUP Number 8903967, 70 p.m. peak hour trips are anticipated by the proposal, with 39 trips across the Montlake Bridge Between 1:00 and 6:00 p.m. Therefore, in order to off-set 70 p.m. peak hour trips, for each trip

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added to the surrounding street system (70 p.m. peak trips), CHMC will reduce existing p.m. peak trips by one trip.

The goal set forth by the 1988 MOA, to reduce the number of commuter trips in Single Occupant Vehicles (SOVs) to CHMC to a minimum of 50 percent of the total number of peak hour commuter trips, excluding trips by exempt employees, shall remain in force.

Implementation, Monitoring and Reporting

The November 1990 Transportation Management Program reporting information establishes the baseline against which compliance with the above stated goal will be evaluated.

According to that report, CHMC had 978 full-time day shift employees, excluding exempt employees, eligible to participate in the incentive programs outlined in the Memorandum of Agreement dated October 26, 1988. In compliance with the existing goal to reduce the number of SOVs to 50 percent of the total number of commuter trips, the November 1990 information indicated that 489 CHMC employees commute by HOV (carpool, vanpool, transit). In order to meet the existing 50 percent goal and off-set 100 percent of the new peak-hour trips (70 p.m. trips) the following formula will apply:

a. Number of HOV participants (50 percent x the number of eligible full-time employees* at the baseline date = 489)

+ (PLUS)

b. 70 (the number of trips to mitigate)

+ (PLUS)

c. Number of current eligible full time employees who are SOV participants

= (EQUAL)

d. The Number of eligible full-time employees (978* at the November 1990 report)

* If the number of eligible full-time employees drops below the baseline number of 978, the baseline number shall be adjusted accordingly.

The effect of this formula, which maintain the existing goal and off-sets 100 percent of the new p.m. peak hour trips, is to produce a combined goal which exceeds the current 50 percent HOV goal, and reduces the number of SOV trips since

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that for each new HOV trip added to the current street system, existing SOV trips would be reduced by one trip.

Six months after the issuance of a Certificate of Occupancy for the Patient Care Facility addition and improvements, CHMC shall submit the results of the first monitoring of the required trip mitigation.

Subsequent reporting of mitigation performance shall be submitted quarterly thereafter in conjunction with TMP reporting requirements pursuant to DR 4-91. The TMP report shall include an attachment showing how CHMC is meeting the 50 percent HOV participant goal and meeting the 100 percent mitigation of 70 peak hour trips produced by the Patient Care Facility Addition goal. When such reporting indicates that current goals have not been met, CHMC shall, within 90 days, again monitor traffic conditions and report the degree of compliance with the specified mitigation. If mitigation goals are still not met, CHMC shall be considered to be in violation of the terms and conditions of MUP Number 8903967.

CHMC shall be considered in compliance with these conditions only when trip generation reporting can demonstrate, to the satisfaction of DCLU, that full compliance with the goal, as described in the Program Requirements and Goals section above, has been achieved.

Program Elements and Responsibilities of the Participants

The elements of the CHMC Transportation Management Plan will be consistent with those described in the Seattle Municipal Code 23.54.016 and Director's Rule 4-91.

In addition to the standard implementation requirements set forth by Director's Rule 4-91 and the requirements set forth by the existing MOA, the proponent (CHMC) shall:

1. Develop Eastside, Lynnwood/Everett and other key area vanpools in order to offset peak hour traffic impacts.

2. Target employees living in key areas such as Madison Park, Capitol Hill, Queen Anne, Fremont, Ballard and Greenlake neighborhoods for the establishment of new carpools.

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3. Develop new van and carpools by:

* conducting face-to-face interviews by managers and supervisors with each staff member;

* compiling information indicating modes of transportation for employees by home zip code, travel route, and shift times to enable specific targeting of van and carpool development;

* offering a 100 percent subsidy for all CHMC vanpool participants plus a $50 monthly bonus to primary drivers;

* analyzing the feasibility of establishing vanpools from closer-in Seattle locations;

* sending letters to all Eastside employees encouraging their participation in the vanpool program;

* sponsoring staff lunches for employees living in the same zip code to discuss alternative transportation options;

* targeting mailings to employees in key Seattle areas to publicize Metro's ridesharing services and further encourage the establishment of carpools; and,

* extensively publicizing the benefit of a guarantee ride home in case of emergency or unplanned overtime for all TMP participants.

4. Designate a second transportation management plan coordinator to assist with marketing, recruiting and monitoring, and use the services of an outside transportation consultant to launch a major transportation campaign to include promotional items such as TMP mascot pins for name badges and other incentives for program participants.

5. Seek participation in CHMC transportation programs by employees of the Springbrook office complex, Battelle, NOAA and other as appropriate in order to maximize the potential for vanpooling and carpooling to the Hospital. The feasibility of implementing custom bus routes in coordination with Northeast area employees will be examined.

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6. Establish, with the coordination of the City of Seattle's Bike Program Planner, a bike program for employees including:

* secure bike storage for at least 100 bicycles;

* shower and locker facilities to accommodate bicyclists; and,

* a biking course offered during regular working hours and designed to address the issues which might prevent employees from opting to commute to work by bicycle (covering areas such as fitness, bike safety, tips on riding in traffic, bike repair, packing of clothing, safe bike routes to CHMC, and comparisons of commute time using the bicycle with other travel modes).

7. Participate in the Puget Sound Telecommuting Demonstration Program sponsored by the Washington State Energy Office. Potential candidates to participate in the telecommuting project at CHMC are personnel within the Medical Records, Information Services and other non-patient care units.

<u>Enforcement</u>

Failure to comply with the mandatory requirements of the TMP and/or to achieve the goal established by this document shall be a violation of the MUP conditions and will be subject to enforcement action pursuant to the Seattle Land Use Code (SMC 23.90; SMC 23.76; SMC 23.54.016.C). Enforcement actions may include, but are not limited to the following:

* imposition of additional traffic mitigation measures necessary to achieve the mitigation goals;

* suspension or revocation of the Master Use Permit; and,

* monetary or other penalties.

9205210417

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Signed for:

(1). CHILDREN'S HOSPITAL AND MEDICAL CENTER

Treuman Katz — 4-21-92

Signature — Date

TREUMAN KATZ — ~~4-21-92~~ President/CEO

Type or Print Name — Title

COUNTY OF King)
)

On this 21st day of April, 1992, before me personally appeared Treuman Katz to me known to be President/CEO who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the use and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

9205210417

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Marolyn M. Lewis — Seattle

Signature — Place of Residence of Notary Public

MAROLYN M. LEWIS
COMMISSION EXPIRES
NOTARY
PUBLIC
SEP 9 1994
STATE OF WASHINGTON

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(2). THE MUNICIPALITY OF METROPOLITAN SEATTLE

Paul A. Toliver by REW — Signature

4/29/92 — Date

PAUL A. TOLIVER — Type or Print Name

DIRECTOR OF TRANSIT — Title

(3) THE CITY OF SEATTLE

a. SEATTLE ENGINEERING DEPARTMENT

Gary Zarker — Signature

4/24/92 — Date

GARY ZARKER — Type or Print Name

DIRECTOR OF ENGINEERING — Title

b. DEPARTMENT OF CONSTRUCTION AND LAND USE

Rebecca R. Herzfeld — Signature

4/21/92 — Date

Rebecca R. Herzfeld — Type or Print Name

Director, Land Use Division — Title

ntorgel: 8903967T

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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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FILED for Record at Request of

Name NATHAN TORGELSON

Address CITY OF SEATTLE, DCLU
710 2ND AVE Ste. 700
Seattle Wa 98104

RECEIVED
JUN 16 1992
DEPT OF CONSTRUCTION & LAND USE
LAND USE DIVISION

City of Seattle

ORDINANCE 114057

AN ORDINANCE amending policies and procedures to implement the State Environmental Policy Act Rules (WAC 197-11), Ch. 25.05 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 25.05 of the Seattle Municipal Code, entitled "Environmental Policies and Procedures" is hereby amended to read as follows:

(Subchapter I.) PART ONE — PURPOSE/AUTHORITY

25.05.010 AUTHORITY. (See WAC 197-11-010.)

This chapter is adopted as required by Washington Administrative Code (WAC) 197-11 to implement the State Environmental Policy Act and the State Environmental Policy Act Rules (WAC 197-11). This chapter may be cited as the "SEPA Rules," and "these rules" as used herein refers to this chapter. AS REQUIRED IN RCW 43.21C.095 THE SEPA RULES SHALL BE GIVEN SUBSTANTIAL DEFERENCE IN THE INTERPRETATION OF SEPA.

25.05.020 PURPOSE. (See WAC 197-11-020.)

(A) (1) The purpose of these rules is to adopt the uniform requirements of WAC 197-11 for compliance with SEPA and to establish local procedures and policies where permitted. Many sections of WAC 197-11 are adopted verbatim or nearly so, and in all cases the last three digits of each section number of this chapter corresponds to the comparable section of WAC 197-11. **(A vertical line opposite the text of this chapter indicates an addition to WAC 197-11. The symbol " " indicates an omission from WAC 197-11.)**

(B) (2) These rules replace the previous guidelines in Chapter 197-10 WAC and Chapter 25.04 of the Seattle Municipal Code.

(C) (3) The provisions of these rules, Chapter 197-11 WAC and the State Environmental Policy Act must be read together as a whole in order to comply with the spirit and letter of the law. The City of Seattle adopts by reference the purposes and policies of SEPA as set forth in RCW 43.21C.010 and 43.21C.020.

25.05.030 POLICY.

(A) (1) The policies and goals set forth in SEPA are supplementary to existing agency authority.

(B) (2) Agencies shall to the fullest extent possible:

(1) (a) Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.

(2) (b) Find ways to make the SEPA process more useful to decisionmakers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.

(3) (c) Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.

(4) (d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(5) (e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(6) (f) Encourage public involvement in decisions that significantly affect environmental quality.

(7) (g) Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

25.05.035 RULES AND DEPARTMENTAL PROCEDURES

The Mayor is authorized to promulgate rules pursuant to the Administrative Code (Ch. 3.02), consistent with this chapter, to facilitate the application of this chapter to city departments and operations. All departments subject to the provisions of this chapter are authorized and directed to develop and promulgate such supplementary procedures as they deem appropriate for implementing the provisions of this chapter within each department. All such supplemental procedures shall be consistent with this Ordinance, WAC 197-11 and the State Environmental Policy Act, and shall be kept on file at the SEPA Public Information Center.

(Subchapter II) PART TWO — GENERAL REQUIREMENTS

25.05.040 DEFINITIONS.

The terms used in these rules are explained in Part Eight, Definitions, Sections 25.05.700 to 25.05.799. This terminology is uniform throughout the state as applied to SEPA, Chapter 43.21C RCW. In addition to the definitions set forth in WAC 197-11-700-799, this Chapter includes definitions for Seattle, as indicated in Section 25.05.700 et seq. 25.05.050 LEAD AGENCY.

(A) (1) A lead agency shall be designated when an agency is developing or is presented with a proposal, following the rules beginning at Section 25.05.922.

(B) (2) The lead agency shall be the agency with main responsibility for complying with SEPA's procedural requirements and shall be the only agency responsible for:

(1) (a) The threshold determination; and

(2) (b) Preparation and content of environmental impact statements.

(C) (3) In those instances in which the city is not the lead agency under the criteria of Sections 25.05.922 through 25.05.948, all departments shall use un-

(D) (4) Applicant Review at Conceptual Stage. In general, procedures contemplate environmental review and (for) preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.

(1) (a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

(2) (b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with Sections 25.05.100 and 25.05.335, in their SEPA or permit procedures. For master use permits, see Section 23.76.010.

(3) (c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

(E.) (5) DECISION TO PROCEED. An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in Sections 25.05.050 and 25.05.922.

(F.) (6) CIRCULATION AND REVIEW OF ENVIRONMENTAL DOCUMENTS. To meet the requirement to ensure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

(G.) (7) EXTENSION OF LEAD AGENCY TIME LIMITS. For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

25.05.060 CONTENT OF ENVIRONMENTAL REVIEW.

(A.) (1) Environmental review consists of the range of proposed activities, alternatives, and impacts to be analyzed in an environmental document, in accordance with SEPA's goals and policies. This section specifies the content of environmental review common to all environmental documents required under SEPA.

(B.) (2) The content of environmental review:

(1.) (a) Depends on each particular proposal, on an agency's existing planning and decisionmaking processes, and on the time when alternatives and impacts can be most meaningfully evaluated;

(2.) (b) For the purpose of deciding whether an EIS is required, is specified in the environmental checklist, in Sections 25.05.330 and 25.05.444;

(3.) (c) For an environmental impact statement, is considered its "scope" (Section 25.05.792 and **(Subchapter IV)** PART FOUR of these rules);

(4.) (d) For any supplemental environmental review, is specified in **(Subchapter VI)** PART SIX.

(C.) (3) Proposals.

(1.) (a) Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.

(a.) (i) Proposals include public projects or proposals by agencies, proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.

(b.) (ii) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.

(c.) (iii) Proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of flood-prone areas; or relocation assistance."

(2.) (b) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (E.)(5)). Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(a.) (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(b.) (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(3.) (c) Agencies may at their options analyze "similar actions" in a single environmental document.

(a.) (i) Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(b.) (ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: ((i)) (A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or ((ii)) (B) generically, which may include actions which have relevant similarities, such as common tim-

when:

(a.) (i) The sequence is from a narrow project document to a broad policy document;

(b.) (ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or

(c.) (iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under Section **(25.05.060D2)** 25.05.060(4)(b) or Section **(25.05.305A)** 25.05.305(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts.

(5.) (e) When a lead agency knows it is using phased review, it shall so state in its environmental document.

(6.) (f) Agencies shall use the environmental checklist, scoping process, nonproject EISs, incorporation by reference, adoption, and supplemental EISs, and addenda, as appropriate, to avoid duplication and excess paperwork.

(7.) (g) Where proposals are related to a large existing or planned network, such as highways, streets, pipelines, or utility lines or systems, the lead agency may analyze in detail the overall network as the present proposal or may select some of the future elements for present detailed consideration. Any phased review shall be logical in relation to the design of the overall system or network, and shall be consistent with this section and Section 25.05.070.

25.05.070 LIMITATIONS ON ACTIONS DURING SEPA PROCESS.

(A.) (1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

(1.) (a) Have an adverse environmental impact; or

(2.) (b) Limit the choice of reasonable alternatives.

(B.) (2) In addition, certain DNSs require a fifteen-day (15) period prior to agency action (Section **(25.05.340B)** 25.05.340(2)), and FEISs require a seven-day period prior to agency action (Section **(25.05.460E)** 25.05.460(5)).

(C.) (3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under Section 25.05.800X18) (information collection and research), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(D.) (4) This section does not preclude developing plans or designs, issuing requests for proposals (RFPs), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (A.) (1).

(E.) (5) No final authorization of any permit shall be granted until expiration of the time period for filing an appeal in accordance with Section 25.05.680, or if an appeal is filed, until the fifth day following termination of the appeal. If, on or before the fifth day following termination of an appeal, a party of record files with the Director of Construction and Land Use, a written notice of intent to seek judicial review of the city's action, no direct modification of the physical environment shall begin or be authorized until the thirty-first day following termination of the appeal or until a court has disposed of any requests for preliminary injunctive relief, whichever occurs first. Where substantial injury to a party would result from a delay of construction, demolition, grading, or other direct modification of the physical environment, the official or body hearing the appeal shall grant an expedited hearing, in which case shorter notice less than twenty (20) days prior to the hearing may be given as permitted by Section 3.02.090(A).

25.05.080 INCOMPLETE OR UNAVAILABLE INFORMATION.

(A.) (1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(B.) (2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(C.) (3) Agencies may proceed in the absence of vital information as follows:

(1.) (a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but it is not known, and the costs of obtaining it are exorbitant; or

(2.) (b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;

Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(D.) (4) Agencies may rely upon applicants to provide information as allowed in Section 25.05.100.

25.05.090 SUPPORTING DOCUMENTS.

If an agency prepares background or supporting analyses, studies, or technical reports, such material shall be considered part of the agency's record of compliance with SEPA, as long as the preparation and circulation of such material complies with the requirements in these rules for incorporation by reference and the use of supporting documents.

(A.) (1) If a proposal fits within any of the provisions in **(Subchapter IX)** PART NINE of these rules, the proposal shall be categorically exempt from threshold determination requirements (Section 25.05.720) except as follows:

(1.) (a) The proposal is not exempt under Section 25.05.908, environmentally sensitive areas;

(2.) (b) The proposal is a segment of a proposal that includes:

(a.) (i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(b.) (ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the Department of Ecology (7) days of the submission of the completed checklist. A threshold determination requiring such further information should be completed within seven (7) days of receiving the information requested from the private applicant or the consulted agency. When a request for further information is submitted to a consulted agency, the City shall wait a maximum of thirty (30) days for the consulted agency to respond.

When further studies, including field investigations, are initiated by the City, the threshold determination should be completed within thirty (30) days of submission of the completed checklist to the responsible official.

25.05.340 DETERMINATION OF NONSIGNIFICANCE (DNS).

(A.) (1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination **(Subchapter VI)** (PART SIX), the notice of adoption (WAC 197-11-965) and the DNS shall be combined or attached to each other.

(B.) (2) When a DNS is issued for any of the proposals listed in **(Subsection B.1.)** (2)(a), the requirements in this subsection shall be met.

(1.) (a) An agency shall not act upon a proposal for fifteen (15) days after the date of issuance of a DNS if the proposal involves:

(a.) (i) Another agency with jurisdiction;

(b.) (ii) Demolition of any structure or facility not exempted by Section **(25.05.800B6)** 25.05.800(2)(f) (exempt construction other than historic) or Section 25.05.880 (emergency);

(c.) (iii) Issuance of clearing or grading permits not exempted in **(Subchapter IX)** PART NINE of these rules; or

(d.) (iv) A DNS under Section **(25.05.350B)** 25.05.350(2), Section **(25.05.350C)** 25.05.350(3) (mitigated DNS) or Section **(25.05.360D)** 25.05.360(4) (withdrawn DS).

(2.) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(3.) (c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(4.) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(5.) (e) An agency with jurisdiction may assume lead agency status only within the fifteen (15) day period (Section 25.05.948).

(6.) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(C.1) (3) (a) The lead agency shall withdraw a DNS if:

(a.) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(b.) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(c.) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(2.) (b) Subsection **(C1.b)** (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(3.) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (See Section 25.05.070

the checklist, the agency concludes that there is insufficient information to make its threshold determination:

(1) Require an applicant to submit more information on subjects in the checklist;

(2) Make its own further study, including physical investigations on a proposed site or communicating with interested parties;

(3) Consult with other agencies, requesting information on the proposal's potential impacts which lie within the other agencies' jurisdiction or expertise (agencies shall respond in accordance with Section 25.05.550); or

(D.) (4) Decide that all or part of the action or its impacts are not sufficiently definite to allow environmental analysis and commit to timely, subsequent environmental analysis, consistent with Sections 25.05.055 through 25.05.070.

(E.) (5) Requests by the City for further information from a private applicant or consultation with other agencies with jurisdiction should be made within seven (7) days of the submission of the completed checklist. A threshold determination requiring such further information should be completed within seven (7) days of receiving the information requested from the private applicant or the consulted agency. When a request for further information is submitted to a consulted agency, the City shall wait a maximum of thirty (30) days for the consulted agency to respond.

When further studies, including field investigations, are initiated by the City, the threshold determination should be completed within thirty (30) days of submission of the completed checklist to the responsible official.

25.05.340 DETERMINATION OF NONSIGNIFICANCE (DNS).

(A.) (1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination **(Subchapter VI)** (PART SIX), the notice of adoption (WAC 197-11-965) and the DNS shall be combined or attached to each other.

(B.) (2) When a DNS is issued for any of the proposals listed in **(Subsection B.1.)** (2)(a), the requirements in this subsection shall be met.

(1.) (a) An agency shall not act upon a proposal for fifteen (15) days after the date of issuance of a DNS if the proposal involves:

(a.) (i) Another agency with jurisdiction;

(b.) (ii) Demolition of any structure or facility not exempted by Section **(25.05.800B6)** 25.05.800(2)(f) (exempt construction other than historic) or Section 25.05.880 (emergency);

(c.) (iii) Issuance of clearing or grading permits not exempted in **(Subchapter IX)** PART NINE of these rules; or

(d.) (iv) A DNS under Section **(25.05.350B)** 25.05.350(2), Section **(25.05.350C)** 25.05.350(3) (mitigated DNS) or Section **(25.05.360D)** 25.05.360(4) (withdrawn DS).

(2.) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(3.) (c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(4.) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(5.) (e) An agency with jurisdiction may assume lead agency status only within the fifteen (15) day period (Section 25.05.948).

(6.) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(C.1) (3) (a) The lead agency shall withdraw a DNS if:

(a.) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(b.) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(c.) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(2.) (b) Subsection **(C1.b)** (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(3.) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (See Section 25.05.070

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25.05.390 EFFECT
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(Subchapter IV) P
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25.05.400 PURPOSE

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25.05.402 GENERAL

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(4) (d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(5) (e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(6) (f) Encourage public involvement in decisions that significantly affect environmental quality.

(7) (g) Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

25.05.035 RULES AND DEPARTMENTAL PROCEDURES

The Mayor is authorized to promulgate rules pursuant to the Administrative Code (Ch. 3.02), consistent with this chapter, to facilitate the application of this chapter to city departments and operations. All departments subject to the provisions of this chapter are authorized and directed to develop and promulgate such supplementary procedures as they deem appropriate for implementing the provisions of this chapter within each department. All such supplemental procedures shall be consistent with this Ordinance, WAC 197-11 and the State Environmental Policy Act, and shall be kept on file at the SEPA Public Information Center.

(Subchapter II) PART TWO — GENERAL REQUIREMENTS

25.05.040 DEFINITIONS.

The terms used in these rules are explained in Part Eight, Definitions, Sections 25.05.700 to 25.05.799. This terminology is uniform throughout the state as applied to SEPA, Chapter 43.21C RCW. In addition to the definitions set forth in WAC 197-11-700-799, this Chapter includes definitions for Seattle, as indicated in Section 25.05.700 et seq. 25.05.050 LEAD AGENCY.

(A.) (1) A lead agency shall be designated when an agency is developing or is presented with a proposal, following the rules beginning at Section 25.05.922.

(B.) (2) The lead agency shall be the agency with main responsibility for complying with SEPA's procedural requirements and shall be the only agency responsible for:

(1) (a) The threshold determination; and

(2) (b) Preparation and content of environmental impact statements.

(C.) (3) In those instances in which the city is not the lead agency under the criteria of Sections 25.05.922 through 25.05.948, all departments shall use unchanged either a DNS subject to the limits of Section 25.05.390 or a final EIS subject to the limits of (Subchapter VI) PART SIX of this chapter in connection with the decisions of the city on the proposal.

25.05.055 TIMING OF THE SEPA PROCESS.

(A.) (1) Integrating SEPA and Agency Activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(B.) (2) Timing of Review of Proposals. The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decisionmaking process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(1.) (a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(a.) (i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(b.) (ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis.

(2.) (b) A major purpose of the environmental review process is to provide environmental information to governmental decisionmakers (to be considered) FOR CONSIDERATION prior to making their decision on any action. The actual decision to proceed with any actions may involve a series of individual approvals or decisions. Agencies may also organize environmental review in phases, as specified in Section (25.05.060E) 25.05.060(5).

(3.) (c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (Section 25.05.070).

(C.) (3) Applications and Rulemaking. The timing of environmental review for applications and for rulemaking shall be as follows:

(1.) (a) At the latest, the lead agency shall begin environmental review, if required, when an application is complete. The lead agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or FEIS shall normally precede or accompany the final staff recommendations, if any, in a quasi-judicial proceeding on an application. Environmental documents shall be submitted to the city planning commission and similar advisory bodies when their advice is sought.

(2.) (b) For rulemaking, the DNS or DEIS, if required, shall normally accompany the proposed rule. An FEIS, if any, shall be issued at least seven days before adoption of a final rule (Section (25.05.060D) 25.05.460(4)).

vironmental review, is specified in (Subchapter VI) PART SIX.

(C.) (3) Proposals.

(1.) (a) Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.

(a.) (i) Proposals include public projects or proposals by agencies, proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.

(b.) (ii) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.

(c.) (iii) Proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of flood-prone areas; or relocation assistance."

(2.) (b) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (E.)(5)). Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(a.) (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(b.) (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(3.) (c) Agencies may at their options analyze "similar actions" in a single environmental document.

(a.) (i) Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(b.) (ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: ((i)) (A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or ((ii)) (B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media, or subject matter.

(D.) (4) Impacts.

(1.) (a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in Section 25.05.740 and of "impacts" in Section 25.05.752), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in Sections 25.05.782 and 25.05.080 on incomplete or unavailable information.)

(2.) (b) In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (See Section (25.05.330(C)) 25.05.330(3) also).

(3.) (c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(4) (d) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects or extension of sewer lines would tend to encourage development in previously unsewered areas.

(5) (e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, Section 25.05.792) may be wider than the impacts for which mitigation measures are required of applicants (Section 25.05.660). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

(E) (5) Phased Review.

(1.) (a) Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decisionmaking processes. (See 25.05.055 on timing of environmental review.)

(2.) (b) Environmental review may be phased. If used, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready. Broader environmental documents may be followed by narrower documents, for example, that incorporate prior general discussion by reference and concentrate solely on the issues specific to that phase of the proposal.

(3.) (c) Phased review is appropriate when:

(a.) (i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, Section 25.05.443); or

(b.) (ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

(4.) (d) Phased review is not appropriate

time period for filing an appeal in accordance with Section 25.05.680, or if an appeal is filed, until the fifth day following termination of the appeal. If, on or before the fifth day following termination of an appeal, a party of record files with the Director of Construction and Land Use, a written notice of intent to seek judicial review of the city's action, no direct modification of the physical environment shall begin or be authorized until thirty-first day following termination of the appeal or until a court has disposed of any requests for preliminary injunctive relief, whichever occurs first. Where substantial injury to a party would result from a delay of construction, demolition, grading, or other direct modification of the physical environment, the official or body hearing the appeal shall grant an expedited hearing, in which case shorter notice less than twenty (20) days prior to the hearing may be given as permitted by Section 3.02.090(A).

25.05.080 INCOMPLETE OR UNAVAILABLE INFORMATION.

(A.) (1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(B.) (2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(C.) (3) Agencies may proceed in the absence of vital information as follows:

(1.) (a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but it is not known, and the costs of obtaining it are exorbitant; or

(2.) (b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;

Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(D.) (4) Agencies may rely upon applicants to provide information as allowed in Section 25.05.100.

25.05.090 SUPPORTING DOCUMENTS.

If an agency prepares background or supporting analyses, studies, or technical reports, such material shall be considered part of the agency's record of compliance with SEPA, as long as the preparation and circulation of such material complies with the requirements in these rules for incorporation by reference and the use of supporting documents.

25.05.100 INFORMATION REQUIRED OF APPLICANTS.

Further information may be required if the responsible official determines that the information initially supplied is not reasonably adequate to fulfill the purposes for which it is required. An applicant may, at any time, voluntarily submit information beyond that required under these rules. An agency is allowed to require information from an applicant in the following areas:

(A.) (1) Environmental Checklist. An applicant may be required to complete the environmental checklist in Section 25.05.960 in connection with filing an application (see Section 25.05.315). Additional information may be required at an applicant's expense, but not until after initial agency review of the checklist (Section 25.05.315 and 25.05.335).

(B.) (2) Threshold Determination. Any additional information required by an agency after its initial review of the checklist shall be limited to those elements on the checklist for which the lead agency has determined that information accessible to the agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. The lead agency may require field investigation or research by the applicant reasonably related to determining a proposal's environmental impacts (Section 25.05.335). An applicant may clarify or revise the checklist at any time prior to a threshold determination. Revision of a checklist after a threshold determination is issued shall be made under Section 25.05.340 or 25.05.360.

(C.) (3) Environmental Impact Statements. The responsible official may require an applicant to provide relevant information that is not in the possession of the lead agency. Although an agency may include additional analysis not required under SEPA in an EIS (Sections (25.05.440H) 25.05.440(7), (25.05.448D) 25.05.448(4) and 25.05.640), the agency shall not require the applicant to furnish such information, under these rules. An applicant shall not be required to provide information requested of a consulted agency until the agency has responded or the time allowed for the consulted agency's response has elapsed, whichever is earlier. Preparation of an EIS by the applicant is in Section 25.05.420.

(Subchapter III) PART THREE — CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION

25.05.300 PURPOSE OF THIS PART.

This Part provides rules for:

(A.) (1) Administering categorical exemptions for proposals that would not have probable significant adverse impacts;

(B.) (2) Deciding whether a proposal has a probable significant adverse impact and thus requires an EIS (the threshold determination);

(C.) (3) Providing a way to review and mitigate nonexempt proposals through the threshold determination; and

(D.) (4) Integrating SEPA into early planning to ensure appropriate consideration of SEPA's policies and to eliminate duplication and delay.

25.05.305 CATEGORICAL EXEMPTIONS.

(2.) (b) A determination of significance (DS) (Section 25.05.360).

25.05.315 ENVIRONMENTAL CHECKLIST.

(A.) (1) Agencies:

(1.) (a) Shall use the environmental checklist substantially in the form found in Section 25.05.960 to assist in making threshold determinations for proposals, except for: Public proposals on which the lead agency has decided to prepare its own EIS, or proposals on which the lead agency and applicant agree an EIS will be prepared;

(2.) (b) May use an environmental checklist whenever it would assist in their planning and decisionmaking, but shall not require an applicant to prepare a checklist under SEPA, unless a checklist is required by (Subsection A.1.) (1)(a) of this section.

(B.) (2) The lead agency shall prepare the checklist or require an applicant to prepare the checklist.

(C.) (3) The items in the environmental checklist are not weighted. The mention of one (1) or many adverse environmental impacts does not necessarily mean that the impacts are significant. Conversely, a probable significant adverse impact on the environment may result in the need for an EIS.

25.05.330 THRESHOLD DETERMINATION PROCESS.

An EIS is required for proposals for legislation and other major actions significantly affecting the quality of the environment. The lead agency decides whether an EIS is required in the threshold determination process, as described below.

(A.) (1) In making a threshold determination, the responsible official shall:

(1.) (a) Review the environmental checklist, if used;

(a.) (i) Independently evaluating the responses of any applicant and indicating the result of its evaluation in the DS, in the DNS, or on the checklist; and

(b.) (ii) Conducting its initial review of the environmental checklist and any supporting documents without requiring additional information from the applicant.

(2.) (b) Determine if the proposal is likely to have a probable significant adverse environmental impact, based on the proposed action, the information in the checklist (Section 25.05.960), and any additional information furnished under Section 25.05.335 (additional information) and Section 25.05.350 (mitigated DNS); and

(3.) (c) Consider mitigation measures which an agency or the applicant will implement as part of the proposal.

(B.) (2) In making a threshold determination, the responsible official should determine whether:

(1.) (a) All or part of the proposal, alternatives, or impacts have been analyzed in a previously prepared environmental document, which can be adopted or incorporated by reference (see (Subchapter VI) PART SIX);

(2.) (b) Environmental analysis would be more useful or appropriate in the future in which case, the agency shall commit to timely, subsequent environmental review, consistent with Sections 25.05.055 through 25.05.070 and (Subchapter VI) PART SIX.

(C.) (3) In determining an impact's significance (Section 25.05.794), the responsible official shall take into account that:

(1.) (a) The same proposal may have a significant adverse impact in one location but not in another location;

(2.) (b) The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;

(3.) (c) Several marginal impacts when considered together may result in a significant adverse impact;

(4.) (d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified;

(5.) (e) A proposal may to a significant degree:

(a.) (i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;

(b.) (ii) Adversely affect endangered or threatened species or their habitat;

(c.) (iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and

(d.) (iv) Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.

(D.) (4) If after following Section 25.05.080 (incomplete or unavailable information), and Section 25.05.335 (additional information), the lead agency reasonably believes that a proposal may have a significant adverse impact, an EIS is required.

(E.) (5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

25.05.335 ADDITIONAL INFORMATION.

The lead agency shall make its threshold determinaton based upon information reasonably sufficient to evaluate the environmental impact of a proposal (Section 25.05.055 (B)) (2) and Section 25.05.060 ((C)) (3)). The lead agency may take one or more of the following actions if, after reviewing

(d.) (iv) A DNS under Section (25.05.350B) 25.05.350(2), Section (25.05.350C) 25.05.350(3) (mitigated DNS) or Section (25.05.360D) 25.05.360(4) (withdrawn DS).

(2.) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(3.) (c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(4.) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(5.) (e) An agency with jurisdiction may assume lead agency status only within this fifteen (15) day period (Section 25.05.948).

(6.) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(C.1) (3) (a) The lead agency shall withdraw a DNS if:

(a.) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(b.) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(c.) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(2.) (b) Subsection (C1.b) (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(3.) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also Section 25.05.070 (limitations on actions during SEPA process)).

25.05.250 MITIGATED DNS.

The purpose of this section is to allow clarifications or changes to a proposal prior to making the threshold determination.

(A.) (1) In making threshold determinations, an agency may consider mitigation measures that the agency or applicant will implement.

(B.) (2) After submission of an environmental checklist and prior to the lead agency's threshold determination on a proposal, an applicant may ask the lead agency to indicate whether it is considering a DS. If the lead agency indicates a DS is likely, the applicant may clarify or change features of the proposal to mitigate the impacts which lead the agency to consider a DS likely. The applicant shall revise the environmental checklist as may be necessary to describe the clarifications or changes.

The lead agency shall make its threshold determination based upon the changed or clarified proposal. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

(C.) (3) Whether or not an applicant requests early notice under subsection (B)(2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS. Mitigation measures specified by the lead agency may be based upon any adverse impacts revealed by the environmental checklist, and need not be limited to those permitted by agency SEPA policies. Compare Section (25.05.660A) 25.05.660(1) (substantive authority and mitigation).

(D.) (4) Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporated by reference in, the documents previously submitted. An addendum may be used; see (Subchapter VI) PART SIX.

(E.) (5) Agencies may clarify or change features of their own proposal, and may specify mitigation measures in the DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

(F.) (6) An agency's indication under this section that a DS appears likely shall not be construed as a determination of significance. Likewise, the preliminary discussion of clarifications or changes to a proposal shall not bind the lead agency to a mitigated DNS.

(G.) (7) Anyone violating or failing to comply with any mitigation measure imposed under this section shall, upon conviction thereof, be subject to a civil penalty not exceeding Five Hundred Dollars ($500.00), and each day that anyone shall continue to violate or fail to comply with such measure after receiving notice of the violation shall be considered a separate offense. In addition, permits authorizing the work which is subject to the mitigation measure may be suspended or revoked.

(8) AS PROVIDED FOR IN SMC 25.05.340.2(a)(iv), NOTICE OF A 15-DAY

(4.) (d) Shall not ap on appeal.

(C.) (3) Regardless of or DNS issued by the may be considered fin other agencies' planning unless subsequentl ed, or withdrawn.

(Subchapter IV) PA VIRONMENTAL IMPA (EIS)

25.05.400 PURPOSE O

(A.) (1) The primary vironmental impact sta that SEPA's policies a of the ongoing progra state and local governm

(B.) (2) An EIS shall discussion of significa impacts and shall infor and the public of reaso including mitigation would avoid or minimi or enhance environment

(C.) (3) Environ statements shall be co the point, and shall be necessary environmen purpose of an EIS is be documents containing reference to, technic avoiding excessively d technical information. EIS does not bear on it documents may even h making process.

(D.) (4) The EIS proce ment agencies and int review and comment o ment actions, includin proval of private proj vironmental effects. T tended to assist the plicants to improve th sions, and to encourag potential concerns or p suing a final statement. impact statement is not document. It shall be u ficials in conjunction w materials and consider tions and make decision

25.05.402 GENERAL

Agencies shall prepa impact statements as fo

(A.) (1) EISs need reasonable alternativ adverse environmental significant. Beneficial pacts or other impacts n

(B.) (2) The level of d mensurate with the im pact, with less import marized, consolidated,

(C.) (3) Discussion o pacts is not required; discussion shall be bri summarizing impacts o study is not warranted.

(D.) (4) Description o vironment and the natu tal impacts shall be dis environment and shall b necessary to understan tal consequences of th cluding the proposal.

(E.) (5) EISs shall b necessary to comply wi rules. Length should re tial environmental pro the size or complexity o including the proposal.

(F.) (6) The basic featu the proposal, alternati shall be discussed in th generally understood v other documents; howe required to include all celvably relevant to a p be supplemented by ap or other documents in th

(G.) (7) Agencies shall and the accumulation o by adopting or incorpor existing, publicly avail tal documents, wherever

(H.) (8) Agencies shall currently with and coo vironmental studies an that may be required under other laws, when

(I.) (9) EISs shall serv assessing the environ proposed agency action, fying decisions already

25.05.405 EIS TYPES.

(A.) (1) Draft and fi impact statements prepared; draft and f EISs may be prepared.

(B.) (2) A draft EIS lead agency to consult the public, affected tri with jurisdiction and e agency shall issue a D comments as stated i PART FIVE.

(C.) (3) A final EIS (FE DEIS as appropriate an ments as required in Se FEIS shall respond to significant adverse e pacts and reasonable a the lead agency determi quately discussed in th agency shall issue an FE Section 25.05.460.

(D.) (4) A supplementa be prepared as an additi or final statement if:

(1.) (a) There are subs a proposal so that the to have significant ad tal impacts; or

(2.) (b) There is sign mation indicating a p significant adverse e pacts.

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(E.) (5) Agencies may as stated in (Subchapter

25.05.406 EIS TIMING.

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the checklist, the agency concludes that there is insufficient information to make its threshold determination:

(1) Require an applicant to submit more information on subjects in the checklist;

(2) Make its own further study, including physical investigations on a proposed site or communicating with interested parties;

(3) Consult with other agencies, requesting information on the proposal's potential impacts which lie within the other agencies' jurisdiction or expertise (agencies shall respond in accordance with Section 25.05.550); or

(D.) (4) Decide that all or part of the action or its impacts are not sufficiently definite to allow environmental analysis and commit to timely, subsequent environmental analysis, consistent with Sections 25.05.055 through 25.05.070.

(E.) (5) Requests by the City for further information from a private applicant or consultation with other agencies with jurisdiction should be made within seven (7) days of the submission of the completed checklist. A threshold determination requiring such further information should be completed within seven (7) days of receiving the information requested from the private applicant or the consulted agency. When a request for further information is submitted to a consulted agency, the City shall wait a maximum of thirty (30) days for the consulted agency to respond.

When further studies, including field investigations, are initiated by the City, the threshold determination should be completed within thirty (30) days of submission of the completed checklist to the responsible official.

25.05.340 DETERMINATION OF NON-SIGNIFICANCE (DNS).

(A.) (1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determinaton of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination (Subchapter VI) (PART SIX), the notice of adoption (WAC 197-11-965) and the DNS shall be combined or attached to each other.

(B.) (2) When a DNS is issued for any of the proposals listed in (Subsection B.1.) (2)(a), the requirements in this subsection shall be met.

(1.) (a) An agency shall not act upon a proposal for fifteen (15) days after the date of issuance of a DNS if the proposal involves:

(a.) (i) Another agency with jurisdiction;

(b.) (ii) Demolition of any structure or facility not exempted by Section (25.05.800B6) 25.05.800(2)(f) (exempt construction other than historic) or Section 25.05.880 (emergency);

(c.) (iii) Issuance of clearing or grading permits not exempted in (Subchapter IX) PART NINE of these rules; or

(d.) (iv) A DNS under Section (25.05.350B) 25.05.350(2), Section (25.05.350C) 25.05.350(3) (mitigated DNS) or Section (25.05.360D) 25.05.360(4) (withdrawn DS).

(2.) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(3.) (c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(4.) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(5.) (e) An agency with jurisdiction may assume lead agency status only within this fifteen (15) day period (Section 25.05.948).

(6.) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(C.1) (3) (a) The lead agency shall withdraw a DNS if:

(a.) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(b.) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(c.) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(2.) (b) Subsection (C1.b) (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(3.) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also Section 25.05.070

COMMENT PERIOD, CONSISTENT WITH SECTION 25.05.510, SHALL BE ISSUED CONCURRENTLY WITH A MITIGATED DNS. NO FURTHER ACTION SHALL BE TAKEN UNTIL EXPIRATION OF THE COMMENT PERIOD. NOTICE SHALL INCLUDE INFORMATION SUFFICIENT TO INFORM THE PUBLIC OF THE MITIGATION PROPOSED.

25.05.360 DETERMINATION OF SIGNIFICANCE (DS)/INITIATION OF SCOPING.

(A.) (1) If the responsible official determines that a proposal may have a probable significant adverse environmental impact, the responsible official shall prepare and issue a determination of significance (DS) substantially in the form provided in Section 25.05.980. The DS shall describe the main elements of the proposal, the location of the site, if a site-specific proposal, and the main areas the lead agency has identified for discussion in the EIS. A copy of the environmental checklist may be attached.

(B.) (2) If an agency adopts another environmental document in support of a threshold determination ((Subchapter VI)) (PART SIX), the notice of adoption (Section 25.05.965) and the DS shall be combined or attached to each other.

(C.) (3) The responsible official shall put the DS in the lead agency's file and shall commence scoping (Section 25.05.408) by circulating copies of the DS to the applicant, agencies with jurisdiction and expertise, if any, affected tribes, and to the public. Notice shall be given under Section 25.05.510. The lead agency is not required to scope if the agency is adopting another environmental document for the EIS or is preparing a supplemental EIS.

(D.) (4) If at any time after the issuance of a DS a proposal is changed so, in the judgment of the lead agency, there are no probable significant adverse environmental impacts, the DS shall be withdrawn and a DNS issued instead. The DNS shall be sent to all who commented on the DS. A proposal shall not be considered changed until all license applications for the proposal are revised to conform to the changes or other binding commitments made by agencies or by applicants.

25.05.390 EFFECT OF THRESHOLD DETERMINATION

(A.) (1) When the responsible official makes a threshold determination, it is final and binding on all agencies, subject to the provisions of this section and Section 25.05.340 (DNS), or Section 25.05.360 (Scoping), and (Subchapter VI) PART SIX.

(B.) (2) The responsible official's threshold determination:

(1.) (a) For proposals listed in Section (25.05.340B) 25.05.340(2), shall not be final until fifteen (15) days after issuance.

(2.) (b) Shall not apply if another agency with jurisdiction assumes lead agency status under Section 25.05.948.

(3.) (c) Shall not apply when withdrawn by the responsible official under Section 25.05.304 or Section 25.05.360.

(4.) (d) Shall not apply when reversed on appeal.

(C.) (3) Regardless of any appeals, a DS or DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decisionmaking unless subsequently changed, reversed, or withdrawn.

(Subchapter IV) PART FOUR — ENVIRONMENTAL IMPACT STATEMENT (EIS)

25.05.400 PURPOSE OF EIS.

(A.) (1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(B.) (2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decisionmakers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(C.) (3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decisionmaking process.

(D.) (4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

25.05.402 GENERAL REQUIREMENTS.

Agencies shall prepare environmental impact statements as follows:

(A.) (1) EISs need analyze only the reasonable alternatives and probable adverse environmental impacts that are significant. Beneficial environmental impacts or other impacts may be discussed.

(B.) (2) The level of detail shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or referenced.

(C.) (3) Discussion of insignificant impacts is not required; if included, such discussion shall be brief and limited to summarizing impacts or noting why more study is not warranted.

(D.) (4) Description of the existing en-

the agency is developing or is presented with a proposal, so that preparation can be completed in time for the final statement to be included in appropriate recommendations or reports on the proposal (Section 25.05.055). The statement shall be prepared early enough so it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made. EISs may be "phased" in appropriate situations (Section (25.05.060(E)) 25.05.060(5)).

25.05.408 SCOPING.

(A.) (1) The lead agency shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two (2) or three (3) significant impacts or alternatives, the EIS shall be focused on those.

(B.) (2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

(1.) (a) Invite agency, affected tribes, and public comment on the DS (Section 25.05.360 (DS/scoping)). If the agency requires written comments, agencies, affected tribes and the public shall be allowed twenty-one (21) days from the date of issuance of the DS in which to comment, unless expanded scoping is used. The date of issuance for a DS is the date it is sent to the Department of Ecology and other agencies with jurisdiction, and is publicly available;

(2.) (b) Identify reasonable alternatives and probable significant adverse environmental impacts;

(3.) (c) Eliminate from detailed study those impacts that are not significant; and

(4.) (d) Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

(C.) (3) Agencies, affected tribes, and the public should comment promptly and as specifically as permitted by the details available on the proposal.

(D.) (4) Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The lead agency shall integrate the scoping process with its existing planning and decisionmaking process in order to avoid duplication and delay.

(E.) (5) The lead agency shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

(F.) (6) DEISs shall be prepared according to the scope decided upon by the lead agency in its scoping process.

(G.) (7) EIS preparation may begin during scoping.

25.05.409 SCOPING ON CITY-SPONSORED PROJECTS.

(SEE ALSO SMC 23.76.014)

(1) WHEN A CITY DEPARTMENT IS LEAD AGENCY FOR A CITY PROJECT OR NON-PROJECT ACTION AND THE DEPARTMENT DETERMINES THAT AN EIS IS REQUIRED FOR THE PROJECT, THE DEPARTMENT SHALL HOLD A PUBLIC SCOPING MEETING TO DETERMINE THE RANGE OF PROPOSED ACTIONS, ALTERNATIVES, POSSIBLE MITIGATING MEASURES, AND IMPACTS TO BE DISCUSSED IN AN EIS (SEE SECTIONS 25.05.510 AND 25.05.535).

(2) DEPENDING ON THE SIZE, TIMING, PUBLIC COMMENT, OR OTHER RELEVANT ASPECTS OF THE PROJECT, THE LEAD AGENCY MAY, AT ITS OPTION, EXPAND SCOPING ACCORDING TO THE PROVISIONS SET FORTH IN SECTION 25.05.410.

25.05.410 EXPANDED SCOPING. (OPTIONAL)

(A.) (1) At its option, the lead agency may expand the scoping process to include any or all of the following, which may be applied on a proposal-by-proposal basis:

(1.) (a) Using questionnaires or information packets;

(2.) (b) Using meetings or workshops, which may be combined with any other early planning meetings of the agency;

(3.) (c) Using a coordinator or team from inside or outside the agency;

(4.) (d) Developing cooperative consultation and exchange of information among agencies before the EIS is prepared, rather than awaiting submission of comments on a completed document;

(5.) (e) Coordinating and integrating other government reviews and approvals with the EIS process through memoranda or other methods;

(6.) (f) Inviting participation of agencies with jurisdiction or expertise from various levels of government, such as regional or federal agencies;

(7.) (g) Using other methods as the lead agency may find helpful.

(B.) (2) Use of expanded scoping is intended to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. Steps shall be taken, as the lead agency determines appropriate, to encourage and assist public participation. There are no specified procedural requirements for the methods, techniques, or documents which may be used in an expanded scoping process, to provide maximum flexibility to meet these purposes.

(C.) (3) The lead agency shall consult with an applicant prior to deciding the method and schedule for an expanded scoping process.

(D.) (4) Under expanded scoping, an applicant may request, in which case the lead agency shall set, a date by which the lead agency shall determine the scope of the EIS, including the need for any field investigations (to the extent permitted by the details available on the proposal). The date shall occur thirty (30) days or less

low the reader to understand the most significant and vital information concerning the proposed action, alternatives, and impacts, without turning to other documents, as provided below and in Section 25.05.402 (general requirements).

(B.) (2) Environmental impact statements shall be concise and written in plain language. EISs shall not be excessively detailed or overly technical. EISs shall explain plainly the meaning of technical terms not generally understood by the general public. This may be done in a glossary or footnotes or by some other means. EISs may include an index for ease in using the statement.

(C.) (3) Most of the text of an environmental impact statement shall discuss and compare the environmental impacts and their significance, rather than describe the proposal and the environmental setting. Detailed desciptions may be included in appendices or supporting documents.

(D.) (4) The text of an EIS (Section (25.05.430C) 25.05.430(3)) normally ranges from thirty (30) to fifty (50) pages and may be shorter. The EIS text shall not exceed seventy-five (75) pages; except for proposals of unusual scope or complexity, where the EIS shall not exceed one hundred fifty (150) pages. Appendices and background material shall be bound separately from the EIS if they exceed twenty-five (25) pages, except if the entire document does not exceed one hundred (100) pages or a FEIS is issued under Section (25.05.560E) 25.05.560(5) (DEIS and addendum).

(E.) (5) If the lead agency decides that additional descriptive material or supporting documentation may be helpful for readers, this background information may be placed in appendices or in separate documents, and shall be readily available to agencies and the public during the comment period.

(F.) (6) Agencies shall incorporate material into an environmental impact statement by reference to cut down on bulk, if an agency can do so without impeding agency and public review of the action (Sections 25.05.600 and 25.05.635).

25.05.430 FORMAT.

(A.) (1) COVER LETTER AND FACT SHEET.

A cover letter or memo from the lead agency shall precede the EIS (Section 25.05.435). A fact sheet (Section (25.05.440B) 25.05.440(1)) shall be the first section of every EIS.

(B.) (2) EIS CONTENTS.

The following format should be used unless the lead agency determines that a different format would improve clear presentation of alternatives and environmental analysis for a particular proposal (except that the fact sheet shall always be the first section of an EIS):

(1.) (a) Fact sheet;

(2.) (b) Table of contents (may include the list of elements of the environment);

(3.) (c) Summary;

(4.) (d) Alternatives, including the proposed action;

(5.) (e) Affected environment, significant impacts, and mitigation measures (other than those included in the proposed action);

(6.) (f) Distribution list (may be included in appendix);

(7.) (g) Appendices, if any (including, for FEIS, comment letters and any separate responses).

(C.) (3) EIS TEXT.

The EIS is divided into two (2) sections: (B4) 2(d) and (B5) 2(e) above. Agencies have wide latitude to organize and present material as they see fit within these two basic sections. Agencies are not required to discuss each subject in Section (25.05.440E and F) 25.05.440(4) AND (5) and Section 25.05.444 in a separate section of the EIS.

(D.) (4) ADDITIONAL FORMAT CONSIDERATIONS.

(1.) (a) Where relevant to the alternatives and impacts of a proposal, the analysis specified in Section 25.05.440 shall be included regardless of the format of a particular statement.

(2.) (b) The format of a FEIS may differ, as specified by Section 25.05.560.

(3.) (c) Additional flexibility is provided in Sections 25.05.442 and 25.05.443 for environmental impact statements related to nonproject proposals.

(4.) (d) The elements of the environment for purposes of analyzing environmental impacts are stated in Section 25.05.444.

(5.) (e) Additional guidance on the distinction between environmental and other considerations is given in Sections 25.05.448 and 25.05.450.

(6.) (f) EISs may be combined with other documents (Section 25.05.640).

25.05.435 COVER LETTER OR MEMO.

(A.) (1) A cover letter or memo shall precede every EIS, but shall not be considered part of the EIS for adequacy purposes.

(B) (2) The cover letter or memo:

(1.) (a) Shall not exceed two (2) pages;

(2.) (b) Shall highlight the key environmental issues and options facing agency decisionmakers as known at the time of issuance;

(3.) (c) May include beneficial, as well as adverse environmental impacts and may mention other relevant considerations for decisionmakers;

(4.) (d) Shall identify, for SEISs, the EIS being supplemented.

25.05.440 EIS CONTENTS

(A.) An EIS shall contain the following, in the style and format prescribed in the preceding sections.

(B.) (1) Fact Sheet.

The fact sheet shall include the follow-

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or Section (25.05.360D) 25.05.360(4) (withdrawn DS).

(2.) (b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, the SEPA Public Information Center, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under Section 25.05.510.

(3.) (c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen (15) days of the date of issuance of the DNS.

(4.) (d) The date of issue for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and the SEPA Public Information Center and is made publicly available.

(5.) (e) An agency with jurisdiction may assume lead agency status only within this fifteen (15) day period (Section 25.05.948).

(6.) (f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(C.1) (3) (a) The lead agency shall withdraw a DNS if:

(a.) (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(b.) (ii) There is significant new information indicating a proposal's probable significant adverse environmental impacts; or

(c.) (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(2.) (b) Subsection (C1.b) (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(3.) (c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination, and any appeal fees paid shall be refunded. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also Section 25.05.070 (limitations on actions during SEPA process)).

25.05.250 MITIGATED DNS.

The purpose of this section is to allow clarifications or changes to a proposal prior to making the threshold determination.

(A.) (1) In making threshold determinations, an agency may consider mitigation measures that the agency or applicant will implement.

(B.) (2) After submission of an environmental checklist and prior to the lead agency's threshold determination on a proposal, an applicant may ask the lead agency to indicate whether it is considering a DS. If the lead agency indicates a DS is likely, the applicant may clarify or change features of the proposal to mitigate the impacts which lead the agency to consider a DS likely. The applicant shall revise the environmental checklist as may be necessary to describe the clarifications or changes.

The lead agency shall make its threshold determination based upon the changed or clarified proposal. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

(C.) (3) Whether or not an applicant requests early notice under subsection (B)(2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS. Mitigation measures specified by the lead agency may be based upon any adverse impacts revealed by the environmental checklist, and need not be limited to those permitted by agency SEPA policies. Compare Section (25.05.660A) 25.05.660(1) (substantive authority and mitigation).

(D.) (4) Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporated by reference in, the documents previously submitted. An addendum may be used; see (Subchapter VI) PART SIX.

(E.) (5) Agencies may clarify or change features of their own proposal, and may specify mitigation measures in the DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

(F.) (6) An agency's indication under this section that a DS appears likely shall not be construed as a determination of significance. Likewise, the preliminary discussion of clarifications or changes to a proposal shall not bind the lead agency to a mitigated DNS.

(G.) (7) Anyone violating or failing to comply with any mitigation measure imposed under this section shall, upon conviction thereof, be subject to a civil penalty not exceeding Five Hundred Dollars ($500.00), and each day that anyone shall continue to violate or fail to comply with such measure after receiving notice of the violation shall be considered a separate offense. In addition, permits authorizing the work which is subject to the mitigation measure may be suspended or revoked.

(8) AS PROVIDED FOR IN SMC 25.05.340.2(a)(iv), NOTICE OF A 15-DAY

(C.) (3) Regardless of any appeals, a DS or DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decisionmaking unless subsequently changed, reversed, or withdrawn.

(Subchapter IV) PART FOUR — ENVIRONMENTAL IMPACT STATEMENT (EIS)

25.05.400 PURPOSE OF EIS.

(A.) (1) The primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.

(B.) (2) An EIS shall provide impartial discussion of significant environmental impacts and shall inform decisionmakers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

(C.) (3) Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decisionmaking process.

(D.) (4) The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

25.05.402 GENERAL REQUIREMENTS.

Agencies shall prepare environmental impact statements as follows:

(A.) (1) EISs need analyze only the reasonable alternatives and probable adverse environmental impacts that are significant. Beneficial environmental impacts or other impacts may be discussed.

(B.) (2) The level of detail shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or referenced.

(C.) (3) Discussion of insignificant impacts is not required; if included, such discussion shall be brief and limited to summarizing impacts or noting why more study is not warranted.

(D.) (4) Description of the existing environment and the nature of environmental impacts shall be limited to the affected environment and shall be no longer than is necessary to understand the environmental consequences of the alternatives, including the proposal.

(E.) (5) EISs shall be no longer than necessary to comply with SEPA and these rules. Length should relate first to potential environmental problems and then to the size or complexity of the alternatives, including the proposal.

(F.) (6) The basic features and analysis of the proposal, alternatives, and impacts shall be discussed in the EIS and shall be generally understood without turning to other documents; however, an EIS is not required to include all information conceivably relevant to a proposal, and may be supplemented by appendices, reports, or other documents in the agency's record.

(G.) (7) Agencies shall reduce paperwork and the accumulation of background data by adopting or incorporating by reference, existing, publicly available environmental documents, wherever possible.

(H.) (8) Agencies shall prepare EISs concurrently with and coordinated with environmental studies and related surveys that may be required for the proposal under other laws, when feasible.

(I.) (9) EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

25.05.405 EIS TYPES.

(A.) (1) Draft and final environmental impact statements (EISs) shall be prepared; draft and final supplemental EISs may be prepared.

(B.) (2) A draft EIS (DEIS) allows the lead agency to consult with members of the public, affected tribes, and agencies with jurisdiction and expertise. The lead agency shall issue a DEIS and consider comments as stated in (Subchapter V) PART FIVE.

(C.) (3) A final EIS (FEIS) shall revise the DEIS as appropriate and respond to comments as required in Section 25.05.560. An FEIS shall respond to opposing views on significant adverse environmental impacts and reasonable alternatives which the lead agency determines were not adequately discussed in the DEIS. The lead agency shall issue an FEIS as specified by Section 25.05.460.

(D.) (4) A supplemental EIS (SEIS) shall be prepared as an addition to either a draft or final statement if:

(1.) (a) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts; or

(2.) (b) There is significant new information indicating a proposal's probable significant adverse environmental impacts.

Preparation of a SEIS shall be carried out as stated in SECTION 25.05.620.

(E.) (5) Agencies may use federal EISs, as stated in (Subchapter VI) PART SIX.

25.05.409 EIS TIMING.

The lead agency shall commence preparation of the environmental impact statement as close as possible to the time

PUBLIC SCOPING MEETING TO DETERMINE THE RANGE OF PROPOSED ACTIONS, ALTERNATIVES, POSSIBLE MITIGATING MEASURES, AND IMPACTS TO BE DISCUSSED IN AN EIS (SEE SECTIONS 25.05.510 AND 25.05.535).

(2) DEPENDING ON THE SIZE, TIMING, PUBLIC COMMENT, OR OTHER RELEVANT ASPECTS OF THE PROJECT, THE LEAD AGENCY MAY, AT ITS OPTION, EXPAND SCOPING ACCORDING TO THE PROVISIONS SET FORTH IN SECTION 25.05.410.

25.05.410 EXPANDED SCOPING. (OPTIONAL)

(A.) (1) At its option, the lead agency may expand the scoping process to include any or all of the following, which may be applied on a proposal-by-proposal basis:

(1.) (a) Using questionnaires or information packets;

(2.) (b) Using meetings or workshops, which may be combined with any other early planning meetings of the agency;

(3.) (c) Using a coordinator or team from inside or outside the agency;

(4.) (d) Developing cooperative consultation and exchange of information among agencies before the EIS is prepared, rather than awaiting submission of comments on a completed document;

(5.) (e) Coordinating and integrating other government reviews and approvals with the EIS process through memoranda or other methods;

(6.) (f) Inviting participation of agencies with jurisdiction or expertise from various levels of government, such as regional or federal agencies;

(7.) (g) Using other methods as the lead agency may find helpful.

(B.) (2) Use of expanded scoping is intended to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. Steps shall be taken, as the lead agency determines appropriate, to encourage and assist public participation. There are no specified procedural requirements for the methods, techniques, or documents which may be used in an expanded scoping process, to provide maximum flexibility to meet these purposes.

(C.) (3) The lead agency shall consult with an applicant prior to deciding the method and schedule for an expanded scoping process.

(D.) (4) Under expanded scoping, an applicant may request, in which case the lead agency shall set, a date by which the lead agency shall determine the scope of the EIS, including the need for any field investigations (to the extent permitted by the details available on the proposal). The date shall occur thirty (30) days or less after the DS is issued, unless the lead agency and applicant agree upon a later date.

25.05.420 EIS PREPARATION.

For draft and final EISs and SEISs:

(A.) (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official, as specified by the lead agency's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the lead agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and the procedures of the lead agency.

(B.) (2) The lead agency may have an EIS prepared by agency staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the lead agency. 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. The lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(C.) (3) If a person other than the lead agency is preparing the EIS, the lead agency shall;

(1.) (a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency or person;

(2.) (b) Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;

(3.) (c) Allow any party preparing an EIS access to all public records of the lead agency that relate to the subject of the EIS, under Chapter 42.17 RCW (Public Disclosure and Public Records Law).

(D.) (4) In the event the responsible official or his designee is preparing an EIS, the responsible official may require a private applicant to provide data and information not in the possession of the City which is relevant to any or all areas to be covered by an EIS. However, a private applicant shall not be required to provide information which the lead agency has requested of a consulted agency until the consulted agency has responded, or the thirty (30) days allowed for response by the consulted agency has expired, whichever is earlier. An applicant may volunteer to provide any information or effort desired, as long as the EIS is supervised and approved by the responsible official. These rules do not prevent an agency from charging any fees which the agency is otherwise allowed to charge (Section 25.05.914).

(E.) (5) A draft EIS shall be prepared on a private project within one hundred twenty days of the end of the scoping comment period. The responsible official may extend the time period whenever the private project is unusually large in scope, or the environmental impact associated with the project is unusually complex.

25.05.425 STYLE AND SIZE.

(A.) (1) Environmental impact statements shall be readable reports, which al-

cant impacts, and mitigation measures (other than those included in the proposed action);

(6.) (f) Distribution list (may be included in appendix);

(7.) (g) Appendices, if any (including, for FEIS, comment letters and any separate responses).

(C.) (3) EIS TEXT.

The EIS is divided into two (2) sections: (B4) 2(d) and (B5) 2(e) above. Agencies have wide latitude to organize and present material as they see fit within these two basic sections. Agencies are not required to discuss each subject in Section (25.05.440E and F) 25.05.440(4) AND (5) and Section 25.05.444 in a separate section of the EIS.

(D.) (4) ADDITIONAL FORMAT CONSIDERATIONS.

(1.) (a) Where relevant to the alternatives and impacts of a proposal, the analysis specified in Section 25.05.440 shall be included regardless of the format of a particular statement.

(2.) (b) The format of a FEIS may differ, as specified by Section 25.05.560.

(3.) (c) Additional flexibility is provided in Sections 25.05.442 and 25.05.443 for environmental impact statements related to nonproject proposals.

(4.) (d) The elements of the environment for purposes of analyzing environmental impacts are stated in Section 25.05.444.

(5.) (e) Additional guidance on the distinction between environmental and other considerations is given in Sections 25.05.448 and 25.05.450.

(6.) (f) EISs may be combined with other documents (Section 25.05.640).

25.05.435 COVER LETTER OR MEMO.

(A.) (1) A cover letter or memo shall precede every EIS, but shall not be considered part of the EIS for adequacy purposes.

(B) (2) The cover letter or memo:

(1.) (a) Shall not exceed two (2) pages;

(2.) (b) Shall highlight the key environmental issues and options facing agency decisionmakers as known at the time of issuance;

(3.) (c) May include beneficial, as well as adverse environmental impacts and may mention other relevant considerations for decisionmakers;

(4.) (d) Shall identify, for SEISs, the EIS being supplemented.

25.05.440 EIS CONTENTS.

(A.) An EIS shall contain the following, in the style and format prescribed in the preceding sections.

(B.) (1) Fact Sheet.

The fact sheet shall include the following information in this order:

(1.) (a) A title and brief description (a few sentences) of the nature and location (by street address, if applicable) of the proposal, including principal alternatives.

(2.) (b) The name of the person or entity making the proposal(s) and the proposed or tentative date for implementation.

(3.) (c) The name and address of the lead agency, the responsible official, and the person to contact for questions, comments, and information.

(4.) (d) A list of all licenses which the proposal is known to require. The licenses shall be listed by name and agency; the list shall be as complete and specific as possible.

(5.) (e) Authors and principal contributors to the EIS and the nature or subject area of their contributions.

(6.) (f) The date of issue of the EIS.

(7.) (g) The date comments are due (for DEISs).

(8.) (h) The time and place of public hearings or meetings, if any and if known.

(9.) (i) The date final action is planned or scheduled by the lead agency, if known. Agencies may indicate that the date is subject to change. The nature or type of final agency action should be stated unless covered in subsection (1) (a) above.

(10.) (j) The type and timing of any subsequent environmental review to which the lead agency or other agencies have made commitments, if any.

(11.) (k) The location of a prior EIS on the proposal, EIS technical reports, background data, adopted documents, and materials incorporated by reference for this EIS, if any.

(12.) (l) The cost to the public for a copy of the EIS.

(C.) (2) Table of Contents.

(1.) (a) The table of contents should list, if possible, any documents which are appended, adopted, or serve as technical reports for this EIS (but need not list each comment letter).

(2.) (b) The table of contents may include the list of elements of the environment (Section 25.05.444), indicating those elements or portions of elements which do not involve significant impacts.

(D.) (3) Summary.

The EIS shall summarize the contents of the statement and shall not merely be an expanded table of contents. The summary shall briefly state the proposal's objectives, specifying the purpose and need to which the proposal is responding, the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made among alternative courses of action and the effectiveness of mitigation measures. The summary need not mention every subject discussed in the EIS, but shall include a summary of the proposal, impacts, alternatives, mitigation measures, and significant adverse impacts, alternatives, mitigation measure, and significant adverse impacts that cannot be mitigated. The summary shall state when the EIS is part of a phased review, if known, or the lead agency is relying on prior or future envi-

ronm… review (which should be generally …tified). The lead agency shall make the summary significantly broad to be useful to the other agencies with jurisdiction.

(E.) (4) Alternatives including The Proposed Action.

(1) (a) This section of the EIS describes and presents the proposal (or preferred alternative, if one or more exist(s) and alternative courses of action.

(2.) (b) Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

(a.) (i) The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

(b.) (ii) The "no-action" alternative shall be evaluated and compared to other alternatives.

(c.) (iii) Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

(3.) (c) This section of the EIS shall:

(a.) (i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives. Include the proposed action, including mitigation measures that are part of the proposal.

(b.) (ii) Describe the location of the alternatives, including the proposed action, so that a lay person can understand it. Include a map, street address, if any, and legal description (unless long or in metes and bounds).

(c.) (iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals, if known.

(d.) (iv) Tailor the level of detail of descriptions to the significance of environmental impacts. The lead agency should retain any detailed engineering drawings and technical data, that have been submitted, in agency files and make them available on request.

(e.) (v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One (1) alternative (including the proposed action) may be used as a benchmark for comparing alternatives. The EIS may indicate the main reasons for eliminating alternatives from detailed study.

(f.) (vi) Present a comparison of the environmental impacts of the reasonable alternatives, and include the no action alternative. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation may be discussed.

(g.) (vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(4.) (d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

(F.) (5) Affected Environment, Significant Impacts, And Mitigation Measures.

(1.) (a) This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see Section (25.05.430C) 25.05.430(3)).

(2.) (b) General requirements for this section of the EIS:

(a.) (i) This section shall be written in a nontechnical manner which is easily understandable to lay persons whenever possible, with the discussion commensurate with the importance of the impacts. *Only significant impacts must be discussed; other impacts may be discussed.*

(b.) (ii) Although the lead agency should discuss the affected environment, environmental impacts, and other mitigation measures together for each element of the environment where there is a significant impact, the responsible official shall have the flexibility to organize this section in any manner useful to decisionmakers and the public (see Section (25.05.430C) 25.05.430(3)).

(c.) (iii) This subsection is not intended to duplicate the analysis in subsection (E) (4) and shall avoid doing so to the fullest extent possible.

(3.) (c) This section of the EIS shall:

(a.) (i) Succinctly describe the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration. Inventories of species should be avoided, although rare, threatened, or endangered species should be indicated.

(b.) (ii) Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as

provided that this section shall not authorize the City to require disclosure of financial information relating to the private applicant or the private applicant's proposal.

(b.) (ii) Regional, city, and neighborhood goals, objectives, and policies adopted or recognized by the appropriate local governmental authority prior to the time the proposal is initiated.

(c.) (iii) The level of detail used in discussing these additional elements should be proportionate to the impacts the proposal may have if approved.

(G.) (6) Appendices.

Comment letters and responses shall be circulated with the FEIS as specified by Section 25.05.560. Technical reports and supporting documents need not be circulated with an EIS (Sections **(25.05.425D)** 25.05.425(4) and **(25.05.440B11)** 25.05.440(1)(k)), but shall be readily available to agencies and the public during the comment period.

(H.) (7) Additional Analysis.

The lead agency may at its option include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process. The provision for combining documents may be used (Section 25.05.640). The EIS shall comply with the format requirements of this Part. The decision whether to include such information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

25.05.442 CONTENTS OF EIS ON NONPROJECT PROPOSALS.

(A.) (1) The lead agency shall have more flexibility in preparing EISs on nonproject proposals, because there is normally less detailed information available on their environmental impacts and on any subsequent project proposals. The EIS may be combined with other planning documents.

(B.) (2) The lead agency shall discuss impacts and alternatives in the level of detail appropriate to the scope of the nonproject proposal and to the level of planning for the proposal. Alternatives should be emphasized. In particular, agencies are encouraged to describe the proposal in terms of alternative means of accomplishing a stated objective (see Section **(25.05.060C)** 25.05.060(3)). Alternatives including the proposed action should be analyzed at a roughly comparable level of detail, sufficient to evaluate their comparative merits (this does not require devoting the same number of pages in an EIS to each alternative).

(C) (3) If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern. The EIS should identify subsequent agencies as a result of the nonproject proposal, such as transportation and utility systems.

(D.) (4) The EIS's discussion of alternatives for a comprehensive plan, community plan, or other areawide zoning or for shoreline or land use plans shall be limited to a general discussion of the impacts of alternate proposals for policies contained in such plans, for land use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics. The EIS content may be limited to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed plan.

25.05.443 EIS CONTENTS WHEN PRIOR NONPROJECT EIS.

(A.) (1) The provisions for phased review (Section **(25.05.060E)** 25.05.060(5)) and use of existing environmental documents, **(Subchapter VI)** PART SIX, apply to EISs on nonproject proposals.

(B.) (2) A nonproject proposal may be approved based on an EIS assessing its broad impacts. When a project is then proposed that is consistent with the approved nonproject action, the EIS on such a project shall focus on the impacts and alternatives including mitigation measures specific to the subsequent project and not analyzed in the nonproject EIS. The scope shall be limited accordingly. Procedures for use of existing documents shall be used as appropriate, see **(Subchapter VI.)** PART SIX.

(C.) (3) When preparing a project EIS under the preceding subsection, the lead agency shall review the nonproject EIS to ensure that the analysis is valid when applied to the current proposal, knowledge, and technology. If it is not valid, the analysis shall be reanalyzed in the project EIS.

25.05.444 ELEMENTS OF THE ENVIRONMENT.

(A.) (1) Natural environment.

(1.) (a) Earth

(a.) (i) Geology

(b.) (ii) Soils

(c.) (iii) Topography

(d.) (iv) Unique physical features

(e.) (v) Erosion/enlargement of land area (accretion)

(2.) (b) Air
(a.) (i) Air quality
(b.) (ii) Odor
(c.) (iii) Climate

(3.) (c) Water

(a.) (i) Surface water movement/quantity/quality

(b.) (ii) Runoff/absorption

(c.) (iii) Floods
(d.) (iv) Ground water movement/quantity/quality

(e.) (v) Public water supplies

(4.) (d) Plants and animals

25.05.448 RELATIONSHIP OF EIS TO OTHER CONSIDERATIONS.

(A.) (1) SEPA contemplates that the general welfare, social, economic, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing alternatives and in making final decisions. However, the environmental impact statement is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments that must ultimately be made by the decisionmakers. Rather, an environmental impact statement analyzes environmental impacts and must be used by agency decisionmakers, along with other relevant considerations or documents, in making final decisions on a proposal. The EIS provides a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA, because it provides information on the environmental costs and impacts. SEPA does not require that an EIS be an agency's only decisionmaking document.

(B.) (2) The term "socioeconomic" is not used in the statute or in these rules because the term does not have a uniform meaning and has caused a great deal of uncertainty. Areas of urban environmental concern which must be considered are specified in RCW 43.21C.110(1)(f), the environmental checklist (Section 25.05.960) and Sections 25.05.440 and 25.05.444. (See Section **(25.05.440F6)** 25.05.440(5)(F)).

(C.) (3) Examples of information that are not required to be discussed in an EIS are: Methods of financing proposals, economic competition, profits and personal income and wages, and social policy analysis (such as fiscal and welfare policies and nonconstruction aspects of education and communications). EISs may include whether housing is low, middle, or high income.

(D.) (4) Agencies have the option to combine EISs with other documents or to include additional analyses in EISs, that will assist in making decisions (Sections **(25.05.440H)** 25.05.440(7) and 25.05.640). Agencies may use the scoping process to help identify issues of concern to citizens.

25.05.450 COST-BENEFIT ANALYSIS.

A cost-benefit analysis (Section 25.05.726) is not required by SEPA. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered by an agency for the proposal, it may be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. For purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.

25.05.455 ISSUANCE OF DEIS.

(A.) (1) A draft EIS shall be issued by the responsible official and sent to the following:

(1.) (a) The Department of Ecology (2 copies).

(2.) (b) Each federal agency with jurisdiction over the proposal.

(3.) (c) Each agency with jurisdiction over or environmental expertise on the proposal.

(4.) (d) Each city/county in which adverse environmental impacts identified in the EIS may occur, if the proposal were implemented.

(5.) (e) Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

(6.) (f) The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review and coordinate federal activities with state or local planning.

(7.) (g) Any person requesting a copy of the EIS from the lead agency (fee may be charged for DEIS, see Section 25.05.504).

(8.) (h) Any affected tribe.

(9.) (i) The SEPA Public Information Center.

(B.) (2) The lead agency is encouraged to send a notice of availability or a copy of the DEIS to any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (for example, local and regional libraries). This is not meant to duplicate subsection (A7) (1)(g) of this section.

(C.) (3) The lead agency should make additional copies available at its offices to be reviewed or obtained.

(D.) (4) The date of issue is the date the DEIS is publicly available and sent to the Department of Ecology, other agencies with jurisdiction and the SEPA Public Information Center.

(E.) (5) Notice that a DEIS is available shall be given under Section 25.05.510.

(F.) (6) Any person or agency shall have thirty (30) days from the date of issue in which to review and comment upon the DEIS.

(G.) (7) Upon request, the lead agency may grant an extension of up to fifteen (15) days to the comment period. Agencies and the public must request any extension before the end of the comment period.

(H.) (8) The rules for notice, costs, commenting, and response to comments on EISs are stated in (Subchapter V) PART FIVE of these rules.

25.05.460 ISSUANCE OF FEIS.

(A.) (1) A final EIS (FEIS) shall be issued by the responsible official and sent to the Department of Ecology (2 copies), to all agencies with jurisdiction, to all agencies who commented on the DEIS, to the SEPA Public Information Center, and to anyone requesting a copy of the FEIS. (Fees may be charged for the FEIS, see Section 25.05.504.)

(B.) (2) The responsible official shall

(1.) (a) Agencies shall send DNSs to other agencies with jurisdiction, if any, as required by Section (25.05.340B) 25.05.340(2).

(2.) (b) For DNSs issued under Section **(25.05.340B)** 25.05.340(2), agencies shall provide public notice under Section 25.05.510 and receive comments on the DNS for fifteen (15) days.

(E.) (4) SCOPING.

(1.) (a) Agencies shall circulate the DS and invite comments on the scope of an EIS, as required by Sections 25.05.360, 25.05.408, and 25.05.510.

(2.) (b) Agencies may use other reasonable methods to inform agencies and the public, such as those indicated in Section 25.05.410.

(3.) (c) The lead agency determines the method for commenting Sections (25.05.408 and 25.05.410).

(E.) (5) DEIS.

(1.) (a) Agencies shall invite comments on and circulate DEISs as required by Section 25.05.455.

(2.) (b) The commenting period shall be thirty (30) days unless extended by the lead agency under Section 25.05.455.

(3.) (c) Agencies shall comment and respond as stated in this Part. This meets the act's formal consultation and comment requirement in RCW 43.21C.030(2)(d).

(F.) (6) PUBLIC HEARINGS AND MEETINGS.

(1.) (a) Public hearings or meetings may be held (Section 25.05.535). Notice of such public hearings shall be given under Section 25.05.510 and may be combined with other agency notice.

(2.) (b) In conjunction with the requirements of Section 25.05.510, notice of public hearings shall be published no later than ten (10) days before the hearing. For nonproject proposals, notice of the public hearing shall be published in the City Official Newspaper. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia Bureaus of the Associated Press and United Press International.

(G.) (7) FEIS.

Agencies shall circulate FEISs as required by Section 25.05.460.

(H.) (3) SUPPLEMENTS.

(1.) (a) Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.

(2.) (b) When a DNS is issued after a DS has been withdrawn (Section **(25.05.360D)** 25.05.360(4)), agencies shall give notice under Section 25.05.510 and receive comments for fifteen (15) days.

(3.) (c) An addendum need not be circulated unless required under Section 25.05.625.

(I.) (9) APPEALS.

Notice provisions for appeals are in Section 25.05.680.

(J.) (10) CIRCULATING DOCUMENTS.

Agencies may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(K.) (11) ADDITIONAL NOTIFICATION.

In addition to any required notice of circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(L.) (12) COMBINING NOTICES.

Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

25.05.504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.

(A.) (1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with Chapter 42.17 RCW.

(B.) (2) The lead agency shall make copies of any environmental document available in accordance with Chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

Agencies shall waive the charge for one (1) copy of an environmental document (not including the SEPA REGISTER) provided to a public interest organization.

25.05.508 SEPA REGISTER.

(A.) (1) The Department of Ecology (DOE) is required by WAC 197-11-508 to publish and mail each week a SEPA REGISTER, giving notice of all environmental documents required to be sent to the DOE under these rules, specifically:

(1.) (a) DNSs under Section **(25.05.340B)** 25.05.340(2);

(2.) (b) DSs (scoping notices) under Section 25.05.408;

(3.) (c) EISs under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630; and

(4.) (d) Notices of Action under RCW 43.21C.080 and 43.21C.087.

(B.) (2) All agencies shall submit the environmental documents listed in subsection (A.) (1) to DOE promptly and in accordance with procedures established by the DOE.

(C.) (3) Agencies are encouraged to subscribe to the SEPA REGISTER.

(D.) (4) DOE is authorized by WAC 197-11-508;

(1.) (a) To establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(2.) (b) To charge a reasonable fee for the SEPA REGISTER as allowed by law, in at least the amount allowed by Chapter 42.17 RCW, from agencies, members of the public, and interested

PERMIT APPLICATIONS REQUIRE… ING SEPA COMPLIANCE.

(vi) FOR CITY OF SEATTLE… SPONSORED PROJECTS, ANY PRO… GRAMMATIC EISs ADOPTED BY TH… CITY.

(3.) (c) In addition, the Department o… Construction and Land Use shall maintai… the following registers at the SEPA Publi… Information Center, each register i… cluding for each proposal its location, … brief (one sentence or phrase) descriptio… of the nature of the proposal, the date fir… listed on the register, and the contact pe… son or office from which further inform… tion may be obtained:

(a.) (i) A "Declaration of Nonsignif… cance Register" which shall contain … listing of all declarations of nonsignif… cance made by the City during th… previous year;

(b.) (ii) an "EIS in Preparatio… Register" which shall contain a listi… of all proposals for which the City is cu… rently preparing an EIS, and the date … which the EIS is expected to be availab… to the public;

(c.) (iii) An "EIS Available Registe… which shall contain a listing of all dra… and final EISs prepared by or on beha… of the City during the previous six … months, including thereon the date … which comments must be received … draft EISs, and the date for any pub… hearing scheduled for the proposal.

(4.) (d) Each of the registers shall be ke… current and maintained at the SE… Public Information Center for public … spection. In addition, the registers, or u… dates containing new entries added si… the last mailing, shall be mailed o… every week to those organizations and … dividuals who make written reques… unless no new entries are made on t… register, in which event a copy of t… register or update shall be mailed whe… new entry is added. The Department … Construction and Land Use may charg… periodic fee for the service of mailing … registers or updates, which shall … reasonably related to the costs … reproduction and mailing.

(5.) (e) The documents required to … maintained at the SEPA Public Infor… tion Center shall be available for pub… inspection; copies shall be provided u… written request. The City shall charg… fee for copies in the manner provided … ordinance, and for the cost of mailing.

(6.) (f) Copies of all documents filed … registers maintained at the SEPA Pu… Information Center shall be maintaine… the main branch of the Seattle Pu… Library.

(D.) (3) NOTICE OF DECLARATIO… OF NONSIGNIFICANCE.

Notice of Declarations of Nonsign… cance shall be provided as follows:

(1.) (a) The SEPA Public Informat… Center shall maintain a "Declarartio… Nonsignificance Register" which s… contain a listing of all DNSs. … register shall be maintained and use… accordance with the provisions … subsection (D) (4).

(2.) (b) The information in the regi… or its update, along with notice of … right to appeal a DNS in accorda… with Section 25.05.680, shall be publ… ed once every week in the City offi… newspaper. In addition, notice of a … and notice of the right to appeal a … in accordance with Section 25.05… shall be submitted in a timely manne… at least one community newspaper … distribution in the area impacted by … proposal for which the DNS … adopted, and shall be posted in a … spicuous place in the Departmen… Construction and Land Use.

(E.) (4) NOTICE OF SCOPI… DECLARATION OF SIGNIFICA… (DS), DRAFT AND FINAL EISs.

(a) Upon publication, NOTICE … SCOPING, DS (EXCLUDING TH… FOR MUPs), AND the draft and … final EIS shall be filed by the respo… ble official with the City's SEPA P… Information Center.

(2.) (b) Notice of a draft EIS sha… published in the official newsp… Notice of a final EIS and the proced… for appeal pursuant to Section 25.0… shall be similarly published. In a… tion, such notices shall be submitted … timely manner to at least one (1) … munity newspaper with distributio… the area impacted by the proposa… which the EIS was prepared. N… shall be mailed to those organizat… and individuals who make writte… quest and shall be posted in a … spicuous place in the Departmen… Construction and Land Use.

(F.) (5) PUBLICATION IN S… REGISTER.

Documents which are required to be … to the Department of Ecology under … rules will be published in the S… REGISTER, which will also constitu… form of public notice. However, pu… tion in the SEPA REGISTER shall n… itself, (meet) BE CONSIDERED … pliance with this section.

25.05.535 PUBLIC HEARINGS … MEETINGS.

(A.) (1) If a public earing on the … posal is held under some other re… ment of law, such hearing shall be op… consideration of the environmenta… pact of the proposal, together with a… vironmental document that is avail… This does not require extension of the … ment periods for environmental … ments.

(B.) (2) A public hearing shall be he… every draft EIS.

(C.) (3.) In all other cases a public … ing on the environmental impact of … posal shall be held whenever th… agency determines, in its sole discr… that a public hearing would assist … meeting its responsibility to imple… the purposes and policies of SEP… these rules.

(D.) (4) Whenever a public heari… held under subsection (B)(2) of this se… it shall occur no earlier than twent…

that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(4.) (d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

(F.) (5) Affected Environment, Significant Impacts, And Mitigation Measures.

(1.) (a) This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see Section (25.05.430C) 25.05.430(3)).

(2.) (b) General requirements for this section of the EIS:

(a.) (i) This section shall be written in a nontechnical manner which is easily understandable to lay persons whenever possible, with the discussion commensurate with the importance of the impacts. Only significant impacts must be discussed; other impacts may be discussed.

(b.) (ii) Although the lead agency should discuss the affected environment, environmental impacts, and other mitigation measures together for each element of the environment where there is a significant impact, the responsible official shall have the flexibility to organize this section in any manner useful to decision-makers and the public (see Section (25.05.430C) 25.05.430(3)).

(c.) (iii) This subsection is not intended to duplicate the analysis in subsection (E) (4) and shall avoid doing so to the fullest extent possible.

(3.) (c) This section of the EIS shall:

(a.) (i) Succinctly describe the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration. Inventories of species should be avoided, although rare, threatened, or endangered species should be indicated.

(b.) (ii) Describe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as storage, handling, or disposal of toxic or hazardous material.

(c.) (iii) Clearly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, as well as those, if any, that agencies or applicants are committed to implement.

(d.) (iv) Indicate what the intended environmental benefits of mitigation measures are for significant impacts, and may discuss their technical feasibility and economic practicability, if there is concern about whether a mitigation measure is capable of being accomplished. The EIS need not analyze mitigation measures in detail unless they involve substantial changes to the proposal causing significant adverse impacts, or new information regarding significant impacts, and those measures will not be subsequently analyzed under SEPA (see Section (25.05.660B) 25.05.660(2)). An EIS may briefly mention nonsignificant impacts or mitigation measures to satisfy other environmental review laws or requirements covered in the same document (Section (25.05.402H) 25.05.402(8) and Section 25.05.640).

(e.) (v) Summarize significant adverse impacts that cannot or will not be mitigated.

(4.) (d) This section shall incorporate, when appropriate:

(a.) (i) A summary of existing plans (for example: land use and shoreline plans) and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(b.) (ii) Energy requirements and conservation potential of various alternatives and mitigation measures, including more efficient use of energy, such as insulating, as well as the use of alternate and renewable energy resources.

(c.) (iii) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(d.) (iv) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(5.) (e) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (Section 25.05.444). This involves impacts upon and the quality of the physical surroundings, whether they are in wild, rural, or urban areas. Discussion of significant impacts shall include the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW 43.21C.110(1) (d) and (f), as listed in Section 25.05.444.

(6.) (f) Analysis of the following social, cultural, and economic issues shall be included in every EIS unless eliminated by the scoping process (Section 25.05.408):

(a.) (i) Economic factors, including but not limited to employment, public investment, and taxation where appropriate.

pacts of alternate proposals for policies contained in such plans, for land use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics. The EIS content may be limited to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed plan.

25.05.443 EIS CONTENTS WHEN PRIOR NONPROJECT EIS.

(A.) (1) The provisions for phased review (Section (25.05.060E) 25.05.060(5)) and use of existing environmental documents, (Subchapter VI) PART SIX, apply to EISs on nonproject proposals.

(B.) (2) A nonproject proposal may be approved based on an EIS assessing its broad impacts. When a project is then proposed that is consistent with the approved nonproject action, the EIS on such a project shall focus on the impacts and alternatives including mitigation measures specific to the subsequent project and not analyzed in the nonproject EIS. The scope shall be limited accordingly. Procedures for use of existing documents shall be used as appropriate, see (Subchapter VI.) PART SIX.

(C.) (3) When preparing a project EIS under the preceding subsection, the lead agency shall review the nonproject EIS to ensure that the analysis is valid when applied to the current proposal, knowledge, and technology. If it is not valid, the analysis shall be reanalyzed in the project EIS.

25.05.444 ELEMENTS OF THE ENVIRONMENT.

(A.) (1) Natural environment.

(1.) (a) Earth

(a.) (i) Geology

(b.) (ii) Soils

(c.) (iii) Topography

(d.) (iv) Unique physical features

(e.) (v) Erosion/enlargement of land area (accretion)

(2.) (b) Air

(a.) (i) Air quality

(b.) (ii) Odor

(c.) (iii) Climate

(3.) (c) Water

(a.) (i) Surface water movement/quantity/quality

(b.) (ii) Runoff/absorption

(c.) (iii) Floods

(d.) (iv) Ground water movement/quantity/quality

(e.) (v) Public water supplies

(4.) (d) Plants and animals

(a.) (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife

(b.) (ii) Unique species

(c.) (iii) Fish or wildlife migration routes

(5.) (e) Energy and natural resources

(a.) (i) Amount required/rate of use/efficiency

(b.) (ii) Source/availability

(c.) (iii) Nonrenewable resources

(d.) (iv) Conservation and renewable resources

(e.) (v) Scenic resources

(B.) (2) Built environment.

(1.) (a) Environmental health

(a.) (i) Noise

(b.) (ii) Risk of explosion

(c.) (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials.

(2.) (b) Land and shoreline use

(a.) (i) Relationship to existing land use plans and to estimated population

(b.) (ii) Housing

(c.) (iii) Light and glare

(d.) (iv) Aesthetics

(e.) (v) Recreation

(f.) (vi) Historic and cultural preservation

(g.) (vii) Agricultural crops

(3.) (c) Transportation

(a.) (i) Transportation systems

(b.) (ii) Vehicular traffic

(c.) (iii) Waterborne, rail, and air traffic

(d.) (iv) Parking

(e.) (v) Movement/circulation of people or goods

(f.) (vi) Traffic hazards

(4.) (d) Public services and utilities

(a.) (i) Fire

(b.) (ii) Police

(c.) (iii) Schools

(d.) (iv) Parks or other recreational facilities

(e.) (v) Maintenance

(f.) (vi) Communications

(g.) (vii) Water/storm water

(h.) (viii) Sewer/solid waste

(i) (ix) Other governmental services or utilities

(C.) (3) Elements May Be Combined.

To simplify the EIS format, reduce paperwork and duplication, improve readability, and focus on the significant issues, some or all of the elements of the environment in Section 25.05.444 may be combined.

proposal.

(4.) (d) Each city/county in which adverse environmental impacts identified in the EIS may occur, if the proposal were implemented.

(5.) (e) Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

(6.) (f) The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review and coordinate federal activities with state or local planning.

(7.) (g) Any person requesting a copy of the EIS from the lead agency (fee may be charged for DEIS, see Section 25.05.504).

(8.) (h) Any affected tribe.

(9.) (i) The SEPA Public Information Center.

(B.) (2) The lead agency is encouraged to send a notice of availability or a copy of the DEIS to any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (for example, local and regional libraries). This is not meant to duplicate subsection (A7) (1)(g) of this section.

(C.) (3) The lead agency should make additional copies available at its offices to be reviewed or obtained.

(D.) (4) The date of issue is the date the DEIS is publicly available and sent to the Department of Ecology, other agencies with jurisdiction and the SEPA Public Information Center.

(E.) (5) Notice that a DEIS is available shall be given under Section 25.05.510.

(F.) (6) Any person or agency shall have thirty (30) days from the date of issue in which to review and comment upon the DEIS.

(G.) (7) Upon request, the lead agency may grant an extension of up to fifteen (15) days to the comment period. Agencies and the public must request any extension before the end of the comment period.

(H.) (8) The rules for notice, costs, commenting, and response to comments on EISs are stated in (Subchapter V) PART FIVE of these rules.

25.05.460 ISSUANCE OF FEIS.

(A.) (1) A final EIS (FEIS) shall be issued by the responsible official and sent to the Department of Ecology (2 copies), to all agencies with jurisdiction, to all agencies who commented on the DEIS, to the SEPA Public Information Center, and to anyone requesting a copy of the FEIS. (Fees may be charged for the FEIS, see Section 25.05.504.)

(B.) (2) The responsible official shall send the FEIS, or a notice that the FEIS is available, to anyone who commented on the DEIS and to those who received but did not comment on the DEIS. If the agency receives petitions from a specific group or organization, a notice or EIS may be sent to the group or organization, a notice or EIS may be sent to the group and not to each petitioner. Failure to notify any individual under this subsection shall not affect the legal validity of an agency's SEPA compliance.

(C.) (3) The lead agency should make additional copies available in its offices for review.

(D.) (4) The date of issue is the date the FEIS, or notice of availability, is sent to the persons, agencies and SEPA Public Information Center specified in the preceding subsections and the FEIS is publicly available. Copies sent to the department of ecology shall satisfy the statutory requirement of availability to the governor and to the ecological commission.

(E.) (5) Agencies shall not act on a proposal for which an EIS has been required prior to seven (7) days after issuance of the EIS.

(F.) (6) The lead agency shall issue the FEIS within sixty (60) days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to public comments.

(G.) (7) The form and content of the FEIS is specified in Section 25.05.560.

(Subchapter V) PART FIVE — COMMENTING

25.05.500 PURPOSE OF THIS PART.

This Part provides rules for:

(A.) (1) Notice and public availability of environmental documents, especially environmental impact statements;

(B.) (2) Consultation and comment of agencies and members of the public on environmental documents;

(C.) (3) Public hearings and meetings; and

(D.) (4) Lead agency response to comments and preparation of final environmental impact statements. Review, comment, and responsiveness to comments on a draft EIS are the focal point of the act's commenting process because the DEIS is developed as a result of scoping and serves as the basis for the final statement.

25.05.502 INVITING COMMENT.

(A.) (1) INVOLVING OTHER AGENCIES AND THE PUBLIC.

Agency efforts to involve other agencies and the public in the SEPA process should be commensurate with the type and scope of the environmental document.

(B.) (2) AGENCY RESPONSE.

Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments (Sections 25.05.545, 25.05.550, and 25.05.724).

(C.) (3) THRESHOLD DETERMINATIONS.

ment, as an agency deems appropriate.

(K.) (11) ADDITIONAL NOTIFICATION.

In addition to any required notice of circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(L.) (12) COMBINING NOTICES.

Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

25.05.504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.

(A.) (1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with Chapter 42.17 RCW.

(B.) (2) The lead agency shall make copies of any environmental document available in accordance with Chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

Agencies shall waive the charge for one (1) copy of an environmental document (not including the SEPA REGISTER) provided to a public interest organization.

25.05.508 SEPA REGISTER.

(A.) (1) The Department of Ecology (DOE) is required by WAC 197-11-508 to publish and mail each week a SEPA REGISTER, giving notice of all environmental documents required to be sent to the DOE under these rules, specifically:

(1.) (a) DNSs under Section (25.05.340B) 25.05.340(2);

(2.) (b) DSs (scoping notices) under Section 25.05.408;

(3.) (c) EISs under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630; and

(4.) (d) Notices of Action under RCW 43.21C.080 and 43.21C.087.

(B.) (2) All agencies shall submit the environmental documents listed in subsection (A.) (1) to DOE promptly and in accordance with procedures established by the DOE.

(C.) (3) Agencies are encouraged to subscribe to the SEPA REGISTER.

(D.) (4) DOE is authorized by WAC 197-11-508:

(1.) (a) To establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(2.) (b) To charge a reasonable fee for the SEPA REGISTER as allowed by law, in at least the amount allowed by Chapter 42.17 RCW, from agencies, members of the public, and interested organizations.

(E.) (5) Members of the public, citizen and community groups, and educational institutions are encouraged by WAC 197-11-508 to subscribe and refer to the SEPA REGISTER for notice of SEPA actions which may affect them.

25.05.510 PUBLIC NOTICE.

(1) NOTICE FOR MASTER USE PERMITS AND COUNCIL LAND USE DECISIONS

((A.) When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.)

FOR PROPOSALS REQUIRING A MASTER USE PERMIT (MUP) OR COUNCIL LAND USE DECISION UNDER CH. 23.76, A NOTICE OF AVAILABILITY OF ENVIRONMENTAL DOCUMENTS, ADMINISTRATIVE SEPA APPEALS AND SEPA PUBLIC HEARINGS SHALL BE GIVEN PURSUANT TO CH. 23.76. THESE NOTICE PROCEDURES SHALL BE IN LIEU OF THE REQUIREMENTS OF SECTION 3 AND 4 OF THIS SECTION. THE GENERAL MAILED RELEASES (GMRs) CONSTITUTE THE CITY SEPA REGISTER FOR THESE ACTIONS, AS REQUIRED BY SUBSECTION 2(c) OF THIS SECTION, BUT DO NOT SATISFY PUBLICATION IN THE SEPA REGISTER AS REQUIRED BY SUBSECTION (5) OF THIS SECTION.

((B.) Master Use Permits. For proposals requiring a Master Use Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, notice of availability of environmental documents, SEPA appeals and SEPA public hearings shall be provided as required in Chapter 23.76.)

(C.) (2) SEPA Public Information Center.

(1.) (a) The Department of Construction and Land Use shall be responsible for establishing and maintaining the City's SEPA Public Information Center at a location readily accessible to the public, and for making the existence and location of the Center known to the general public and City employees, and for satisfying the public information requirements of WAC 197-11-510.

(2.) (b) The following documents shall be maintained at the SEPA Public Information Center:

(a.) (i) Copies of all declarations of significance and declarations of nonsignificance filed by the City, for a period of one (1) year;

(b.) (ii) Copies of all EISs prepared by or on behalf of the City, for a period of three (3) years;

(c.) (iii) Copies of all decisions in administrative appeals wherein SEPA issues were raised;

(d.) (iv) Copies of all adoption notices and addenda issued under (Subchapter VI) PART SIX of these rules.

(v) COPIES OF ALL GENERAL MAILED RELEASES (NOTICE OF MASTER USE PERMIT APPLICATIONS) RELATING TO MASTER USE

ed once every week in the City offici
newspaper. In addition, notice of a DN
and notice of the right to appeal a DN
in accordance with Section 25.05.6
shall be submitted in a timely manner
at least one community newspaper wi
distribution in the area impacted by t
proposal for which the DNS was
adopted, and shall be posted in a co
spicuous place in the Department
Construction and Land Use.

(E.) (4) NOTICE OF SCOPIN
DECLARATION OF SIGNIFICANC
(DS), DRAFT AND FINAL EISs.

(a) Upon publication, NOTICE O
SCOPING, DS (EXCLUDING THOS
FOR MUPs), AND the draft and t
final EIS shall be filed by the respon
ble official with the City's SEPA Pub
Information Center.

(2.) (b) Notice of a draft EIS shall
published in the official newspap
Notice of a final EIS and the procedu
for appeal pursuant to Section 25.05.6
shall be similarly published. In ad
tion, such notices shall be submitted i
timely manner to at least one (1) co
munity newspaper with distribution
the area impacted by the proposal
which the EIS was prepared. Not
shall be mailed to those organizatio
and individuals who make written
quest and shall be posted in a co
spicuous place in the Department
Construction and Land Use.

(F.) (5) PUBLICATION IN SE
REGISTER.

Documents which are required to be s
to the Department of Ecology under th
rules will be published in the SE
REGISTER, which will also constitut
form of public notice. However, publi
tion in the SEPA REGISTER shall not
itself, (meet) BE CONSIDERED c
pliance with this section.

25.05.535 PUBLIC HEARINGS A
MEETINGS.

(A.) (1) If a public earing on the p
posal is held under some other requ
ment of law, such hearing shall be ope
consideration of the environmental
pact of the proposal, together with any
vironmental document that is availa
This does not require extension of the c
ment periods for environmental d
ments.

(B.) (2) A public hearing shall be hel
every draft EIS.

(C.) (3.) In all other cases a public h
ing on the environmental impact of a p
posal shall be held whenever the
agency determines, in its sole discret
that a public hearing would assist
meeting its responsibility to implem
the purposes and policies of SEPA
these rules.

(D.) (4) Whenever a public hearin
held under subsection (B)(2) of this sect
it shall occur no earlier than twenty
(21) days from the date the draft E
issued, nor later than fifty (50) days f
its issuance. Notice shall be given u
Section (25.05.502F) 25.05.502(6) and as
vided for a draft EIS in Sec
(25.05.510D2) 25.05.510(4)(b) and may
combined with other agency notice.

(E.) (5) If a public hearing is requ
under this chapter, it shall be open to
cussion of all environmental docum
and any written comments that have
received by the lead agency prior to
hearing. A copy of the environme
document shall be available at the p
hearing.

((F.) (6) Comments at public hea
should be as specific as possible (see
tion 25.05.550).

((G.) (7) Agencies and their desig
may hold informal public meeting
workshops. Such gatherings may be
flexible than public hearings and ar
subject to the above notice and simil
quirements for public hearings.

25.05.545 EFFECT OF NO COMME

(A.) (1) Consulted Agencies. If a
sulted agency does not respond with
ten comments within the time period
commenting on environmental
ments, the lead agency may assume
the consulted agency has no inform
relating to the potential impact of th
posal as it relates to the consulted age
jurisdiction or special expertise. An
sulted agency that fails to submit sub
tive information to the lead agen
response to a draft EIS is thereafte
red from alleging any defects in the
agency's compliance with (Subchapte
PART FOUR of these rules.

(B.) (2) Other Agencies And The P
Lack of comment by other agenci
members of the public on environm
documents, within the time periods
fied by these rules, shall be constru
lack of objection to the environm
analysis, if the requirements of S
25.05.510 (public notice) are met. O
AGENCIES AND THE PUBLIC SH
COMMENT IN THE MANNER SP
FIED IN SECTION 25.05.550. EACH
MENTING CITIZEN NEED NOT R
ALL POSSIBLE ISSUES INDE
DENTLY. APPEALS TO THE HEA
EXAMINER ARE CONSIDERED
NOVO; THE ONLY LIMITATIO
THAT THE ISSUES ON APPEAL SH
BE LIMITED TO THOSE CITED IN
NOTICE OF APPEAL. SEE SEC
25.05.680(1)(c).

25.05.550 SPECIFICITY OF
MENTS.

(A.) (1) CONTENTS OF COMME
Comments on an EIS, DNS, scoping
or proposal shall be as specific as po
and may address either the adequ
the environmental document or the
of the alternatives discussed or both

(B.) (2) DOCUMENTS REFEREN
Commenters shall briefly describ
nature of any documents referen
their comments, indicating the mat
relevance, and should indicate whe
material can be reviewed or obtain

(C.) (3) METHODOLOGY. Wh
agency criticizes a lead agency's pred
methodology, the commenting a
should describe, when possible, the
native methodology which it prefe
why.

(1.) (a) Agencies shall send DNSs to other agencies with jurisdiction, if any, as required by Section (25.05.340(1)) 25.05.340(2).

(2.) (b) For DNSs issued under Section (25.05.340B) 25.05.340(2), agencies shall provide public notice under Section 25.05.510 and receive comments on the DNS for fifteen (15) days.

(E.) (4) SCOPING.

(1.) (a) Agencies shall circulate the DS and invite comments on the scope of an EIS, as required by Sections 25.05.360, 25.05.408, and 25.05.510.

(2.) (b) Agencies may use other reasonable methods to inform agencies and the public, such as those indicated in Section 25.05.410.

(3.) (c) The lead agency determines the method for commenting Sections (25.05.408 and 25.05.410).

(E.) (5) DEIS.

(1.) (a) Agencies shall invite comments on and circulate DEISs as required by Section 25.05.455.

(2.) (b) The commenting period shall be thirty (30) days unless extended by the lead agency under Section 25.05.455.

(3.) (c) Agencies shall comment and respond as stated in this Part. This meets the act's formal consultation and comment requirement in RCW 43.21C.030(2)(d).

(F.) (6) PUBLIC HEARINGS AND MEETINGS.

(1.) (a) Public hearings or meetings may be held (Section 25.05.535). Notice of such public hearings shall be given under Section 25.05.510 and may be combined with other agency notice.

(2.) (b) In conjunction with the requirements of Section 25.05.510, notice of public hearings shall be published no later than ten (10) days before the hearing. For nonproject proposals, notice of the public hearing shall be published in the City Official Newspaper. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia Bureaus of the Associated Press and United Press International.

(G.) (7) FEIS.

Agencies shall circulate FEISs as required by Section 25.05.460.

(H.) (3) SUPPLEMENTS.

(1.) (a) Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.

(2.) (b) When a DNS is issued after a DS has been withdrawn (Section (25.05.360D) 25.05.360(4)), agencies shall give notice under Section 25.05.510 and receive comments for fifteen (15) days.

(3.) (c) An addendum need not be circulated unless required under Section 25.05.625.

(I.) (9) APPEALS.

Notice provisions for appeals are in Section 25.05.680.

(J.) (10) CIRCULATING DOCUMENTS.

Agencies may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(K.) (11) ADDITIONAL NOTIFICATION.

In addition to any required notice of circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(L.) (12) COMBINING NOTICES.

Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

25.05.504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.

(A.) (1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with Chapter 42.17 RCW.

(B.) (2) The lead agency shall make copies of any environmental document available in accordance with Chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

Agencies shall waive the charge for one (1) copy of an environmental document (not including the SEPA REGISTER) provided to a public interest organization.

25.05.508 SEPA REGISTER.

(A.) (1) The Department of Ecology (DOE) is required by WAC 197-11-508 to publish and mail each week a SEPA REGISTER, giving notice of all environmental documents required to be sent to the DOE under these rules, specifically:

(1.) (a) DNSs under Section (25.05.340B) 25.05.340(2);

(2.) (b) DSs (scoping notices) under Section 25.05.408;

(3.) (c) EISs under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630; and

(4.) (d) Notices of Action under RCW 43.21C.080 and 43.21C.087.

(B.) (2) All agencies shall submit the environmental documents listed in subsection (A.) (1) to DOE promptly and in accordance with procedures established by the DOE.

(C.) (3) Agencies are encouraged to subscribe to the SEPA REGISTER.

(D.) (4) DOE is authorized by WAC 197-11-508:

(1.) (a) To establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(2.) (b) To charge a reasonable fee for the SEPA REGISTER as allowed by law, in at least the amount allowed by PERMIT APPLICATIONS REQUIRING SEPA COMPLIANCE.

(vi) FOR CITY OF SEATTLE-SPONSORED PROJECTS, ANY PROGRAMMATIC EISs ADOPTED BY THE CITY.

(3.) (c) In addition, the Department of Construction and Land Use shall maintain the following registers at the SEPA Public Information Center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and the contact person or office from which further information may be obtained:

(a.) (i) A "Declaration of Nonsignificance Register" which shall contain a listing of all declarations of nonsignificance made by the City during the previous year;

(b.) (ii) an "EIS in Preparation Register" which shall contain a listing of all proposals for which the City is currently preparing an EIS, and the date by which the EIS is expected to be available to the public;

(c.) (iii) An "EIS Available Register" which shall contain a listing of all draft and final EISs prepared by or on behalf of the City during the previous six (6) months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4.) (d) Each of the registers shall be kept current and maintained at the SEPA Public Information Center for public inspection. In addition, the registers, or updates containing new entries added since the last mailing, shall be mailed once every week to those organizations and individuals who make written requests, unless no new entries are made on the register, in which event a copy of the register or update shall be mailed when a new entry is added. The Department of Construction and Land Use may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(5.) (e) The documents required to be maintained at the SEPA Public Information Center shall be available for public inspection; copies shall be provided upon written request. The City shall charge a fee for copies in the manner provided by ordinance, and for the cost of mailing.

(6.) (f) Copies of all documents filed and registers maintained at the SEPA Public Information Center shall be maintained at the main branch of the Seattle Public Library.

(D.) (3) NOTICE OF DECLARATIONS OF NONSIGNIFICANCE.

Notice of Declarations of Nonsignificance shall be provided as follows:

(1.) (a) The SEPA Public Information Center shall maintain a "Declarartion of Nonsignificance Register" which shall contain a listing of all DNSs. The register shall be maintained and used in accordance with the provisions of subsection (D) (4).

(2.) (b) The information in the register or its update, along with notice of the right to appeal a DNS in accordance with Section 25.05.680, shall be published once every week in the City official newspaper. In addition, notice of a DNS and notice of the right to appeal a DNS in accordance with Section 25.05.680 shall be submitted in a timely manner to at least one community newspaper with distribution in the area impacted by the proposal for which the DNS was adopted, and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(E.) (4) NOTICE OF SCOPING, DECLARATION OF SIGNIFICANCE (DS), DRAFT AND FINAL EISs.

(a) Upon publication, NOTICE OF SCOPING, DS (EXCLUDING THOSE FOR MUPs), AND the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.

(2.) (b) Notice of a draft EIS shall be published in the official newspaper. Notice of a final EIS and the procedures for appeal pursuant to Section 25.05.680 shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one (1) community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(F.) (5) PUBLICATION IN SEPA REGISTER.

Documents which are required to be sent to the Department of Ecology under these rules will be published in the SEPA REGISTER, which will also constitute a form of public notice. However, publication in the SEPA REGISTER shall not, in itself, (meet) BE CONSIDERED compliance with this section.

25.05.535 PUBLIC HEARINGS AND MEETINGS.

(A.) (1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(B.) (2) A public hearing shall be held on every draft EIS.

(C.) (3.) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever the lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules.

(D.) (4) Whenever a public hearing is

(D.) (4) ADDITIONAL INFORMATION. A consulted agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs, to the extent permitted by the details available on the proposal.

(E.) (5) MITIGATION MEASURES. When agency with jurisdiction objects to or expresser concerns about a proposal, it shall specify the mitigation measures, if any are possible, it considers necessary to allow an agency to grant or approve applicable licenses.

(F.) (6) COMMENTS BY OTHER AGENCIES. Commenting agencies that are not consulted agencies shall specify any additional information or mitigation measures the commenting agency believes are necessary or desirable to satisfy its concerns.

(G.) (7) CITIZEN COMMENTS. Recognizing their generally more limited resources, members of the public shall make their comments at specific as possible and are encouraged to comment on methodology needed, additional information, and mitigation measures in the manner indicated in this section.

(H.) (8) RESPONDING TO COMMENTS. An agency shall consider and may respond to comments as the agency deems appropriate; the requirements for responding in a FEIS shall be met (Section 25.05.560).

25.05.560 FEIS RESPONSE TO COMMENTS.

(A.) (1) The lead agency shall prepare a final environmental impact statement whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed. The lead agency shall consider comments on the proposal and shall respond by one (1) or more of the means listed below, including its response in the final statement. Possible responses are to:

(1.) (a) Modify alternatives including the proposed action.

(2.) (b) Develop and evaluate alternatives not previously given detailed consideration by the agency.

(3.) (c) Supplement, improve, or modify the analysis.

(4.) (d) Make factual corrections.

(5.) (e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons that support the agency's response and, if appropriate, indicate those circumstances that would trigger agency reappraisal or further response.

(B.) (2) All substantive comments received on the draft statement shall be appended to the final statement or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included (except for petitions).

(C.) (3) In carrying out subsection (A) (1), the lead agency may respond to each comment individually respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments. When extensive corrections or revisions to the DEIS are made, the affected sections of the FEIS shall be rewritten in full, with corrections and revisions indicated by underlining, italics or other method.

(D.) (4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an updated fact sheet (Section (25.05.440A) 25.05.440(1)), which shall be circulated under Section 25.05.460. The FEIS shall consist of the DEIS and updated fact sheet.

(E.) (5) If changes in response to comments are minor and are largely confined to the responses described in subsections (A4 and A5) (1)(d) AND (e) of this section, agencies may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet.

The FEIS, consisting of the DEIS and the addendum, shall be issued under Section 25.05.460, except that only the addendum need be sent to anyone who received the DEIS.

(F.) (6) An FEIS shall be issued and circulated under Section 25.05.460.

25.05.570 CONSULTED AGENCY COSTS TO ASSIST LEAD AGENCY.

A consulted agency shall not charge the lead agency for any costs incurred in complying with Section 25.05.550, including providing relevant data to the lead agency and copying documents for the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW and SMC Section 3.104.010 for copying any environmental document requested by an agency other than the lead agency or by an individual or private organization. This section does not prohibit agencies from making interagency agreements on cost or personnel sharing to provide environmental information to each other.

(Subchapter VI) PART SIX — USING EXISTING ENVIRONMENTAL DOCUMENTS

25.05.600 WHEN TO USE EXISTING ENVIRONMENTAL DOCUMENTS.

(A.) (1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(B.) (2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts, PROVIDED THAT THE INFORMATION IN THE EXISTING DOCUMENT(S) IS ACCURATE AND REASONABLY UP-TO-DATE. The proposals may be the same as, or different than, those analyzed in the existing documents.

(B.) (2) A NEPA environmental assessment may be adopted to satisfy requirements for a determination of nonsignificance or EIS, if the requirements of Sections 25.05.600 and 25.05.630 are met.

(C.) (3) An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

(1.) (a) The requirements of Sections 25.05.600 and 25.05.630 are met (in which case the procedures in (Subchapters III through V) PARTS THREE THROUGH FIVE of these rules for preparing an EIS shall not apply); and

(2.) (b) The federal EIS is not found inadequate: (a) (i) By a Court; (b) (ii) by the Council on Environmental Quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or (c) (iii) by the administrator of the United States Environmental Protection Agency under section 309 of the Clean Air Act 42 U. S. C. 1857.

(D.) (4) Subsequent use by another agency of a federal EIS, adopted under subsection (C) (3) of this section, for the same (or substantially the same) proposal does not require adoption, unless the criteria in Section (25.05.600D) 25.05.600(4) are met.

(E.) (5) If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty (30) days of circulating its statement of adoption, a written request is received from at least fifty (50) persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

25.05.620 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT—PROCEDURES.

(A.) (1) An SEIS shall be prepared in the same way as a draft and final EIS (Sections 25.05.400 to 25.05.600), except that scoping is optional. The SEIS should not include analysis of actions, alternatives, or impacts that is in the previously prepared EIS.

(B.) (2) The fact sheet and cover letter or memo for the SEIS shall indicate the EIS that is being supplemented.

(C.) (3) Unless the SEPA lead agency wants to prepare the SEIS, an agency with jurisdiction which needs the SEIS for its action shall be responsible for SEIS preparation.

25.05.625 ADDENDA—PROCEDURES.

(A.) (1) An addendum shall clearly identify the proposal for which it is written and the environmental document it adds to or modifies.

(B.) (2) An agency is not required to prepare a draft addendum.

(C.) (3) An addendum for a DEIS shall be circulated to recipients of the initial DEIS under Section 25.05.455.

(D.) (4) If an addendum to a final EIS is prepared prior to any agency decision on a proposal, the addendum shall be circulated to the recipients of the final EIS.

(E.) (5) Agencies ((are encouraged to)) SHALL circulate ((addenda)) NOTICE OF ADDENDUM AVAILABILITY to interested persons. Unless otherwise provided in these rules, however, agencies are not required to circulate an addendum.

(6) ANY PERSON, AFFECTED TRIBE, OR AGENCY MAY SUBMIT COMMENTS TO THE LEAD AGENCY WITHIN FIFTEEN (15) DAYS OF THE DATE OF ISSUANCE OF AN ADDENDUM.

25.05.630 ADOPTION—PROCEDURES.

(A.) (1) The agency adopting an existing environmental document must independently review the content of the document and determine that it meets the adopting agency's environmental review standards and needs for the proposal. However, a document is not required to meet the adopting agency's own procedures for the preparation of environmental documents (such as circulation, commenting, and hearing requirements) to be adopted.

(B.) (2) An agency shall adopt an environmental document by identifying the document and stating why it is being adopted, using the adoption form substantially as in Section 25.05.965. The adopting agency shall ensure that the adopted document is readily available to agencies and the public by:

(1.) (a) Sending a copy to agencies with jurisdiction that have not received the document, as shown by the distribution list for the adopted document; and

(2.) (b) Placing copies in libraries and other public offices, or by distributing copies to those who request one; AND

(c) PLACING A COPY IN THE SEPA PUBLIC INFORMATION CENTER.

(C.) (3) When an existing EIS is adopted and:

(1.) (a) A supplemental environmental impact statement or addendum is not being prepared, the agency shall circulate its statement of adoption as follows:

(a.) (i) The agency shall send copies of the adoption notice to the Department of Ecology, to agencies with jurisdiction, to cities/counties in which the proposal will be implemented, to the SEPA Public Information Center, and to local agencies or political subdivisions whose public services would be changed as a result of implementation of the proposal.

(b.) (ii) The agency is encouraged RE QUIRED to send the adoption notice to persons or organizations that have expressed an interest in the proposal or are known by the agency to have an interest in the type of proposal being considered, or the lead agency should announce the adoption in agency newsletters or through other means.

(c.) (iii) No action shall be taken on the proposal until seven (7) days after the statement of adoption has been

AND AGENCY DECISIONS

25.05.650 PURPOSE OF THIS (Subchapter) PART.

The purpose of this (Subchapter) PART is to:

(A.) (1) Ensure the use of concise, high quality environmental documents and information in making decisions.

(B.) (2) Integrate the SEPA process with other laws and decisions.

(C.) (3) Encourage actions that preserve and enhance environmental quality, consistent with other essential considerations of state policy.

(D.) (4) Provide basic, uniform principles for the exercise of substantive authority and appeals under SEPA.

25.05.655 IMPLEMENTATION.

(A.) (1) See RCW 43.21C.020, 43.21C.030(1), 43.21C.060, 43.21C.075, and 43.21C.080.

(B.) (2) Relevant environmental documents, comments, and responses shall accompany proposals through existing agency review processes, as determined by agency practice and procedure, so that agency officials use them in making decisions.

(C.) (3) When a decisionmaker considers a final decision on a proposal:

(1.) (a) The alternatives in the relevant environmental documents shall be considered.

(2.) (b) The range of alternative courses of action considered by decisionmakers shall be within the range of alternatives discussed in the relevant environmental documents. However, mitigation measures adopted need not be identical to those discussed in the environmental document.

(3.) (c) If information about alternatives is contained in another decision document which accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make that information available to the public before the decision is made.

25.05.660 SUBSTANTIVE AUTHORITY AND MITIGATION.

(A.) (1) Any governmental actions on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

(1.) (a) Mitigation measures or denials shall be based on policies, plans, rules, or regulations formally designated in (Section (25.05.902) 25.05.665, .670, AND .675 as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued. (Compare Section (25.05.350C) 25 05.350(3)).

(2.) (b) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the decisionmaker. The decisionmaker shall cite the city's SEPA policy that is the basis of any condition or denial under this chapter (for proposals of applicants). After its decision, each agency shall make available to the public a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the license itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(3.) (c) Mitigation measures shall be reasonable and capable of being accomplished.

(4.) (d) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(5.) (e) Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(6) (f) To deny a proposal under SEPA, an agency must find that:

(a.) (i) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and

(b.) (ii) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(B.) (2) Decisionmakers should judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (Section (25.05.440E) 25.05.440(5)). EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

(1.) (a) Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(2.) (b) Will not be analyzed in a subsequent environmental document prior to their implementation.

(C.) (3) The City Clerk shall prepare a document that contains the City's SEPA policies (Sections (25.05.402) 25.05.665, .670, and .675) so that applicants and members of the public know what these policies are. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

(D.) (4) Required mitigation measures or denials under this section shall be an additional ground for or issue in appeals of decisions otherwise provided by city ordinance; provided that for proposals involving more than one action, such issue may be raised only with regard to the first decision which weighed the environmental impacts of the proposal, or the first decision of each phase

vironmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(K.) (11) ADDITIONAL NOTIFICATION.

In addition to any required notice of circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(L.) (12) COMBINING NOTICES.

Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

25.05.504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.

(A.) (1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with Chapter 42.17 RCW.

(B.) (2) The lead agency shall make copies of any environmental document available in accordance with Chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

Agencies shall waive the charge for one (1) copy of an environmental document (not including the SEPA REGISTER) provided to a public interest organization.

25.05.508 SEPA REGISTER.

(A.) (1) The Department of Ecology (DOE) is required by WAC 197-11-508 to publish and mail each week a SEPA REGISTER, giving notice of all environmental documents required to be sent to the DOE under these rules, specifically:

(1.) (a) DNSs under Section (25.05.340B) 25.05.340(2);

(2.) (b) DSs (scoping notices) under Section 25.05.408;

(3.) (c) EISs under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630; and

(4.) (d) Notices of Action under RCW 43.21C.080 and 43.21C.087.

(B.) (2) All agencies shall submit the environmental documents listed in subsection (A.) (1) to DOE promptly and in accordance with procedures established by the DOE.

(C.) (3) Agencies are encouraged to subscribe to the SEPA REGISTER.

(D.) (4) DOE is authorized by WAC 197-11-508:

(1.) (a) To establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(2.) (b) To charge a reasonable fee for the SEPA REGISTER as allowed by law, in at least the amount allowed by Chapter 42.17 RCW, from agencies, members of the public, and interested organizations.

(E.) (5) Members of the public, citizen and community groups, and educational institutions are encouraged by WAC 197-11-508 to subscribe and refer to the SEPA REGISTER for notice of SEPA actions which may affect them.

25.05.510 PUBLIC NOTICE.

(1) NOTICE FOR MASTER USE PERMITS AND COUNCIL LAND USE DECISIONS

((A.) When these rules require notice to be given under this section, the lead agency must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.)

FOR PROPOSALS REQUIRING A MASTER USE PERMIT (MUP) OR COUNCIL LAND USE DECISION UNDER CH. 23.76, A NOTICE OF AVAILABILITY OF ENVIRONMENTAL DOCUMENTS, ADMINISTRATIVE SEPA APPEALS AND SEPA PUBLIC HEARINGS SHALL BE GIVEN PURSUANT TO CH. 23.76. THESE NOTICE PROCEDURES SHALL BE IN LIEU OF THE REQUIREMENTS OF SECTION 3 AND 4 OF THIS SECTION. THE GENERAL MAILED RELEASES (GMRs) CONSTITUTE THE CITY SEPA REGISTER FOR THESE ACTIONS, AS REQUIRED BY SUBSECTION 2(C) OF THIS SECTION, BUT DO NOT SATISFY PUBLICATION IN THE SEPA REGISTER AS REQUIRED BY SUBSECTION (5) OF THIS SECTION.

((B.) Master Use Permits. For proposals requiring a Master Use Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, notice of availability of environmental documents, SEPA appeals and SEPA public hearings shall be provided as required in Chapter 23.76.)

(C.) (2) SEPA Public Information Center.

(1.) (a) The Department of Construction and Land Use shall be responsible for establishing and maintaining the City's SEPA Public Information Center at a location readily accessible to the public, and for making the existence and location of the Center known to the general public and City employees, and for satisfying the public information requirements of WAC 197-11-510.

(2.) (b) The following documents shall be maintained at the SEPA Public Information Center:

(a.) (i) Copies of all declarations of significance and declarations of nonsignificance filed by the City, for a period of one (1) year;

(b.) (ii) Copies of all EISs prepared by or on behalf of the City, for a period of three (3) years;

(c.) (iii) Copies of all decisions in administrative appeals wherein SEPA issues were raised;

(d.) (iv) Copies of all adoption notices and addenda issued under (Subchapter VI) PART SIX of these rules;

(v) COPIES OF ALL GENERAL MAILED RELEASES (NOTICE OF MASTER USE PERMIT APPLICATIONS) RELATING TO MASTER USE

right to appeal, a DNS in accordance with Section 25.05.680, shall be published once every week in the City official newspaper. In addition, notice of a DNS and notice of the right to appeal a DNS in accordance with Section 25.05.680 shall be submitted in a timely manner to at least one community newspaper with distribution in the area impacted by the proposal for which the DNS was adopted, and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(E.) (4) NOTICE OF SCOPING, DECLARATION OF SIGNIFICANCE (DS), DRAFT AND FINAL EISs.

(a) Upon publication, NOTICE OF SCOPING, DS (EXCLUDING THOSE FOR MUPs), AND the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.

(2.) (b) Notice of a draft EIS shall be published in the official newspaper. Notice of a final EIS and the procedures for appeal pursuant to Section 25.05.680 shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one (1) community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(F.) (5) PUBLICATION IN SEPA REGISTER.

Documents which are required to be sent to the Department of Ecology under these rules will be published in the SEPA REGISTER, which will also constitute a form of public notice. However, publication in the SEPA REGISTER shall not, in itself, (meet) BE CONSIDERED compliance with this section.

25.05.535 PUBLIC HEARINGS AND MEETINGS.

(A.) (1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(B.) (2) A public hearing shall be held on every draft EIS.

(C.) (3.) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever the lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules.

(D.) (4) Whenever a public hearing is held under subsection (B)(2) of this section, it shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued, nor later than fifty (50) days from its issuance. Notice shall be given under Section (25.05.502F) 25.05.502(6) and as provided for a draft EIS in Section (25.05.510D2) 25.05.510(4)(b) and may be combined with other agency notice.

(E.) (5) If a public hearing is required under this chapter, it shall be open to discussion of all environmental documents and any written comments that have been received by the lead agency prior to the hearing. A copy of the environmental document shall be available at the public hearing.

(F.) (6) Comments at public hearings should be as specific as possible (see Section 25.05.550).

(G.) (7) Agencies and their designees may hold informal public meetings or workshops. Such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

25.05.545 EFFECT OF NO COMMENT.

(A.) (1) Consulted Agencies. If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the lead agency may assume that the consulted agency has no information relating to the potential impacts of the proposal as it relates to the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with (Subchapter IV) PART FOUR of these rules.

(B.) (2) Other Agencies And The Public. Lack of comment by other agencies or members of the public on environmental documents, within the time periods specified by these rules, shall be construed as lack of objection to the environmental analysis, if the requirements of Section 25.05.510 (public notice) are met. OTHER AGENCIES AND THE PUBLIC SHALL COMMENT IN THE MANNER SPECIFIED IN SECTION 25.05.550. EACH COMMENTING CITIZEN NEED NOT RAISE ALL POSSIBLE ISSUES INDEPENDENTLY; APPEALS TO THE HEARING EXAMINER ARE CONSIDERED DE NOVO; THE ONLY LIMITATION IS THAT THE ISSUES ON APPEAL SHALL BE LIMITED TO THOSE CITED IN THE NOTICE OF APPEAL. SEE SECTION 25.05.680(1)(c).

25.05.550 SPECIFICITY OF COMMENTS.

(A.) (1) CONTENTS OF COMMENTS. Comments on an EIS, DNS, scoping notice or proposal shall be as specific as possible and may address either the adequacy of the environmental document or the merits of the alternatives discussed or both.

(B.) (2) DOCUMENTS REFERENCED. Commenters shall briefly describe the nature of any documents referenced in their comments, indicating the material's relevance, and should indicate where the material can be reviewed or obtained.

(C.) (3) METHODOLOGY. When an agency criticizes a lead agency's predictive methodology, the commenting agency should describe, when possible, the alternative methodology which it prefers and why.

priate response to comments. When extensive corrections or revisions to the DEIS are made, the affected sections of the FEIS shall be rewritten in full, with corrections and revisions indicated by underlining, italics or other method.

(D.) (4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an updated fact sheet (Section (25.05.440A) 25.05.440(1)), which shall be circulated under Section 25.05.460. The FEIS shall consist of the DEIS and updated fact sheet.

(E.) (5) If changes in response to comments are minor and are largely confined to the responses described in subsections (A4 and A5) (1)(d) AND (e) of this section, agencies may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet.

The FEIS, consisting of the DEIS and the addendum, shall be issued under Section 25.05.460, except that only the addendum need be sent to anyone who received the DEIS.

(F.) (6) An FEIS shall be issued and circulated under Section 25.05.460.

25.05.570 CONSULTED AGENCY COSTS TO ASSIST LEAD AGENCY.

A consulted agency shall not charge the lead agency for any costs incurred in complying with Section 25.05.550, including providing relevant data to the lead agency and copying documents for the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW and SMC Section 3.104.010 for copying any environmental document requested by an agency other than the lead agency or by an individual or private organization. This section does not prohibit agencies from making interagency agreements on cost or personnel sharing to provide environmental information to each other.

(Subchapter VI) PART SIX — USING EXISTING ENVIRONMENTAL DOCUMENTS

25.05.600 WHEN TO USE EXISTING ENVIRONMENTAL DOCUMENTS.

(A.) (1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(B.) (2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts, PROVIDED THAT THE INFORMATION IN THE EXISTING DOCUMENT(S) IS ACCURATE AND REASONABLY UP-TO-DATE. The proposals may be the same as, or different than, those analyzed in the existing documents.

(C.) (3) Other agencies acting on the same proposal shall use an environmental document unchanged, except in the following cases:

(1.) (a) For DNSs, an agency with jurisdiction is dissatisfied with the DNS, in which case it may assume lead agency status (Section (25.05.340B,C) 25.05.340(2)(3) and Section 25.05.948).

(2.) (b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(a.) (i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(b.) (ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents.

(3.) (c) For EISs, the agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

(D.) (4) Existing documents may be used for a proposal by employing one (1) or more of the following methods:

(1.) (a) "Adoption", where an agency may use all or part of an existing environmental document to meet its responsibilities under SEPA. Agencies acting on the same proposal for which an environmental document was prepared are not required to adopt the document; or

(2) (b) "Incorporation by reference", where an agency preparing an environmental document includes all or part of an existing document by reference; or

(3.) (c) An addendum, that adds analyses or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document; or

(4.) (d) Preparation of a SEIS if there are:

(a.) (i) Substantial changes so that the proposal is likely to have significant adverse environmental impacts; or

(b.) (ii) New information indicating a proposal's probable significant adverse environmental impacts.

(5.) (e) If a proposal is substantially similar to one covered in an existing EIS, that EIS may be adopted; additional information may be provided in an addendum or SEIS (see (3)(c) and (4)(d) of this subsection).

25.05.610 USE OF NEPA DOCUMENTS.

(A.) (1) An agency may adopt any environmental analysis prepared under the National Environmental Policy ACT (NEPA) by following Section 25.05.600 (when to use existing environmental documents) and Section 25.05.630 (adoption procedures).

(E.) (5) Agencies ((are encouraged to)) SHALL circulate ((addenda)) NOTICE OF ADDENDUM AVAILABILITY to interested persons. Unless otherwise provided in these rules, however, agencies are not required to circulate an addendum.

(6) ANY PERSON, AFFECTED TRIBE, OR AGENCY MAY SUBMIT COMMENTS TO THE LEAD AGENCY WITHIN FIFTEEN (15) DAYS OF THE DATE OF ISSUANCE OF AN ADDENDUM.

25.05.630 ADOPTION—PROCEDURES.

(A.) (1) The agency adopting an existing environmental document must independently review the content of the document and determine that it meets the adopting agency's environmental review standards and needs for the proposal. However, a document is not required to meet the adopting agency's own procedures for the preparation of environmental documents (such as circulation, commenting, and hearing requirements) to be adopted.

(B.) (2) An agency shall adopt an environmental document by identifying the document and stating why it is being adopted, using the adoption form substantially as in Section 25.05.965. The adopting agency shall ensure that the adopted document is readily available to agencies and the public by:

(1.) (a) Sending a copy to agencies with jurisdiction that have not received the document, as shown by the distribution list for the adopted document; and

(2.) (b) Placing copies in libraries and other public offices, or by distributing copies to those who request one; AND

(c) PLACING A COPY IN THE SEPA PUBLIC INFORMATION CENTER.

(C.) (3) When an existing EIS is adopted and:

(1.) (a) A supplemental environmental impact statement or addendum is not being prepared, the agency shall circulate its statement of adoption as follows:

(a.) (i) The agency shall send copies of the adoption notice to the Department of Ecology, to agencies with jurisdiction, to cities/counties in which the proposal will be implemented, to the SEPA Public Information Center, and to local agencies or political subdivisions whose public services would be changed as a result of implementation of the proposal.

(b.) (ii) The agency is encouraged RE QUIRED to send the adoption notice to persons or organizations that have expressed an interest in the proposal or are known by the agency to have an interest in the type of proposal being considered, or the lead agency should announce the adoption in agency newsletters or through other means.

(c.) (iii) No action shall be taken on the proposal until seven (7) days after the statement of adoption has been issued. The date of issuance shall be the date the statement of adoption has been sent to the Department of Ecology, the SEPA Public Information Center, and other agencies and is publicly available.

(2.) (b) A SEIS is being prepared, the agency shall include the statement of adoption in the SEIS; or

(3.) (c) An addendum is being prepared, the agency shall include the statement of adoption with the addendum and circulate both as in subsection (C1) (3) (a) of this section.

(D.) (4) A copy of the adopted document must accompany the current proposal to the decisionmaker; the statement of adoption may be included.

((E.) If known, the adopting agency shall disclose in its adoption notice when the adopted document or proposal it addresses is the subject of a pending appeal or has been found inadequate on appeal. (5) WHEN A PREVIOUS DOCUMENT (DNS OR EIS) IS ADOPTED PURSUANT TO THIS SECTION AND APPLIED TO A NEW PROJECT FOR WHICH A DECISION HAS NOT BEEN ISSUED, THE DOCUMENT CAN BE APPEALED AS AN ELEMENT OF SEPA COMPLIANCE FOR THE NEW PROJECT (SEE SECTION 25.05.680 FOR APPEAL PROCEDURES AND SECTION 25.05.510 FOR NOTICE REQUIREMENTS).

(6) DEPARTMENTS SHALL NOT ADOPT A PORTION OF A DOCUMENT IF THE ADEQUACY OF THAT PORTION HAS BEEN APPEALED TO THE CITY HEARING EXAMINER AND IS EITHER PENDING THE HEARING EXAMINER'S DECISION OR HAS BEEN FOUND BY THE HEARING EXAMINER TO BE INADEQUATE. THIS DOES NOT PRECLUDE ADOPTION OF PORTIONS OF THE DOCUMENT WHICH HAVE NOT BEEN CHALLENGED.

25.05.635 INCORPORATION BY REFERENCE — PROCEDURES.

(A.) (1) Agencies should use existing studies and incorporate material by reference whenever appropriate.

(B.) (2) Material incorporated by reference (1) (a) shall be cited, its location identified, and its relevant content briefly described; and (2) (B) shall be made available for public review during applicable comment periods.

25.05.640 COMBINING DOCUMENTS.

The SEPA process shall be combined with the existing planning, review, and project approval processes being used by each agency with jurisdiction. When environmental documents are required, they shall accompany a proposal through the existing agency review processes. Any environmental document in compliance with SEPA may be combined with any other agency documents to reduce duplication and paperwork and improve decisionmaking. The page limits in these rules shall be met, or the combined document shall contain, at or near the beginning of the document, a separate summary of environmental considerations, as a specified by Section (25.05.440D) 25.05.440(4) (3). SEPA page limits need not be met for joint state-federal EISs prepared under both SEPA and NEPA, in which case the NEPA page restrictions (40 CFR 1502.7) shall apply.

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will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the license itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(3.) (c) Mitigation measures shall be reasonable and capable of being accomplished.

(4.) (d) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(5.) (e) Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(6) (f) To deny a proposal under SEPA, an agency must find that:

(a.) (i) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and

(b.) (ii) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(B.) (2) Decisionmakers should judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (Section (25.05.440E) 25.05.440(5)). EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

(1.) (a) Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(2.) (b) Will not be analyzed in a subsequent environmental document prior to their implementation.

(C.) (3) The City Clerk shall prepare a document that contains the City's SEPA policies (Sections (25.05.402) 25.05.665, .670, and .675) so that applicants and members of the public know what these policies are. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

(D.) (4) Required mitigation measures or denials under this section shall be an additional ground for or issue in appeals of decisions otherwise provided by city ordinance; provided that for proposals involving more than one action, such issue may be raised only with regard to the first decision which weighed the environmental impacts of the proposal, or the first decision of each phase if phased review is employed.

25.05.665 SEPA POLICIES — OVERVIEW. (1)

PURPOSE OF THE SEPA POLICIES

(a) IT IS THE CITY'S POLICY TO PROTECT THE ENVIRONMENT AND PROVIDE FOR REASONABLE PROPERTY DEVELOPMENT WHILE ENHANCING THE PREDICTABILITY OF LAND USE REGULATION. IN ORDER TO PROVIDE PREDICTABILITY, IT IS THE CITY'S INTENT TO INCORPORATE ENVIRONMENTAL CONCERNS INTO ITS CODES AND DEVELOPMENT REGULATIONS TO THE MAXIMUM EXTENT POSSIBLE. HOWEVER, COMPREHENSIVE LAND USE CONTROLS AND OTHER REGULATIONS CANNOT ALWAYS ANTICIPATE OR EFFECTIVELY MITIGATE ALL ADVERSE ENVIRONMENTAL IMPACTS.

(b) THE POLICIES SET FORTH IN THIS PART OF THE SEPA RULES SHALL SERVE AS THE BASIS FOR EXERCISING SUBSTANTIVE SEPA AUTHORITY PURSUANT TO SMC SECTION 25.05.660. BASED ON THESE POLICIES, A DECISIONMAKER MAY CONDITION A PROPOSAL TO REDUCE OR ELIMINATE ITS ENVIRONMENTAL IMPACTS. THE DECISIONMAKER MAY DENY A PROPOSED PROJECT IF AN ENVIRONMENTAL IMPACT STATEMENT HAS BEEN PREPARED AND IF REASONABLE MITIGATING MEASURES ARE INSUFFICIENT TO MITIGATE SIGNIFICANT, ADVERSE IMPACTS IDENTIFIED IN THE ENVIRONMENTAL IMPACT STATEMENT. CONDITIONING OR DENIAL OF PROJECT PROPOSALS WILL OCCUR PURSUANT TO RCW 43.21C.060, WAC 197-11-660 AND SMC 25.05.660.

(2) RELATIONSHIP TO OTHER CITY POLICIES

NOTHING IN THESE SEPA POLICIES SHALL DIMINISH THE INDEPENDENT EFFECT AND AUTHORITY OF OTHER ENVIRONMENTALLY RELATED POLICIES ADOPTED BY THE CITY. SUCH CITY POLICIES SHALL BE CONSIDERED TOGETHER WITH THESE SEPA POLICIES TO GUIDE DISCRETIONARY LAND USE DECISIONS SUCH AS CONDITIONAL USES AND LEGISLATIVE ACTIONS SUCH AS REZONES, ADOPTION OF AREA PLANS AND SITING OF CITY FACILITIES. SUCH ADOPTED CITY POLICIES MAY SERVE AS THE BASIS FOR EXERCISING SUBSTANTIVE SEPA AUTHORITY WITH RESPECT TO A PROJECT ONLY TO THE EXTENT THAT THEY ARE EXPLICITLY REFERENCED HEREIN.

(3) RELATIONSHIP TO NEIGHBORHOOD AND BUSINESS DISTRICT PLANS

NEIGHBORHOOD AND BUSINESS DISTRICT PLANS WHICH HAVE BEEN ADOPTED BY THE CITY COUNCIL MAY SERVE AS THE BASIS FOR EXERCISING SUBSTANTIVE SEPA AUTHORITY, SUBJECT TO THE FOLLOWING:

(a) NEW PLANS

A PLAN APPROVED SUBSEQUENT TO THE PASSAGE OF THIS CHAPTER MAY SERVE AS THE BASIS OF EXERCISING SUBSTANTIVE SEPA AUTHORITY ONLY TO THE EXTENT THAT THE PROVISIONS OF THE PLAN EXPLICITLY IDENTIFY ANY OF ITS ELEMENTS INTENDED TO

HAVE APPLICATION FOR SEPA PURPOSES;

(b) EXISTING PLANS

A PLAN EXISTING PRIOR TO THE DATE OF PASSAGE OF THIS CHAPTER[1] MAY BE USED AS A BASIS FOR THE EXERCISE OF SUBSTANTIVE SEPA AUTHORITY ONLY TO THE EXTENT THAT:

(i) THE PLAN IDENTIFIES UNUSUAL CIRCUMSTANCES SUCH AS SUBSTANTIALLY DIFFERENT SITE SIZE OR SHAPE, TOPOGRAPHY, OR INADEQUATE INFRASTRUCTURE WHICH WOULD RESULT IN ADVERSE ENVIRONMENTAL IMPACTS WHICH SUBSTANTIALLY EXCEED THOSE ANTICIPATED BY THE CODE OR ZONING; OR

(ii) THE PLAN ESTABLISHES A DIFFERENT BALANCE OF ENVIRONMENTAL AND OTHER GOALS THAN IS CHARACTERISTIC OF THE LAND USE CODE AS A WHOLE.

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[1] THE FOLLOWING NEIGHBORHOOD PLANS AS CONSTITUTED PRIOR TO THE DATE OF PASSAGE OF THIS CHAPTER SHALL BE CONSIDERED EXISTING PLANS:

ADAMS, ATLANTIC, FREMONT, LESCHI, MOUNT BAKER, HARRISON, HIGHLAND PARK, LAWTON PARK, MADRONA, MANN/MINOR, NORTH BEACON, NORTH DELRIDGE, NORTH GREENWOOD, SOUTH DELRIDGE, SOUTH PARK, STEVENS, RIVERVIEW, WEST WOODLAWN, EAST LAKE, CAPITOL HILL, QUEEN ANNE.

PROVIDED THAT THE AUTHORITY AND CONDITIONS BASED UPON AN EXISTING PLAN DO NOT EXCEED THE LIMITATIONS CONTAINED IN THE CUMULATIVE EFFECTS POLICY AND THE SPECIFIC ENVIRONMENTAL POLICIES CONTAINED IN SECTIONS 25.05.670 AND 25.05.675 OF THIS CHAPTER, RESPECTIVELY; AND

(c) ALL PLANS

SEPA CONDITIONS BASED UPON A NEIGHBORHOOD OR BUSINESS DISTRICT PLAN SHALL BE CONSISTENT WITH ANY REZONE ACTION TAKEN BY THE CITY COUNCIL SUBSEQUENT TO THE ADOPTION OF THE PLAN.

(4) RELATIONSHIP TO CITY CODES

MANY ENVIRONMENTAL CONCERNS HAVE BEEN INCORPORATED IN THE CITY'S CODES AND DEVELOPMENT REGULATIONS. WHERE CITY REGULATIONS HAVE BEEN ADOPTED TO ADDRESS AN ENVIRONMENTAL IMPACT, IT SHALL BE PRESUMED THAT SUCH REGULATIONS ARE ADEQUATE TO ACHIEVE SUFFICIENT MITIGATION SUBJECT TO THE LIMITATIONS SET FORTH IN (a)-(g) BELOW, UNLESS OTHERWISE SPECIFIED IN THE POLICIES FOR SPECIFIC ELEMENTS OF THE ENVIRONMENT (SMC 25.05.675). DENIAL OR MITIGATION OF A PROJECT BASED ON ADVERSE ENVIRONMENTAL IMPACTS SHALL BE PERMITTED ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

(a) NO CITY CODE OR REGULATION HAS BEEN ADOPTED FOR THE PURPOSE OF MITIGATING THE ENVIRONMENTAL IMPACT IN QUESTION; OR

(b) THE APPLICABLE CITY CODE OR REGULATION HAS BEEN JUDICIALLY INVALIDATED; OR

(c) THE PROJECT SITE PRESENTS UNUSUAL CIRCUMSTANCES SUCH AS SUBSTANTIALLY DIFFERENT SITE SIZE OR SHAPE, TOPOGRAPHY, OR INADEQUATE INFRASTRUCTURE WHICH WOULD RESULT IN ADVERSE ENVIRONMENTAL IMPACTS WHICH SUBSTANTIALLY EXCEED THOSE ANTICIPATED BY THE APPLICABLE CITY CODE OR ZONING; OR

(d) THE DEVELOPMENT PROPOSAL PRESENTS UNUSUAL FEATURES, SUCH AS UNFORESEEN DESIGN, NEW TECHNOLOGY OR A USE NOT IDENTIFIED IN THE APPLICABLE CITY CODE, WHICH WOULD RESULT IN ADVERSE ENVIRONMENTAL IMPACTS WHICH SUBSTANTIALLY EXCEED THOSE ANTICIPATED BY THE APPLICABLE CITY CODE OR ZONING; OR

(e) THE PROJECT IS LOCATED NEAR THE EDGE OF A ZONE, AND RESULTS IN SUBSTANTIAL PROBLEMS OF TRANSITION IN SCALE OR USE WHICH WERE NOT SPECIFICALLY ADDRESSED BY THE APPLICABLE CITY CODE OR ZONING; OR

(f) THE PROJECT IS VESTED TO A REGULATION WHICH NO LONGER REFLECTS THE CITY'S POLICY WITH RESPECT TO THE RELEVANT ENVIRONMENTAL IMPACT BECAUSE OF THE ADOPTION OF MORE RECENT POLICIES, PROVIDED THAT THE NEW POLICIES ARE IN EFFECT PRIOR TO THE ISSUANCE OF A DNS OR DEIS FOR THE PROJECT; OR

(g) THE PROJECT CREATES UNDUE IMPACTS BASED ON CUMULATIVE EFFECTS AS PROVIDED FOR IN SMC 25.05.670.

(5) RELATIONSHIP TO FEDERAL, STATE AND REGIONAL REGULATIONS

MANY OF THE ENVIRONMENTAL IMPACTS ADDRESSED BY THESE SEPA POLICIES ARE ALSO THE SUBJECT OF FEDERAL, STATE AND REGIONAL REGULATIONS. WHERE APPLICABLE, FEDERAL, STATE AND REGIONAL ENVIRONMENTAL REGULATIONS WILL BE PRESUMED TO PROVIDE SUFFICIENT IMPACT MITIGATION, UNLESS THE CITY FINDS THAT SUCH REGULATIONS DID NOT ANTICIPATE OR ARE OTHERWISE INADEQUATE TO ADDRESS A PARTICULAR IMPACT OF A PROJECT, AND THE REGULATIONS DO NOT PREEMPT THE SUBSTANTIVE AUTHORITY OF THESE POLICIES.

25.05.670 CUMULATIVE EFFECTS POLICY

TICULAR ELEMENT OF THE ENVIRONMENT, THE AUTHORITY TO MITIGATE THAT IMPACT IN THE CONTEXT OF CUMULATIVE EFFECTS IS SIMILARLY LIMITED.

25.05.675 SPECIFIC ENVIRONMENTAL POLICIES

(1) AIR QUALITY

A. POLICY BACKGROUND

1. AIR POLLUTION CAN BE DAMAGING TO HUMAN HEALTH, PLANTS AND ANIMALS, VISIBILITY, AESTHETICS, AND THE OVERALL QUALITY OF LIFE.

2. SEATTLE'S AIR QUALITY IS ADVERSELY AFFECTED PRIMARILY BY VEHICULAR EMISSIONS WHICH CREATE "HOT SPOTS" AND NON-ATTAINMENT AREAS (SUCH AS DOWNTOWN SEATTLE, NORTHGATE, AND THE UNIVERSITY DISTRICT) THAT ARE IDENTIFIABLE THROUGH QUARTERLY MONITORING.

3. SEATTLE'S AIR QUALITY IS ALSO AFFECTED BY PARTICULATES FROM INDUSTRIES, POWER PLANTS, AND WOOD STOVES, THE BURNING OF TOXICS OR WASTES, AND OTHER EMISSIONS, INCLUDING ODOR IMPACTS.

4. FEDERAL AUTO EMISSION CONTROLS, THE STATE INSPECTION/MAINTENANCE PROGRAM, AND PUBLIC TRANSPORTATION IMPROVEMENTS ARE THE PRIMARY MEANS OF MITIGATING AIR QUALITY IMPACTS FROM MOTOR VEHICLES.

5. THE PUGET SOUND AIR POLLUTION CONTROL AGENCY IS RESPONSIBLE FOR MONITORING AIR QUALITY IN THE SEATTLE AREA, SETTING STANDARDS AND REGULATING DEVELOPMENT TO ACHIEVE REGIONAL AIR QUALITY GOALS.

6. FEDERAL, STATE AND REGIONAL REGULATIONS AND PROGRAMS CANNOT ALWAYS ANTICIPATE OR ADEQUATELY MITIGATE ADVERSE AIR QUALITY IMPACTS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE AIR QUALITY IMPACTS.

2. FOR ANY PROJECT PROPOSAL WHICH HAS A SUBSTANTIAL ADVERSE EFFECT ON AIR QUALITY, THE DECISIONMAKER SHALL, IN CONSULTATION WITH APPROPRIATE AGENCIES WITH EXPERTISE, ASSESS THE PROBABLE EFFECT OF THE IMPACT AND THE NEED FOR MITIGATING MEASURES. "NON-ATTAINMENT AREAS" IDENTIFIED BY THE PUGET SOUND AIR POLLUTION CONTROL AGENCY SHALL BE GIVEN SPECIAL CONSIDERATION.

3. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, IF THE DECISIONMAKER MAKES A WRITTEN FINDING THAT THE APPLICABLE FEDERAL, STATE AND/OR REGIONAL REGULATIONS DID NOT ANTICIPATE OR ARE INADEQUATE TO ADDRESS THE PARTICULAR IMPACT(S) OF THE PROJECT, THE DECISIONMAKER MAY CONDITION OR DENY THE PROPOSAL TO MITIGATE ITS ADVERSE IMPACTS.

4. MITIGATING MEASURES MAY INCLUDE BUT ARE NOT LIMITED TO:

a. THE USE OF ALTERNATIVE TECHNOLOGIES, INCLUDING TOXIC AIR CONTROL TECHNOLOGIES;

b. CONTROLLING DUST SOURCES WITH PAVING, LANDSCAPING, OR OTHER MEANS;

c. BERMING, BUFFERING AND SCREENING;

d. LANDSCAPING AND/OR RETENTION OF EXISTING VEGETATION; AND

e. A REDUCTION IN SIZE OR SCOPE OF THE PROJECT OR OPERATION.

(2) CONSTRUCTION IMPACTS

A. POLICY BACKGROUND

1. FOR MANY PROJECTS, THE CONSTRUCTION PROCESS ITSELF CREATES TEMPORARY ADVERSE IMPACTS ON THE SITE AND THE SURROUNDING AREA.

2. SEATTLE'S STREET USE ORDINANCE AND BUILDING CODE ARE INTENDED TO ADDRESS MANY OF THE IMPACTS CAUSED BY THE CONSTRUCTION PROCESS. THE CODES DO NOT, HOWEVER, ADEQUATELY ADDRESS ALL CONSTRUCTION IMPACTS SUCH AS THOSE RELATING TO PEDESTRIAN FLOW AND SAFETY DUE TO SIDEWALK AND STREET CLOSURES, EXCESSIVE MUD AND DUST, NOISE, DRAINAGE, AND INCREASED TRUCK TRAFFIC.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT TEMPORARY ADVERSE IMPACTS ASSOCIATED WITH CONSTRUCTION ACTIVITIES.

2. THE DECISIONMAKER MAY REQUIRE, AS PART OF THE ENVIRONMENTAL REVIEW OF A PROJECT, AN ASSESSMENT OF NOISE, DRAINAGE, PEDESTRIAN CIRCULATION AND TRANSPORTATION, AND MUD AND DUST IMPACTS LIKELY TO RESULT FROM THE CONSTRUCTION PHASE.

3. BASED ON SUCH ASSESSMENTS, THE DECISIONMAKER MAY, SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, CONDITION OR DENY A PROJECT TO MITIGATE ADVERSE IMPACTS OF THE CONSTRUCTION PROCESS.

4. NOISE

MITIGATING MEASURES TO ADDRESS ADVERSE NOISE IMPACTS DURING CONSTRUCTION INCLUDE, BUT ARE NOT LIMITED TO:

a. LIMITING THE HOURS OF CONSTRUCTION;

b. SPECIFYING THE TIME AND DURATION OF LOUD NOISE;

c. SPECIFYING A PREFERRED TYPE

AGE, EXCESSIVE FLOWS, AND OTHER CONDITIONS IN DRAINAGE BASINS WILL INCREASE THE RATE OF DOWNCUTTING AND/OR THE DEGREE OF TURBIDITY, SILTATION, AND OTHER FORMS OF POLLUTION IN STREAMS, CREEKS, AND LAKES. THEY MAY ALSO REDUCE LOW FLOWS OR LOW WATER LEVELS TO A LEVEL WHICH ENDANGERS AQUATIC AND BENTHIC LIFE WITHIN THESE STREAMS, CREEKS, AND LAKES.

3. THE AESTHETIC QUALITY OF THE WATER AND WATERCOURSES, AS WELL AS THE SUITABILITY OF WATERS FOR CONTACT RECREATION AND WILDLIFE HABITAT, MAY BE DESTROYED.

4. AUTHORITY PROVIDED THROUGH THE GRADING AND DRAINAGE CONTROL ORDINANCE IS INTENDED TO ACHIEVE MITIGATION OF DRAINAGE IMPACTS IN MOST CASES, ALTHOUGH THE ORDINANCE MAY NOT ANTICIPATE OR ELIMINATE ALL IMPACTS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO PROTECT STREAMS, LAKES, DRAINAGE BASINS AND PROPERTY FROM ADVERSE DRAINAGE IMPACTS.

2. THE DECISIONMAKER MAY CONDITION OR DENY PROJECTS TO MITIGATE THEIR ADVERSE DRAINAGE IMPACTS CONSISTENT WITH THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665; PROVIDED, THAT IN ADDITION TO PROJECTS WHICH MEET ONE OR MORE OF THE THRESHOLD CRITERIA SET FORTH IN THE OVERVIEW POLICY, THE FOLLOWING MAY BE CONDITIONED OR DENIED:

a. PROJECTS LOCATED IN ENVIRONMENTALLY SENSITIVE AREAS AND AREAS TRIBUTARY TO THEM;

b. PROJECTS LOCATED IN AREAS WHERE DOWNSTREAM DRAINAGE FACILITIES ARE KNOWN TO BE INADEQUATE; AND

c. PROJECTS DRAINING INTO STREAMS IDENTIFIED BY THE STATE DEPARTMENT OF FISHERIES OR WILDLIFE AS BEARING ANADROMOUS FISH.

3. TO MITIGATE ADVERSE DRAINAGE IMPACTS ASSOCIATED WITH THE PROJECTS IDENTIFIED IN POLICY 2, PROJECTS MAY BE REQUIRED TO PROVIDE DRAINAGE CONTROL MEASURES DESIGNED TO A HIGHER STANDARD THAN THE DESIGN STORM SPECIFIED IN THE GRADING AND DRAINAGE CONTROL ORDINANCE. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. REDUCING THE SIZE OR SCOPE OF THE PROJECT;

b. REQUIRING LANDSCAPING AND/OR RETENTION OF EXISTING VEGETATION;

c. REQUIRING ADDITIONAL DRAINAGE CONTROL OR DRAINAGE IMPROVEMENTS EITHER ON OR OFF SITE; AND

d. SOIL STABILIZATION MEASURES.

(4) EARTH

A. POLICY BACKGROUND

1. PROPERTY DEVELOPMENT AND REDEVELOPMENT SOMETIMES CONTRIBUTE TO LANDSLIDES, ACCELERATED SOIL CREEP, SETTLEMENT AND SUBSIDENCE, AND ABNORMAL EROSION. THEY MAY ALSO BE SUBJECT TO SEISMIC HAZARDS SUCH AS STRONG GROUND MOTION AND LIQUEFACTION.

2. THE GRADING AND DRAINAGE CONTROL ORDINANCE WAS SPECIFICALLY DEVELOPED TO PREVENT OR MINIMIZE IMPACTS RESULTING FROM EARTH FILLS AND EXCAVATIONS, HOWEVER, THE ORDINANCE MAY NOT ANTICIPATE OR ADEQUATELY MITIGATE SUCH IMPACTS IN ALL CASES.

3. DRAINAGE IMPACTS, WHICH ARE CLOSELY RELATED TO EARTH MOVEMENT HAZARDS, ARE ADDRESSED SEPARATELY IN SUBSECTION (3) OF THESE POLICIES.

B. POLICIES

1. IT IS THE CITY'S POLICY TO PROTECT LIFE AND PROPERTY FROM LOSS OR DAMAGE BY LANDSLIDES, STRONG GROUND MOTION AND SOIL LIQUEFACTION, ACCELERATED SOIL CREEP, SETTLEMENT AND SUBSIDENCE, ABNORMAL EROSION, AND OTHER HAZARDS RELATED TO EARTH MOVEMENT AND INSTABILITY.

2. THE DECISIONMAKER MAY CONDITION OR DENY PROJECTS TO MITIGATE IMPACTS RELATED TO EARTH MOVEMENT OR EARTH INSTABILITY CONSISTENT WITH THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665; PROVIDED, THAT IN ADDITION TO PROJECTS WHICH MEET ONE OR MORE OF THE THRESHOLD CRITERIA SET FORTH IN THE OVERVIEW POLICY, PROJECTS LOCATED IN ENVIRONMENTALLY SENSITIVE AREAS AND AREAS TRIBUTARY TO THEM MAY BE CONDITIONED OR DENIED.

3. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. REDUCING THE SIZE OR SCOPE OF THE OPERATION OR PROJECT;

b. LIMITING THE DURATION OF THE PROJECT OR THE HOURS OF OPERATION;

c. REQUIRING LANDSCAPING, THE RETENTION OF EXISTING VEGETATION OR REVEGETATION OF THE SITE;

d. REQUIRING ADDITIONAL DRAINAGE CONTROL MEASURES OR DRAINAGE FACILITIES; AND

e. REQUIRING WATER QUALITY AND EROSION CONTROLS ON OR OFF SITE TO CONTROL EARTH MOVEMENT.

(5) ENERGY

LOGICAL SYSTEMS. HAZARDOUS MATERIALS INCLUDE SUCH THINGS AS PESTICIDES, HERBICIDES, AND ELECTROMAGNETIC TRANSMISSIONS.

2. FEDERAL, STATE AND REGIONAL REGULATIONS ARE THE PRIMARY MEANS OF MITIGATING RISKS ASSOCIATED WITH HAZARDOUS AND TOXIC MATERIALS.

3. FEDERAL, STATE AND REGIONAL REGULATIONS CANNOT ALWAYS ANTICIPATE OR ELIMINATE ADVERSE IMPACTS FROM HAZARDOUS MATERIALS AND TRANSMISSIONS. PUBLIC KNOWLEDGE REGARDING SUCH HAZARDOUS MATERIALS AND TRANSMISSIONS MAY DEVELOP MORE QUICKLY THAN REGULATIONS CAN REACT AND BE IMPLEMENTED.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE IMPACTS RESULTING FROM TOXIC OR HAZARDOUS MATERIALS AND TRANSMISSIONS.

2. FOR ALL PROPOSED PROJECTS INVOLVING THE USE, TREATMENT, TRANSPORT, STORAGE, DISPOSAL, EMISSION, OR APPLICATION OF TOXIC OR HAZARDOUS CHEMICALS, MATERIALS, WASTES OR TRANSMISSIONS, THE DECISIONMAKER SHALL, IN CONSULTATION WITH APPROPRIATE AGENCIES WITH EXPERTISE, ASSESS THE EXTENT OF POTENTIAL ADVERSE IMPACTS AND THE NEED FOR MITIGATION.

3. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, IF THE DECISIONMAKER MAKES A WRITTEN FINDING THAT APPLICABLE FEDERAL, STATE AND REGIONAL LAWS AND REGULATIONS DID NOT ANTICIPATE OR DO NOT ADEQUATELY ADDRESS THE ADVERSE IMPACTS OF A PROPOSED PROJECT, THE PROJECT MAY BE CONDITIONED OR DENIED TO MITIGATE ITS ADVERSE IMPACTS. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. USE OF AN ALTERNATIVE TECHNOLOGY;

b. REDUCTION IN THE SIZE OR SCOPE OF A PROJECT OR OPERATION;

c. LIMITS ON THE TIME AND/OR DURATION OF OPERATION; AND

d. ALTERNATIVE ROUTES OF TRANSPORTATION.

(7) HEIGHT, BULK AND SCALE

A. POLICY BACKGROUND

1. THE CITY'S ADOPTED LAND USE POLICIES ARE INTENDED TO PROVIDE FOR SMOOTH TRANSITION BETWEEN INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL AREAS, TO PRESERVE THE CHARACTER OF INDIVIDUAL CITY NEIGHBORHOODS, AND TO REINFORCE NATURAL TOPOGRAPHY. THESE LAND USE POLICIES ARE: SINGLE FAMILY RESIDENTIAL AREAS POLICIES, MULTI-FAMILY RESIDENTIAL AREAS POLICIES, MAJOR INSTITUTIONS POLICIES, LAND USE POLICIES FOR NEIGHBORHOOD COMMERCIAL AREAS, LAND USE POLICIES FOR DOWNTOWN, INDUSTRIAL AREA POLICIES, OPEN SPACE POLICIES (ONCE ADOPTED), AND SHORELINE POLICIES.

2. THE LAND USE CODE (TITLE 23) WHICH IMPLEMENTS THESE POLICIES CONTROLS HEIGHT, BULK AND SCALE BUT CANNOT ANTICIPATE OR ADDRESS ALL SUBSTANTIAL ADVERSE IMPACTS RESULTING FROM INCONGRUOUS HEIGHT, BULK AND SCALE. FOR EXAMPLE, UNANTICIPATED ADVERSE IMPACTS MAY OCCUR WHEN A PROJECT IS LOCATED ON A SITE WITH UNUSUAL TOPOGRAPHIC FEATURES OR ON A SITE WHICH IS SUBSTANTIALLY LARGER THAN THE PREVALENT PLATTING PATTERN IN AN AREA.

3. WHENEVER NEW LAND USE POLICIES ARE ADOPTED, ADVERSE IMPACTS MAY RESULT WHEN HEIGHT, BULK AND SCALE PERMITTED BY PREVIOUSLY ADOPTED ZONING CONFLICTS WITH THE NEW LAND USE POLICIES.

B. POLICIES

1. IT IS THE CITY'S POLICY THAT THE HEIGHT, BULK AND SCALE OF DEVELOPMENT PROJECTS SHOULD BE REASONABLY COMPATIBLE WITH THE GENERAL CHARACTER OF DEVELOPMENT ANTICIPATED BY THE ADOPTED LAND USE POLICIES LISTED IN A(1) FOR THE AREA IN WHICH THEY ARE LOCATED, AND TO PROVIDE FOR A REASONABLE TRANSITION BETWEEN AREAS OF LESS INTENSIVE ZONING AND MORE INTENSIVE ZONING.

2. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY A PROJECT TO MITIGATE THE ADVERSE IMPACTS OF SUBSTANTIALLY INCOMPATIBLE HEIGHT, BULK AND SCALE. MITIGATING MEASURES MAY INCLUDE BUT ARE NOT LIMITED TO:

a. LIMITING THE HEIGHT OF THE DEVELOPMENT;

b. MODIFYING THE BULK OF THE DEVELOPMENT;

c. MODIFYING THE DEVELOPMENT'S FACADE INCLUDING BUT NOT LIMITED TO COLOR AND FINISH MATERIAL;

d. REDUCING THE NUMBER OR SIZE OF ACCESSORY STRUCTURES OR RELOCATING ACCESSORY STRUCTURES INCLUDING BUT NOT LIMITED TO TOWERS, RAILINGS, AND ANTENNAE;

e. REPOSITIONING THE DEVELOPMENT ON THE SITE; AND

f. MODIFYING OR REQUIRING SETBACKS, SCREENING, LANDSCAPING OR OTHER TECHNIQUES TO OFFSET THE APPEARANCE OF INCOMPATIBLE HEIGHT, BULK AND SCALE.

TO PARAGRAPH 4 OR 5 OF THIS SUBSECTION.

4. WHEN A PROJECT IS PROPOSED ADJACENT TO OR ACROSS THE STREET FROM A DESIGNATED SITE OR STRUCTURE, THE DECISIONMAKER SHALL REFER THE PROPOSAL TO THE CITY'S HISTORIC PRESERVATION OFFICER FOR AN ASSESSMENT OF ANY ADVERSE IMPACTS ON THE DESIGNATED LANDMARK AND FOR COMMENTS ON POSSIBLE MITIGATING MEASURES. MITIGATION MAY BE REQUIRED TO INSURE THE COMPATIBILITY OF THE PROPOSED PROJECT WITH THE COLOR, MATERIAL AND ARCHITECTURAL CHARACTER OF THE DESIGNATED LANDMARK AND TO REDUCE IMPACTS ON THE CHARACTER OF THE LANDMARKS' SITE, SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665. MITIGATING MEASURES MAY BE REQUIRED AND ARE LIMITED TO THE FOLLOWING:

a. SYMPATHETIC FACADE TREATMENT;

b. SYMPATHETIC STREET TREATMENT;

c. SYMPATHETIC DF[illegible] TREATMENT; AND

d. RECONFIGURATION O[illegible] THE PROJECT AND/OR RELOCATION OF THE PROJECT ON THE PROJECT SITE;

PROVIDED, THAT MITIGATING MEASURES SHALL NOT INCLUDE REDUCTIONS IN A PROJECT'S GROSS FLOOR AREA.

5. ON SITES WITH POTENTIAL ARCHAEOLOGICAL SIGNIFICANCE, THE DECISIONMAKER MAY REQUIRE AN ASSESSMENT OF THE ARCHAEOLOGICAL POTENTIAL OF THE SITE, SUBJECT TO THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665. MITIGATING MEASURES WHICH MAY BE REQUIRED TO MITIGATE ADVERSE IMPACTS TO AN ARCHAEOLOGICAL SITE INCLUDE, BUT ARE NOT LIMITED TO:

a. RELOCATION OF THE PROJECT ON THE SITE;

b. PROVIDING MARKERS, PLAQUES, OR RECOGNITION OF DISCOVERY;

c. IMPOSING A DELAY OF AS MUCH AS 90 DAYS (OR MORE THAN 90 DAYS FOR EXTRAORDINARY CIRCUMSTANCES) TO ALLOW ARCHAEOLOGICAL ARTIFACTS AND INFORMATION TO BE ANALYZED; AND

d. EXCAVATION AND RECOVERY OF ARTIFACTS.

(9) HOUSING

A. POLICY BACKGROUND

1. DEMOLITION OR REHABILITATION OF LOW-RENT HOUSING UNITS OR CONVERSION OF HOUSING FOR OTHER USES CAN CAUSE BOTH DISPLACEMNT OF LOW-INCOME PERSONS AND REDUCTION IN THE SUPPLY OF HOUSING.

B. POLICIES

1. IT IS THE CITY'S POLICY TO ENCOURAGE PRESERVATION OF HOUSING OPPORTUNITIES, EPECIALLY FOR LOW INCOME PERSONS, AND TO ENSURE THAT PERSONS DISPLACED BY REDEVELOPMENT ARE RELOCATED.

2. PROPONENTS OF PROJECTS SHALL DISCLOSE THE ON-SITE AND OFF-SITE IMPACTS OF THE PROPOSED PROJECTS UPON HOUSING, WITH PARTICULAR ATTENTION TO LOW-INCOME HOUSING.

3. COMPLIANCE WITH LEGALLY VALID CITY ORDINANCE PROVISIONS RELATING TO HOUSING RELOCATION, DEMOLITION AND CONVERSION SHALL CONSTITUTE COMPLIANCE WITH THIS HOUSING POLICY.

4. HOUSING PRESERVATION SHALL BE AN IMPORTANT CONSIDERATION IN THE DEVELOPMENT OF THE CITY'S PUBLIC PROJECTS AND PROGRAMS. THE CITY SHALL GIVE HIGH PRIORITY TO LIMITING DEMOLITION OF LOW-INCOME HOUSING IN THE DEVELOPMENT OF ITS OWN FACILITIES.

(10) LAND USE

A. POLICY BACKGROUND

1. THE CITY HAS ADOPTED LAND USE POLICIES AND CODE WHICH ARE DESIGNED, IN PART, TO MINIMIZE OR PREVENT IMPACTS RESULTING FROM INCOMPATIBLE LAND USES. THESE LAND USE POLICIES ARE: SINGLE FAMILY RESIDENTIAL AREAS POLICIES, MULTI-FAMILY RESIDENTIAL AREAS POLICIES, MAJOR INSTITUTIONS POLICIES, LAND USE POLICIES FOR NEIGHBORHOOD COMMERCIAL AREAS, LAND USE POLICIES FOR DOWNTOWN, INDUSTRIAL AREA POLICIES, OPEN SPACE POLICIES (ONCE ADOPTED), AND SHORELINE POLICIES.

2. THE ADOPTED LAND USE CODE CANNOT IDENTIFY OR ANTICIPATE ALL POSSIBLE USES AND ALL POTENTIAL LAND USE IMPACTS.

3. WHEN LAND USE POLICY CHANGES ARE ADOPTED, ADVERSE LAND USE IMPACTS MAY RESULT WHEN A PROPOSED PROJECT INCLUDES USES WHICH MAY BE CONSISTENT WITH THE APPLICABLE ZONING REQUIREMENTS BUT ARE IN CONFLICT WITH THE NEW LAND USE POLICIES.

4. ADVERSE CUMULATIVE LAND USE IMPACTS MAY RESULT WHEN A PARTICULAR USE OR USES PERMITTED UNDER THE ZONING CODE OCCUR IN AN AREA TO SUCH EXTENT THAT THEY FORECLOSE OPPORTUNITIES FOR HIGHER PRIORITY, PREFERRED USES CALLED FOR IN THE CITY'S LAND USE POLICIES.

5. DENSITY-RELATED IMPACTS OF DEVELOPMENT ARE ADDRESSED

(a) NO CITY CODE OR REGULATION HAS BEEN ADOPTED FOR THE PURPOSE OF MITIGATING THE ENVIRONMENTAL IMPACT IN QUESTION; OR

(b) THE APPLICABLE CITY CODE OR REGULATION HAS BEEN JUDICIALLY INVALIDATED; OR

(c) THE PROJECT SITE PRESENTS UNUSUAL CIRCUMSTANCES SUCH AS SUBSTANTIALLY DIFFERENT SITE SIZE OR SHAPE, TOPOGRAPHY, OR INADEQUATE INFRASTRUCTURE WHICH WOULD RESULT IN ADVERSE ENVIRONMENTAL IMPACTS WHICH SUBSTANTIALLY EXCEED THOSE ANTICIPATED BY THE APPLICABLE CITY CODE OR ZONING; OR

(d) THE DEVELOPMENT PROPOSAL PRESENTS UNUSUAL FEATURES, SUCH AS UNFORESEEN DESIGN, NEW TECHNOLOGY, OR A USE NOT IDENTIFIED IN THE APPLICABLE CITY CODE, WHICH WOULD RESULT IN ADVERSE ENVIRONMENTAL IMPACTS WHICH SUBSTANTIALLY EXCEED THOSE ANTICIPATED BY THE APPLICABLE CITY CODE OR ZONING; OR

(e) THE PROJECT IS LOCATED NEAR THE EDGE OF A ZONE, AND RESULTS IN SUBSTANTIAL PROBLEMS OF TRANSITION IN SCALE OR USE WHICH WERE NOT SPECIFICALLY ADDRESSED BY THE APPLICABLE CITY CODE OR ZONING; OR

(f) THE PROJECT IS VESTED TO A REGULATION WHICH NO LONGER REFLECTS THE CITY'S POLICY WITH RESPECT TO THE RELEVANT ENVIRONMENTAL IMPACT BECAUSE OF THE ADOPTION OF MORE RECENT POLICIES, PROVIDED THAT THE NEW POLICIES ARE IN EFFECT PRIOR TO THE ISSUANCE OF A DNS OR DEIS FOR THE PROJECT; OR

(g) THE PROJECT CREATES UNDUE IMPACTS BASED ON CUMULATIVE EFFECTS AS PROVIDED FOR IN SMC 25.05.670.

(5) RELATIONSHIP TO FEDERAL, STATE AND REGIONAL REGULATIONS

MANY OF THE ENVIRONMENTAL IMPACTS ADDRESSED BY THESE SEPA POLICIES ARE ALSO THE SUBJECT OF FEDERAL, STATE AND REGIONAL REGULATIONS. WHERE APPLICABLE, FEDERAL, STATE AND REGIONAL ENVIRONMENTAL REGULATIONS WILL BE PRESUMED TO PROVIDE SUFFICIENT IMPACT MITIGATION, UNLESS THE CITY FINDS THAT SUCH REGULATIONS DID NOT ANTICIPATE OR ARE OTHERWISE INADEQUATE TO ADDRESS A PARTICULAR IMPACT OF A PROJECT, AND THE REGULATIONS DO NOT PREEMPT THE SUBSTANTIVE AUTHORITY OF THESE POLICIES.

25.05.670 CUMULATIVE EFFECTS POLICY

(1) POLICY BACKGROUND

(a) A PROJECT OR ACTION WHICH BY ITSELF DOES NOT CREATE UNDUE IMPACTS ON THE ENVIRONMENT MAY CREATE UNDUE IMPACTS WHEN COMBINED WITH THE CUMULATIVE EFFECTS OF PRIOR OR SIMULTANEOUS DEVELOPMENTS; FURTHER, IT MAY DIRECTLY INDUCE OTHER DEVELOPMENTS, DUE TO A CAUSAL RELATIONSHIP, WHICH WILL ADVERSELY AFFECT THE ENVIRONMENT.

(b) AN INDIVIDUAL PROJECT MAY HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT OR PUBLIC FACILITIES AND SERVICES WHICH, THOUGH ACCEPTABLE IN ISOLATION, COULD NOT BE SUSTAINED GIVEN THE PROBABLE DEVELOPMENT OF SUBSEQUENT PROJECTS WITH SIMILAR IMPACTS.

(2) POLICIES

(a) THE ANALYSIS OF CUMULATIVE EFFECTS SHALL INCLUDE A REASONABLE ASSESSMENT OF:

(i) THE PRESENT AND PLANNED CAPACITY OF SUCH PUBLIC FACILITIES AS SEWERS, STORM DRAINS, SOLID WASTE DISPOSAL, PARKS, SCHOOLS, STREETS, UTILITIES, AND PARKING AREAS TO SERVE THE AREA AFFECTED BY THE PROPOSAL;

(ii) THE PRESENT AND PLANNED PUBLIC SERVICES SUCH AS TRANSIT, HEALTH, POLICE AND FIRE PROTECTION AND SOCIAL SERVICES TO SERVE THE AREA AFFECTED BY THE PROPOSAL;

(iii) THE CAPACITY OF NATURAL SYSTEMS — SUCH AS AIR, WATER, LIGHT, AND LAND — TO ABSORB THE DIRECT AND REASONABLY ANTICIPATED INDIRECT IMPACTS OF THE PROPOSAL;

(iv) THE DEMAND UPON FACILITIES, SERVICES AND NATURAL SYSTEMS OF PRESENT, SIMULTANEOUS AND KNOWN FUTURE DEVELOPMENT IN THE AREA OF THE PROJECT OR ACTION; AND

(b) SUBJECT TO THE POLICIES FOR SPECIFIC ELEMENTS OF THE ENVIRONMENT (SMC 25.05.675):

AN ACTION OR PROJECT MAY BE CONDITIONED OR DENIED TO LESSEN OR ELIMINATE ITS CUMULATIVE EFFECTS ON THE ENVIRONMENT

(i) WHEN CONSIDERED TOGETHER WITH PRIOR, SIMULTANEOUS OR INDUCED FUTURE DEVELOPMENT; OR

(ii) WHEN TAKING INTO ACCOUNT KNOWN FUTURE DEVELOPMENT UNDER ESTABLISHED ZONING, IT IS DETERMINED THAT A PROJECT WILL USE MORE THAN ITS SHARE OF PRESENT AND PLANNED FACILITIES, SERVICES AND NATURAL SYSTEMS.

(3) UNLESS OTHERWISE SPECIFIED IN THE POLICIES FOR SPECIFIC ELEMENTS OF THE ENVIRONMENT (SMC 25.05.675), IF THE SCOPE OF SUBSTANTIVE SEPA AUTHORITY IS LIMITED WITH RESPECT TO A PARCLUDE BUT ARE NOT LIMITED TO:

a. THE USE OF ALTERNATIVE TECHNOLOGIES, INCLUDING TOXIC AIR CONTROL TECHNOLOGIES;

b. CONTROLLING DUST SOURCES WITH PAVING, LANDSCAPING, OR OTHER MEANS;

c. BERMING, BUFFERING AND SCREENING;

d. LANDSCAPING AND/OR RETENTION OF EXISTING VEGETATION; AND

e. A REDUCTION IN SIZE OR SCOPE OF THE PROJECT OR OPERATION.

(2) CONSTRUCTION IMPACTS

A. POLICY BACKGROUND

1. FOR MANY PROJECTS, THE CONSTRUCTION PROCESS ITSELF CREATES TEMPORARY ADVERSE IMPACTS ON THE SITE AND THE SURROUNDING AREA.

2. SEATTLE'S STREET USE ORDINANCE AND BUILDING CODE ARE INTENDED TO ADDRESS MANY OF THE IMPACTS CAUSED BY THE CONSTRUCTION PROCESS. THE CODES DO NOT, HOWEVER, ADEQUATELY ADDRESS ALL CONSTRUCTION IMPACTS SUCH AS THOSE RELATING TO PEDESTRIAN FLOW AND SAFETY DUE TO SIDEWALK AND STREET CLOSURES, EXCESSIVE MUD AND DUST, NOISE, DRAINAGE, AND INCREASED TRUCK TRAFFIC.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT TEMPORARY ADVERSE IMPACTS ASSOCIATED WITH CONSTRUCTION ACTIVITIES.

2. THE DECISIONMAKER MAY REQUIRE, AS PART OF THE ENVIRONMENTAL REVIEW OF A PROJECT, AN ASSESSMENT OF NOISE, DRAINAGE, PEDESTRIAN CIRCULATION AND TRANSPORTATION, AND MUD AND DUST IMPACTS LIKELY TO RESULT FROM THE CONSTRUCTION PHASE.

3. BASED ON SUCH ASSESSMENTS, THE DECISIONMAKER MAY, SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, CONDITION OR DENY A PROJECT TO MITIGATE ADVERSE IMPACTS OF THE CONSTRUCTION PROCESS.

4. NOISE

MITIGATING MEASURES TO ADDRESS ADVERSE NOISE IMPACTS DURING CONSTRUCTION INCLUDE, BUT ARE NOT LIMITED TO:

a. LIMITING THE HOURS OF CONSTRUCTION;

b. SPECIFYING THE TIME AND DURATION OF LOUD NOISE;

c. SPECIFYING A PREFERRED TYPE OF CONSTRUCTION EQUIPMENT; AND

d. REQUIRING SOUND BUFFERING AND BARRIERS.

5. DRAINAGE.

MITIGATING MEASURES TO ADDRESS ADVERSE DRAINAGE IMPACTS DURING CONSTRUCTION MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. SEDIMENTATION TRAPS AND FILTERS;

b. SEDIMENTATION TANKS OR PONDS;

c. OIL SEPARATORS;

d. RETENTION FACILITIES;

e. MAINTENANCE PROGRAMS; AND

f. PERFORMANCE BONDS.

6. PEDESTRIAN CIRCULATION

MITIGATING MEASURES TO ADDRESS ADVERSE IMPACTS RELATING TO PEDESTRIAN CIRCULATION DURING CONSTRUCTION MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. COVERED SIDEWALKS OR ALTERNATIVE SAFE, CONVENIENT AND ADEQUATE PEDESTRIAN ROUTES; AND

b. LIMITS ON THE DURATION OF DISRUPTIONS TO PEDESTRIAN FLOW.

7. TRANSPORTATION

MITIGATING MEASURES TO ADDRESS TRANSPORTATION IMPACTS DURING CONSTRUCTION MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. A CONSTRUCTION PHASE TRANSPORTATION PLAN WHICH ADDRESSES INGRESS AND EGRESS OF CONSTRUCTION EQUIPMENT AND CONSTRUCTION WORKER VEHICLES AT THE PROJECT SITE;

b. TRAFFIC CONTROL AND STREET MAINTENANCE IN THE VICINITY OF THE CONSTRUCTION SITE;

c. REROUTING OF PUBLIC VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY OF THE CONSTRUCTION SITE;

d. PROVIDING A TEMPORARY HIGH OCCUPANCY VEHICLE (HOV) INCENTIVE PROGRAM FOR CONSTRUCTION WORKERS AT THE SITE TO REDUCE THE NUMBER OF THEIR VEHICLES TAKING PARKING PLACES IN THE VICINITY OF THE CONSTRUCTION SITE; AND

e. HOV DISCOUNTS FOR MEMBERS OF THE PUBLIC WHO WERE DISPLACED FROM A TRADITIONAL PARKING AREA BY THE CONSTRUCTION ACTIVITY.

(3) DRAINAGE

A. POLICY BACKGROUND

1. PROPERTY DEVELOPMENT AND REDEVELOPMENT OFTEN CREATES INCREASED VOLUMES AND RATES OF STORM WATER RUNOFF, WHICH MAY CAUSE PROPERTY DAMAGE, SAFETY HAZARDS, NUISANCE PROBLEMS AND WATER QUALITY DEGRADATION.

2. POLLUTION, MECHANICAL DAM-

A. POLICY BACKGROUND

1. PROPERTY DEVELOPMENT AND REDEVELOPMENT SOMETIMES CONTRIBUTE TO LANDSLIDES, ACCELERATED SOIL CREEP, SETTLEMENT AND SUBSIDENCE, AND ABNORMAL EROSION. THEY MAY ALSO BE SUBJECT TO SEISMIC HAZARDS SUCH AS STRONG GROUND MOTION AND LIQUEFACTION.

2. THE GRADING AND DRAINAGE CONTROL ORDINANCE WAS SPECIFICALLY DEVELOPED TO PREVENT OR MINIMIZE IMPACTS RESULTING FROM EARTH FILLS AND EXCAVATIONS, HOWEVER, THE ORDINANCE MAY NOT ANTICIPATE OR ADEQUATELY MITIGATE SUCH IMPACTS IN ALL CASES.

3. DRAINAGE IMPACTS, WHICH ARE CLOSELY RELATED TO EARTH MOVEMENT HAZARDS, ARE ADDRESSED SEPARATELY IN SUBSECTION (3) OF THESE POLICIES.

B. POLICIES

1. IT IS THE CITY'S POLICY TO PROTECT LIFE AND PROPERTY FROM LOSS OR DAMAGE BY LANDSLIDES, STRONG GROUND MOTION AND SOIL LIQUEFACTION, ACCELERATED SOIL CREEP, SETTLEMENT AND SUBSIDENCE, ABNORMAL EROSION, AND OTHER HAZARDS RELATED TO EARTH MOVEMENT AND INSTABILITY.

2. THE DECISIONMAKER MAY CONDITION OR DENY PROJECTS TO MITIGATE IMPACTS RELATED TO EARTH MOVEMENT OR EARTH INSTABILITY CONSISTENT WITH THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665; PROVIDED, THAT IN ADDITION TO PROJECTS WHICH MEET ONE OR MORE OF THE THRESHOLD CRITERIA SET FORTH IN THE OVERVIEW POLICY, PROJECTS LOCATED IN ENVIRONMENTALLY SENSITIVE AREAS AND AREAS TRIBUTARY TO THEM MAY BE CONDITIONED OR DENIED.

3. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. REDUCING THE SIZE OR SCOPE OF THE OPERATION OR PROJECT;

b. LIMITING THE DURATION OF THE PROJECT OR THE HOURS OF OPERATION;

c. REQUIRING LANDSCAPING, THE RETENTION OF EXISTING VEGETATION OR REVEGETATION OF THE SITE;

d. REQUIRING ADDITIONAL DRAINAGE CONTROL MEASURES OR DRAINAGE FACILITIES; AND

e. REQUIRING WATER QUALITY AND EROSION CONTROLS ON OR OFF-SITE TO CONTROL EARTH MOVEMENT.

(5) ENERGY

A. POLICY BACKGROUND

1. THE CITY'S ENERGY CODE IS INTENDED TO REGULATE THE DESIGN OF BUILDINGS FOR ADEQUATE THERMAL RESISTANCE AND LOW AIR LEAKAGE. IT REQUIRES THE DESIGN AND SELECTION OF MECHANICAL, ELECTRICAL, WATER, HEATING AND ILLUMINATION SYSTEMS WHICH WILL ENABLE THE EFFICIENT USE OF ENERGY. APPLICATION OF THE ENERGY CODE RESULTS IN PROJECTS WHICH ACHIEVE SUBSTANTIAL ENERGY SAVINGS.

2. INDUSTRIAL PROCESSES AND MANUFACTURING ACTIVITIES MAY HAVE SIGNIFICANT ADVERSE ENERGY IMPACTS THAT ARE NOT ADDRESSED BY THE SEATTLE ENERGY CODE.

3. ENERGY CONSERVATION MEASURES MAY CONFLICT, IN SOME CASES, WITH THE GOAL OF PRESERVING STRUCTURES OF HISTORICAL SIGNIFICANCE.

B. POLICIES

1. IT IS THE CITY'S POLICY TO PROMOTE ENERGY CONSERVATION AND THE MOST EFFICIENT POSSIBLE USE AND PRODUCTION OF ENERGY.

2. ALL MAJOR PROJECTS SHALL BE REQUIRED TO ANALYZE AND DISCLOSE THEIR ENERGY IMPACTS BY FUEL TYPE AND END-USE.

3. FOR PROJECTS WITH SIGNIFICANT ADVERSE ENERGY IMPACTS WHICH INVOLVE ACTIVITIES NOT COVERED BY THE ENERGY CODE, SUCH AS HEAVY INDUSTRIAL ACTIVITIES, OR WHICH MEET ONE OR MORE OF THE CONDITIONS SET FORTH IN THE OVERVIEW POLICY, SMC 25.05.665(4), THE DECISIONMAKER MAY REQUIRE THAT THE ENVIRONMENTAL REVIEW INCLUDE A REASONABLE ASSESSMENT OF ALTERNATIVES AND MITIGATING MEASURES.

4. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY PROJECTS WITH SIGNIFICANT ADVERSE IMPACTS RELATING TO THE USE OF THE ELECTRICAL ENERGY IN ORDER TO MITIGATE THEIR ADVERSE IMPACTS TO THE CITY'S ELECTRIC UTILITY SYSTEM. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, CONSERVATION MEASURES SUCH AS THE USE OF ALTERNATIVE TECHNOLOGIES.

5. IN APPLYING THESE POLICIES TO THE REHABILITATION OF STRUCTURES WITH HISTORICAL SIGNIFICANCE, THE DECISIONMAKER SHALL BE FLEXIBLE IN THE APPLICATION OF ENERGY CONSERVATION MEASURES WHICH MAY BE IN CONFLICT WITH HISTORICAL PRESERVATION GOALS AND SHALL ATTEMPT TO ACHIEVE A BALANCE IN MEETING THESE COMPETING OBJECTIVES.

6. ENVIRONMENTAL HEALTH

A. POLICY BACKGROUND

1. THE USE, DISCHARGE, DISPOSAL, EMISSION OR APPLICATION OF TOXIC OR HAZARDOUS MATERIALS, MAY POSE HAZARDS TO HUMAN HEALTH AND TO PLANTS, ANIMALS AND ECO-

ICIES, OPEN SPACE POLICIES (ONCE ADOPTED), AND SHORELINE POLICIES.

2. THE LAND USE CODE (TITLE 23) WHICH IMPLEMENTS THESE POLICIES CONTROLS HEIGHT, BULK AND SCALE BUT CANNOT ANTICIPATE OR ADDRESS ALL SUBSTANTIAL ADVERSE IMPACTS RESULTING FROM INCONGRUOUS HEIGHT, BULK AND SCALE. FOR EXAMPLE, UNANTICIPATED ADVERSE IMPACTS MAY OCCUR WHEN A PROJECT IS LOCATED ON A SITE WITH UNUSUAL TOPOGRAPHIC FEATURES OR ON A SITE WHICH IS SUBSTANTIALLY LARGER THAN THE PREVALENT PLATTING PATTERN IN AN AREA.

3. WHENEVER NEW LAND USE POLICIES ARE ADOPTED, ADVERSE IMPACTS MAY RESULT WHEN HEIGHT, BULK AND SCALE PERMITTED BY PREVIOUSLY ADOPTED ZONING CONFLICTS WITH THE NEW LAND USE POLICIES.

B. POLICIES

1. IT IS THE CITY'S POLICY THAT THE HEIGHT, BULK AND SCALE OF DEVELOPMENT PROJECTS SHOULD BE REASONABLY COMPATIBLE WITH THE GENERAL CHARACTER OF DEVELOPMENT ANTICIPATED BY THE ADOPTED LAND USE POLICIES LISTED IN A(1) FOR THE AREA IN WHICH THEY ARE LOCATED, AND TO PROVIDE FOR A REASONABLE TRANSITION BETWEEN AREAS OF LESS INTENSIVE ZONING AND MORE INTENSIVE ZONING.

2. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY A PROJECT TO MITIGATE ADVERSE IMPACTS OF SUBSTANTIALLY INCOMPATIBLE HEIGHT, BULK AND SCALE. MITIGATING MEASURES MAY INCLUDE BUT ARE NOT LIMITED TO:

a. LIMITING THE HEIGHT OF THE DEVELOPMENT;

b. MODIFYING THE BULK OF THE DEVELOPMENT;

c. MODIFYING THE DEVELOPMENT'S FACADE INCLUDING BUT NOT LIMITED TO COLOR AND FINISH MATERIAL;

d. REDUCING THE NUMBER OR SIZE OF ACCESSORY STRUCTURES OR RELOCATING ACCESSORY STRUCTURES INCLUDING BUT NOT LIMITED TO TOWERS, RAILINGS, AND ANTENNAE;

e. REPOSITIONING THE DEVELOPMENT ON THE SITE; AND

f. MODIFYING OR REQUIRING SETBACKS, SCREENING, LANDSCAPING OR OTHER TECHNIQUES TO OFFSET THE APPEARANCE OF INCOMPATIBLE HEIGHT, BULK AND SCALE.

(8) HISTORIC PRESERVATION

A. POLICY BACKGROUND

1. HISTORIC BUILDINGS, SPECIAL HISTORIC DISTRICTS, AND SITES OF ARCHAEOLOGICAL SIGNIFICANCE ARE FOUND WITHIN SEATTLE. THE PRESERVATION OF THESE BUILDINGS, DISTRICTS AND SITES IS IMPORTANT TO THE RETENTION OF A LIVING SENSE AND APPRECIATION OF THE PAST.

2. HISTORIC SITES, STRUCTURES, DISTRICTS AND ARCHAEOLOGICAL SITES MAY BE DIRECTLY OR INDIRECTLY THREATENED BY DEVELOPMENT OR REDEVELOPMENT PROJECTS.

3. HISTORIC BUILDINGS ARE PROTECTED BY THE LANDMARKS PRESERVATION ORDINANCE, AS ADMINISTERED BY THE LANDMARKS PRESERVATION BOARD. HOWEVER, NOT ALL SITES AND STRUCTURES MEETING THE CRITERIA FOR HISTORIC LANDMARK STATUS HAVE BEEN DESIGNATED YET.

4. SPECIAL DISTRICTS HAVE BEEN ESTABLISHED TO PROTECT CERTAIN AREAS WHICH ARE UNIQUE IN THEIR HISTORICAL AND CULTURAL SIGNIFICANCE, INCLUDING FOR EXAMPLE PIKE PLACE MARKET, PIONEER SQUARE AND THE INTERNATIONAL DISTRICT. THESE AREAS ARE SUBJECT TO DEVELOPMENT CONTROLS AND PROJECT REVIEW BY SPECIAL DISTRICT REVIEW BOARDS.

5. ARCHAEOLOGICALLY SIGNIFICANT SITES PRESENT A UNIQUE PROBLEM BECAUSE PROTECTION OF THEIR INTEGRITY MAY, IN SOME CASES, ELIMINATE ANY ECONOMIC OPPORTUNITY ON THE SITE.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MAINTAIN AND PRESERVE SIGNIFICANT HISTORIC SITES AND STRUCTURES AND TO PROVIDE THE OPPORTUNITY FOR ANALYSIS OF ARCHAEOLOGICAL SITES.

2. FOR PROJECTS INVOLVING STRUCTURE OR SITES WHICH HAVE BEEN DESIGNATED AS HISTORIC LANDMARKS, COMPLIANCE WITH THE LANDMARKS PRESERVATION ORDINANCE SHALL CONSTITUTE COMPLIANCE WITH POLICY NUMBER 1.

3. FOR PROJECTS INVOLVING STRUCTURES OR SITES WHICH ARE NOT YET DESIGNATED AS HISTORICAL LANDMARKS BUT WHICH APPEAR TO MEET THE CRITERIA FOR DESIGNATION, THE DECISIONMAKER OR ANY INTERESTED PERSON MAY REFER THE SITE OR STRUCTURE TO THE LANDMARKS PRESERVATION BOARD FOR CONSIDERATION. IF THE BOARD APPROVES THE SITE OR STRUCTURE FOR NOMINATION AS AN HISTORIC LANDMARK, CONSIDERATION OF THE SITE OR STRUCTURE FOR DESIGNATION AS AN HISTORIC LANDMARK AND APPLICATION OF CONTROLS AND INCENTIVES SHALL PROCEED AS PROVIDED BY THE LANDMARKS PRESERVATION ORDINANCE. IF THE PROJECT IS REJECTED FOR NOMINATION, THE PROJECT SHALL NOT BE CONDITIONED OR DENIED FOR HISTORICAL PRESERVATION PURPOSES, EXCEPT PURSUANT

COURAGE PRESERVATION OF HOUSING OPPORTUNITIES, EPECIALLY FOR LOW INCOME PERSONS, AND TO ENSURE THAT PERSONS DISPLACED BY REDEVELOPMENT ARE RELOCATED.

2. PROPONENTS OF PROJECTS SHALL DISCLOSE THE ON-SITE AND OFF-SITE IMPACTS OF THE PROPOSED PROJECTS UPON HOUSING, WITH PARTICULAR ATTENTION TO LOW-INCOME HOUSING.

3. COMPLIANCE WITH LEGALLY VALID CITY ORDINANCE PROVISIONS RELATING TO HOUSING RELOCATION, DEMOLITION AND CONVERSION SHALL CONSTITUTE COMPLIANCE WITH THIS HOUSING POLICY.

4. HOUSING PRESERVATION SHALL BE AN IMPORTANT CONSIDERATION IN THE DEVELOPMENT OF THE CITY'S PUBLIC PROJECTS AND PROGRAMS. THE CITY SHALL GIVE HIGH PRIORITY TO LIMITING DEMOLITION OF LOW-INCOME HOUSING IN THE DEVELOPMENT OF ITS OWN FACILITIES.

(10) LAND USE

A. POLICY BACKGROUND

1. THE CITY HAS ADOPTED LAND USE POLICIES AND CODE WHICH ARE DESIGNED, IN PART, TO MINIMIZE OR PREVENT IMPACTS RESULTING FROM INCOMPATIBLE LAND USES. THESE LAND USE POLICIES ARE: SINGLE FAMILY RESIDENTIAL AREAS POLICIES, MULTI-FAMILY RESIDENTIAL AREAS POLICIES, MAJOR INSTITUTIONS POLICIES, LAND USE POLICIES FOR NEIGHBORHOOD COMMERCIAL AREAS, LAND USE POLICIES FOR DOWNTOWN INDUSTRIAL AREA POLICIES, OPEN SPACE POLICIES (ONCE ADOPTED), AND SHORELINE POLICIES.

2. THE ADOPTED LAND USE CODE CANNOT IDENTIFY OR ANTICIPATE ALL POSSIBLE USES AND ALL POTENTIAL LAND USE IMPACTS.

3. WHEN LAND USE POLICY CHANGES ARE ADOPTED, ADVERSE LAND USE IMPACTS MAY RESULT WHEN A PROPOSED PROJECT INCLUDES USES WHICH MAY BE CONSISTENT WITH THE APPLICABLE ZONING REQUIREMENTS BUT ARE IN CONFLICT WITH THE NEW LAND USE POLICIES.

4. ADVERSE CUMULATIVE LAND USE IMPACTS MAY RESULT WHEN A PARTICULAR USE OR USES PERMITTED UNDER THE ZONING CODE OCCUR IN AN AREA TO SUCH EXTENT THAT THEY FORECLOSE OPPORTUNITIES FOR HIGHER PRIORITY, PREFERRED USES CALLED FOR IN THE CITY'S LAND USE POLICIES.

5. DENSITY-RELATED IMPACTS OF DEVELOPMENT ARE ADDRESSED UNDER POLICY 7: HEIGHT, BULK AND SCALE, POLICY 13: PARKING, POLICY 18: TRAFFIC, AND POLICY 15: PUBLIC SERVICES AND FACILITIES AND ARE NOT ADDRESSED UNDER THIS POLICY.

B. POLICIES

1. IT IS THE CITY'S POLICY TO ENSURE THAT PROPOSED USES IN DEVELOPMENT PROJECTS ARE REASONABLY COMPATIBLE WITH SURROUNDING USES AND ARE CONSISTENT WITH APPLICABLE, ADOPTED CITY LAND USE POLICIES FOR THE AREA IN WHICH THE PROJECT IS LOCATED.

2. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY ANY PROJECT TO MITIGATE ADVERSE LAND USE IMPACTS ASSOCIATED WITH A PROPOSED PROJECT AND ACHIEVE CONSISTENCY WITH THE APPLICABLE CITY LAND USE POLICIES LISTED IN (A)(1).

(11) LIGHT AND GLARE

A. POLICY BACKGROUND

1. DEVELOPMENT PROJECTS SOMETIMES INCLUDE LIGHTING AND/OR REFLECTIVE SURFACE MATERIALS WHICH CAN ADVERSELY AFFECT MOTORISTS, PEDESTRIANS, AND THE SURROUNDING AREA. SUCH ADVERSE IMPACTS MAY BE MITIGATED BY ALTERNATIVE LIGHTING TECHNIQUES AND SURFACE MATERIALS.

2. THE CITY'S LAND USE CODE SPECIFICALLY ADDRESSES THE ISSUE OF LIGHT AND GLARE CONTROL ASSOCIATED WITH COMMERCIAL AND INDUSTRIAL PROJECTS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT HAZARDS AND OTHER ADVERSE IMPACTS CREATED BY LIGHT AND GLARE.

2. IF A PROPOSED PROJECT MAY CREATE ADVERSE IMPACTS DUE TO LIGHT AND GLARE, THE DECISIONMAKER SHALL ASSESS THE IMPACTS AND THE NEED FOR MITIGATION.

3. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY A PROPOSED PROJECT TO MITIGATE ITS ADVERSE IMPACTS DUE TO LIGHT AND GLARE.

4. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. LIMITING THE REFLECTIVE QUALITIES OF SURFACE MATERIALS THAT CAN BE USE IN THE DEVELOPMENT;

b. LIMITING THE AREA AND INTENSITY OF ILLUMINATION;

c. LIMITING THE LOCATION OR ANGLE OF ILLUMINATION;

d. LIMITING THE HOURS OF ILLUMINATION; AND

e. PROVIDING LANDSCAPING.

(12) NOISE

A. POLICY BACKGROUND

1. NOISE MAY BE INJURIOUS TO

AL SYSTEMS. HAZARDOUS MA- LS INCLUDE SUCH THINGS AS CIDES, HERBICIDES, AND ELEC- AGNETIC TRANSMISSIONS.

DERAL, STATE AND REGIONAL LATIONS ARE THE PRIMARY S OF MITIGATING RISKS ASSO- D WITH HAZARDOUS AND TOX- TERIALS.

DERAL, STATE AND REGIONAL LATIONS CANNOT ALWAYS IPATE OR ELIMINATE ADVERSE TS FROM HAZARDOUS MATE- AND TRANSMISSIONS. PUBLIC LEDGE REGARDING SUCH HAZ- US MATERIALS AND TRANSMIS- MAY DEVELOP MORE QUICKLY REGULATIONS CAN REACT AND PLEMENTED.

OLICIES

IS THE CITY'S POLICY TO IZE OR PREVENT ADVERSE IM- RESULTING FROM TOXIC OR RDOUS MATERIALS AND SMISSIONS.

R ALL PROPOSED PROJECTS IN- NG THE USE, TREATMENT, SPORT, STORAGE, DISPOSAL, ION, OR APPLICATION OF TOX- HAZARDOUS CHEMICALS, MA- LS, WASTES OR TRANSMIS- THE DECISIONMAKER SHALL, NSULTATION WITH APPRO- E AGENCIES WITH EXPERTISE, S THE EXTENT OF POTENTIAL RSE IMPACTS AND THE NEED ITIGATION.

UBJECT TO THE OVERVIEW Y SET FORTH IN SMC 25.05.665, IF ECISIONMAKER MAKES A WRIT- NDING THAT APPLICABLE FED- STATE AND REGIONAL LAWS EGULATIONS DID NOT ANTICI- OR DO NOT ADEQUATELY AD- THE ADVERSE IMPACTS OF A OSED PROJECT, THE PROJECT E CONDITIONED OR DENIED TO ATE ITS ADVERSE IMPACTS; ATING MEASURES MAY IN- , BUT ARE NOT LIMITED TO:

SE OF AN ALTERNATIVE TECH- OGY;

REDUCTION IN THE SIZE OR E OF A PROJECT OR OPERA- ;

LIMITS ON THE TIME AND/OR ATION OF OPERATION; AND

ALTERNATIVE ROUTES OF ISPORTATION.

EIGHT, BULK AND SCALE

OLICY BACKGROUND

E CITY'S ADOPTED LAND USE ES ARE INTENDED TO PROVIDE MOOTH TRANSITION BETWEEN TRIAL, COMMERCIAL, AND RES- AL AREAS, TO PRESERVE THE ACTER OF INDIVIDUAL CITY BORHOODS, AND TO REIN- NATURAL TOPOGRAPHY. LAND USE POLICIES ARE: FAMILY RESIDENTIAL AREAS S; MULTI-FAMILY RESIDEN- REAS POLICIES, MAJOR INSTI- NS POLICIES, LAND USE POLI- OR NEIGHBORHOOD COMMER- REAS, LAND USE POLICIES FOR TOWN, INDUSTRIAL AREA POL- OPEN SPACE POLICIES (ONCE TED), AND SHORELINE ES.

E LAND USE CODE (TITLE 23) IMPLEMENTS THESE POLICIES OLS HEIGHT, BULK AND BUT CANNOT ANTICIPATE OR SS ALL SUBSTANTIAL AD- IMPACTS RESULTING FROM IN- UOUS HEIGHT, BULK AND . FOR EXAMPLE, UNAN- TED ADVERSE IMPACTS MAY WHEN A PROJECT IS LOCATED SITE WITH UNUSUAL TOPO- IC FEATURES OR ON A SITE IS SUBSTANTIALLY LARGER THE PREVALENT PLATTING RN IN AN AREA.

HENEVER NEW LAND USE ES ARE ADOPTED, ADVERSE S MAY RESULT WHEN HEIGHT, AND SCALE PERMITTED BY USLY ADOPTED ZONING CON- WITH THE NEW LAND USE ES.

LICIES

THE CITY'S POLICY THAT THE , BULK AND SCALE OF DEVEL- T PROJECTS SHOULD BE NABLY COMPATIBLE WITH THE AL CHARACTER OF DEVELOP- NTICIPATED BY THE ADOPTED USE POLICIES LISTED IN A(1) E AREA IN WHICH THEY ARE ED; AND TO PROVIDE FOR A NABLE TRANSITION BETWEEN OF LESS INTENSIVE ZONING ORE INTENSIVE ZONING.

BJECT TO THE OVERVIEW SET FORTH IN SMC 25.05.665, ECISIONMAKER MAY CONDI- R DENY A PROJECT TO MITI- HE ADVERSE IMPACTS OF SUB- ALLY INCOMPATIBLE HEIGHT, ND SCALE. MITIGATING MEAS- AY INCLUDE BUT ARE NOT D TO:

MITING THE HEIGHT OF THE LOPMENT;

ODIFYING THE BULK OF THE LOPMENT;

ODIFYING THE DEVELOP- S FACADE INCLUDING BUT MITED TO COLOR AND FINISH RIAL;

EDUCING THE NUMBER OR F ACCESSORY STRUCTURES RELOCATING ACCESSORY TURES INCLUDING BUT NOT ED TO TOWERS, RAILINGS, NTENNAE;

POSITIONING THE DEVELOP- ON THE SITE; AND

DIFYING OR REQUIRING SET- , SCREENING, LANDSCAPING HER TECHNIQUES TO OFFSET PPEARANCE OF INCOMPATI- EIGHT, BULK AND SCALE.

TO PARAGRAPH 4 OR 5 OF THIS SUBSECTION.

4. WHEN A PROJECT IS PROPOSED ADJACENT TO OR ACROSS THE STREET FROM A DESIGNATED SITE OR STRUCTURE, THE DECISIONMAKER SHALL REFER THE PROPOSAL TO THE CITY'S HISTORIC PRESERVATION OFFICER FOR AN ASSESSMENT OF ANY ADVERSE IMPACTS ON THE DESIGNATED LANDMARK AND FOR COMMENTS ON POSSIBLE MITIGATING MEASURES. MITIGATION MAY BE REQUIRED TO INSURE THE COMPATIBILITY OF THE PROPOSED PROJECT WITH THE COLOR, MATERIAL AND ARCHITECTURAL CHARACTER OF THE DESIGNATED LANDMARK AND TO REDUCE IMPACTS ON THE CHARACTER OF THE LANDMARKS' SITE. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, MITIGATING MEASURES MAY BE REQUIRED AND ARE LIMITED TO THE FOLLOWING:

a. SYMPATHETIC FACADE TREATMENT;

b. SYMPATHETIC STREET TREATMENT;

c. SYMPATHETIC DESIGN TREATMENT; AND

d. RECONFIGURATION OF THE PROJECT AND/OR RELOCATION OF THE PROJECT ON THE PROJECT SITE;

PROVIDED, THAT MITIGATING MEASURES SHALL NOT INCLUDE REDUCTIONS IN A PROJECT'S GROSS FLOOR AREA.

5. ON SITES WITH POTENTIAL ARCHAEOLOGICAL SIGNIFICANCE, THE DECISIONMAKER MAY REQUIRE AN ASSESSMENT OF THE ARCHAEOLOGICAL POTENTIAL OF THE SITE. SUBJECT TO THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, MITIGATING MEASURES WHICH MAY BE REQUIRED TO MITIGATE ADVERSE IMPACTS TO AN ARCHAEOLOGICAL SITE INCLUDE, BUT ARE NOT LIMITED TO:

a. RELOCATION OF THE PROJECT ON THE SITE;

b. PROVIDING MARKERS, PLAQUES, OR RECOGNITION OF DISCOVERY;

c. IMPOSING A DELAY OF AS MUCH AS 90 DAYS (OR MORE THAN 90 DAYS FOR EXTRAORDINARY CIRCUMSTANCES) TO ALLOW ARCHAEOLOGICAL ARTIFACTS AND INFORMATION TO BE ANALYZED; AND

d. EXCAVATION AND RECOVERY OF ARTIFACTS.

(9) HOUSING

A. POLICY BACKGROUND

1. DEMOLITION OR REHABILITATION OF LOW-RENT HOUSING UNITS OR CONVERSION OF HOUSING FOR OTHER USES CAN CAUSE BOTH DISPLACEMNT OF LOW-INCOME PERSONS AND REDUCTION IN THE SUPPLY OF HOUSING.

B. POLICIES

1. IT IS THE CITY'S POLICY TO ENCOURAGE PRESERVATION OF HOUSING OPPORTUNITIES, EPECIALLY FOR LOW INCOME PERSONS, AND TO ENSURE THAT PERSONS DISPLACED BY REDEVELOPMENT ARE RELOCATED.

2. PROPONENTS OF PROJECTS SHALL DISCLOSE THE ON-SITE AND OFF-SITE IMPACTS OF THE PROPOSED PROJECTS UPON HOUSING, WITH PARTICULAR ATTENTION TO LOW-INCOME HOUSING.

3. COMPLIANCE WITH LEGALLY VALID CITY ORDINANCE PROVISIONS RELATING TO HOUSING RELOCATION, DEMOLITION AND CONVERSION SHALL CONSTITUTE COMPLIANCE WITH THIS HOUSING POLICY.

4. HOUSING PRESERVATION SHALL BE AN IMPORTANT CONSIDERATION IN THE DEVELOPMENT OF THE CITY'S PUBLIC PROJECTS AND PROGRAMS. THE CITY SHALL GIVE HIGH PRIORITY TO LIMITING DEMOLITION OF LOW-INCOME HOUSING IN THE DEVELOPMENT OF ITS OWN FACILITIES.

(10) LAND USE

A. POLICY BACKGROUND

1. THE CITY HAS ADOPTED LAND USE POLICIES AND CODE WHICH ARE DESIGNED, IN PART, TO MINIMIZE OR PREVENT IMPACTS RESULTING FROM INCOMPATIBLE LAND USES. THESE LAND USE POLICIES ARE: SINGLE FAMILY RESIDENTIAL AREAS POLICIES, MULTI-FAMILY RESIDENTIAL AREAS POLICIES, MAJOR INSTITUTIONS POLICIES, LAND USE POLICIES FOR NEIGHBORHOOD COMMERCIAL AREAS, LAND USE POLICIES FOR DOWNTOWN, INDUSTRIAL AREA POLICIES, OPEN SPACE POLICIES (ONCE ADOPTED), AND SHORELINE POLICIES.

2. THE ADOPTED LAND USE CODE CANNOT IDENTIFY OR ANTICIPATE ALL POSSIBLE USES AND ALL POTENTIAL LAND USE IMPACTS.

3. WHEN LAND USE POLICY CHANGES ARE ADOPTED, ADVERSE LAND USE IMPACTS MAY RESULT WHEN A PROPOSED PROJECT INCLUDES USES WHICH MAY BE CONSISTENT WITH THE APPLICABLE ZONING REQUIREMENTS BUT ARE IN CONFLICT WITH THE NEW LAND USE POLICIES.

4. ADVERSE CUMULATIVE LAND USE IMPACTS MAY RESULT WHEN A PARTICULAR USE OR USES PERMITTED UNDER THE ZONING CODE OCCUR IN AN AREA TO SUCH EXTENT THAT THEY FORECLOSE OPPORTUNITIES FOR HIGHER PRIORITY, PREFERRED USES CALLED FOR IN THE CITY'S LAND USE POLICIES.

5. DENSITY-RELATED IMPACTS OF DEVELOPMENT ARE ADDRESSED

THE PUBLIC HEALTH, SAFETY AND WELFARE. IT MAY HAVE ADVERSE IMPACTS ON COMMERCE; THE USE, VALUE, AND ENJOYMENT OF PROPERTY; SLEEP AND REPOSE; AND THE PHYSIOLOGICAL AND PSYCHOLOGICAL WELL-BEING OF THOSE WHO LIVE AND WORK IN SEATTLE.

2. THE NOISE CONTROL ORDINANCE EFFECTIVELY ADDRESSES MOST NOISE IMPACTS. HOWEVER, SOME NOISE IMPACTS ARE NOT ADDRESSED BY THE NOISE CONTROL ORDINANCE, SUCH AS THE CONTINUAL OR REPETITIVE NOISE OF A PROJECT'S OPERATION.

3. THE LAND CODE ADDRESSES NOISE GENERATORS AND NOISE IMPACTS ASSOCIATED WITH COMMERCIAL AND INDUSTRIAL USES. HOWEVER, ALL NOISE IMPACTS MAY NOT BE ANTICIPATED AND MITIGATED BY THE LAND USE CODE.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE NOISE IMPACTS RESULTING FROM NEW DEVELOPMENT OR USES.

2. THE DECISIONMAKER MAY REQUIRE, AS PART OF THE ENVIRONMENTAL REVIEW OF A PROJECT, AN ASSESSMENT OF NOISE IMPACTS LIKELY TO RESULT FROM THE PROJECT.

3. BASED IN PART ON SUCH ASSESSMENTS, AND IN CONSULTATION WITH APPROPRIATE AGENCIES WITH EXPERTISE, THE DECISIONMAKER SHALL ASSESS THE EXTENT OF ADVERSE IMPACTS AND THE NEED FOR MITIGATION.

4. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, THE DECISIONMAKER MAY CONDITION OR DENY A PROPOSAL TO MITIGATE ITS ADVERSE NOISE IMPACTS.

5. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. USE OF AN ALTERNATIVE TECHNOLOGY;

b. REDUCTION IN THE SIZE OR SCOPE OF A PROJECT OR OPERATION;

c. LIMITS ON THE TIME AND/OR DURATION OF OPERATION; AND

d. REQUIRING BUFFRING, LANDSCAPING, OR OTHER TECHNIQUES TO REDUCE NOISE IMPACTS OFF-SITE.

(13) PARKING

A. POLICY BACKGROUND

1. INCREASED PARKING DEMAND ASSOCIATED WITH DEVELOPMENT PROJECTS MAY ADVERSELY AFFECT THE AVAILABILITY OF PARKING IN AN AREA.

2. PARKING POLICIES DESIGNED TO MITIGATE MOST PARKING IMPACTS AND TO ACCOMMODATE MOST OF THE CUMULATIVE EFFECTS OF FUTURE PROJECTS ON PARKING ARE INCLUDED IN THE CITY'S LAND USE POLICIES AND IMPLEMENTED THROUGH THE CITY'S LAND USE CODE. HOWEVER, IN SOME NEIGHBORHOODS, DUE TO INADEQUATE OFF-STREET PARKING, STREETS ARE UNABLE TO ABSORB ANY ADDITIONAL PARKING SPILLOVER. THE POLICIES RECOGNIZE THAT THE COST OF PROVIDING ADDITIONAL PARKING MAY HAVE AN ADVERSE EFFECT ON THE AFFORDABILITY OF HOUSING.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE PARKING IMPACTS ASSOCIATED WITH DEVELOPMENT PROJECTS.

2. SUBJECT TO THE OVERVIEW AND CUMULATIVE EFFECTS POLICIES SET FORTH IN SMC 25.05.665 AND SMC 25.05.670, THE DECISIONMAKER MAY CONDITION A PROJECT TO MITIGAGE THE EFFECTS OF DEVELOPMENT IN AN AREA ON PARKING; PROVIDED, THAT NO SEPA AUTHORITY IS PROVIDED TO MITIGATE THE IMPACT OF DEVELOPMENT ON PARKING AVAILABILITY IN THE DOWNTOWN ZONES; PROVIDED FURTHER, THAT PARKING IMPACT MITIGATION FOR MULTI-FAMILY DEVELOPMENT MAY BE REQUIRED ONLY WHERE ON-STREET PARKING IS AT CAPACITY AS DEFINED BY THE SEATTLE ENGINEERING DEPARTMENT OR WHERE THE DEVELOPMENT ITSELF WOULD CAUSE ON-STREET PARKING TO REACH CAPACITY AS SO DEFINED.

3. PARKING IMPACT MITIGATION FOR PROJECTS OUTSIDE OF DOWNTOWN ZONES MAY INCLUDE BUT IS NOT LIMITED TO:

a. TRANSPORTATION MANAGEMENT PROGRAMS;

b. PARKING MANAGEMENT AND ALLOCATION PLANS;

c. INCENTIVES FOR THE USE OF ALTERNATIVES TO SINGLE OCCUPANCY VEHICLES, SUCH AS TRANSIT PASS SUBSIDIES, PARKING FEES, AND PROVISION OF BICYCLE PARKING SPACE;

d. INCREASED PARKING RATIOS; AND

e. REDUCED DEVELOPMENT DENSITIES TO THE EXTENT THAT IT CAN BE SHOWN THAT REDUCED PARKING SPILLOVER IS LIKELY TO RESULT; PROVIDED, THAT PARKING IMPACT MITIGATION FOR MULTI-FAMILY DEVELOPMENT MAY NOT INCLUDE REDUCTION IN DEVELOPMENT DENSITY.

(14) PLANTS AND ANIMALS

A. POLICY BACKGROUND

1. MANY SPECIES OF BIRDS, MAMMALS, FISH, AND OTHER CLASSES OF ANIMALS AND PLANTS LIVING IN THE URBAN ENVIRONMENTS ARE OF AESTHETIC, EDUCATIONAL,

f. LANDSCAPING AND/OR RETENTION OF EXISTING VEGETATION.

(15) PUBLIC SERVICES AND FACILITIES

A. POLICY BACKGROUND

A SINGLE DEVELOPMENT, THOUGH OTHERWISE CONSISTENT WITH ZONING REGULATIONS, MAY CREATE EXCESSIVE DEMANDS UPON EXISTING PUBLIC SERVICES AND FACILITIES. "PUBLIC SERVICES AND FACILITIES" IN THIS CONTEXT INCLUDES FACILITIES SUCH AS SEWERS, STORM DRAINS, SOLID WASTE DISPOSAL FACILITIES, PARKS, SCHOOLS, AND STREETS AND SERVICES SUCH AS TRANSIT, SOLID WASTE COLLECTION, PUBLIC HEALTH SERVICES, AND POLICE AND FIRE PROTECTION, PROVIDED BY EITHER A PUBLIC AGENCY OR PRIVATE ENTITY.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE IMPACTS TO EXISTING PUBLIC SERVICES AND FACILITIES.

2. THE DECISIONMAKER MAY REQUIRE, AS PART OF THE ENVIRONMENTAL REVIEW OF A PROJECT, A REASONABLE ASSESSMENT OF THE PRESENT AND PLANNED CONDITION AND CAPACITY OF PUBLIC SERVICES AND FACILITIES TO SERVE THE AREA AFFECTED BY THE PROPOSAL.

3. BASED UPON SUCH ANALYSES, A PROJECT WHICH WOULD RESULT IN ADVERSE IMPACTS ON EXISTING PUBLIC SERVICES AND FACILITIES MAY BE CONDITIONED OR DENIED TO LESSEN ITS DEMAND FOR SERVICES AND FACILITIES, OR REQUIRED TO IMPROVE OR ADD SERVICES AND/OR FACILITIES FOR THE PUBLIC, WHETHER OR NOT THE PROJECT MEETS THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665.

(16) PUBLIC VIEW PROTECTION

A. POLICY BACKGROUND

1. SEATTLE HAS A MAGNIFICIENT NATURAL SETTING OF GREENERY, MOUNTAINS, AND WATER; VISUAL AMENITIES AND OPPORTUNITIES ARE AN INTEGRAL PART OF THE CITY'S ENVIRONMENTAL QUALITY.

2. THE CITY HAS DEVELOPED PARTICULAR SITES FOR THE PUBLIC'S ENJOYMENT OF VIEWS OF MOUNTAINS, WATER AND SKYLINE AND HAS MANY SCENIC ROUTES AND OTHER PUBLIC PLACES WHERE SUCH VIEWS ENHANCE ONE'S EXPERIENCE.

3. OBSTRUCTION OF PUBLIC VIEWS MAY OCCUR WHEN A PROPOSED STRUCTURE IS LOCATED IN CLOSE PROXIMITY TO THE STREET PROPERTY LINE. WHEN DEVELOPMENT OCCURS ON LOTS SITUATED AT THE FOOT OF A STREET THAT TERMINATES OR CHANGES DIRECTION BECAUSE OF A SHIFT IN THE STREET GRID PATTERN, OR WHEN DEVELOPMENT ALONG A STREET CREATES A CONTINUOUS WALL SEPARATING THE STREET FROM THE VIEW.

4. AUTHORITY PROVIDED THROUGH THE HISTORIC PRESERVATION ORDINANCE IS INTENDED TO PRESERVE SITES AND STRUCTURES WHICH REFLECT SIGNIFICANT ELEMENTS OF THE CITY'S HISTORIC HERITAGE AND TO DESIGNATE AND REGULATE SUCH SITES AND STRUCTURES AS HISTORIC LANDMARKS.

5. THE ADOPTED DOWNTOWN LAND USE POLICIES AND CODE PROVIDE FOR THE PRESERVATION OF SPECIFIED VIEW CORRIDORS THROUGH SETBACK REQUIREMENTS AND POLICIES FOR THE USE OF STREET SPACE.

6. ADOPTED LAND USE CODES ATTEMPT TO PROTECT PRIVATE VIEWS THROUGH HEIGHT AND BULK CONTROLS AND OTHER ZONING REGULATIONS BUT IS IS IMPRACTICAL TO PROTECT PRIVATE VIEWS THROUGH PROJECT-SPECIFIC REVIEW.

B. POLICIES

1. a. IT IS THE CITY'S POLICY TO PROTECT PUBLIC VIEWS OF SIGNIFICANT NATURAL AND HUMAN-MADE FEATURES: MOUNT RAINIER, THE OLYMPIC AND CASCADE MOUNTAINS, THE DOWNTOWN SKYLINE, AND MAJOR BODIES OF WATER INCLUDING PUGET SOUND, LAKE WASHINGTON, LAKE UNION AND THE SHIP CANAL, FROM PUBLIC PLACES CONSISTING OF THE SPECIFIED VIEWPOINTS, PARKS, SCENIC ROUTES, AND VIEW CORRIDORS, IDENTIFIED IN ATTACHMENT 1. (ATTACHMENT 1 IS LOCATED AT THE END OF THIS SECTION 25.05.675.)

b. THE DECISIONMAKER MAY CONDITION OR DENY A PROPOSAL TO ELIMINATE OR REDUCE ITS ADVERSE IMPACTS ON DESIGNATED PUBLIC VIEWS, WHETHER OR NOT THE PROJECT MEETS THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665; PROVIDED THAT DOWNTOWN PROJECTS MAY BE CONDITIONED OR DENIED ONLY WHEN PUBLIC VIEWS FROM OUTSIDE OF DOWNTOWN WOULD BE BLOCKED AS A RESULT OF A CHANGE IN THE STREET GRID PATTERN.

2. a. IT IS THE CITY'S POLICY TO PROTECT PUBLIC VIEWS OF HISTORIC LANDMARKS DESIGNATED BY THE LANDMARKS PRESERVATION BOARD WHICH, BECAUSE OF THEIR PROMINENCE OF LOCATION OR CONTRASTS OF SITING, AGE, OR SCALE, ARE EASILY IDENTIFIABLE VISUAL FEATURES OF THEIR NEIGHBORHOOD OR THE CITY AND CONTRIBUTE TO THE DISTINCTIVE QUALITY OR IDENTITY OF THEIR NEIGHBORHOOD OR THE CITY.

b. A PROPOSED PROJECT MAY BE CONDITIONED OR DENIED TO MITIGATE VIEW IMPACTS ON HISTORIC LANDMARKS WHETHER OR NOT THE

b. WESTLAKE PARK AND PLAZA;

c. MARKET (STEINBRUECK) PARK; AND

d. CONVENTION CENTER PARK.

2. THE DECISIONMAKER SHALL ASSESS THE EXTENT OF ADVERSE IMPACTS AND THE NEED FOR MITIGATION. THE ANALYSIS OF SUNLIGHT BLOCKAGE AND SHADOW IMPACTS SHALL INCLUDE AN ASSESSMENT OF THE EXTENT OF SHADOWS, INCLUDING TIMES OF THE YEAR, HOURS OF THE DAY, ANTICIPATED SEASONAL USE OF OPEN SPACES, AVAILABILITY OF OTHER OPEN SPACES IN THE AREA, AND THE NUMBER OF PEOPLE AFFECTED.

3. WHEN THE DECISIONMAKER FINDS THAT A PROPOSED PROJECT WOULD SUBSTANTIALLY BLOCK SUNLIGHT FROM OPEN SPACES LISTED IN SUBSECTION 1 ABOVE AT A TIME WHEN THE PUBLIC MOST FREQUENTLY USES THAT SPACE, THE DECISIONMAKER MAY CONDITION OR DENY THE PROJECT TO MITIGATE THE ADVERSE IMPACTS OF SUNLIGHT BLOCKAGE, WHETHER OR NOT THE PROJECT MEETS THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665.

4. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. LIMITING THE HEIGHT OF THE DEVELOPMENT;

b. LIMITING THE BULK OF THE DEVELOPMENT;

c. REDESIGNING THE PROFILE OF THE DEVELOPMENT;

d. LIMITING OR REARRANGING WALKS, FENCES, OR PLANT MATERIAL;

e. LIMITING OR REARRANGING ACCESSORY STRUCTURES, I. E., TOWERS, RAILING, ANTENNAE; AND

f. RELOCATING THE PROJECT ON THE SITE.

(18) TRAFFIC AND TRANSPORTATION

A. POLICY BACKGROUND

1. EXCESSIVE TRAFFIC CAN ADVERSELY AFFECT THE STABILITY, SAFETY AND CHARACTER OF SEATTLE'S COMMUNITIES.

2. SUBSTANTIAL TRAFFIC VOLUMES ASSOCIATED WITH MAJOR PROJECTS MAY ADVERSELY IMPACT SURROUNDING AREAS.

3. INDIVIDUAL PROJECTS MAY CREATE ADVERSE IMPACTS ON TRANSPORTATION FACILITIES WHICH SERVICE SUCH PROJECTS. SUCH IMPACTS MAY RESULT IN A NEED FOR TURN CHANNELIZATION, RIGHT-OF-WAY DEDICATION, STREET WIDENING OR OTHER IMPROVEMENTS INCLUDING TRAFFIC SIGNALIZATION.

4. SEATTLE'S LAND USE POLICIES CALL FOR DECREASING RELIANCE ON THE SINGLE OCCUPANT AUTOMOBILE AND INCREASED USE OF ALTERNATIVE TRANSPORTATION MODES.

5. REGIONAL TRAFFIC AND TRANSPORTATION IMPACTS ARISING AS A RESULT OF DOWNTOWN DEVELOPMENT HAVE BEEN ADDRESSED IN SUBSTANTIAL PART BY THE DOWNTOWN LAND USE AND TRANSPORTATION PLAN. ACTIONS UNDERWAY TO MITIGATE IMPACTS INCLUDE THE IMPLEMENTATION OF THE DOWNTOWN LAND USE CODE AND THE CONSTRUCTION OF THE DOWNTOWN TRANSIT TUNNEL, BOTH OF WHICH PROMOTE AND ENCOURAGE TRANSIT USE.

6. THE UNIVERSITY DISTRICT IS AN AREA OF THE CITY WHICH IS SUBJECT TO PARTICULARLY SEVERE TRAFFIC CONGESTION PROBLEMS, AS HIGHLIGHTED IN THE 1983 CITY-UNIVERSITY AGREEMENT, AND THEREFORE DESERVES SPECIAL ATTENTION IN THE ENVIRONMENTAL REVIEW OF PROJECT PROPOSALS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE TRAFFIC IMPACTS WHICH WOULD UNDERMINE THE STABILITY, SAFETY AND/OR CHARACTER OF A NEIGHBORHOOD OR SURROUNDING AREAS.

2. IN DETERMINING THE NECESSARY TRAFFIC AND TRANSPORTATION IMPACT MITIGATION, THE DECISIONMAKER SHALL EXAMINE THE EXPECTED PEAK TRAFFIC AND CIRCULATION PATTERN OF THE PROPOSED PROJECT WEIGHED AGAINST SUCH FACTORS AS THE AVAILABILITY OF PUBLIC TRANSIT; EXISTING VEHICULAR AND PEDESTRIAN TRAFFIC CONDITIONS; ACCIDENT HISTORY; THE TREND IN LOCAL AREA DEVELOPMENT; PARKING CHARACTERISTICS OF THE IMMEDIATE AREA; THE USE OF THE STREET AS DETERMINED BY THE SEATTLE ENGINEERING DEPARTMENT'S SEATTLE COMPREHENSIVE TRANSPORTATION PLAN; AND THE AVAILABILITY OF GOODS, SERVICES AND RECREATION WITHIN REASONABLE WALKING DISTANCE.

3. MITIGATION OF TRAFFIC AND TRANSPORTATION IMPACTS SHALL BE PERMITTED WHETHER OR NOT THE PROJECT MEETS THE CRITERIA OF THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665.

4. MITIGATING MEASURES WHICH MAY BE APPLIED TO RESIDENTIAL PROJECTS IN DOWNTOWN ARE LIMITED TO THE FOLLOWING:

a. SIGNAGE;

b. PROVISION OF INFORMATION ON TRANSIT AND RIDE-SHARING PROGRAMS; AND

c. BICYCLE PARKING.

5. MITIGATING MEASURES WHICH

ED), AND SHORELINE
S.

LAND USE CODE (TITLE 23)
MPLEMENTS THESE POLICIES
OLS HEIGHT, BULK AND
UT CANNOT ANTICIPATE OR
SS ALL SUBSTANTIAL AD-
MPACTS RESULTING FROM IN-
VOUS HEIGHT, BULK AND
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WITH THE NEW LAND USE
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ICIES

THE CITY'S POLICY THAT THE
BULK AND SCALE OF DEVEL-
PROJECTS SHOULD BE
ABLY COMPATIBLE WITH THE
L CHARACTER OF DEVELOP-
TICIPATED BY THE ADOPTED
SE POLICIES LISTED IN (A)(1)
AREA IN WHICH THEY ARE
), AND TO PROVIDE FOR A
ABLE TRANSITION BETWEEN
OF LESS INTENSIVE ZONING
RE INTENSIVE ZONING;

JECT TO THE OVERVIEW
SET FORTH IN SMC 25.05.665,
CISIONMAKER MAY CONDI-
DENY A PROJECT TO MITI-
E ADVERSE IMPACTS OF SUB-
LLY INCOMPATIBLE HEIGHT,
DSCALE, MITIGATING MEAS-
AY INCLUDE BUT ARE NOT
TO:

MITING THE HEIGHT OF THE
OPMENT;

DIFYING THE BULK OF THE
OPMENT;

ODIFYING THE DEVELOP-
FACADE INCLUDING BUT
MITED TO COLOR AND FINISH
IAL;

DUCING THE NUMBER OR
F ACCESSORY STRUCTURES
ELOCATING ACCESSORY
TURES INCLUDING BUT NOT
D TO TOWERS, RAILINGS,
TENNAE;

OSITIONING THE DEVELOP-
N THE SITE; AND

DIFYING OR REQUIRING SET-
SCREENING, LANDSCAPING
ER TECHNIQUES TO OFFSET
PEARANCE OF INCOMPAT-
IGHT, BULK AND SCALE.

ORIC PRESERVATION

CY BACKGROUND

ORIC BUILDINGS, SPECIAL
DISTRICTS, AND SITES OF
OLOGICAL SIGNIFICANCE
ND WITHIN SEATTLE. THE
ATION OF THESE BUILD-
TRICTS AND SITES IS IMPOR-
THE RETENTION OF A LIVING
ND APPRECIATION OF THE

ORIC SITES, STRUCTURES,
S AND ARCHAEOLOGICAL
AY BE DIRECTLY OR IND-
THREATENED BY DEVELOP-
REDEVELOPMENT PROJ-

ORIC BUILDINGS ARE PRO-
BY THE LANDMARKS PRES-
N ORDINANCE, ADMINIS-
THE LANDMARKS PRESER-
OARD. HOWEVER, NOT ALL
D STRUCTURES MEETING
ERIA FOR HISTORIC LAND-
TATUS HAVE BEEN DESIG-
ET.

AL DISTRICTS HAVE BEEN
HED TO PROTECT CERTAIN
HICH ARE UNIQUE IN THEIR
AL AND CULTURAL SIGNIF-
NCLUDING FOR EXAMPLE
ACE MARKET, PIONEER
AND THE INTERNATIONAL
THESE AREAS ARE SUB-
DEVELOPMENT CONTROLS
JECT REVIEW BY SPECIAL
REVIEW BOARDS.

IAEOLOGICALLY SIGNIFI-
TES PRESENT A UNIQUE
BEC USE PROTECTION OF
TEGRITY MAY, IN SOME
LIMINATE ANY ECONOMIC
NITY ON THE SITE.

CIES

HE CITY'S POLICY TO MAIN-
PRESERVE SIGNIFICANT
SITES AND STRUCTURES
OIDE THE OPPORTUNITY
YSIS OF ARCHAEOLOGICAL

PROJECTS INVOLVING
E OR SITES WHICH HAVE
SIGNATED AS HISTORIC
KS, COMPLIANCE WITH THE
KS PRESERVATION ORDI-
ALL CONSTITUTE COMPLI-
H POLICY NUMBER 1.

PROJECTS INVOLVING
RES OR SITES WHICH ARE
DESIGNATED AS HIS-
LANDMARKS BUT WHICH
O MEET THE CRITERIA FOR
ION, THE DECISIONMAKER
NTERESTED PERSON MAY
E SITE OR STRUCTURE TO
DMARKS PRESERVATION
R CONSIDERATION. IF THE
E PROVES THE SITE OR
RE FOR NOMINATION AS AN
LANDMARK, CONSIDERA-
THE SITE OR STRUCTURE
GNATION AS AN HISTORIC
K AND APPLICATION OF
AND INCENTIVES SHALL
AS PROVIDED BY THE
KS PRESERVATION ORDI-
THE PROJECT IS REJECTED
INATION, THE PROJECT
T BE CONDITIONED OR DE-
HISTORICAL PRESERVA-
POSES, EXCEPT PURSUANT

COURAGE PRESERVATION OF HOUS-
ING OPPORTUNITIES, ESPECIALLY
FOR LOW INCOME PERSONS, AND TO
ENSURE THAT PERSONS DISPLACED
BY REDEVELOPMENT ARE
RELOCATED.

2. PROPONENTS OF PROJECTS
SHALL DISCLOSE THE ON-SITE AND
OFF-SITE IMPACTS OF THE PROPOS-
ED PROJECTS UPON HOUSING, WITH
PARTICULAR ATTENTION TO LOW-
INCOME HOUSING.

3. COMPLIANCE WITH LEGALLY
VALID CITY ORDINANCE PROVI-
SIONS RELATING TO HOUSING
RELOCATION, DEMOLITION AND
CONVERSION SHALL CONSTITUTE
COMPLIANCE WITH THIS HOUSING
POLICY.

4. HOUSING PRESERVATION SHALL
BE AN IMPORTANT CONSIDERATION
IN THE DEVELOPMENT OF THE CITY'S
PUBLIC PROJECTS AND PROGRAMS.
THE CITY SHALL GIVE HIGH PRIORI-
TY TO LIMITING DEMOLITION OF
LOW-INCOME HOUSING IN THE DE-
VELOPMENT OF ITS OWN FACILITIES.

(10) LAND USE

A. POLICY BACKGROUND

1. THE CITY HAS ADOPTED LAND
USE POLICIES AND CODE WHICH ARE
DESIGNED, IN PART, TO MINIMIZE OR
PREVENT IMPACTS RESULTING
FROM INCOMPATIBLE LAND USES.
THESE LAND USE POLICIES ARE:
SINGLE FAMILY RESIDENTIAL
AREAS POLICIES, MULTI-FAMILY
RESIDENTIAL AREAS POLICIES, MA-
JOR INSTITUTIONS POLICIES, LAND
USE POLICIES FOR NEIGHBORHOOD
COMMERCIAL AREAS, LAND USE
POLICIES FOR DOWNTOWN, IN-
DUSTRIAL AREA POLICIES, OPEN
SPACE POLICIES (ONCE ADOPTED),
AND SHORELINE POLICIES.

2. THE ADOPTED LAND USE CODE
CANNOT IDENTIFY OR ANTICIPATE
ALL POSSIBLE USES AND ALL
POTENTIAL LAND USE IMPACTS.

3. WHEN LAND USE POLICY
CHANGES ARE ADOPTED, ADVERSE
LAND USE IMPACTS MAY RESULT
WHEN A PROPOSED PROJECT IN-
CLUDES USES WHICH MAY BE CON-
SISTENT WITH THE APPLICABLE ZON-
ING REQUIREMENTS BUT ARE IN
CONFLICT WITH THE NEW LAND USE
POLICIES.

4. ADVERSE CUMULATIVE LAND
USE IMPACTS MAY RESULT WHEN A
PARTICULAR USE OR USES PERMIT-
TED UNDER THE ZONING CODE OC-
CUR IN AN AREA TO SUCH EXTENT
THAT THEY FORECLOSE OPPOR-
TUNITIES FOR HIGHER PRIORITY,
PREFERRED USES CALLED FOR IN
THE CITY'S LAND USE POLICIES.

5. DENSITY-RELATED IMPACTS OF
DEVELOPMENT ARE ADDRESSED
UNDER POLICY 7: HEIGHT, BULK
AND SCALE, POLICY 13: PARKING,
POLICY 18: TRAFFIC, AND POLICY 15:
PUBLIC SERVICES AND FACILITIES
AND ARE NOT ADDRESSED UNDER
THIS POLICY.

B. POLICIES

1. IT IS THE CITY'S POLICY TO EN-
SURE THAT PROPOSED USES IN DE-
VELOPMENT PROJECTS ARE
REASONABLY COMPATIBLE WITH
SURROUNDING USES AND ARE CON-
SISTENT WITH ANY APPLICABLE
ADOPTED CITY LAND USE POLICIES
FOR THE AREA IN WHICH THE PROJ-
ECT IS LOCATED.

2. SUBJECT TO THE OVERVIEW
POLICY SET FORTH IN SMC 25.05.665,
THE DECISIONMAKER MAY CONDI-
TION OR DENY ANY PROJECT TO
MITIGATE ADVERSE LAND USE IM-
PACTS ASSOCIATED WITH A PROPOS-
ED PROJECT AND ACHIEVE CON-
SISTENCY WITH THE APPLICABLE
CITY LAND USE POLICIES LISTED IN
(A)(1).

(11) LIGHT AND GLARE

A. POLICY BACKGROUND

1. DEVELOPMENT PROJECTS
SOMETIMES INCLUDE LIGHTING
AND/OR REFLECTIVE SURFACE
MATERIALS WHICH CAN ADVERSELY
AFFECT MOTORISTS, PEDESTRIANS,
AND THE SURROUNDING AREA.
SUCH ADVERSE IMPACTS MAY BE
MITIGATED BY ALTERNATIVE
LIGHTING TECHNIQUES AND SUR-
FACE MATERIALS.

2. THE CITY'S LAND USE CODE
SPECIFICALLY ADDRESSES THE
ISSUE OF LIGHT AND GLARE CON-
TROL ASSOCIATED WITH COMMER-
CIAL AND INDUSTRIAL PROJECTS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO
MINIMIZE OR PREVENT HAZARDS
AND OTHER ADVERSE IMPACTS
CREATED BY LIGHT AND GLARE.

2. IF A PROPOSED PROJECT MAY
CREATE ADVERSE IMPACTS DUE TO
LIGHT AND GLARE, THE DECISION-
MAKER SHALL ASSESS THE IMPACTS
AND THE NEED FOR MITIGATION.

3. SUBJECT TO THE OVERVIEW
POLICY SET FORTH IN SMC 25.05.665,
THE DECISIONMAKER MAY CONDI-
TION OR DENY A PROPOSED PROJ-
ECT TO MITIGATE ITS ADVERSE IM-
PACTS DUE TO LIGHT AND GLARE.

4. MITIGATING MEASURES MAY IN-
CLUDE, BUT ARE NOT LIMITED TO:

a. LIMITING THE REFLECTIVE
QUALITIES OF SURFACE MATERIALS
THAT CAN BE USE IN THE DEVELOP-
MENT;

b. LIMITING THE AREA AND INTEN-
SITY OF ILLUMINATION;

c. LIMITING THE LOCATION OR
ANGLE OF ILLUMINATION;

d. LIMITING THE HOURS OF IL-
LUMINATION; AND

e. PROVIDING LANDSCAPING.

(12) NOISE

A. POLICY BACKGROUND

1. NOISE MAY BE INJURIOUS TO

BORHOODS, DUE TO INADEQUATE
OFF-STREET PARKING, STREETS ARE
UNABLE TO ABSORB ANY ADDI-
TIONAL PARKING SPILLOVER. THE
POLICIES RECOGNIZE THAT THE
COST OF PROVIDING ADDITIONAL
PARKING MAY HAVE AN ADVERSE
EFFECT ON THE AFFORDABILITY OF
HOUSING.

B. POLICIES

1. IT IS THE CITY'S POLICY TO
MINIMIZE OR PREVENT ADVERSE
PARKING IMPACTS ASSOCIATED
WITH DEVELOPMENT PROJECTS.

2. SUBJECT TO THE OVERVIEW AND
CUMULATIVE EFFECTS POLICIES SET
FORTH IN SMC 25.05.665 AND SMC
25.05.670, THE DECISIONMAKER MAY
CONDITION A PROJECT TO MITIGATE
THE EFFECTS OF DEVELOPMENT IN
AN AREA ON PARKING; PROVIDED,
THAT NO SEPA AUTHORITY IS PRO-
VIDED TO MITIGATE THE IMPACT OF
DEVELOPMENT ON PARKING
AVAILABILITY IN THE DOWNTOWN
ZONES; PROVIDED FURTHER, THAT
PARKING IMPACT MITIGATION FOR
MULTI-FAMILY DEVELOPMENT MAY
BE REQUIRED ONLY WHERE ON-
STREET PARKING IS AT CAPACITY AS
DEFINED BY THE SEATTLE ENGI-
NEERING DEPARTMENT OR WHERE
THE DEVELOPMENT ITSELF WOULD
CAUSE ON-STREET PARKING TO
REACH CAPACITY AS SO DEFINED.

3. PARKING IMPACT MITIGATION
FOR PROJECTS OUTSIDE OF
DOWNTOWN ZONES MAY INCLUDE
BUT IS NOT LIMITED TO:

a. TRANSPORTATION MANAGE-
MENT PROGRAMS;

b. PARKING MANAGEMENT AND
ALLOCATION PLANS;

c. INCENTIVES FOR THE USE OF
ALTERNATIVES TO SINGLE OC-
CUPANCY VEHICLES, SUCH AS
TRANSIT PASS SUBSIDIES, PARK-
ING FEES, AND PROVISION OF BI-
CYCLE PARKING SPACE;

d. INCREASED PARKING RATIOS;
AND

e. REDUCED DEVELOPMENT DEN-
SITIES TO THE EXTENT THAT IT
CAN BE SHOWN THAT REDUCED
PARKING SPILLOVER IS LIKELY TO
RESULT; PROVIDED, THAT PARK-
ING IMPACT MITIGATION FOR
MULTI-FAMILY DEVELOPMENT
MAY NOT INCLUDE REDUCTION IN
DEVELOPMENT DENSITY.

(14) PLANTS AND ANIMALS

A. POLICY BACKGROUND

1. MANY SPECIES OF BIRDS, MAM-
MALS, FISH, AND OTHER CLASSES OF
ANIMALS AND PLANTS LIVING IN
THE URBAN ENVIRONMENTS ARE OF
AESTHETIC, EDUCATIONAL,
ECOLOGICAL AND IN SOME CASES
ECONOMIC VALUE.

2. LOCAL WILDLIFE POPULATIONS
ARE THREATENED BY HABITAT LOSS
THROUGH DESTRUCTION AND
FRAGMENTATION OF LIVING AND
BREEDING AREAS AND TRAVEL-
WAYS, AND BY THE REDUCTION OF
HABITAT DIVERSITY.

3. SUBSTANTIAL PROTECTION OF
WILDLIFE HABITATS AND TRAVEL
CORRIDORS WITHIN THE CITY IS PRO-
VIDED BY THE SEATTLE SHORELINE
MASTER PROGRAM.

B. POLICIES

1. IT IS THE CITY'S POLICY TO
MINIMIZE OR PREVENT THE LOSS OF
WILDLIFE HABITAT AND OTHER
VEGETATION WHICH HAVE
SUBSTANTIAL AESTHETIC, EDUCA-
TIONAL, ECOLOGICAL, AND/OR
ECONOMIC VALUE. A HIGH PRIORITY
SHALL BE GIVEN TO THE PRESERVA-
TION AND PROTECTION OF SPECIAL
HABITAT TYPES. SPECIAL HABITAT
TYPES INCLUDE, BUT ARE NOT
LIMITED TO, WETLANDS AND ASSOCI-
ATED AREAS (SUCH AS UPLAND
NESTING AREAS), AND SPAWNING,
FEEDING, OR NESTING SITES. A HIGH
PRIORITY SHALL ALSO BE GIVEN TO
MEETING THE NEEDS OF STATE AND
FEDERAL THREATENED, EN-
DANGERED, AND SENSITIVE SPECIES
OF BOTH PLANTS AND ANIMALS.

2. FOR PROJECTS WHICH ARE PRO-
POSED WITHIN AN IDENTIFIED
PLANT OR WILDLIFE HABITAT OR
TRAVELWAY, THE DECISIONMAKER
SHALL ASSESS THE EXTENT OF
ADVERSE IMPACTS AND THE NEED
FOR MITIGATION.

3. WHEN THE DECISIONMAKER
FINDS THAT A PROPOSED PROJECT
WOULD REDUCE OR DAMAGE RARE,
UNCOMMON, UNIQUE OR EXCEP-
TIONAL PLANT OR WILDLIFE
HABITAT, WILDLIFE TRAVELWAYS,
OR HABITAT DIVERSITY FOR
SPECIES (PLANTS OR ANIMALS) OF
SUBSTANTIAL AESTHETIC, EDUCA-
TIONAL, ECOLOGICAL OR ECONOMIC
VALUE, THE DECISIONMAKER MAY
CONDITION OR DENY THE PROJECT
TO MITIGATE ITS ADVERSE IMPACTS.
SUCH CONDITIONING OR DENIAL IS
PERMITTED WHETHER OR NOT THE
PROJECT MEETS THE CRITERIA OF
THE OVERVIEW POLICY SET FORTH
IN SMC 25.05.665; PROVIDED, THAT
FOR ANY PROJECT SUBJECT TO THE
CITY'S SHORELINE MASTER PRO-
GRAM, THE OVERVIEW POLICY SET
FORTH IN SMC 25.05.665 SHALL AP-
PLY.

4. MITIGATING MEASURES MAY IN-
CLUDE BUT ARE NOT LIMITED TO:

a. RELOCATION OF THE PROJECT
ON THE SITE;

b. REDUCING THE SIZE OR SCALE
OF THE PROJECT;

c. PRESERVATION OF SPECIFIC
ON-SITE HABITATS, SUCH AS TREES
OR VEGETATED AREAS;

d. LIMITATIONS ON THE USES
ALLOWED ON THE SITE;

e. LIMITATIONS ON TIMES OF
OPERATION DURING PERIODS SIG-
NIFICANT TO THE AFFECTED
SPECIES (I. E. SPAWNING SEASON,
MATING SEASON, ETC.); AND

THROUGH THE HISTORIC PRESERVA-
TION ORDINANCE IS INTENDED TO
PRESERVE SITES AND STRUCTURES
WHICH REFLECT SIGNIFICANT
ELEMENTS OF THE CITY'S HISTORIC
HERITAGE AND TO DESIGNATE AND
REGULATE SUCH SITES AND STRUC-
TURES AS HISTORIC LANDMARKS.

5. THE ADOPTED DOWNTOWN LAND
USE POLICIES AND CODE PROVIDE
FOR THE PRESERVATION OF
SPECIFIED VIEW CORRIDORS
THROUGH SETBACK REQUIREMENTS
AND POLICIES FOR THE USE OF
STREET SPACE.

6. ADOPTED LAND USE CODES AT-
TEMPT TO PROTECT PRIVATE VIEWS
THROUGH HEIGHT AND BULK CON-
TROLS AND OTHER ZONING REGULA-
TIONS BUT IS IS IMPRACTICAL TO
PROTECT PRIVATE VIEWS THROUGH
PROJECT-SPECIFIC REVIEW.

B. POLICIES

1. a. IT IS THE CITY'S POLICY TO
PROTECT PUBLIC VIEWS OF SIGNIFI-
CANT NATURAL AND HUMAN-MADE
FEATURES: MOUNT RAINIER, THE
OLYMPIC AND CASCADE MOUN-
TAINS, THE DOWNTOWN SKYLINE,
AND MAJOR BODIES OF WATER IN-
CLUDING PUGET SOUND, LAKE
WASHINGTON, LAKE UNION AND
THE SHIP CANAL, FROM PUBLIC
PLACES CONSISTING OF THE SPECI-
FIED VIEWPOINTS, PARKS, SCENIC
ROUTES, AND VIEW CORRIDORS,
IDENTIFIED IN ATTACHMENT 1. (AT-
TACHMENT 1 IS LOCATED AT THE
END OF THIS SECTION 25.05.675.)

b. THE DECISIONMAKER MAY CON-
DITION OR DENY A PROPOSAL TO
ELIMINATE OR REDUCE ITS ADVERSE
IMPACTS ON DESIGNATED PUBLIC
VIEWS, WHETHER OR NOT THE PROJ-
ECT MEETS THE CRITERIA OF THE
OVERVIEW POLICY SET FORTH IN
SMC 25.05.665; PROVIDED THAT DOWN-
TOWN PROJECTS MAY BE CONDI-
TIONED OR DENIED ONLY WHEN
PUBLIC VIEWS FROM OUTSIDE OF
DOWNTOWN WOULD BE BLOCKED AS
A RESULT OF A CHANGE IN THE
STREET GRID PATTERN.

2. a. IT IS THE CITY'S POLICY TO
PROTECT PUBLIC VIEWS OF HISTOR-
IC LANDMARKS DESIGNATED BY THE
LANDMARKS PRESERVATION BOARD
WHICH, BECAUSE OF THEIR PROMI-
NENCE OF LOCATION OR CONTRASTS
OF SITING, AGE, OR SCALE, ARE EASIL-
LY IDENTIFIABLE VISUAL FEA-
TURES OF THEIR NEIGHBORHOOD
OR THE CITY AND CONTRIBUTE TO
THE DISTINCTIVE QUALITY OR IDEN-
TITY OF THEIR NEIGHBORHOOD OR
THE CITY.

b. A PROPOSED PROJECT MAY BE
CONDITIONED OR DENIED TO MITI-
GATE VIEW IMPACTS ON HISTORIC
LANDMARKS, WHETHER OR NOT THE
PROJECT MEETS THE CRITERIA OF
THE OVERVIEW POLICY SET FORTH
IN SMC 25.05.665.

3. MITIGATING MEASURES MAY IN-
CLUDE, BUT ARE NOT LIMITED TO:

a. REQUIRING A CHANGE IN THE
HEIGHT OF THE DEVELOPMENT;

b. REQUIRING A CHANGE IN THE
BULK OF THE DEVELOPMENT;

c. REQUIRING A REDESIGN OF
THE PROFILE OF THE DEVELOP-
MENT;

d. REQUIRING ON-SITE VIEW COR-
RIDORS OR REQUIRING ENHANCE-
MENTS TO OFF-SITE VIEW CORRI-
DORS;

e. RELOCATING THE PROJECT ON
THE SITE;

f. REQUIRING A REDUCTION OR
REARRANGEMENT OF WALLS,
FENCES OR PLANT MATERIAL; AND

g. REQUIRING A REDUCTION OR
REARRANGEMENT OF ACCESSORY
STRUCTURES INCLUDING, BUT NOT
LIMITED TO TOWERS, RAILINGS
AND ANTENNAE.

(17) SHADOWS ON OPEN SPACES

A. POLICY BACKGROUND

1. ACCESS TO SUNLIGHT, ESPE-
CIALLY IN SEATTLE'S CLIMATE, IS
AN AMENITY OF PUBLIC OPEN
SPACES.

2. IT IS POSSIBLE TO DESIGN AND
LOCATE STRUCTURES TO MINIMIZE
THE EXTENT TO WHICH THEY BLOCK
LIGHT FROM PUBLIC OPEN SPACES.

3. THE DOWNTOWN LAND USE
CODE PROVIDES SOME PROTECTIONS
AGAINST SHADOW IMPACTS CREAT-
ED BY DEVELOPMENT IN DOWN-
TOWN. HOWEVER, DUE TO THE SCALE
OF DEVELOPMENT PERMITTED IN
DOWNTOWN, IT IS NOT PRACTICAL TO
PREVENT SUCH BLOCKAGE AT ALL
PUBLIC OPEN SPACES DOWNTOWN.

4. THE CITY'S LAND USE CODE AT-
TEMPTS TO PROTECT PRIVATE PROP-
ERTY FROM UNDUE SHADOW IM-
PACTS THROUGH HEIGHT, BULK
AND SETEACK CONTROLS, BUT IT IS
IMPRACTICAL TO PROTECT PRIVATE
PROPERTIES FROM SHADOWS
THROUGH PROJECT-SPECIFIC RE-
VIEW.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINI-
MIZE OR PREVENT LIGHT BLOCKAGE
AND THE CREATION OF SHADOWS ON
OPEN SPACES MOST USED BY THE
PUBLIC. AREAS OUTSIDE OF DOWN-
TOWN TO BE PROTECTED ARE AS
FOLLOWS:

a. PUBLICLY OWNED PARKS;

b. PUBLIC SCHOOLYARDS;

c. PRIVATE SCHOOLS WHICH AL-
LOW PUBLIC USE OF SCHOOL
YARDS DURING NON-SCHOOL
HOURS; AND

d. PUBLICLY-OWNED STREET
ENDS IN SHORELINE AREAS.

AREAS IN DOWNTOWN WHERE
SHADOW IMPACTS MAY BE MITIGAT-
ED ARE:

a. FREEWAY PARK;

5. REGIONAL TRAFFIC AND TRANS-
PORTATION IMPACTS ARISING AS A
RESULT OF DOWNTOWN DEVELOP-
MENT HAVE BEEN ADDRESSED IN
SUBSTANTIAL PART BY THE DOWN-
TOWN LAND USE AND TRANSPORTA-
TION PLAN. ACTIONS UNDERWAY TO
MITIGATE IMPACTS INCLUDE THE IM-
PLEMENTATION OF THE DOWNTOWN
LAND USE CODE AND THE CON-
STRUCTION OF THE DOWNTOWN
TRANSIT TUNNEL, BOTH OF WHICH
PROMOTE AND ENCOURAGE TRAN-
SIT USE.

6. THE UNIVERSITY DISTRICT IS AN
AREA OF THE CITY WHICH IS SUB-
JECT TO PARTICULARLY SEVERE
TRAFFIC CONGESTION PROBLEMS,
AS HIGHLIGHTED IN THE 1983 CITY-
UNIVERSITY AGREEMENT, AND
THEREFORE DESERVES SPECIAL AT-
TENTION IN THE ENVIRONMENTAL
REVIEW OF PROJECT PROPOSALS.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINI-
MIZE OR PREVENT ADVERSE TRAF-
FIC IMPACTS WHICH WOULD UNDER-
MINE THE STABILITY, SAFETY AND/-
OR CHARACTER OF A NEIGHBOR-
HOOD OR SURROUNDING AREAS.

2. IN DETERMINING THE NECES-
SARY TRAFFIC AND TRANSPORTA-
TION IMPACT MITIGATION, THE DECI-
SIONMAKER SHALL EXAMINE THE
EXPECTED PEAK TRAFFIC AND CIR-
CULATION PATTERN OF THE PRO-
POSED PROJECT WEIGHED AGAINST
SUCH FACTORS AS THE AVAILABIL-
ITY OF PUBLIC TRANSIT, EXISTING
VEHICULAR AND PEDESTRIAN TRAF-
FIC CONDITIONS; ACCIDENT HISTO-
RY; THE TREND IN LOCAL AREA DE-
VELOPMENT; PARKING CHARACTER-
ISTICS OF THE IMMEDIATE AREA;
THE USE OF THE STREET AS DETER-
MINED BY THE SEATTLE ENGINEER-
ING DEPARTMENT'S SEATTLE COM-
PREHENSIVE TRANSPORTATION
PLAN; AND THE AVAILABILITY OF
GOODS, SERVICES AND RECREATION
WITHIN REASONABLE WALKING DIS-
TANCE.

3. MITIGATION OF TRAFFIC AND
TRANSPORTATION IMPACTS SHALL
BE PERMITTED WHETHER OR NOT
THE PROJECT MEETS THE CRITERIA
OF THE OVERVIEW POLICY SET
FORTH IN SMC 25.05.665.

4. MITIGATING MEASURES WHICH
MAY BE APPLIED TO RESIDENTIAL
PROJECTS IN DOWNTOWN ARE LIMIT-
ED TO THE FOLLOWING:

a. SIGNAGE;

b. PROVISION OF INFORMATION
ON TRANSIT AND RIDE-SHARING
PROGRAMS; AND

c. BICYCLE PARKING.

5. MITIGATING MEASURES WHICH
MAY BE APPLIED TO NON-RESIDEN-
TIAL PROJECTS IN DOWNTOWN ARE
LIMITED TO THE FOLLOWING:

a. PROVISION OF TRANSIT INCEN-
TIVES INCLUDING TRANSIT PASS
SUBSIDIES;

b. SIGNAGE;

c. IMPROVEMENTS TO PEDESTRI-
AN AND VEHICULAR TRAFFIC OP-
ERATIONS, SIGNALIZATION, TURN
CHANNELIZATION, RIGHT-OF-WAY
DEDICATION, STREET WIDENING,
OR OTHER IMPROVEMENTS PRO-
PORTIONATE TO THE IMPACT OF
THE PROJECT; AND

d. TRANSPORTATION MANAGE-
MENT PLANS.

6. a. MITIGATING MEASURES
WHICH MAY BE APPLIED TO PROJ-
ECTS OUTSIDE OF DOWNTOWN MAY
INCLUDE, BUT ARE NOT LIMITED TO:

i. CHANGES IN ACCESS;

ii. CHANGES IN THE LOCATION,
NUMBER AND SIZE OF CURB CUTS
AND DRIVEWAYS;

iii. PROVISION OF TRANSIT IN-
CENTIVES INCLUDING TRANSIT
PASS SUBSIDIES;

iv. BICYCLE PARKING;

v. SIGNAGE;

vi. IMPROVEMENTS TO PEDESTRI-
AN AND VEHICULAR TRAFFIC
OPERATIONS INCLUDING
SIGNALIZATION, TURN CHANNELI-
ZATION, RIGHT-OF-WAY DEDICA-
TION, STREET WIDENING, OR
OTHER IMPROVEMENTS PROPOR-
TIONATE TO THE IMPACTS OF THE
PROJECT; AND

vii. TRANSPORTATION MANAGE-
MENT PLANS.

b. FOR PROJECTS OUTSIDE DOWN-
TOWN WHICH RESULT IN ADVERSE
IMPACTS, THE DECISIONMAKER MAY
REDUCE THE SIZE AND/OR SCALE OF
THE PROJECT ONLY IF THE DECI-
SIONMAKER DETERMINES THAT THE
TRAFFIC IMPROVEMENTS OUTLINED
UNDER NUMBER 6. a. ABOVE WOULD
NOT BE ADEQUATE TO EFFECTIVELY
MITIGATE THE ADVERSE IMPACTS OF
THE PROJECT

(19) WATER QUALITY

A. POLICY BACKGROUND

SEATTLE'S WATER QUALITY IS AD-
VERSELY AFFECTED PRIMARILY BY
THE DUMPING OF POLLUTANTS AND
DRAINAGE-RELATED SEWAGE
OVERFLOWS INTO PUGET SOUND,
LAKE UNION, THE LAKE WASHING-
TON SHIP CANAL, THE DUWAMISH
WATERWAY AND ALL LAKES,
STREAMS, CREEKS, AND OTHER SYS-
TEMS DRAINING INTO THESE BODIES
OF WATER.

2. SEATTLE'S WATER QUALITY IS
ALSO ADVERSELY AFFECTED BY
STORM DRAINAGE RUNOFF; NON-
POINT SOURCE DISCHARGES FROM
STREETS, PARKING LOTS AND
OTHER IMPERVIOUS SURFACES;
CONSTRUCTION SITE RUN-OFF; AND
SEWAGE AND GRAY WATER DIS-
CHARGE FROM RECREATIONAL AND
COMMERCIAL WATERCRAFT.

3. FEDERAL, STATE AND REGION-
AL WATER QUALITY REGULATIONS

AND PROGRAMS CANNOT ALWAYS ANTICIPATE OR ELIMINATE ADVERSE IMPACTS TO WATER QUALITY.

B. POLICIES

1. IT IS THE CITY'S POLICY TO MINIMIZE OR PREVENT ADVERSE WATER QUALITY IMPACTS.

2. FOR ANY PROJECT PROPOSAL WHICH POSES A POTENTIAL THREAT TO WATER QUALITY IN SEATTLE, THE DECISIONMAKER SHALL ASSESS THE PROBABLE EFFECT OF THE IMPACT AND THE NEED FOR MITIGATING MEASURES. THE ASSESSMENT SHALL BE COMPLETED IN CONSULTATION WITH APPROPRIATE AGENCIES WITH EXPERTISE.

3. SUBJECT TO THE OVERVIEW POLICY SET FORTH IN SMC 25.05.665, IF THE DECISIONMAKER MAKES A WRITTEN FINDING THAT THE APPLICABLE FEDERAL, STATE AND REGIONAL REGULATIONS DID NOT ANTICIPATE OR ARE INADEQUATE TO ADDRESS THE PARTICULAR IMPACT(S) OF THE PROJECT, THE DECISIONMAKER MAY CONDITION OR DENY THE PROJECT TO MITIGATE ITS ADVERSE IMPACTS.

4. MITIGATING MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO:

a. USE OF AN ALTERNATIVE TECHNOLOGY;

b. REDUCTION IN THE SIZE OR SCOPE OF THE PROJECT OR OPERATION;

c. LANDSCAPING; AND

d. LIMITS ON THE TIME AND DURATION OF THE PROJECT OR OPERATION.

ATTACHMENT 1

ALKI BEACH PARK
ALKI AVENUE S. W.

ATLANTIC CITY PARK
S. HENDERSON AND SEWARD PARK S.

BAGLEY VIEWPOINT
10TH AVENUE E. AND E. ROANOKE

BALLARD HIGH SCHOOL
N. W. 65TH STREET AND 14TH AVENUE N. W.

BANNER PLACE
N. E. BANNER PLACE OFF N. E. 75TH STREET

BAYVIEW PLAYGROUND
24TH AVENUE W. AND W. RAYE STREET

BEACON HILL PLAYGROUND
S. HOLGATE AND 14TH AVENUE S.

BELVIDERE VIEWPOINT
S. W. ADMIRAL WAY AND S. W. OLGA

BHY KRACKE PARK
BIGELOW NORTH AND COMSTOCK PLACE

BITTER LAKE PLAYGROUND
N. 130TH AND LINDEN AVENUE N.

BRIARCLIFF ELEMENTARY SCHOOL
W. DRAVUS AND 38TH AVENUE W.

BROADVIEW ELEMENTARY SCHOOL
12515 GREENWOOD AVENUE N.

CARKEEK PARK
N. W. 110TH OFF N. GREENWOOD

CLEVELAND HIGH SCHOOL PLAYFIELD
S. LUCILLE AND 15TH AVENUE S.

COLMAN PARK
36TH S. AND LAKESIDE S.

COLMAN PLAYGROUND
23RD AVENUE S. AND S. GRANT

COMMODORE PARK
W. COMMODORE WAY AND W. GILMORE

DENNY BLAINE PARK
LAKE WASHINGTON BOULEVARD E. AND 40TH E.

DISCOVERY PARK
36TH W. AND W. GOVERNMENT WAY

EMERSON ELEMENTARY SCHOOL
9709 — 60TH AVENUE S.

EMMA SCHMITZ OVERLOOK
BEACH DRIVE S. W. AND S. W. ALASKA

FOUR COLUMNS
PIKE AND BOREN AT I-5

FRINK PARK
LAKE WASHINGTON BOULEVARD AND S. JACKSON

GASWORKS PARK
N. NORTHLAKE WAY AND MERIDIAN AVENUE N.

GENESEE PARK
45TH AVENUE S. AND S. GENESEE

GOLDEN GARDENS PARK
NORTH END OF SEAVIEW AVENUE N. W.

GREEN LAKE
BEACHES (E. GREEN LAKE DRIVE N. AND W. GREEN LAKE DRIVE N.)

PLAYFIELD (E. GREEN LAKE DRIVE N. AND LATONA AVENUE N. E.)

PARK (N. 73RD STREET AND GREEN LAKE DRIVE N.)

COMMUNITY CENTER (LATONA AVENUE N. E. AND E. GREEN LAKE DRIVE N.)

HAMILTON VIEWPOINT
CALIFORNIA AVENUE S. W. AND S. W. DONALD

HARBORVIEW HOSPITAL VIEWPOINT
EIGHTH AND JEFFERSON

HARBOR VISTA PARK
1660 HARBOR AVENUE S. W.

HIGHLAND PARK PLAYGROUND
S. W. THISTLE AND 11TH S. W.

HUGHES ELEMENTARY SCHOOL
S. W. HOLDEN AND 32ND AVENUE S. W

INVERNESS RAVINE
DRIVE S.

MYRTLE EDWARDS PARK
ALASKAN WAY AND BAY STREET

MYRTLE STREET RESERVOIR
S. W. MYRTLE AND 35TH S. W.

NEWTON STREET-END PARK
NEWTON STREET AT EAST SIDE OF LAKE UNION

NORTH AND SOUTH PASSAGE POINT PARK
SIXTH AVENUE N. E. AND N. E. NORTHLAKE WAY; FUHRMAN E. AND FAIRVIEW E.

OTHELLO PARK
43RD AVENUE S. AND S. OTHELLO

PRITCHARD BEACH
55TH AVENUE S. AND S. GRATTAN

RIVERVIEW PLAYFIELD
7000 BLOCK OF 12TH AVENUE S. W.

ROANOKE STREET-END PARK
ROANOKE STREET AT EAST SIDE OF LAKE UNION

ROGERS PARK
THIRD AVENUE W. AND W. FULTON STREET

SAND POINT PARK/BEACH
SAND POINT WAY N. E. AND N. E. 65TH STREET

SCHMITZ PARK
ADMIRAL WAY S. W. AND S. W. STEVENS

SEWARD PARK BEACH
LAKE WASHINGTON BOULEVARD S. AND S. JUNEAU

SMITH COVE PARK
PIER 91

SOUNDVIEW TERRACE PARK
11TH W. AND W. WHEELER

SUNSET HILL VIEWPOINT
N. W. 77TH AND 34TH AVENUE N. W.

TWELFTH AVENUE SOUTH VIEWPOINT
12TH AVENUE S. AND S. McCLELLAN STREET

U. S. PUBLIC HEALTH SERVICE HOSPITAL
1131 — 14TH AVENUE S.

VICTOR STEINBRUECK (MARKET) PARK
VIRGINIA STREET AND WESTERN AVENUE

VIRETTA PARK
39TH AVENUE E. AND E. JOHN

VOLUNTEER PARK (TOWER)
1400 E. PROSPECT

WALLINGFORD PLAYFIELD
N. 43RD STREET AND WALLINGFORD AVENUE N.

WASHINGTON PARK-ARBORETUM
E. MADISON AND LAKE WASHINGTON BOULEVARD S.

WATERFRONT PARK
PIER 57 — ON ALASKAN WAY

WEST CREST PARK
S. W. HENDERSON STREET AND EIGHTH AVENUE S. W.

WEST SEATTLE MUNICIPAL GOLF COURSE

WEST SEATTLE RECREATION AREA

WEST SEATTLE RESERVOIR
S. W. TRENTON STREET AND EIGHTH AVENUE S. W.

WEST SEATTLE ROTARY VIEWPOINT
S. W. ORECON STREET AND 35TH AVENUE S. W.

WOODLAND PARK
N. 50TH STREET AND PHINNEY AVENUE N.

SCENIC ROUTES 1) DESCRIBED BY THE CITY OF SEATTLE DEPARTMENT OF ENGINEERING, TRAFFIC DIVISION MAP AND BY ORDINANCE 97027, AND 2) IDENTIFIED AS PROTECTED VIEW RIGHTS-OF-WAY IN THE MAYOR'S APRIL 1987 OPEN SPACE POLICIES RECOMMENDATION. (SEE EXHIBIT 1 OF THIS CHAPTER FOR A MAP OF THE DESIGNATED SEPA SCENIC ROUTES DESCRIBED ABOVE.)

25.05.680 APPEALS.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075. AND 43.21C.080).

(A.) (1) Master Use Permits. For proposals requiring a master use permit under SMC Chapter 23.76; Procedures for Master Use Permits and Council Land Use Decisions; SEPA appeal procedures shall be as provided in Chapter 23.76.

(B.) (2) Appeal to Hearing Examiner OF DECISIONS NOT RELATED TO MASTER USE PERMITS.

(1.) (a) The following agency decisions shall be subject to appeal to the Hearing Examiner by any interested person on proposals not requiring a master use permit as provided in this subsection:

(1.) (i) Threshold determination. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

(b.) (ii) Adequacy of the final EIS as filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

(2.) (b) An appeal shall be commenced by the filing of a notice of appeal with the Office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later. The notice of appeal shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125 **(of this code)**.

(3.) (c) Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing par-

(d) THE COUNCIL SHALL ACCEPT FOR REVIEW THOSE APPEALS WHICH RAISE ISSUES REGARDING: (i) COUNCIL INTENT WITH RESPECT TO INTERPRETATION OF THE CITY'S SUBSTANTIVE SEPA POLICIES; OR (ii) THE SUFFICIENCY OR APPROPRIATENESS OF MITIGATION OR DENIAL OF A PROPOSAL.

(3.) (e) The City Council's review on appeal shall be limited to the issueS IDENTIFIED UNDER SUBSECTION (d), INCLUDING ISSUES OF FACTUAL DISPUTE **(of compliance with Section 25.05.660). (Such)** THE COUNCIL'S review shall be based **(solely)** upon the record from the hearing below; provided **(however)** that the City Council Committee may allow oral or written arguments(.) AND MAY PERMIT THE RECORD TO BE SUPPLEMENTED; AND PROVIDED FURTHER, THAT MEMBERS OF THE COMMITTEE OR OF THE FULL COUNCIL MAY MAKE A SITE VISIT.

(f) FINDINGS OF FACT IN THE HEARING EXAMINER'S DECISION AND DISCRETIONARY DETERMINATIONS REGARDING THE SUFFICIENCY OF AND APPROPRIATENESS OF MITIGATION OR DENIAL SHALL BE ACCORDED SUBSTANTIAL WEIGHT AND SHALL BE ACCEPTED BY THE COUNCIL UNLESS CLEARLY ERRONEOUS. THE BURDEN OF ESTABLISHING THE CONTRARY SHALL BE UPON THE APPEALING PARTY.

(4.) (g) **(The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party.)** The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings, or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

(D.) (3) JUDICIAL APPEALS.

(1.) (a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(2.) (b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit, but allows for the SEPA and non-SEPA portions of that lawsuit to be filed at different times.

(3.) (c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within thirty (30) days after the agency gives official notice (see subsection **(E)** (5) of this section for content of official notice).

(4.) (d) In any instance where subsection **(B)** (c) of this subsection allows the SEPA portion of an appeal to be filed after the time limit established by statute or ordinance for appealing the underlying governmental action, some judicial action must be filed within the time set by statute or ordinance. That action may be later amended to raise SEPA issues within thirty (30) days after the agency gives official notice (see subsection **(E)** (5) of this section). In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency with the time limit set by statute or ordinance for appealing the underlying governmental action.

(5.) (e) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be within thirty (30) days after the agency gives official notice (see subsection **(E)** (5) of this section). If the proposal requires more than one (1) governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one (1) judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(6.) (f) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen (15) days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(7.) (g) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(8.) (h) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(9.) (i) (See WAC 197-11-680(4)(i) for judicial review of state agency decisions in contested cases and petitions for a declaratory judgment on the validity of a rule, both of which are governed exclusively by the Administrative Procedure Act, chapter 34.04 RCW.)

(4) RESERVED.

(E.) (5) OFFICIAL NOTICE OF THE DATE AND PLACE FOR COMMENCING AN APPEAL.

(1.) (a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(a.) (i) The time limit for commencing

(3). (c) "IncludeS" means "includes but is not limited to."

(D.) (4) The following terms are synonymous:

(1.) (a) "Effect" and "impact" (Section 25.05.752).

(2.) (b) "Environment" and "environmental quality" (Section 25.05.740).

(3.) (c) "Major" and "significant" (Sections 25.05.764 and 25.05.794).

(4.) (d) "Proposal" and "proposed action" (Section 25.05.784).

(5.) (e) "Probable" and "likely" (Section 25.05.782).

25.05.702 ACT.

"Act" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, as amended, which is also referred to as "SEPA".

25.05.704 ACTION.

(A.) (1) "Actions" include, as further specified below:

(1.) (a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(2.) (b) New or revised agency rules, regulations, plans, policies, or procedures; and

(3.) (c) Legislative proposals.

(B.) (2) Actions fall within one of two categories:

(1.) (a) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(a.) (i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(b.) (ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(2.) (b) Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs.

(a.) (i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(b.) (ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(c.) (iii) The adoption of any policy, plan, or program that will govern the development of a series of connected actions (Section 25.05.060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;

(d.) (iv) Creation of a district or annexations to any city, town or district;

(e.) (v) Capital budgets; and

(f.) (vi) Road, street, and highway plans.

(C.) (3) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in **(Subchapter IX)** PART NINE identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

25.05.706 ADDENDUM.

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

25.05.708 ADOPTION

"Adoption" means an agency's use of all or part of an existing environmental document to meet all or part of the agency's responsibilities under SEPA to prepare an EIS or other environmental document.

25.05.709 AESTHETICS.

"Aesthetics" as listed in (Section **(25.05.444B2d)** 25.05.444(2)(b)(iv) shall be interpreted to include all views whether available from public or private property.

25.05.710 AFFECTED TRIBE.

"Affected tribe" or "treaty tribe" means any Indian tribe, band, nation or community in the state of Washington, that is federally recognized by the United States Secretary of the Interior and that will or may be affected by the proposal.

25.05.712 AFFECTING.

"Affecting" means having, or may be having, an effect on (see Section 25.05.752 on impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW 43.21C.031 and 43.21C.110(1)(c)).

25.05.712 AGENCY.

(A.) (1) "Agency" as defined in WAC 197-11-714(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762). In this chapter "agency" means the city or a city department or organizational unit of the city established by charter or ordinance.

(B.) (2) "Agency with environmental expertise" means an agency with special expertise on the environmental impacts involved in a proposal or alternative significantly affecting the environment. These agencies are listed in Section 25.05.920; the

25.05.724 CONSULTED AGENCY.

"Consulted agency" means any agency with jurisdiction or expertise that is requested by the lead agency to provide information during the SEPA process.

25.05.726 COST-BENEFIT ANALYSIS.

"Cost-benefit analysis" means a quantified comparison of costs and benefits generally expressed in monetary or numerical terms. It is not synonymous with the weighing or balancing of environmental and other impacts or benefits of a proposal.

25.05.728 COUNTY/CITY.

"County/city" means a county, city, or town. In WAC 197-11, duties and powers are assigned to a county, city, or town as a unit. The delegation of responsibilities among the various departments of a county, city, or town is left to the legislative or charter authority of the individual counties, cities, or towns.

25.05.730 DECISIONMAKER.

"Decisionmaker" means the agency official or officials who make the agency's decision on a proposal. The decisionmaker and responsible official are not necessarily synonymous, depending on the agency and its SEPA procedures (Sections 25.05.906 and 25.05.910).

25.05.732 DEPARTMENT. (See WAC 197-11-732)

25.05.733 DEPARTMENT.

"Department" in this chapter means any city department or organizational unit of the City established by charter or ordinance.

25.05.734 DETERMINATION OF NONSIGNIFICANCE (DNS).

"Determination of nonsignificance" (DNS) means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required (Sections 25.05.310 and 25.05.340).

25.05.736 DETERMINATION OF SIGNIFICANCE (DS).

"Determination of significance" (DS) means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required (Sections 25.05.310 and 25.05.360). The DS form is in Section 25.05.980 and must be used substantially in that form.

25.05.738 EIS.

"EIS" means environmental impact statement. The term "detailed statement" in RCW 43.21C.030(2)(c) refers to a final EIS. The term "EIS" as used in these rules refers to draft, final, or supplemental EISs (Section 25.05.405).

25.05.740 ENVIRONMENT.

"Environment" means, and is limited to, those elements listed in Section 25.05.444, as required by RCW 43.21C.110(1)(f). Environment and environmental quality refer to the state of the environment and are synonymous as used in these rules and refer basically to physical environmental quality.

25.05.742 ENVIRONMENTAL CHECKLIST.

"Environmental checklist" means the form in Section 25.05.960. Rules for its use are in Section 25.05.315.

25.05.744 ENVIRONMENTAL DOCUMENT.

"Environmental document" means any written public document prepared under this chapter. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular environmental documents (unlike various other state or federal environmental impact procedures).

25.05.746 ENVIRONMENTAL REVIEW.

"Environmental review" means the consideration of environmental factors as required by SEPA. The "environmental review process" is the procedure used by agencies and others under SEPA for giving appropriate consideration to the environment in agency decisionmaking.

25.05.748 ENVIRONMENTALLY SENSITIVE AREA.

"Environmentally sensitive area" means an area designated and mapped by a county/city under Section 25.05.908. Certain categorical exemptions do not apply within environmentally sensitive areas (Sections 25.05.305, 25.05.908, and **(Subchapter IX)** PART NINE of these rules).

25.05.750 EXPANDED SCOPING.

"Expanded scoping" is an optional process that may be used by agencies to go beyond minimum scoping requirements.

25.05.752 IMPACTS.

"Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in Section 25.05.444.

25.05.754 INCORPORATION BY REFERENCE.

"Incorporation by reference" means the inclusion of all or part of any existing document in an agency's environmental documentation by reference (Sections 25.05.600 and 25.05.635).

25.05.755 INTERESTED PERSON.

"Interested person" means any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

25.05.756 LANDS COVERED BY WATER.

"Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artifically impounded waters, marshes, and swamps. Certain categorical exemp-

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CLEVELAND HIGH SCHOOL PLAYFIELD
S. LUCILLE AND 15TH AVENUE S.

COLMAN PARK
36TH S. AND LAKESIDE S.

COLMAN PLAYGROUND
23RD AVENUE S. AND S. GRANT

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GENESEE PARK
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GREEN LAKE
BEACHES (E. GREEN LAKE DRIVE N. AND W. GREEN LAKE DRIVE N.)

PLAYFIELD (E. GREEN LAKE DRIVE N. AND LATONA AVENUE N. E.)

PARK (N. 73RD STREET AND GREEN LAKE DRIVE N.)

COMMUNITY CENTER (LATONA AVENUE N. E. AND E. GREEN LAKE DRIVE N.)

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CALIFORNIA AVENUE S. W. AND S. W. DONALD

HARBORVIEW HOSPITAL VIEWPOINT
EIGHTH AND JEFFERSON

HARBOR VISTA PARK
1660 HARBOR AVENUE S. W.

HIGHLAND PARK PLAYGROUND
S. W. THISTLE AND 11TH S. W.

HUGHES ELEMENTARY SCHOOL
S. W. HOLDEN AND 32ND AVENUE S. W

INVERNESS RAVINE
INVERNESS DRIVE N. E. OFF N. E. 85TH STREET

JOSE RIZAL PARK
S. JUDKINS AND 12TH AVENUE S.

KERRY PARK
W. HIGHLAND AND SECOND AVENUE W.

KINNEAR PARK
SEVENTH W. AND W. OLYMPIC PLACE

KOBE TERRACE
SIXTH AVENUE AND WASHINGTON STREET

LAKEVIEW PARK
LAKE WASHINGTON BOULEVARD E. AND E. McGILVRA

LAWTON PLAYGROUND
W. EMERSON AND WILLIAMS AVENUE W.

LESCHI PARK
LAKESIDE W. OFF E. ALDER

LINCOLN PARK
FAUNTLEROY S. W. AND S. W. WEBSTER

LOUISA BOREN LOOKOUT/BOREN-INTERLAKEN PARK
15TH E. AND E. GARFIELD

LOWMAN BEACH
BEACH DRIVE S. W. AND 48TH AVENUE S. W.

LYNN STREET-END PARK
LYNN STREET AT EAST SIDE OF LAKE UNION

McCURDY PARK
E. HAMLIN AND E. PARK DRIVE

MADISON PARK BEACH
E. MADISON AND LAKE WASHINGTON BOULEVARD E.

MADRONA PARK BEACH
LAKE WASHINGTON BOULEVARD AND MADRONA DRIVE

MAGNOLIA ELEMENTARY SCHOOL PLAYGROUND
W. SMITH STREET AND 27TH AVENUE W.

MAPLE LEAF PLAYGROUND
N. E. 82ND AND ROOSEVELT WAY N. E.

MARSHALL PARK-BETTY BOWEN VIEWPOINT
PARSON GARDENS PARK
SEVENTH W. AND W. HIGHLAND

MARTHA WASHINGTON PARK
S. HOLLY STREET AND 57TH AVENUE S.

MATHEWS BEACH
N. E. 93RD AND SAND POINT WAY N. E.

MAYFAIR PARK
SECOND AVENUE N. AND RAYE STREET

MEE-KWA-MOOKS
BEACH DRIVE S. W. AND S. W. OREGON

MONTLAKE PARK
E. SHELBY AND E. PARK DRIVE E.

MONTLAKE PLAYFIELD
16TH AVENUE E. AND E. CALHOUN

MOUNT BAKER PARK
S. McCLELLAN AND LAKE PARK
S. W. TRENTON STREET AND EIGHTH AVENUE S. W.

WEST SEATTLE ROTARY VIEWPOINT
S. W. OREGON STREET AND 35TH AVENUE S. W.

WOODLAND PARK
N. 50TH STREET AND PHINNEY AVENUE N.

SCENIC ROUTES 1) DESCRIBED BY THE CITY OF SEATTLE DEPARTMENT OF ENGINEERING, TRAFFIC DIVISION MAP AND BY ORDINANCE 97097, AND 2) IDENTIFIED AS PROTECTED VIEW RIGHTS-OF-WAY IN THE MAYOR'S APRIL 1987 OPEN SPACE POLICIES RECOMMENDATION. (SEE EXHIBIT 1 OF THIS CHAPTER FOR A MAP OF THE DESIGNATED SEPA SCENIC ROUTES DESCRIBED ABOVE.)

25.05.680 APPEALS.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, AND 43.21C.080).

(A.) (1) Master Use Permits. For proposals requiring a master use permit under SMC Chapter 23.76; Procedures for Master Use Permits and Council Land Use Decisions; SEPA appeal procedures shall be as provided in Chapter 23.76.

(B.) (2) Appeal to Hearing Examiner OF DECISIONS NOT RELATED TO MASTER USE PERMITS.

(1.) (a) The following agency decisions shall be subject to appeal to the Hearing Examiner by any interested person on proposals not requiring a master use permit as provided in this subsection:

(1.) (i) Threshold determination. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

(b.) (ii) Adequacy of the final EIS as filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

(2.) (b) An appeal shall be commenced by the filing of a notice of appeal with the Office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later. The notice of appeal shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125 (of this code).

(3.) (c) Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within fifteen (15) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

(4.) (d) The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this Section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

(5.) (e) If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determination under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

(C.) (3) Appeal To The City Council.

(1.) (a) Any decision of the Hearing Examiner(,) or of any other authorized official or body CONCERNING THE APPROVAL, CONDITIONING OR DENIAL OF PROPOSALS PURSUANT TO (which reviews compliance with) on proposals not requiring a master use permit Section 25.05.660 (substantive authority and mitigation) (shall be subject to) MAY BE appealed to the City Council(,) ACCORDING TO THE PROCEDURES AND CRITERIA SET FORTH IN THIS SUBSECTION.

(2.) (b) An appeal TO THE CITY COUNCIL (pursuant to subsection C1 of this section) may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal shall be filed with the City Clerk no later than the fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

(c) ANY PERSON WHO SUPPORTS THE RESPONSIBLE OFFICIAL'S DECISION REGARDING THE APPROVAL, CONDITIONING, OR DENIAL OF A PROPOSAL PURSUANT TO SECTION 25.05.660 MAY BECOME A PARTY TO THE APPEAL HEARING BEFORE THE HEARING EXAMINER OR OTHER AUTHORIZED OFFICIAL OR BODY BY REQUESTING INTERVENOR STATUS. WRITTEN REQUESTS FOR INTERVENOR STATUS MUST BE FILED WITH THE HEARING EXAMINER NOT LESS THAN FIVE DAYS BEFORE THE DATE OF THE HEARING. IN THEIR WRITTEN REQUEST, INTERVENORS SHALL INDICATE THE GROUNDS FOR THEIR SUPPORT OF THE RESPONSIBLE OFFICIAL'S DECISION, INCLUDING GROUNDS NOT RELIED UPON BY THE RESPONSIBLE OFFICIAL. INTERVENORS MAY PROVIDE TESTIMONY AT THE HEARING REGARDING THE GROUNDS FOR THEIR SUPPORT OF THE DECISION AS SPECIFIED IN THEIR WRITTEN REQUEST. INDIVIDUALS IN SUPPORT OF THE RESPONSIBLE OFFICIAL'S DECISION WHO DO NOT REQUEST INTERVENOR STATUS SHALL NOT HAVE THE RIGHT TO APPEAL THE HEARING EXAMINER'S DECISION TO THE CITY COUNCIL PURSUANT TO SUBSECTION 3 OF THIS SECTION.

ty (30) days after the agency gives official notice (see subsection (E) (5) of this section). In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency with the time limit set by statute or ordinance for appealing the underlying governmental action.

(5.) (e) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be within thirty (30) days after the agency gives official notice (see subsection (E) (5) of this section). If the proposal requires more than one (1) governmental decision that will be supported by the same SEPA document, then RCW 43.21C.080 still only allows one (1) judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(6.) (f) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen (15) days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the proposal that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(7.) (g) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(8.) (h) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(9.) (i) (See WAC 197-11-680(4)(i) for judicial review of state agency decisions in contested cases and petitions for a declaratory judgment on the validity of a rule, both of which are governed exclusively by the Administrative Procedure Act, chapter 34.04 RCW.)

(4) RESERVED.

(E.) (5) OFFICIAL NOTICE OF THE DATE AND PLACE FOR COMMENCING AN APPEAL.

(1.) (a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(a.) (i) The time limit for commencing appeal of the underlying governmental action and the statute or ordinance establishing the time limit; and

(b.) (ii) The time for appealing SEPA issues (thirty (30) days after notice); and

(c.) (iii) A statement that a notice of intent is required, if a notice is required under subsection (D4) (4)(d) of this section, and instructions on where to send the notice and by what date; and

(d.) (iv) Where an appeal may be filed.

(2.) (b) Notice is given by:

(a.) (i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(b.) (ii) Following the agency's normal methods of notice for the type of governmental action taken.

(3.) (c) Written notice containing the information required by subsection (E1) (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(4.) (d) Official notices required by this subparagraph shall not be given prior to final agency action.

(Subchapter VIII) PART EIGHT — DEFINITIONS

25.05.700 DEFINITIONS.

(1) The terms used in WAC 197-11 are to be uniform throughout the state as applied to SEPA (WAC 197-11-040). The City may add to certain of those definitions in its procedures, to help explain how it carries out SEPA, but may not change those definitions (WAC 197-11-906).

(B.) (2) Unless the context clearly requires otherwise:

(1.) (a) Use of the singular shall include the plural and conversely.

(2.) (b) "Preparation" of environmental documents refers to preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements.

(3.) (c) "Impact" refers to environmental impact.

(4.) (d) "Permit" means "license" (Section 25.05.760).

(5.) (e) "Commenting" includes but is not synonymous with "consultation" ((Subchapter V) PART FIVE).

(6.) (f) "Environmental cost" refers to adverse environmental impact and may or may not be quantified.

(7.) (g) "EIS" refers to draft, final, and supplement EISs (Sections 25.05.405 and 25.05.738).

(8) (h) "Under" includes pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

(C.) (3) In these rules:

(1.) (a) "Shall" is mandatory.

(2.) (b) "May" is optional and permissive and does not impose a requirement.

(C.) (3) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in (Subchapter IX) PART NINE identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

25.05.706 ADDENDUM.

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

25.05.708 ADOPTION.

"Adoption" means an agency's use of all or part of an existing environmental document to meet all or part of the agency's responsibilities under SEPA to prepare an EIS or other environmental document.

25.05.709 AESTHETICS.

"Aesthetics" as listed in (Section (25.05.444B2d) 25.05.444(2)(b)(iv) shall be interpreted to include all views whether available from public or private property.

25.05.710 AFFECTED TRIBE.

"Affected tribe" or "treaty tribe" means any Indian tribe, band, nation or community in the state of Washington, that is federally recognized by the United States Secretary of the Interior and that will or may be affected by the proposal.

25.05.712 AFFECTING.

"Affecting" means having, or may be having, an effect on (see Section 25.05.752 on impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW 43.21C.031 and 43.-21C.110(1)(c)).

25.05.712 AGENCY.

(A.) (1) "Agency" as defined in WAC 197-11-714(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762). In this chapter "agency" means the city or a city department or organizational unit of the city established by charter or ordinance.

(B.) (2) "Agency with environmental expertise" means an agency with special expertise on the environmental impacts involved in a proposal or alternative significantly affecting the environment. These agencies are listed in Section 25.05.920; the list may be expanded in agency procedures (Section 25.05.906). The appropriate agencies must be consulted in the environmental impact statement process, as required by Section 25.05.502.

(C.) (3) "Agency with jurisdiction" means an agency with authority to approve, veto, or finance all or part of a nonexempt proposal (or part of a proposal). The term does not include an agency authorized to adopt rules or standards of general applicability that could apply to a proposal, when no license or approval is required from the agency for the specific proposal. The term also does not include a local, state, or federal agency involved in approving a grant or loan, that serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are those from which a license or funding is sought or required.

(D.) (4) If a specific agency has been named in these rules, and the functions of that agency have changed or been transferred to another agency, the term shall mean any successor agency.

(E.) (5) For those proposals requiring a hydraulic project approval under RCW 75.20.100, both the Department of Wildlife and the Department of Fisheries shall be considered agencies with jurisdiction.

25.05.716 APPLICANT.

"Applicant" means any person or entity, including an agency, applying for a license from an agency. Application means a request for a license.

25.05.718 BUILT ENVIRONMENT.

"Built environment" means the elements of the environment as specified by RCW 43.21C.110(1)(f) and Section (25.05.444B) 25.05.444(2), which are generally built or made by people as contrasted with natural processes.

25.05.720 CATEGORICAL EXEMPTION.

"Categorical exemption" means a type of action, specified in these rules, which does not significantly affect the environment (RCW 43.21C.110(1)(a)); categorical exemptions are found in (Subchapter IX) PART NINE of these rules. Neither a threshold determination nor any environmental document, including an environmental checklist or environmental impact statement, is required for any categorically exempt action (RCW 43.21C.030). These rules provide for those circumstances in which a specific action that would fit within a categorical exemption shall not be considered categorically exempt (Section 25.05.305).

25.05.722 CONSOLIDATED APPEAL.

"Consolidated appeal" means the procedure requiring a person to file an agency appeal challenging both procedural and substantive compliance with SEPA at the same time, as provided under RCW 43.-21C.075(3)(b) and the exceptions therein. If an agency does not have an appeal procedure for challenging either the agency's procedural or its substantive SEPA determinations, the appeal cannot be consolidated prior to any judicial review. The requirement for a consolidated appeal does not preclude agencies from bifurcating appeal proceedings and allowing different agency officials to hear different aspects of the appeal. (Section 25.05.680).

"Environmental checklist" means the form in Section 25.05.960. Rules for its use are in Section 25.05.315.

25.05.744 ENVIRONMENTAL DOCUMENT.

"Environmental document" means any written public document prepared under this chapter. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular environmental documents (unlike various other state or federal environmental impact procedures).

25.05.746 ENVIRONMENTAL REVIEW.

"Environmental review" means the consideration of environmental factors as required by SEPA. The "environmental review process" is the procedure used by agencies and others under SEPA for giving appropriate consideration to the environment in agency decisionmaking.

25.05.748 ENVIRONMENTALLY SENSITIVE AREA.

"Environmentally sensitive area" means an area designated and mapped by a county/city under Section 25.05.908. Certain categorical exemptions do not apply within environmentally sensitive areas (Sections 25.05.305, 25.05.908, and (Subchapter IX) PART NINE of these rules).

25.05.750 EXPANDED SCOPING.

"Expanded scoping" is an optional process that may be used by agencies to go beyond minimum scoping requirements.

25.05.752 IMPACTS.

"Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in Section 25.05.444.

25.05.754 INCORPORATION BY REFERENCE.

"Incorporation by reference" means the inclusion of all or part of any existing document in an agency's environmental documentation by reference (Sections 25.05.600 and 25.05.635).

25.05.755 INTERESTED PERSON.

"Interested person" means any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

25.05.756 LANDS COVERED BY WATER.

"Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artifically impounded waters, marshes, and swamps. Certain categorical exemptions do not apply to lands covered by water, as specified in (Subchapter IX) PART NINE.

25.05.758 LEAD AGENCY.

"Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements (Sections 25.05.050 and 25.05.922). The procedures for determining lead agencies are in (Subchapter X) PART TEN of these rules. "Lead agency" may be read as "responsible official" (Sections 25.05.788 and 25.05.910) unless the context clearly requires otherwise. Depending on the agency and the type of proposal, for example, there may be a difference between the lead agency's responsible official, who is at a minimum responsible for procedural determinations (such as Sections 25.05.330, 25.05.455, 25.05.460) and its decisionmaker, who is at a minimum responsible for substantive determinations (such as Sections 25.05.448, 25.05.655, and 25.05.660).

25.05.750 LICENSE.

"License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

25.05.764 LOCAL AGENCY.

"Local agency" or "local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties and their legislative bodies. The term encompasses but does not refer specifically to the departments within a city or county.

25.05.764 MAJOR ACTION.

"Major action" means an action that is likely to have significant adverse environmental impacts. "Major" reinforces but does not have a meaning independent of "significantly" (Section 25.05.794).

25.05.766 MITIGATED DNS.

"Mitigated DNS" means a DNS that includes mitigation measures and is issued as a result of the process specified in Section 25.05.350.

25.05.768 MITIGATION.

"Mitigation" means:

(A.) (1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B.) (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(C.) (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D.) (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(E.) (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

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25.05.790 SEPA.

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25.05.792 SCOPE.

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(3) (c) "IncludeS" means "includes but not limited to."

(D.) (4) The following terms are synonymous:

(1.) (a) "Effect" and "Impact" (Section 25.05.752).

(2.) (b) "Environment" and "environmental quality" (Section 25.05.740).

(3.) (c) "Major" and "significant" (Sections 25.05.764 and 25.05.794).

(4.) (d) "Proposal" and "proposed action" (Section 25.05.784).

(5.) (e) "Probable" and "likely" (Section 25.05.782).

25.05.702 ACT.

"Act" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, as amended, which is also referred to as "SEPA".

25.05.704 ACTION.

(A.) (1) "Actions" include, as further specified below:

(1.) (a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(2.) (b) New or revised agency rules, regulations, plans, policies, or procedures; and

(3.) (c) Legislative proposals.

(B.) (2) Actions fall within one of two categories:

(1.) (a) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(a.) (i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(b.) (ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(2.) (b) Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs.

(a.) (i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(b.) (ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(c.) (iii) The adoption of any policy, plan, or program that will govern the development of a series of connected actions (Section 25.05.060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;

(d.) (iv) Creation of a district or annexations to any city, town or district;

(e.) (v) Capital budgets; and

(f.) (vi) Road, street, and highway plans.

(C.) (3) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in (Subchapter IX) PART NINE identify in more detail government activities that would not have any environmental impacts and for which SEPA review is not required).

25.05.706 ADDENDUM.

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

25.05.708 ADOPTION.

"Adoption" means an agency's use of all or part of an existing environmental document to meet all or part of the agency's responsibilities under SEPA to prepare an EIS or other environmental document.

25.05.709 AESTHETICS.

"Aesthetics" as listed in (Section 25.05.444B2d) 25.05.444(2)(b)(iv) shall be interpreted to include all views whether available from public or private property.

25.05.710 AFFECTED TRIBE.

"Affected tribe" or "treaty tribe" means any Indian tribe, band, nation or community in the state of Washington, that is federally recognized by the United States Secretary of the Interior and that will or may be affected by the proposal.

25.05.712 AFFECTING.

"Affecting" means having, or may be having, an effect on (see Section 25.05.752 impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW 43.21C.031 and 43.21C.110(1)(c)).

25.05.712 AGENCY.

(A.) (1) "Agency" as defined in WAC 197-11-714(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762). In this chapter "agency" means a city or a city department or organizational unit of the city established by charter or ordinance.

(B.) (2) "Agency with environmental expertise" means an agency with special expertise on the environmental impacts involved in a proposal or alternative significantly affecting the environment. These

25.05.724 CONSULTED AGENCY.

"Consulted agency" means any agency with jurisdiction or expertise that is requested by the lead agency to provide information during the SEPA process.

25.05.726 COST-BENEFIT ANALYSIS.

"Cost-benefit analysis" means a quantified comparison of costs and benefits generally expressed in monetary or numerical terms. It is not synonymous with the weighing or balancing of environmental and other impacts or benefits of a proposal.

25.05.728 COUNTY/CITY.

"County/city" means a county, city, or town. In WAC 197-11, duties and powers are assigned to a county, city, or town as a unit. The delegation of responsibilities among the various departments of a county, city, or town is left to the legislative or charter authority of the individual counties, cities, or towns.

25.05.730 DECISIONMAKER.

"Decisionmaker" means the agency official or officials who make the agency's decision on a proposal. The decisionmaker and responsible official are not necessarily synonymous, depending on the agency and its SEPA procedures (Sections 25.05.906 and 25.05.910).

25.05.732 DEPARTMENT. (See WAC 197-11-732)

25.05.733 DEPARTMENT.

"Department" in this chapter means any city department or organizational unit of the City established by charter or ordinance.

25.05.734 DETERMINATION OF NONSIGNIFICANCE (DNS).

"Determination of nonsignificance" (DNS) means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required (Sections 25.05.310 and 25.05.340).

25.05.736 DETERMINATION OF SIGNIFICANCE (DS).

"Determination of significance" (DS) means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required (Sections 25.05.310 and 25.05.360). The DS form is in Section 25.05.980 and must be used substantially in that form.

25.05.738 EIS.

"EIS" means environmental impact statement. The term "detailed statement" in RCW 43.21C.030(2)(c) refers to a final EIS. The term "EIS" as used in these rules refers to draft, final, or supplemental EISs (Section 25.05.405).

25.05.740 ENVIRONMENT.

"Environment", means, and is limited to, those elements listed in Section 25.05.444, as required by RCW 43.21C.110(1)(f). Environment and environmental quality refer to the state of the environment and are synonymous as used in these rules and refer basically to physical environmental quality.

25.05.742 ENVIRONMENTAL CHECKLIST.

"Environmental checklist" means the form in Section 25.05.960. Rules for its use are in Section 25.05.315.

25.05.744 ENVIRONMENTAL DOCUMENT.

"Environmental document" means any written public document prepared under this chapter. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular environmental documents (unlike various other state or federal environmental impact procedures).

25.05.746 ENVIRONMENTAL REVIEW.

"Environmental review" means the consideration of environmental factors as required by SEPA. The "environmental review process" is the procedure used by agencies and others under SEPA for giving appropriate consideration to the environment in agency decisionmaking.

25.05.748 ENVIRONMENTALLY SENSITIVE AREA.

"Environmentally sensitive area" means an area designated and mapped by a county/city under Section 25.05.908. Certain categorical exemptions do not apply within environmentally sensitive areas (Sections 25.05.305, 25.05.908, and (Subchapter IX) PART NINE of these rules).

25.05.750 EXPANDED SCOPING.

"Expanded scoping" is an optional process that may be used by agencies to go beyond minimum scoping requirements.

25.05.752 IMPACTS.

"Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in Section 25.05.444.

25.05.754 INCORPORATION BY REFERENCE.

"Incorporation by reference" means the inclusion of all or part of any existing document in an agency's environmental documentation by reference (Sections 25.05.600 and 25.05.635).

25.05.755 INTERESTED PERSON.

"Interested person" means any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

25.05.756 LANDS COVERED BY WATER.

"Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artifically impounded waters, marshes,

(F.) (6) Monitoring the impact and taking appropriate corrective measures.

25.05.770 NATURAL ENVIRONMENT.

"Natural environment" means those aspects of the environment contained in Section (25.05.444A) 25.05.444(1), frequently referred to as natural elements, or resources, such as earth, air, water, wildlife, and energy.

25.05.772 NEPA.

"NEPA" means the National Environmental Policy Act of 1969 (42 USCA 4321 et seq; P. L. 91-190), that is like SEPA at the federal level. The federal NEPA regulations are located at 40 CFR 1500 et seq.

25.05.774 NONPROJECT.

"Nonproject" means actions which are different or broader than a single site specific project, such as plans, policies, and programs (Section 25.05.704).

25.05.776 PHASED REVIEW.

"Phased review" means the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (Section (25.05.060.E) 25.05.060(5)). Phased review may be used for a single proposal or EIS (Section 25.05.060).

25.05.778 PREPARATION.

"Preparation" of an environmental document means preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements (see Section (25.05.700B) 25.05.700(2)).

25.05.780 PRIVATE PROJECT.

"Private project" means any proposal primarily initiated or sponsored by an individual or entity other than an agency.

25.05.782 PROBABLE.

"Probable" means likely or reasonably likely to occur, as in "a reasonable probability of more than a moderate effect on the quality of the environment" (see Section 25.05.794 (significant)). Probable is used to distinguish likely impacts from those that merely have a possiblity of occurring, but are remote or speculative. This is not meant as a strict statistical probability test.

25.05.784 PROPOSAL.

"Proposal" means a proposed action. A proposal incudes both actions and regulatory decisions of agencies as well as any actions proposed by applicants. A proposal exists at that state in the development of an action when an agency is presented with an application, or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the environmental effects can be meaningfully evaluated. (See Sections 25.05.055 and (25.05.060C) 25.05.060(3)). A proposal may (therefore be a particular or preferred course of action or several alternatives. For this reason, these rules use the phrase "alternatives including the proposed action." The term "proposal" may therefore include "other reasonable courses of action," if there is no preferred alternative and if it is appropriate to do so in the particular context.

25.05.786 REASONABLE ALTERNATIVE.

"Reasonable alternative" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. (See Sections (25.05.440D) 25.05.440(4) and 25.05.660). Also see the definition of "scope" for the three types of alternatives to be analyzed in EISs (Section 25.05.792).

25.05.788 RESPONSIBLE OFFICIAL.

"Responsible official" means that officer or officers, committee, department, or section of the lead agency (is) designated by the agency SEPA procedure to undertake its procedural responsibilities as lead agency (Section 25.05.910).

25.05.790 SEPA.

"SEPA" means the State Environmental Policy Act of 1971 (chapter 43.21C RCW), which is also referred to as the act. The "SEPA process" means all measures necessary for compliance with the act's requirements.

25.05.792 SCOPE.

(A.) (1) "Scope" means the range of proposed actions, alternatives, and impacts to be analyzed in an environmentAL document (Section (25.05.060B) 25.05.060(2) (content of environmental review)).

(B.) (2) To determine the scope of environmental impact statements, agencies consider three (3) types of actions, three (3) types of impacts, and three (3) types of alternatives.

(1.) (a) Actions may be:

(a. (i) Single (a specific action which is not related to other proposals or parts of proposals);

(b.) (ii) Connected (proposals or parts of proposals which are closely related under Section (25.05.060C) 25.05.060(3) or Section (25.05.305A) 25.05.305(1); or

(c.) (iii) Similar (proposals that have common aspects and may be analyzed together under Section (25.05.060C) 25.05.060(3)).

(2.) (b) Alternatives may be:

(a.) (i) No action;

(b.) (ii) Other reasonable courses of action; or

(c.) (iii) Mitigation measures (not in the proposed action).

(3.) (c) Impacts may be:

(a.) (i) Direct;

(b.) (ii) Indirect; or

The proposed actions contained in (Subchapter IX) PART NINE are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

(A.) (1) Minor New Construction — Flexible Thresholds.

(1.) (a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this section, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city establishes an exempt level under (c) of this subsection. If the proposal is located in more than one (1) city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(2.) (b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water OR UNLESS UNDERTAKEN IN ENVIRONMENTALLY SENSITIVE AREAS:

(i) The construction or location of any residential structures of four dwelling units.

(i) THE CONSTRUCTION OR LOCATION OF RESIDENTIAL STRUCTURES OF FOUR OR FEWER DWELLING UNITS, IN ALL SINGLE FAMILY ZONES, LOWRISE-ONE (L-1) AND ALL COMMERCIAL ZONES; SIX OR FEWER UNITS IN LOWRISE-TWO (L-2) ZONES; EIGHT OR FEWER UNITS IN LOWRISE-THREE (L-3) ZONES; AND TWENTY OR FEWER UNITS IN MIDRISE, (MR) HIGHRISE (HR) AND ALL DOWNTOWN ZONES.

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building, with (four) TWELVE thousand ((4,000)) (12,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20) automobiles.

(iv) The construction of a parking lot designed for twenty (20) automobiles, AS WELL AS THE ADDITION OF TWENTY (20) SPACES TO EXISTING LOTS IF THE ADDITION DOES NOT REMOVE THE LOT FROM AN EXEMPT CLASS.

(v) Any landfill or excavation of five hundred (500) cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(vi) MIXED USE CONSTRUCTION, INCLUDING BUT NOT LIMITED TO PROJECTS COMBINING RESIDENTIAL AND COMMERCIAL USES, IS EXEMPT IF EACH USE, WHEN CONSIDERED SEPARATELY, IS EXEMPT UNDER THE CRITERIA OF (i)-(v) ABOVE, UNLESS THE USES IN COMBINATION MAY HAVE A PROBABLE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT IN THE JUDGMENT OF AN AGENCY WITH JURISDICTION (SEE SECTION 25.05.305(1)(b)(ii)).

((c) Reserved — see WAC 197-11-800(1)(c).)

(2) Other Minor New Construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection). The exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles;

(b) The construction and/or installation of commercial on-premises signs, and public signs and signals;

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts; and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes;

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) AND (2) of this section (or this subsection), as well as fencing and the construction of small

by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) Minor Land Use Decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.35. RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) School Closures. The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification or change of a facility from a school use shall not be exempt under this subsection.

(8) Open Burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(9) Variances Under Clean Air Act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one (1) year or less shall be exempt.

(10) Water Quality Certifications. The granting or denial of water quality certifications under the federal clean water act (Federal Water Pollution Control Act Amendments of 1972, 33 USC 1341) shall be exempt.

(11) Activities Of The State Legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (Section 25.05.704).

(12) Judicial Activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(13) Enforcement And Inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(14) Business And Other Regulatory Licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession;

(b) All licenses required under electrical, fire, plumbing, hearing, mechanical, and safety codes and regulations, but not including building permits;

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above;

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers;

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services;

(3) "Actions" do not include the ac-
s listed above when an agency is not
red. Actions do not include bringing
al or administrative civil or criminal
cement actions (certain categorical
ptions in (Subchapter IX) PART
identify in more detail governmen-
ivities that would not have any en-
nental impacts and for which SEPA
y is not required).

5.706 ADDENDUM.

"Addendum" means an environmental
ment used to provide additional in-
tion or analysis that does not sub-
ally change the analysis of signifi-
mpacts and alternatives in the ex-
environmental document. The term
not include supplemental EISs. An
dum may be used at any time during
EPA process.

5.708 ADOPTION

"Adoption" means an agency's use of all
t of an existing environmental docu-
to meet all or part of the agency's
nsibilities under SEPA to prepare an
other environmental document.

5.709 AESTHETICS.

"Aesthetics" as listed in (Section
444B2d) 25.05.444(2)(b)(iv) shall be
rpreted to include all views whether
ble from public or private property.

5.710 AFFECTED TRIBE.

"Affected tribe" or "treaty tribe"
any Indian tribe, band, nation or
unity in the state of Washington,
federally recognized by the United
Secretary of the Interior and that
may be affected by the proposal.

5.712 AFFECTING.

"Affecting" means having, or may be
g, an effect on (see Section 25.05.752
pacts). For purposes of deciding
er an EIS is required and what the
ust cover, "affecting" refers to hav-
obable, significant adverse environ-
l impacts (RCW 43.21C.031 and 43.-
0(1)(c)).

5.712 AGENCY.

(1) "Agency", as defined in WAC
714(1) means any state or local
mental body, board, commission,
rment, or officer authorized to make
hear contested cases, or otherwise
the actions stated in Section
04; except the judiciary and state
ture. An agency is any state agency
n 25.05.796) or local agency (Section
62). In this chapter "agency" means
y or a city department or organiza-
unit of the city established by
r or ordinance.

(2) "Agency with environmental ex-
" means an agency with special ex-
e on the environmental impacts in-
in a proposal or alternative signifi-
affecting the environment. These
es are listed in Section 25.05.920; the
y be expanded in agency procedures
n 25.05.906). The appropriate agen-
ust be consulted in the environ-
l impact statement process, as re-
by Section 25.05.502.

(3) "Agency with jurisdiction"
an agency with authority to ap-
veto, or finance all or part of a
empt proposal (or part of a
al). The term does not include an
authorized to adopt rules or stand-
general applicability that could ap-
to a proposal, when no license or ap-
is required from the agency for the
c proposal. The term also does not
e a local, state, or federal agency in-
in approving a grant or loan, that
only as a conduit between the pri-
administering agency and the reci-
of the grant or loan. Federal agencies
urisdiction are those from which a
or funding is sought or required.

(4) If a specific agency has been
in these rules, and the functions of
gency have changed or been trans-
to another agency, the term shall
ny successor agency.

(5) For those proposals requiring a
blic project approval under RCW
00, both the Department of Wildlife
e Department of Fisheries shall be
ered agencies with jurisdiction.

5.716 APPLICANT.

"Applicant" means any person or enti-
luding an agency, applying for a
from an agency. Application means
est for a license.

5.718 BUILT ENVIRONMENT.

"Built environment" means the ele-
of the environment as specified by
43.21C.110(1)(f) and Section
444B) 25.05.444(2), which are gener-
uilt or made by people as contrasted
atural processes.

5.720 CATEGORICAL EXEMP-

"Categorical exemption" means a type
on, specified in these rules, which
ot significantly affect the environ-
(RCW 43.21C.110(1)(a)); categorical
tions are found in (Subchapter IX)
NINE of these rules. Neither a
old determination nor any environ-
l document, including an environ-
l checklist or environmental impact
ent, is required for any categorical-
mpt action (RCW 43.21C.030). These
provide for those circumstances in
a specific action that would fit
a categorical exemption shall not
sidered categorically exempt (Sec-
5.05.305).

5.722 CONSOLIDATED APPEAL.

"Consolidated appeal" means the pro-
requiring a person to file an agency
challenging both procedural and
ntive compliance with SEPA at the
time, as provided under RCW 43.-
5(3)(b) and the exceptions therein. If
ncy does not have an appeal proce-
challenging either the agency's
ural or its substantive SEPA deter-
ons; the appeal cannot be con-
ed prior to any judicial review. The
ement for a consolidated appeal
ot preclude agencies from bifurcat-
peal proceedings and allowing dif-
agency officials to hear different
s of the appeal. (Section 25.05.680).

"Environmental checklist" means the
form in Section 25.05.960. Rules for its use
are in Section 25.05.315.

25.05.744 ENVIRONMENTAL DOCUMENT.

"Environmental document" means any
written public document prepared under
this chapter. Under SEPA, the terms en-
vironmental analysis, environmental
study, environmental report, and environ-
mental assessment do not have specialized
meanings and do not refer to particular en-
vironmental documents (unlike various
other state or federal environmental im-
pact procedures).

25.05.746 ENVIRONMENTAL REVIEW.

"Environmental review" means the con-
sideration of environmental factors as re-
quired by SEPA. The "environmental re-
view process" is the procedure used by
agencies and others under SEPA for giv-
ing appropriate consideration to the en-
vironment in agency decisionmaking.

25.05.748 ENVIRONMENTALLY SENSITIVE AREA.

"Environmentally sensitive area"
means an area designated and mapped by
a county/city under Section 25.05.908. Cer-
tain categorical exemptions do not apply
within environmentally sensitive areas
(Sections 25.05.305, 25.05.908, and (Sub-
chapter IX) PART NINE of these rules).

25.05.750 EXPANDED SCOPING.

"Expanded scoping" is an optional pro-
cess that may be used by agencies to go
beyond minimum scoping requirements.

25.05.752 IMPACTS.

"Impacts" are the effects or conse-
quences of actions. Environmental im-
pacts are effects upon the elements of the
environment listed in Section 25.05.444.

25.05.754 INCORPORATION BY REFERENCE.

"Incorporation by reference" means the
inclusion of all or part of any existing
document in an agency's environmental
documentation by reference (Sections
25.05.600 and 25.05.635).

25.05.755 INTERESTED PERSON.

"Interested person" means any in-
dividual, partnership, corporation, asso-
ciation, or public or private organization
of any character, significantly affected by
or interested in proceedings before an
agency, and shall include any party in a
contested case.

25.05.756 LANDS COVERED BY WATER.

"Lands covered by water" means lands
underlying the water areas of the state
below the ordinary high water mark, in-
cluding salt waters, tidal waters, estua-
rine waters, natural water courses, lakes,
ponds, artificially impounded waters, marshes,
and swamps. Certain categorical exemp-
tions do not apply to lands covered by
water, as specified in (Subchapter IX)
PART NINE.

25.05.758 LEAD AGENCY.

"Lead agency" means the agency with
the main responsibility for complying
with SEPA's procedural requirements
(Sections 25.05.050 and 25.05.922). The proce-
dures for determining lead agencies are
in (Subchapter X) PART TEN of these
rules. "Lead agency" may be read as
"responsible official" (Sections 25.05.788
and 25.05.910) unless the context clearly re-
quires otherwise. Depending on the agen-
cy and the type of proposal, for example,
there may be a difference between the lead
agency's responsible official, who is at a
minimum responsible for procedural
determinations (such as Sections 25.05.330,
25.05.455, 25.05.460) and its decisionmaker,
who is at a minimum responsible for sub-
stantive determinations (such as Sections
25.05.448, 25.05.655, and 25.05.660).

25.05.750 LICENSE.

"License" means any form of written
permission given to any person, organi-
zation, or agency to engage in any activity,
as required by law or agency rule. A
license includes all or part of any agency
permit, certificate, approval, registration,
charter, or plat approvals or rezones to
facilitate a particular proposal. The term
does not include a license required solely
for revenue purposes.

25.05.764 LOCAL AGENCY.

"Local agency" or "local government"
means any political subdivision, regional
governmental unit, district, municipal or
public corporation, including cities,
towns, and counties and their legislative
bodies. The term encompasses but does not
refer specifically to the departments
within a city or county.

25.05.764 MAJOR ACTION.

"Major action" means an action that is
likely to have significant adverse en-
vironmental impacts. "Major" reinforces
but does not have a meaning independent
of "significantly" (Section 25.05.794).

25.05.766 MITIGATED DNS.

"Mitigated DNS" means a DNS that in-
cludes mitigation measures and is issued
as a result of the process specified in Sec-
tion 25.05.350.

25.05.768 MITIGATION.

"Mitigation" means:

(A.) (1) Avoiding the impact altogether
by not taking a certain action or parts of
an action;

(B.) (2) Minimizing impacts by limiting
the degree or magnitude of the action and
its implementation, by using appropriate
technology, or by taking affirmative steps
to avoid or reduce impacts;

(C.) (3) Rectifying the impact by repair-
ing, rehabilitating, or restoring the af-
fected environment;

(D.) (4) Reducing or eliminating the im-
pact over time by preservation and main-
tenance operations during the life of the
action;

(E.) (5) Compensating for the impact by
replacing, enhancing, or providing
substitute resources or environments;
and/or

NATIVE.

"Reasonable alternative" means an ac-
tion that could feasibly attain or approx-
imate a proposal's objectives, but at a
lower environmental cost or decreased
level of environmental degradation.
Reasonable alternatives may be those
over which an agency with jurisdiction
has authority to control impacts, either
directly, or indirectly through require-
ment of mitigation measures. (See Sec-
tions (25.05.440D) 25.05.440(4) and
25.05.660). Also see the definition of
"scope" for the three types of alternatives
to be analyzed in EISs (Section 25.05.792).

25.05.788 RESPONSIBLE OFFICIAL.

"Responsible official" means that of-
ficer or officers, committee, department,
or section of the lead agency (is)
designated by the agency SEPA procedure
to undertake its procedural respon-
sibilities as lead agency (Section
25.05.910).

25.05.790 SEPA.

"SEPA" means the State Environmen-
tal Policy Act of 1971 (chapter 43.21C
RCW), which is also referred to as the act.
The "SEPA process" means all measures
necessary for compliance with the act's re-
quirements.

25.05.792 SCOPE.

(A.) (1) "Scope" means the range of pro-
posed actions, alternatives, and impacts to
be analyzed in an environmentAL docu-
ment (Section (25.05.060B) 25.05.060(2)
(content of environmental review)).

(B.) (2) To determine the scope of en-
vironmental impact statements, agencies
consider three (3) types of actions, three (3)
types of impacts, and three (3) types of
alternatives.

(1.) (a) Actions may be:

(a. (i) Single (a specific action which is
not related to other proposals or parts of
proposals);

(b.) (ii) Connected (proposals or parts
of proposals which are closely related
under Section (25.05.060C) 25.05.060(3) or
Section (25.05.305A) 25.05.305(1); or

(c.) (iii) Similar (proposals that have
common aspects and may be analyzed to-
gether under Section (25.05.060C)
25.05.060(3)).

(2.) (b) Alternatives may be:

(a.) (i) No action;

(b.) (ii) Other reasonable courses of ac-
tion; or

(c.) (iii) Mitigation measures (not in the
proposed action).

(3.) (c) Impacts may be:

(a.) (i) Direct;

(b.) (ii) Indirect; or

(c.) (iii) Cumulative.

(C.) (3) Section 25.05.060 provides general
rules for the content of any environmental
review under SEPA; (Subchapter IV)
PART FOUR and Section 25.05.440 pro-
vide specific rules for the content of EISs.
The scope of an individual statement may
depend on its relationship with other EISs
or on phased review.

25.05.793 SCOPING.

"Scoping" means determining the range
of proposed actions, alternatives, and im-
pacts to be discussed in an EIS. Because an
EIS is used to analyze significant en-
vironmental impacts only, scoping is in-
tended to identify and narrow the EIS to
the significant issues. The required scop-
ing process (Section 25.05.808) provides in-
teragency and public notice of a DS, or
equivalent notification, and opportunity
to comment. The lead agency has the op-
tion of expanding the scoping process (Sec-
tion 25.05.410), but shall not be required to
do so. Scoping is used to encourage
cooperation and early resolution of poten-
tial conflicts, to improve decisions, and to
reduce paperwork and delay.

25.05.794 SIGNIFICANT.

(A.) (1) "Significant" as used in SEPA
means a reasonable likelihood of more
than a moderate adverse impact on en-
vironmental quality.

(B.) (2) Significance involves context and
intensity (Section 25.05.330 (threshold
determination process)) and does not limit
itself to a formula or quantifiable test. The
context may vary with the physical set-
ting. Intensity depends on the magnitude
and duration of an impact.

The severity of an impact should be
weighed along with the likelihood of its
occurrence. An impact may be significant
if its chance of occurrence is not great, but
the resulting environmental impact would
be severe if it occurred.

(C.) (3) Section 25.05.330 specifies a proc-
ess, including criteria and procedures, for
determining whether a proposal is likely
to have a significant adverse environmen-
tal impact.

25.05.796 STATE AGENCY.

"State agency" means any state board,
commission, department, or officer, in-
cluding state universities, colleges, and
community colleges, that is authorized by
law to make rules, hear contested cases, or
otherwise take the actions stated in Sec-
tion 25.05.704, except the judiciary and
state legislature.

25.05.797 THRESHOLD DETERMINATION.

"Threshold determination" means the
decision by the responsible official of the
lead agency whether or not an EIS is re-
quired for a proposal that is not
categorically exempt (Sections 25.05.310
and (25.05.330A2) 25.05.330(1)(b)).

25.05.799 UNDERLYING GOVERNMENTAL ACTION.

"Underlying governmental action"
means the governmental action, such as
zoning, or permit approvals, that is the
subject of SEPA compliance.

(Subchapter IX) PART NINE —
CATEGORICAL EXEMPTIONS

25.05.800 CATEGORICAL EXEMPTIONS.

UNDER THE CRITERIA OF (i)-(v)
ABOVE, UNLESS THE USES IN COM-
BINATION MAY HAVE A PROBABLE
SIGNIFICANT ADVERSE EN-
VIRONMENTAL IMPACT IN THE
JUDGMENT OF AN AGENCY WITH
JURISDICTION (SEE SECTION
25.05.305(1)(b)(ii)).

((c) Reserved — see WAC 197-11-800(1)(c).)

(2) Other Minor New Construction. The
following types of construction shall be
exempt except where undertaken wholly
or in part on lands covered by water
(unless specifically exempted in this
subsection). The exemptions provided by
this section shall apply to all licenses re-
quired to undertake the construction in
question, except where a rezone or any
license governing emissions to the air or
discharges to water is required:

(a) The construction or designation of
bus stops, loading zones, shelters, access
facilities and pull-out lanes for taxicabs,
transit and school vehicles;

(b) The construction and/or installa-
tion of commercial on-premises signs,
and public signs and signals;

(c) The construction or installation of
minor road and street improvements
such as pavement marking, freeway
surveillance and control systems,
railroad protective devices (not in-
cluding grade-separated crossings),
grooving, glare screen, safety barriers,
energy attenuators, transportation cor-
ridor landscaping (including the applica-
tion of Washington State Department of
Agriculture approved herbicides by
licensed personnel for right-of-way
weed control as long as this is not within
watersheds controlled for the purpose of
drinking water quality in accordance
with WAC 248-54-660), temporary traffic
controls and detours, correction of sub-
standard curves and intersections
within existing rights-of-way, widening
of a highway by less than a single lane
width where capacity is not significant-
ly increased and no new right-of-way is
required, adding auxiliary lanes for
localized purposes, (weaving, climbing,
speed change, etc.), where capacity is not
significantly increased and no new
right-of-way is required, channelization
and elimination of sight restrictions at
intersections, street lighting, guard rails
and barricade installation, installation
of catch basins and culverts, and
reconstruction of existing roadbed (ex-
isting curb-to-curb in urban locations),
including adding or widening of
shoulders, addition of bicycle lanes,
paths and facilities, and pedestrian
walks and paths, but not including addi-
tional automobile lanes;

(d) Grading, excavating, filling, septic
tank installations, and landscaping
necessary for any building or facility ex-
empted by subsections (1) AND (2) of this
section (or this subsection), as well as
fencing and the construction of small
structures and minor ACCESSORY
facilities (Accessory thereto);

(e) Additions or modifications to or
replacement of any building or facility
exempted by subsections (1) AND (2) of
this section (and this subsection) when
such addition, modification or replace-
ment will not change the character of the
building or facility in a way that would
remove it from an exempt class;

(f) The demolition of any structure or
facility, the construction of which would
be exempted by subsections (1) and (2) of
this section, except for structures or
facilities with recognized historical sig-
nificance;

(g) The installation of impervious
underground tanks, having a capacity of
ten thousand (10,000) gallons or less;

(h) The vacation of streets or roads;

(i) The installation of hydrological
measuring devices, regardless of
whether or not on lands covered by
water;

(j) The installation of any property,
boundary or survey marker, other than
fences, regardless of whether or not on
lands covered by water;

(3) Repair, Remodeling and Maintenance
Activities. The following activities shall
be categorically exempt: The repair,
remodeling, maintenance, or minor altera-
tion of existing private or public struc-
tures, facilities or equipment, including
utilities, involving no material expan-
sions or changes in use beyond that
previously existing; except that, where
undertaken wholly or in part on lands
covered by water, only minor repair or
replacement of structures may be exempt
(examples include repair or replacement
of piling, ramps, floats, or mooring buoys,
or minor repair, alteration, or mainte-
nance of docks). The following mainte-
nance activities shall not be considered ex-
empt under this subsection.

(a) Dredging;

(b) Reconstruction/maintenance of
groins and similar shoreline protection
structures; or

(c) Replacement of utility cables that
must be buried under the surface of the
bedlands. Repair/rebuilding of major
dams, dikes, and reservoirs shall also
not be considered exempt under this
subsection.

(4) Water Rights. The following ap-
propriations of water shall be exempt, the
exemption covering not only the permit to
appropriate water, but also any
hydraulics permit, shoreline permit or
building permit required for a normal
diversion or intake structure, well and
pumphouse reasonably necessary to ac-
complish the exempted appropriation, and
including any activities relating to con-
struction of a distribution system solely
for any exempted appropriation:

(a) Appropriations of fifty (50) cubic
feet per second or less of surface water
for irrigation purposes, when done
without a government subsidy.

(b) Appropriations of one (1) cubic foot
per second or less of surface water, or of
two thousand two hundred fifty (2,250)
gallons per minute(s) or less of ground
water, for any purpose.

(5) Purchase Or Sale Of Real Property.
The following real property transactions

permit or other similar permit not other-
wise exempted by this chapter, are not
exempted by this subsection.

(13) Enforcement And Inspections. The
following enforcement and inspection ac-
tivities shall be exempt:

(a) All actions, including administra-
tive orders and penalties, undertaken to
enforce a statute, regulation, ordinance,
resolution or prior decision. No license
shall be considered exempt by virtue of
this subsection; nor shall the adoption of
any ordinance, regulation or resolution
be considered exempt by virtue of this
subsection.

(b) All inspections conducted by an
agency of either private or public prop-
for any purpose.

(c) All activities of fire departments
and law enforcement agencies except
physical construction activity.

(d) Any action undertaken by an agen-
cy to abate a nuisance or to abate,
remove or otherwise cure any hazard to
public health or safety. The application
of pesticides and chemicals is not exempt-
ed by this subsection but may be exem-
pted elsewhere in these guidelines.
No license or adoption of any ordinance,
regulation or resolution shall be consid-
ered exempt by virtue of this subsection.

(e) Any suspension or revocation of a
license for any purpose.

(14) Business And Other Regulatory
Licenses. The following business and
other regulatory licenses are exempt:

(a) All licenses to undertake an oc-
cupation, trade or profession;

(b) All licenses required under elec-
trical, fire, plumbing, hearing, mechani-
cal, and safety codes and regulations,
but not including building permits;

(c) All licenses to operate or engage in
amusement devices and rides and enter-
tainment activities, including but not
limited to cabarets, carnivals, circuses
and other traveling shows, dances,
music machines, golf courses, and thea-
ters, including approval of the use of
public facilities for temporary civic cele-
brations, but not including licenses or
permits required for permanent con-
struction of any of the above;

(d) All licenses to operate or engage in
charitable or retail sales and service ac-
tivities, including but not limited to ped-
dlers, solicitors, second hand shops,
pawnbrokers, vehicle and housing ren-
tal agencies, tobacco sellers, close out
and special sales, fireworks, massage
parlors, public garages and parking lots,
and used automobile dealers;

(e) All licenses for private security
services, including but not limited to
detective agencies, merchant and/or
residential patrol agencies, burglar
and/or fire alarm dealers, guard dogs,
locksmiths, and bail bond services;

(f) All licenses for vehicles for-hire
and other vehicle related activities, in-
cluding but not limited to taxicabs, am-
bulances, and tow trucks; provided, that
regulation of common carriers by the
utilities and transportation commission
shall not be considered exempt under
this subsection;

(g) All licenses for food or drink
services, sales, and distribution, in-
cluding but not limited to restaurants,
liquor, and meat;

(h) All animal control licenses, in-
cluding but not limited to pets, kennels,
and pet shops. Establishment or con-
struction of such a facility shall not be
considered exempt by this subsection;

(i) The renewal or reissuance of a
license regulating any present activity
or structure so long as no material
changes are involved.

(15) Activities Of Agencies. The follow-
ing administrative, fiscal and personnel
activities of agencies shall be exempt:

(a) The procurement and distribution
of general supplies, equipment and serv-
ices authorized or necessitated by pre-
viously approved functions or pro-
grams;

(b) The assessment and collection of
taxes;

(c) The adoption of all budgets and
agency requests for appropriation; pro-
vided, that if such adoption includes a
final agency decision to undertake a ma-
jor action, that portion of the budget is
not exempted by this subsection;

(d) The borrowing of funds, issuance
of bonds, or applying for a grant and
related financing agreements and ap-
provals;

(e) The review and payment of vouch-
ers and claims;

(f) The establishment and collection of
liens and service billings;

(g) All personnel actions, including
hiring, terminations, appointments, pro-
motions, allocations of positions, and
expansions or reductions in force;

(h) All agency organization, reorgani-
zation, internal operational planning or
coordination of plans or functions;

(i) Adoptions or approvals of utility,
transportation and solid waste disposal
rates;

(j) The activities of school districts
pursuant to desegregation plans or pro-
grams; however, construction of real
property transactions or the adoption of
any policy, plan or program for such con-
struction of real property transaction
shall not be considered exempt under
this subsection (see also 25.05.800(7));

(16) Financial Assistance Grants. The
approval of grants or loans by one agency
to another shall be exempt, although an
agency may at its option require com-
pliance with SEPA prior to making a
grant or loan for design or constructio of
a project.

This exemption includes agencies taking
nonproject actions that are necessary to
apply for federal or other financial
assistance;

(17) Local Improvement Districts. The

formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under 25.05.800 and 25.05.080;

(18) Information Collection And Research. Basic data collection, research, resource evaluation, request for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see Section 25.05.070 (limitations on actions during SEPA process));

(19) Acceptance Of Filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection;

(20) Procedural Actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt;

(21) Building Codes. The adoption by ordinance of all codes as required by the State Building Code Act (chapter 19.27 RCW);

(22) Adoption Of Noise Ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the Department of Ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the Department of Ecology under RCW 70.107.080(4)), SEPA compliance may be limited to those items which differ from state regulations;

(23) Review And Comment Actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt;

(24) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class;

(a) All communications lines, including cable TV, but not including communication towers or relay stations;

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter;

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty five thousand (55,000) volts or less; and the overbuilding of existing distribution lines (fifty five thousand (55,000) volts or less) with transmission lines (more than fifty five thousand (55,000) volts); and the undergrounding of all electrical facilities, lines, equipment or appurtenances;

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups;

(e) All developments within the confines of any existing electrical substation, reservoir, pump station or well; provided, that additional appropriations of water are not exempted by this subsection;

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes;

(h) All grants of franchises by agencies to utilities;

(i) All disposals of rights of way by utilities;

(25) Natural Resources Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III forest practices as defined by RCW 76.09.050 or regulations thereunder;

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten (10) years;

(c) Licenses or approvals to remove firewood;

(d) Issuance of agricultural leases covering one hundred sixty (160) contiguous acres or less;

(e) Issuance of leases for Christmas tree harvesting or brush picking;

(f) Issuance of leases for school sites;

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft;

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve (12) campsites;

(i) Periodic use of chemical or mechanical means to maintain public park and recreational lands; provided, that

chapter) SEATTLE SEPA RULES SECTIONS

(See WAC 197-11-900)

(The purpose of this subchapter is to:)

(A.) (1) (Set forth) The City's SEPA policies designated as possible bases for the exercise of substantive authority under SEPA ARE SET FORTH IN SECTIONS 25.05.665, .670, and .675. (Section 25.05.902).

(B.) (2) (Identify the) THE City's environmentally sensitive areas and the categorical exemptions which are inapplicable in such areas(.) ARE SET FORTH IN SECTION ((25.05.908)).

(C.) (3) (Provide) Rules for designating the responsible department and responsible official when the City is the lead agency (.) ARE PROVIDED IN SECTION ((25.05.910)).

(D.) (4) (Provide) Procedures on request for consultation(.) ARE PROVIDED IN SECTION ((25.05.912)).

(E.) (5) (Provide for) Fees and costs for SEPA compliance for private projects(.) ARE PROVIDED FOR IN SECTION ((25.05.914)).

(F.) (6) (Provide for) The application of these rules to ongoing actions(.) IS PROVIDED IN SECTION ((25.05.916)).

(G.) (7) (Identify) Agencies with environmental expertise(.) ARE PROVIDED IN SECTION ((25.05.920)).

(H.) (8) (Provide) Rules for determining the lead agency(.) ARE PROVIDED IN SECTION ((25.05.922-946)).

25.05.902 AGENCY SEPA POLICIES.

(SEE WAC 197-11-902 AND SECTIONS 25.05.665, .670 AND .675.)

((1) The act, WAC 197-11, and these rules allow agencies to condition or deny proposals if such action is based upon policies incorporated into regulations, plans, or codes formally designated by the City Council by ordinance as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; 25.05.660.) The City's SEPA policies are set forth in the following subsections.)

(2) OVERVIEW.

(a) Policy Intent. It is the intent of the City that the SEPA environmental review process be implemented by integrating the consideration of environmental impacts with existing planning and decisionmaking processes. To the greatest extent possible, the mechanism for mitigating or preventing adverse impacts to the environment will be incorporated into present and future city ordinances relating to the affected element of the environment. The SEPA review process and the measures necessary to minimize or prevent adverse impacts are, therefore, not to be treated as a separate review or permitting process, but rather are to be employed as an integral element of the existing decisionmaking process.

(b) Policies. In assessing the environmental impacts of a proposal and in determining the need for conditioning or denial pursuant to Section 25.05.660, the city official or authorizing agency shall utilize SEPA, and shall use other environmentally related policies adopted by the City Council in the form of resolutions, codes, ordinances, regulations or plans identified in Appendix A and on file in the SEPA Public Information Center, and federal, state, and regional environmental quality standards.

(3) CUMULATIVE EFFECTS.

(a) Policy Intent. Recognizing that:

(i) Comprehensive land use controls and other regulations cannot always anticipate or eliminate adverse impacts upon public facilities and services, natural systems or the surrounding area; and

(ii) A single development, use, or modification, though otherwise consistent with zoning regulations, may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior development; and a single development may induce, due to a causal relationship, other developments, which ultimately will adversely affect public facilities and services, natural systems or the surrounding area; it is the policy of the city to condition or deny proposals to minimize or prevent such adverse environmental impacts from occurring.

(b) Policies.

(i) The analysis of cumulative effects shall include a reasonable assessment of the present and planned capacity of such public facilities as sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas to serve the area affected by the proposal.

(ii) The analysis of cumulative effects shall include a reasonable assessment of the present and planned public services such as transit, health, police and fire protection and social services to serve the area affected by the proposal.

(iii) The analysis of cumulative effects shall include a reasonable assessment of the capacity of natural systems — air, water, light, land — to absorb the direct and reasonably anticipated indirect impacts of the proposal.

(iv) Based in part upon such analysis, a project may be modified to lessen its demand for support services and facilities or its impact on natural systems. Modification may also be required to provide for subsequent projects which can be expected to share the need for support services, and facilities or use of the natural systems' capacity.

(4) PARKING AND TRAFFIC.

(a) Policy Intent. Recognizing that new development and some modifications will generate travel and parking demands, with resultant adverse impacts on the surrounding areas relative to parking and traffic flow, it is the policy of the city to:

(i) Encourage transportation modes such as public transit, vanpools, carpools, and bicycles rather than single occupancy vehicles;

(ii) Modify off-street parking requirements to mitigate adverse impacts;

be the responsibility of the property owner.

(6) DRAINAGE.

(a) Policy Intent. Recognizing that property development and redevelopment usually contribute to increased rates and volumes of storm water runoff, it is the policy of the city to:

(i) Prevent storm water flooding and related property damage, safety hazards, nuisance problems and water quality degradation from increasing as a result of property development and redevelopment;

(ii) Preserve and enhance the aesthetic quality of the water and watercourses;

(iii) Preserve and enhance the suitability of waters for contact recreation and wildlife habitat.

(b) Policies. Until a comprehensive drainage control ordinance is adopted, the following policies shall apply:

(i) On- or off-site control of storm water, in conjunction with property development and redevelopment, shall be required throughout the city except where separate storm drain systems have sufficient capacity to carry existing and anticipated increases in loads from the point of source to one of the following major bodies of water: Puget Sound, the Duwamish River and Waterway, Lake Washington, Lake Union, and the Lake Washington Ship Canal.

(ii) The peak storm water runoff discharge rate from property development and redevelopment involving more than two thousand square feet of impervious surface shall not exceed 0.2 cubic feet per second per acre under an appropriate design storm condition, except where the separate storm drain systems have the necessary capacity as stated above. For purposes of this section, property development shall include demolition of an existing building, structure or impervious surface.

(iii) A drainage control plan shall accompany or be included with the application and/or request for any city action on a proposed project. The plan may consist of a statement of compliance in cases where no drainage control facilities are required to meet the criteria stated above.

(iv) Approval of the most suitable method of drainage control shall be made by the city official or authorizing agency on a case by case basis.

(7) VIEW PROTECTION.

(a) Policy Intent. Recognizing that:

(i) Part of what makes Seattle a unique city is its magnificent natural setting which combines greenery, mountains, and water; and

(ii) Visual amenities and opportunities are an integral part of the city's environmental quality and contribute to community pride and prestige; and

(iii) The city is committed to preserving sites, improvements, and objects which reflect significant elements of the city's cultural, aesthetic, social, economic, political, architectural, engineering, historical or other heritage and has designated such sites, improvements and objects as historic landmarks; and

(iv) It is the city's policy to encourage concentration of high density of high rise development in the Central Business District (Western Avenue on the west, Yesler Way on the south, I-5 on the east and Lenora Street on the north), and that such development may obstruct views in many instances; and

(v) The city has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many other public places where such views enhance one's experience; it is the policy of the city to:

a. Reasonably protect views from such public places; and

b. Reasonably protect the view of certain designated historic landmarks.

(b) Policies. Until such time as specific view protection policies are enacted by the city, it is the policy of the city that:

(i) The city official or authorizing agency shall assess the extent of obstruction of views of mountains, water, skyline, and greenery by a proposed project from public places identified in Appendix B;

(ii) The city official or authorizing agency shall assess the extent of obstruction of views of historic landmarks designated by the Landmarks Preservation Board as having significance which, because of their prominence of location or contrasts of siting, age or scale, are easily identifiable visual features of their neighborhood or the city and contribute to the distinctive quality or identity of such neighborhood or the city; or they embody the distinctive visible characteristics of an architectural style, or period, or a method of construction;

(iii) The city official or authorizing agency may mitigate such adverse impacts by measures including, but not limited to:

a. Requiring a change in the height of the development;

b. Requiring a change in the bulk of the development;

c. Requiring a redesign of the profile of the development;

d. Requiring view corridors;

e. Requiring a reduction or rearrangement of walls, fences, or plant material;

f. Requiring a reduction or rearrangement of accessory structures, i.e., towers, railings, antennae.

(iv) In the Central Business District, the city may mitigate the adverse impacts described in subsections (b)(i) and (ii), solely to maintain existing street view corridors to the water or to other prominent natural or man made features or to historic landmarks as defined in subsection (b)(ii): provided that such street view corridors shall be identified by rule adopted in accordance with the Administrative Code (Ch. 3.02), and no condition may be imposed to maintain such street view corridors until the view corridors have been identified.

(8) SHADOWS ON PUBLICLY OWNED PARKS.

illumination;

d. Limiting the hours of illumination.

(10) HOUSING.

(a) Policy Intent. Recognizing that:

(i) The city is committed to providing safe and sanitary shelter for all its citizens; and

(ii) Housing opportunities within the city are inadequate generally and are especially for low income citizens; and

(iii) Demolition or rehabilitation of low-rent housing units or conversion of housing for other uses can cause both displacement of low-income persons and a reduction in the supply of housing;

(b) Policies.

(i) The city official or authorizing agency shall require any permit applicant who proposes to demolish, rehabilitate or convert housing to other uses to specify the monthly rent, for each housing unit occupied at any time during the one year prior to the date of permit applicant.

(ii) When the city official or authorizing agency finds that the average rent of any housing unit occupied at any time during the one year prior to the date of permit application was at or below federal Section 8 Existing Fair Market Rent levels and the proposed project results in the eviction of tenants from such units, the city official or authorizing agency shall require the permit applicant to make a good faith effort to locate housing acceptable to the tenants of such low-rent units on or before the date the tenants vacate.

(iii) Compliance with the requirements of the Housing Preservation Ordinance (Ch. 22.210) shall constitute compliance with the policies expressed in this section.

(11) Supplemental Status of Subchapter.

The policies established in this subchapter are intended to be supplemental to other adopted city policies protective of the environment, and are not intended to repeal any such adopted policies.

APPENDIX A

R.17483 — Comprehensive Plan and modifications and updates thereafter, including neighborhood improvements plans.

R.23782 — Unique characteristics of International District and Pioneer Square District.

R.23831 — Asian Cultural and Trade Center.

R.23835 — Capital Improvement Program Committee Role in Pioneer Square and International District.

R.23841 — Housing in Pioneer Square and International District.

R.23842 — Need for public facilities and amenities in South Central Business District.

R.24098 & R.24259 — Air Quality.

R.24283 — Goals for Seattle — 2000 Commission Report.

R.25340 — Redlining.

R.24514 — Surface water control.

R.24957 — Downtown parking policies.

R.25011 — Goals, objectives, and policies of City codes.

R.25076 — Guidance for parking and traffic access for King County Stadium.

R.25153 — Policies to guide implementation of SEPA.

R.25173 — Shoreline Master Program.

R.25259 — Energy conservation policies.

R.25260 — Electrical generation policies.

R.25434 — Solid Waste Management Plan for King County.

R.25492 — Capital Improvement Policy Plan and modifications and updates thereafter.

R.25532 — City and University of Washington — Joint Statement of Goals.

R.25533 — Seattle growth policies.

R.25601 — Solid Waste Management goals and policies.

R.25670 — Urban Greenbelt Plan.

R.25812 — 1978 Housing Assistance Plan and updates thereafter.

R.25821 — International District Neighborhood Strategy and Application.

O.86300 — Zoning Code and amendments thereafter.

O.102916 — Urban Renewal Plan — Pike Place Market.

O.106348 — Landmark Preservation Ordinance.

All other resolutions and ordinances included in the Policy Catalogue prepared in response to R.25477.

APPENDIX B

Alki Beach Park
Alki Avenue S. W.

Atlantic City Park
S. Henderson and Seward Park S.

Bagley Viewpoint
10th Avenue E. and E. Roanoke

Ballard High School
N. W. 65th Street and 14th Avenue N. W.

Banner Place
N. E. Banner Place off N. E. 75th Street

Bayview Playground
24th Avenue W. and W. Raye Street

Beacon Hill Playground
S. Holgate and 14th Avenue S.

Belvidere Viewpoint
S. W. Admiral Way and S. W. Olga

Bhy Kracke Park
Bigelow North and Comstock Place

Bitter Lake Playground
N. 130th and Linden Avenue N.

Briarcliff Elementary School
W. Raye and 30th Avenue W.

Leschi Park
Lakeside W. off E. Alder

Lincoln Park
Fauntleroy S. W. and S. W. Webster

Louisa Boren Lookout/Boren Interlaken Park
15th E. and E. Garfield

Lowman Beach
Beach Drive S. W. and 48th Avenue S. W.

Lynn Street-end Park
Lynn Street at east side of Lake Union

McCurdy Park
E. Hamlin and E. Park Drive

Madison Park Beach
E. Madison and Lake Washington Boulevard E.

Madrona Park Beach
Lake Washington Boulevard and Madrona Drive

Magnolia Elementary School Playground
W. Smith Street and 27th Avenue W.

Maple Leaf Playground
N. E. 82nd and Roosevelt Way N. E.

Marshall Park-Betty Bowen Viewpoint
Parson Gardens Park
Seventh W. And W. Highland

Martha Washington Park
S. Holly Street and 57th Avenue S.

Mathews Beach
N. E. 93rd and Sand Point Way N. E.

Mayfair Park
Second Avenue N. and Raye Street

Mee-Kwa-Mooks
Beach Drive S. W. and S. W. Oregon

Montlake Park
E. Shelby and E. Park Drive E.

Montlake Playfield
16th Avenue E. and E. Calhoun

Mount Baker Park
S. McClellan and Lake Park Drive S.

Myrtle Edwards Park
Alaskan Way and Bay Street

Myrtle Street Reservoir
S. W. Myrtle and 35th S. W.

Newton Street-end Park
Newton Street at east side of Lake Union

North and South Passage Point Park
Sixth Avenue N. E. and N. E. North Lake Way
Fuhrman E. and Fairview E.

Othello Park
43rd Avenue S. and S. Othello

Pritchard Beach
55th Avenue S. and S. Grattan

Queen Anne High School
215 Galer

Riverview Playfield
7000 Block of 12th Avenue S. W.

Roanoke Street-end Park
Roanoke Street at east side of Lake Union

Rogers Park
Third Avenue W. and W. Fulton Street

Sand Point Park/Beach
Sand Point Way N. E. and N. E. 65th Street

Schmitz Park
Admiral Way S. W. and S. W. Stevens

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25.05.904 AGENCY SEPA PROCEDURES.

(See WAC 197-11-904)

25.05.906 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES.

(See WAC 197-11-906)

25.05.908 ENVIRONMENTALLY

(55,000 volts); and the underground building of all electrical facilities, lines, equipment or appurtenances;

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups;

(e) All developments within the confines of any existing electrical substation, reservoir, pump station or well; provided, that additional appropriations of water are not exempted by this subsection;

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes;

(h) All grants of franchises by agencies to utilities;

(i) All disposals of rights of way by utilities;

(25) Natural Resources Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III forest practices as defined by RCW 76.09.050 or regulations thereunder;

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten (10) years;

(c) Licenses or approvals to remove firewood;

(d) Issuance of agricultural leases covering one hundred sixty (160) contiguous acres or less;

(e) Issuance of leases for Christmas tree harvesting or brush picking;

(f) Issuance of leases for school sites;

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft;

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve (12) campsites;

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

(j) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas;

(k) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW;

25.05.810 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.

(See WAC 197-11-820 through 197-11-875).

25.05.880 EMERGENCIES.

Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.

25.05.890 PETITIONING DOE TO CHANGE EXEMPTIONS.

(A.) (1) Except for the preceding section, the city (see WAC 197-11-890) may create additional exemptions in these procedures only after receiving approval from the Department of Ecology under this section.

(B.) (2) A petition to the Department of Ecology (DOE) to adopt additional exemptions or to delete existing exemptions must be authorized by ordinance. The petition shall state the language of the requested amendment, the city's views on the environmental impacts of the activities covered by the proposed amendment, and the approximate number of actions of this type which have come before the city over a particular period of time. DOE is to consider and decide upon a petition within thirty (30) days of receipt. If the determination is favorable, DOE is required to begin rule-making under chapter 34.04 RCW. Any resulting amendments will apply either generally or to specified classes of agencies. The city shall then amend these rules accordingly.

(C.) (3) The city may also petition DOE for an immediate ruling upon any request to add, delete, or change an exemption. If such a petition is granted, DOE is to notify the city, which may immediately include the change in these rules approved by DOE. DOE may thereafter begin rulemaking proceedings to amend WAC 197-11. Until WAC 197-11 is amended, any change granted under this subsection shall apply only to the city.

(D.) (4) DOE is to provide public notice of any proposed amendments to these rules in the manner required by the administrative procedure act, chapter 34.04 RCW. A copy of all approvals by DOE under the preceding subsection is required to be given to any person requesting DOE for advance notice of rulemaking.

(Subchapter X) PART TEN — AGENCY COMPLIANCE

25.05.900 PURPOSE OF (THIS Sub-

(3) CUMULATIVE EFFECTS.

(a) Policy Intent. Recognizing that:

(i) Comprehensive land use controls and other regulations cannot always anticipate or eliminate adverse impacts upon public facilities and services, natural systems or the surrounding area; and

(ii) A single development, use, or modification, though otherwise consistent with zoning regulations, may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior development; and a single development may induce, due to a causal relationship, other developments, which ultimately will adversely affect public facilities and services, natural systems or the surrounding area; it is the policy of the city to condition or deny proposals to minimize or prevent such adverse environmental impacts from occurring.

(b) Policies.

(i) The analysis of cumulative effects shall include a reasonable assessment of the present and planned capacity of such public facilities as sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas to serve the area affected by the proposal.

(ii) The analysis of cumulative effects shall include a reasonable assessment of the present and planned public services such as transit, health, police and fire protection and social services to serve the area affected by the proposal.

(iii) The analysis of cumulative effects shall include a reasonable assessment of the capacity of natural systems — air, water, light, land — to absorb the direct and reasonably anticipated indirect impacts of the proposal.

(iv) Based in part upon such analysis, a project may be modified to lessen its demand for support services and facilities or its impact on natural systems. Modification may also be required to provide for subsequent projects which can be expected to share the need for support services, and facilities or use of the natural systems' capacity.

(4) PARKING AND TRAFFIC.

(a) Policy Intent. Recognizing that new development and some modifications will generate travel and parking demands, with resultant adverse impacts on the surrounding areas relative to parking and traffic flow, it is the policy of the city to:

(i) Encourage transportation modes such as public transit, vanpools, carpools, and bicycles rather than single occupancy vehicles;

(ii) Modify off-street parking requirements to mitigate adverse impacts;

(iii) Make other requirements as necessary to assure reasonable access and flow.

(b) POLICIES.

(i) The city official or authorizing agency shall examine the proposed building occupants likely vehicle use pattern and guest and service parking needs.

(ii) In determining the necessary off-street parking, the city official or authorizing agency shall weigh these needs against factors such as:

a. Availability of on-street parking and public transit;

b. Existing traffic conditions;

c. Trend in local area development;

d. Peaking characteristics of the proposed building and the immediate area;

e. Availability of goods, services, and recreation within reasonable pedestrian distance.

(iii) The city official or authorizing agency may require measures to mitigate adverse parking impacts including requiring preference of some parking spaces for carpool or vanpool vehicles and provisions of bicycle racks.

(iv) The city official or authorizing agency may require curb cuts, construction of sidewalks and other pedestrian access amenities or deeding of street right-of-way.

(v) Any condition or mitigating measure must be continuously met by the property owner.

(5) LANDSCAPING.

(a) Policy Intent. Recognizing that certain developments, although consistent with zoning, may require separation from adjacent uses or modification if they are to exist in harmony with the surrounding area, the city official or authorizing agency may require foliage and greenery to promote the aesthetic and natural qualities of Seattle. Also, recognizing that vegetation can sometimes mitigate adverse environmental impacts, the city official or authorizing agency may require new landscaping to reduce storm water runoff, erosion and aesthetic incompatibility with the surrounding area.

(b) Policies.

(i) Landscaping may be required when it can provide a buffer between incompatible land uses or zones such as between parking areas and pedestrian ways.

(ii) Landscaping may be required when it can reduce the potential for erosion or excessive storm water runoff.

(iii) Landscaping may be required for new development to reduce the site coverage by impervious surfaces and to add to the beauty of the city.

(iv) Where structures prevent on-site landscaping, street trees may be required as a substitute.

(v) Preference shall be given for species compatible with surrounding flora.

(vi) The city official or authorizing agency may require existing vegetation to be retained.

(vii) Maintenance of landscaped areas and replacement of dying or dead plants shall

instances; and

(v) The city has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many other public places where such views enhance one's experience; it is the policy of the city to:

a. Reasonably protect views from such public places; and

b. Reasonably protect the view of certain designated historic landmarks.

(b) Policies. Until such time as specific view protection policies are enacted by the city, it is the policy of the city that:

(i) The city official or authorizing agency shall assess the extent of obstruction of views of mountains, water, skyline, and greenery by a proposed project from public places identified in Appendix B;

(ii) The city official or authorizing agency shall assess the extent of obstruction of views of historic landmarks designated by the Landmarks Preservation Board as having significance which, because of their prominence of location or contrasts of siting, age or scale, are easily identifiable visual features of their neighborhood or the city and contribute to the distinctive quality or identity of such neighborhood or the city; or they embody the distinctive visible characteristics of an architectural style, or period, or a method of construction;

(iii) The city official or authorizing agency may mitigate such adverse impacts by measures including, but not limited to:

a. Requiring a change in the height of the development;

b. Requiring a change in the bulk of the development;

c. Requiring a redesign of the profile of the development;

d. Requiring view corridors;

e. Requiring a reduction or rearrangement of walls, fences, or plant material;

f. Requiring a reduction or rearrangement of accessory structures, i. e., towers, railings, antennae.

(iv) In the Central Business District, the city may mitigate the adverse impacts described in subsections (b) (i) and (ii), solely to maintain existing street view corridors to the water or to other prominent natural or man made features or to historic landmarks as defined in subsection (b) (ii): provided that such street view corridors shall be identified by rule adopted in accordance with the Administrative Code (Ch. 3.02), and no condition may be imposed to maintain such street view corridors until the view corridors have been identified.

(8) SHADOWS ON PUBLICLY OWNED PARKS.

(a) Policy Intent. Recognizing that:

(i) Access to sunlight, especially in Seattle's climate, is an amenity of publicly owned parks; and

(ii) It is possible to design and locate structures to minimize the extent to which they block light from publicly owned parks; it is the policy of the city to consider the extent of light blockage and creation of shadows on publicly owned parks by proposed development or redevelopment and alternative mitigation measures and to weigh the benefits of preventing or minimizing shadows against the public benefits of the costs of conditioning or denying the proposal.

(b) Policies.

(i) The analysis of sunlight blockage and shadow impacts shall include an assessment of the publicly owned parks and extent of shadows, including times of the year, hours of the day, the land uses and number of people affected.

(ii) The city official or authorizing agency shall assess the extent of adverse impacts and the need for mitigation.

(iii) When the city official or authorizing agency finds that a proposed project would substantially block sunlight from a park at a time when the public most frequently uses that park, the city official or authorizing agency may mitigate adverse impacts of sunlight blockage by measures, including but not limited to:

a. Limiting the height of the development;

b. Limiting the bulk of the development;

c. Redesigning the profile of the development;

d. Limiting or rearranging walks, fences, or plant material;

e. Limiting or rearranging accessory structures, i. e., towers, railing, antennae.

(9) LIGHT AND GLARE.

(a) Policy Intent. Recognizing that development and redevelopment sometimes include lighting and/or reflective surface materials which can adversely affect the surrounding area and that such adverse impacts may be mitigated by alternative lighting techniques and surface materials, it is the policy of the city to consider the adverse impacts and the effectiveness of mitigating measures and to weigh the costs of conditioning or denying the proposal against the benefits to be gained.

(b) Policies.

(i) If the city official or authorizing agency finds a significant potential for adverse impacts due to light and glare, the city official or authorizing agency shall assess the impacts and need for mitigation.

(ii) The city official or authorizing agency may mitigate adverse impacts of lighting and glare by measures including, but not limited to:

a. Limiting the reflective qualities of surface materials that can be used in the development;

b. Limiting the area and intensity of illumination;

c. Limiting the location or angle of

R.25153 — Policies to guide implementation of SEPA.

R.25173 — Shoreline Master Program.

R.25259 — Energy conservation policies.

R.25260 — Electrical generation policies.

R.25434 — Solid Waste Management Plan for King County.

R.25492 — Capital Improvement Policy Plan and modifications and updates thereafter.

R.25532 — City and University of Washington — Joint Statement of Goals.

R.25533 — Seattle growth policies.

R.25601 — Solid Waste Management goals and policies.

R.25670 — Urban Greenbelt Plan.

R.25812 — 1978 Housing Assistance Plan and updates thereafter.

R.25821 — International District Neighborhood Strategy and Application.

O.86300 — Zoning Code and amendments thereafter.

O.102916 — Urban Renewal Plan — Pike Place Market.

O.106348 — Landmark Preservation Ordinance.

All other resolutions and ordinances included in the Policy Catalogue prepared in response to R.25477.

APPENDIX B

Alki Beach Park
Alki Avenue S. W.

Atlantic City Park
S. Henderson and Seward Park S.

Bagley Viewpoint
10th Avenue E. and E. Roanoke

Ballard High School
N. W. 65th Street and 14th Avenue N. W.

Banner Place
N. E. Banner Place off N. E. 75th Street

Bayview Playground
24th Avenue W. and W. Raye Street

Beacon Hill Playground
S. Holgate and 14th Avenue S.

Belvidere Viewpoint
S. W. Admiral Way and S. W. Olga

Bhy Kracke Park
Bigelow North and Comstock Place

Bitter Lake Playground
N. 130th and Linden Avenue N.

Briarcliff Elementary School
W. Dravus and 38th Avenue W.

Broadview Elementary School
12515 Greenwood Avenue N.

Carkeek Park
N. W. 110th off N. Greenwood

Cleveland High School Playfield
S. Lucille and 15th Avenue S.

Colman Park
36th S. and Lakeside S.

Colman Playground
23rd Avenue S. and S. Grant

Commodore Park
W. Commodore Way and W. Gilmore

Denny Blaine Park
Lake Washington Boulevard E. and 40th E.

Discovery Park
36th W. and W. Government Way

Emerson Elementary School
9709 60th Avenue S.

Emma Schmitz Overlook
Beach Drive S. W. and S. W. Alaska

Four Columns
Pike and Boren at I-5

Frink Park
Lake Washington Boulevard and S. Jackson

Gasworks Park
N. Northlake Way and Meridian Avenue N.

Genesee Park
45th Avenue S. and S. Genesee

Golden Gardens Park
North end of Seaview Avenue N. W.

Green Lake
Beaches — (E. Green Lake Drive N. and W. Green Lake Drive N.) Playfield — (E. Green Lake Drive N. and Latona Avenue N. E.) Park — (N. 73rd Street and Green Lake Drive N.) Community Center — (Latona Avenue N. E. and E. Green Lake Drive N.)

Hamilton Viewpoint
California Avenue S. W. and S. W. Donald

Harborview Hospital Viewpoint
Eighth and Jefferson

Harbor Vista Park
1660 Harbor Avenue S. W.

Highland Park Playground
S. W. Thistle and 11th S. W.

Hughes Elementary School
S. W. Holden and 32nd Avenue S. W.

Inverness Ravine
Inverness Drive N. E. off N. E. 85th Street

Jose Rizal Park
S. Judkins and 12th Avenue S.

Kerry Park
W. Highland and Second Avenue W.

Kinnear Park
Seventh W. and W. Olympic Place

Kobe Terrace
Sixth Avenue and Washington Street

Lakeview Park
Lake Washington Boulevard E. and E. McGilvra

Lawton Playground
W. Emerson and Williams Avenue W.

Seward Park Beach
Lake Washington Boulevard S. and S. Juneau

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25.05.904 AGENCY SEPA PROCEDURES.

(See WAC 197-11-904)

25.05.906 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES.

(See WAC 197-11-906)

25.05.908 ENVIRONMENTALLY SENSITIVE AREAS.

(See WAC 197-11-908). (1) Environmentally sensitive areas are areas within the city within which certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, including but not limited to areas with unstable soils, steep slopes, unusual or unique plants or animals, wetlands, or areas which lie within flood plains. The areas in Seattle designated as environmentally sensitive include and are limited to THE FOLLOWING AREAS, AS MAPPED PURSUANT TO SUBSECTION 3:

(1.) (a) Areas of steep slopes which are:

(a.) (i) Known slide areas identified by documented history, or

(b.) (ii) Potential slide areas based on documented geological characteristics or

(c.) (iii) Steep slopes of fifty (50) percent or more;

(2.) (b) Flood-prone areas as defined and designated as to location by the Flood Insurance Administration of the United States Department of Housing and Urban Development;

(3.) (c) All areas extending landward for one hundred (100) feet in all directions measured on a horizontal plane from the ordinary high water mark of Thornton Creek, Longfellow Creek, Piper's Creek, Bitter Lake and Haller Lake;

(4.) (d) Areas subject to instability due to peat deposits and/or land fills as defined and designated as to location by the Department of Construction and Land Use or Engineering Department;

(e) ANADROMOUS FISH STREAMS AS IDENTIFIED BY THE WASHINGTON STATE DEPARTMENT OF FISHERIES OR WILDLIFE AND AREAS WITHIN ONE HUNDRED (100) FEET ON EITHER SIDE OF THE STREAM.

(2) The following (categorical exemptions listed in 25.05.800) TYPES OF DEVELOPMENT shall not apply — CATEGORICALLY EXEMPT in (sub-) DESIGNATED environmentally sensitive areas (SEE SECTION 25.05.800):

(1) (a) Minor new construction

(b) (i) Residential — two (2) through four (4) units only;

((b)) (ii) Agricultural structures (less than ten thousand (10,000) square feet

((b)) (iii) (Specified structures of less than four thousand (4,000) square feet OFFICE, SCHOOL, COMMERCIAL, RECREATIONAL, SERVICE AND STORAGE BUILDINGS.

((b)) (iv) Parking lots (twenty automobiles or less)

((b)) (v) Landfill or excavation (five hundred (500) cubic yards or less for lifetime)

((2)) (b) Other minor new construction

((c)) (i) Construction/installation of minor road and street improvements, transportation corridor landscaping, herbicides for weed control.

(6) (c) Minor land use decisions

((a)) (i) Short plats or short subdivisions.

nation;

limiting the hours of illumination.

OUSING.

licy Intent. Recognizing that:

e city is committed to providing nd sanitary shelter for all its ; and

housing opportunities within the e inadequate generally and are lly for low income citizens; and

Demolition or rehabilitation of low- using units or conversion of hous- other uses can cause both displace- f low-income persons and a reduc- the supply of housing;

olicies.

e city official or authorizing agency require any permit applicant who es to demolish, rehabilitate or con- using to other uses to specify the y rent for each housing unit oc- at any time during the one year o the date of permit applicant.

When the city official or authorizing finds that the average rent of any g unit occupied at any time during year prior to the date of permit ap- on was at or below federal Section 8 g Fair Market Rent levels and the ed project results in the eviction of s from such units, the city official or izing agency shall require the per- pplicant to make a good faith effort te housing acceptale to the tenants low-rent units on or before the date nants vacate.

Compliance with the requirements Housing Preservation Ordinance 2.210) shall constitute compliance he policies expressed in this section.

Supplemental Status of Subchapter.

policies established in this sub- er are intended to be supplemental to adopted city policies protective of vironment, and are not intended to any such adopted policies.

APPENDIX A

7483 — Comprehensive Plan and ications and updates thereafter, in- ng neighborhood improvements

3782 — Unique characteristics of In- tional District and Pioneer Square ict.

3831 — Asian Cultural and Trade r.

3835 — Capital Improvement Pro- Committee Role in Pioneer Square nternational District.

3841 — Housing in Pioneer Square nternational District.

3842 — Need for public facilities and nities in South Central Business ict.

4098 & R.24259 — Air Quality.

4283 — Goals for Seattle — 2000 Com- ion Report.

5340 — Redlining.

4514 — Surface water control.

4957 — Downtown parking policies.

5011 — Goals, objectives, and policies ty codes.

5076 — Guidance for parking and ic access for King County Stadium.

5159 — Policies to guide implementa- of SEPA.

5173 — Shoreline Master Program.

5259 — Energy conservation policies.

5260 — Electrical generation policies.

5434 — Solid Waste Management n for King County.

5492 — Capital Improvement Policy and modifications and updates eafter.

5532 — City and University of Wash- on — Joint Statement of Goals.

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Bitter Lake Playground
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Leschi Park
Lakeside W. off E. Alder

Lincoln Park
Fauntleroy S. W. and S. W. Webster

Louisa Boren Lookout/Boren Interlakeen Park
15th E. and E. Garfield

Lowman Beach
Beach Drive S. W. and 48th Avenue S. W.

Lynn Street-end Park
Lynn Street at east side of Lake Union

McCurdy Park
E. Hamlin and E. Park Drive

Madison Park Beach
E. Madison and Lake Washington Boulevard E.

Madrona Park Beach
Lake Washington Boulevard and Madarona Drive

Magnolia Elementary School Playground
W. Smith Street and 27th Avenue W.

Maple Leaf Playground
N. E. 82nd and Rooseveit Way N. E.

Marshall Park-Betty Bowen Viewpoint
Parson Gardens Park
Seventh W. And W. Highland

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((All streets within the Central Business District as defined in Section 6 of this Ordinance.))

((Scenic routes as described by map and the City of Seattle Department of Engineering, Traffic Division and by Ordinance 97027, both on file in the SEPA Public Information Center and City public libraries.))

25.05.904 AGENCY SEPA PROCEDURES.

(See WAC 197-11-904)

25.05.906 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES.

(See WAC 197-11-906)

((24)) (d) utilities

((f)) (i) Chemical means to maintain design condition

((25)) (e) Natural resources management

((d)) (i) Issuance of agricultural leases of one hundred acres or less

(f) Issuance of leases for school sites

((h)) (g) Development of non-ATV recreational sites (twelve (12) campsites or less)

((i)) (h) Chemical means to maintain public park or recreation land.

(C.) (3) The Kroll Atlas of the City of Seattle with overlays identifying the boundaries of all designated environmentally sensitive areas within the city, with the exception of areas subject to instability due to peat deposits and/or landfills, contained in C. F. 284314 and incorporated in this section by reference, is adopted as part of this chapter. A copy of the maps shall be maintained in the SEPA Public Information Center. THE CONTENTS OF THESE DESIGNATED ENVIRONMENTALLY SENSITIVE AREAS CAN BE AMENDED BY FOLLOWING THE ORDINANCE AMENDMENT PROCEDURES AS SET FORTH IN SECTION 23.76.062 OF THE LAND USE CODE.

(D.) (4) Proposals that will be located within environmentally sensitive areas are to be treated no differently than other proposals under this chpater, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(E.) (5) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

25.05.910 DESIGNATION OF RESPONSIBLE DEPARTMENT AND RESPONSIBLE OFFICIAL WHERE CITY IS LEAD AGENCY. (See WAC 197-11-910)

(A.) (a) For each proposal where the City is the lead agency, the responsible department shall be designated prior to designation of the responsible official.

(B.) (b) In designating the responsible department:

(1.) (i) The first department receiving or initiating a proposal which involves a major action, and for which the city is the lead agency, shall determine the responsible department for that proposal;

(2.) (ii) If that department determines that another department is the responsible department, it shall immediately notify such department of its determination;

(3.) (iii) When a department determines that it is the responsible department, it shall immediately notify all other departments with jurisdiction over the proposal;

(4.) (iv) Except for the Legislative Department, the responsible department for all proposals initiated by a department shall be the department making the proposal. In the event that two or more departments share in the initiation of a proposal, the departments shall by agreement determine which department will assume the status of responsible department;

(5.) (v) When the proposal will involve both private and public construction activity, it shall be characterized as either a private or public project for the purposes of responsible department designation, depending upon whether the primary sponsor or initiator of the project is a department or from the private sector. Any project in which department and private interests are too intertwined to make this characterization shall be considered a public project.

(6.) (vi) For proposals for private projects which require licenses from more than one department, the responsible department shall be the department with responsibility for making the final recommendation or report on the first major action of the proposal or the first actions which would result in irreversible commitment to the proposal; or in the event these conditions do not apply, the responsible department shall be the department whose action, license, or licenses will have the greatest effect on the environment;

(7.) (vii) Nothing in this section shall prohibit a department from assuming the role of responsible department as the result of an agreement among all departments with jurisdiction;

(8.) (viii) In the event that the departments with jurisdiction are unable to determine which department is the responsible department under this subchapter, any department with jurisdiction may petition the Mayor for such determination. The petition shall clearly describe the proposal in question and include a list of all licenses and approvals required for the proposal. The petition shall be filed with the Mayor within fifteen (15) days after receipt by the petitioning department of the determination to which it objects. Within fifteen (15) days of receipt of a petition, the Mayor shall designate the responsible department.

(c) The responsible official shall be the official within the responsible department who is responsible for making the final recommendation or report on the first major action of the proposal or on the first action which would result in irreversible commitment to the proposal. The department head shall designate for each proposed action, or for classes of actions, the responsible official in accordance with the criteria of this subsection.

25.05.912 PROCEDURES ON CONSULTED AGENCIES.

(See WAC 197-11-912)

Any request for consultation with the City by another agency shall be directed to the Mayor. The Mayor shall establish and promulgate procedures for responding to such requests.

25.05.914 SEPA COSTS AND FEES.

(See WAC 197-11-914)

(A.) (1) For the purpose of reimbursing the city for necessary costs and expenses

(B.) (2) For proposals made before the effective date of these agency SEPA procedures, the revised procedures shall apply to those elements of SEPA compliance initiated after the procedures went into effect. Agency procedures adopted under RCW 43.21C.120 and these rules shall not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed before the effective date of these procedures or those of the agency proposing the action.

(C.) (3) Agencies are responsible for compliance with any statutory requirements that went into effect before the adoption of these rules and agency SEPA procedures (for example, the statutory requirements for appeals).

25.05.917 RELATIONSHIP OF CHAPTER 197-11 WAC WITH CHAPTER 197-10 WAC.

(See WAC 197-11-917)

25.05.918 LACK OF AGENCY PROCEDURES.

(See WAC 197-11-918)

25.05.920 AGENCIES WITH ENVIRONMENTAL EXPERTISE.

The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(A.) (1) Air quality.

(1.) (a) Department of Ecology.

(2.) (b) Department of Natural Resources (only for burning in forest areas).

(3.) (c) Department of Social and Health Services.

(4.) (d) Regional air pollution control authority or agency.

(B.) (2) Water resources and water quality.

(1.) (a) Department of WILDLIFE (Game).

(2.) (b) Department of Ecology.

(3.) (c) Department of Natural Resources (state-owned tidelands, shorelands, harbor areas or beds of navigable waters).

(4.) (d) Department of Social and Health Services (public water supplies, sewer systems, shellfish habitats).

(5.) (e) Department of Fisheries.

(6.) (f) Municipality of Metropolitan Seattle (METRO).

(C.) (3) Hazardous and toxic substances (including radiation).

(1.) (a) Department of Ecology.

(2.) (b) Department of Social and Health Services.

(3.) (c) Department of Agriculture (foods or pesticides).

(4.) (d) Department of Fisheries (introduction into waters).

(5.) (e) Department of WILDLIFE (Game) (introduction into waters).

(D.) (4) Solid and hazardous waste.

(1.) (a) Department of Ecology.

(2.) (b) Department of Fisheries (dredge spoils).

(3.) (c) Department of Social and Health Services.

(4.) (d) Department of WILDLIFE (Game) (dredge spoils).

(F.) (5) Fish and wildlife.

(1.) (a) Department of WILDLIFE (Game).

(2.) (b) Department of Fisheries.

(G.) (6) Natural resources development.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of Ecology.

(3.) (c) Department of Natural Resources.

(4.) (d) Department of Fisheries.

(5.) (e) Department of WILDLIFE (Game).

(G.) (7) Energy production, transmission and consumption.

(1.) (a) Department of Ecology.

(2.) (b) Department of Natural Resources (geothermal, coal, uranium).

(3.) (c) State energy office.

(4. (d) Energy facility site evaluation council.

(5.) (e) Utilities and transportation commission.

(H.) (8) Land use and management.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of Ecology.

(3.) (c) Department of Fisheries (affecting surface or marine waters).

(4.) (d) Department of Natural Resources (tidelands, shorelands, or state-owned or managed lands).

(5.) (e) Planning and community affairs agency.

(6.) (f) Department of WILDLIFE (Game).

(I.) (9) Noise.

(1.) (a) Department of Ecology.

(2.) (b) Department of Social and Health Services.

(J.) (10) Recreation.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of WILDLIFE (Game).

(3.) (c) Department of Fisheries.

(4.) (d) Parks and Recreation Commission.

(5.) (e) Department of Natural Resources.

(K.) (11) Archaeological/historical.

(1.) (a) Office of Archaeology and Historic Preservation.

(2.) (b) Washington State University at Pullman (Washington Archaeological Research Center)

writing.

25.05.926 LEAD AGENCY FOR GOVERNMENTAL PROPOSALS.

(A.) (1) When an agency initiates a proposal, it is the lead agency for that proposal. If two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will be the lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity.

(B.) (2) Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

25.05.928 LEAD AGENCY FOR PUBLIC AND PRIVATE PROPOSALS.

When the proposal involves both private and public activities, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined under Section 25.05.926.

25.05.930 LEAD AGENCY FOR PRIVATE PROJECTS WITH ONE AGENCY WITH JURISDICTION.

For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction.

25.05.932 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE (1) AGENCY, WHEN ONE (1) OF THE AGENCIES IS A COUNTY/CITY.

For proposals for private projects that require nonexempt licenses from more than one (1) agency, when at least one (1) of the agencies requiring such a license is a county/city, the lead agency shall be that county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

25.05.934 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM A LOCAL AGENCY, NOT A COUNTY/CITY, AND ONE OR MORE STATE AGENCIES.

(See WAC 197-11-934)

25.05.936 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

(See WAC 197-11-936)

25.05.938 LEAD AGENCIES FOR SPECIFIC PROPOSALS.

Notwithstanding the lead agency designation criteria contained in Sections 25.05.926 through 25.05.936, the lead agency for proposals within the areas listed below shall be as follows:

(A.) (1) For all governmental actions relating to energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the energy facility site evaluation council (EFSEC); however, for any public project requiring such certification and for which the study under RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(B.) (2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the Department of Natural Resources.

(C.) (3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the Department of Natural Resources; however, for projects under RCW 78.52.-125, the EIS shall be prepared in accordance with that section.

(D.) (4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, Chapter 76.09 RCW, the lead agency shall be the Department of Natural Resources; however, for any proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(E.) (5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(F.) (6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), Chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.

(G.) (7) For a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

(H.) (8) For proposals to construct a pipeline greater than six inches (6") in diameter and fifty (50) miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(I.) (9) For proposals that will result in an impoundment of water with a water surface in excess of forty (40) acres, the lead agency shall be the Department of Ecology.

(J.) (10) For proposals to construct facilities on a single site designed for, or

cess for King County Stadium.

) — Policies to guide implementa- EPA.

3 — Shoreline Master Program.

9 — Energy conservation policies.

— Electrical generation policies.

4 — Solid Waste Management King County.

2 — Capital Improvement Policy nd modifications and updates er.

2 — City and University of Wash- Joint Statement of Goals.

3 — Seattle growth policies.

1 — Solid Waste Management d policies.

0 — Urban Greenbelt Plan.

2 — 1978 Housing Assistance Plan ates thereafter.

21 — International District Neigh- l Strategy and Application.

90 — Zoning Code and amendments ler.

916 — Urban Renewal Plan — Pike arket.

348 — Landmark Preservation Or-

ther resolutions and ordinances in- in the Policy Catalogue prepared in e to R.25471.

APPENDIX B

Beach Park
i Avenue S. W.

tic City Park
Henderson and Seward Park S.

y Viewpoint
h Avenue E. and E. Roanoke

rd High School
W. 65th Street and 14th Avenue N.

er Place
E. Banner Place off N. E. 75th

iew Playground
h Avenue W. and W. Raye Street

on Hill Playground
Holgate and 14th Avenue S.

idere Viewpoint
W. Admiral Way and S. W. Olga

Kracke Park
gelow North and Comstock Place

r Lake Playground
130th and Linden Avenue N.

reliff Elementary School
Dravus and 28th Avenue W.

dview Elementary School
515 Greenwood Avenue N.

teck Park
W. 110th off N. Greenwood

eland High School Playfield
Lucille and 15th Avenue S.

nan Park
th S. and Lakeside S.

nan Playground
rd Avenue S. and S. Grant

modore Park
Commodore Way and W. Gilmore

ny Blaine Park
ke Washington Boulevard E. and

overy Park
th W. and W. Government Way

rson Elementary School
09 60th Avenue S.

na Schmitz Overlook
each Drive S. W. and S. W. Alaska

r Columns
ke and Boren at I-5

k Park
ake Washington Boulevard and S. on

works Park
Northlake Way and Meridian ue N.

nesee Park
5th Avenue S. and S. Genesee

den Gardens Park
orth end of Seaview Avenue N. W.

en Lake
eaches — (E. Green Lake Drive N. W. Green Lake Drive N.) Playfield — Green Lake Drive N. and Latona ue N. E.) Park — (N. 73rd Street and n Lake Drive N.) Community Center Latona Avenue N. E. and E. Green Drive N.)

milton Viewpoint
California Avenue S. W. and S. W. ld

rborview Hospital Viewpoint
Eighth and Jefferson

rbor Vista Park
660 Harbor Avenue S. W.

ghland Park Playground
S. W. Thistle and 11th S. W.

ghes Elementary School
S. W. Holden and 32nd Avenue S. W.

verness Ravine
Inverness Drive N. E. off N. E. 85th et

se Rizal Park
S. Judkins and 12th Avenue S.

ary Park
W. Highland and Second Avenue W.

nnear Park
Seventh W. and W. Olympic Place

obe Terrace
Sixth Avenue and Washington Street

akeview Park
Lake Washington Boulevard E. and E. ilivra

awton Playground
W. Emerson and Williams Avenue W.

Seward Park Beach
Lake Washington Boulevard S. and S. Juneau

Smith Cove Park
Pier 91

Soundview Terrace Park
11th W. and W. Wheeler

Sunset Hill Viewpoint
N. W. 77th and 34th Avenue N. W.

Twelfth Avenue South Viewpoint
12th Avenue S. and S. McClellan Street

U. S. Public Health Service Hospital
1131 — 14th Avenue S.

Viretta Park
39th Avenue E. and E. John

Virginia Street Park
First Avenue and Virginia Street

Volunteer Park (Tower)
1400 E. Prospect

Wallingford Playfield
N. 43rd Street and Wallingford Avenue N.

Washington Park — Arboretum
E. Madison and Lake Washington Boulevard S.

Waterfront Park
Pier 57 — On Alaskan Way

West Crest Park
S. W. Henderson Street and Eighth Avenue S. W.

West Seattle Municipal Golf Course
West Seattle Recreation Area

West Seattle Reservoir
S. W. Trenton Street and Eighth Avenue S. W.

West Seattle Rotary Viewpoint
S. W. Oregon Street and 35th Avenue S. W.

Woodland Park
N. 50th Street and Phinney Avenue N.

((All streets within the Central Business District as defined in Section 6 of this Ordinance.))

((Scenic routes as described by map and the City of Seattle Department of Engineering, Traffic Division and by Ordinance 97027, both on file in the SEPA Public Information Center and City public libraries.))

25.05.904 AGENCY SEPA PROCEDURES.

(See WAC 197-11-904)

25.05.906 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES.

(See WAC 197-11-906)

25.05.908 ENVIRONMENTALLY SENSITIVE AREAS.

(See WAC 197-11-908). (1) Environmentally sensitive areas are areas within the city within which certain categorically exempt activities listed in WAC 197-11-908(2) could have a significant adverse environmental impact, including but not limited to areas with unstable soils, steep slopes, unusual or unique plants or animals, wetlands, or areas which lie within flood plains. The areas in Seattle designated as environmentally sensitive include and are limited to THE FOLLOWING AREAS, AS MAPPED PURSUANT TO SUBSECTION 3:

(1.)(a) Areas of steep slopes which are:

(a.) (i) Known slide areas identified by documented history, or

(b.) (ii) Potential slide areas based on documented geological characteristics, or

(c.) (iii) Steep slopes of fifty (50) percent or more;

(2.) (b) Flood-prone areas as defined and designated as to location by the Flood Insurance Administration of the United States Department of Housing and Urban Development;

(3.) (c) All areas extending landward for one hundred (100) feet in all directions as measured on a horizontal plane from the ordinary high water mark of Thornton Creek, Longfellow Creek, Piper's Creek, Bitter Lake and Haller Lake;

(4.) (d) Areas subject to instability due to peat deposits and/or land fills as defined and designated as to location by the Department of Construction and Land Use or Engineering Department;

(e) ANADROMOUS FISH STREAMS AS IDENTIFIED BY THE WASHINGTON STATE DEPARTMENT OF FISHERIES OR WILDLIFE AND AREAS WITHIN ONE HUNDRED (100) FEET ON EITHER SIDE OF THE STREAM.

(2) The following (categorical exemptions listed in 25.05.800) TYPES OF DEVELOPMENT shall not apply BE CATEGORICALLY EXEMPT in (such) DESIGNATED environmentally sensitive areas (SEE SECTION 25.05.800):

(1)(a) Minor new construction

(b) (i) Residential — two (2) through four (4) units only;

((b)) (ii) Agricultural structures (less than ten thousand (10,000) square feet);

((b)) (iii) (Specified structures of less than four thousand (4,000) square feet) OFFICE, SCHOOL, COMMERCIAL, RECREATIONAL, SERVICE AND STORAGE BUILDINGS.

((b)) (iv) Parking lots (twenty (20) automobiles or less)

((b)) (v) Landfill or excavation (five hundred (500) cubic yards or less for its lifetime)

((2)) (b) Other minor new construction

((c)) (i) Construction/installation of minor road and street improvements — transportation corridor landscaping and herbicides for weed control.

(6)(c) Minor land use decisions

((a)) (i) Short plats or short subdivisions.

(F.) (5) Fish and wildlife.

(1.)(a) Department of WILDLIFE (Game).

(2.) (b) Department of Fisheries.

(G.) (6) Natural resources development.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of Ecology.

(3.) (c) Department of Natural Resources.

(4.) (d) Department of Fisheries.

(5.) (e) Department of WILDLIFE (Game).

(G.) (7) Energy production, transmission and consumption.

(1.) (a) Department of Ecology.

(2.) (b) Department of Natural Resources (geothermal, coal, uranium).

(3.) (c) State energy office.

(4.) (d) Energy facility site evaluation council.

(5.) (e) Utilities and transportation commission.

(H.) (8) Land use and management.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of Ecology.

(3.) (c) Department of Fisheries (affecting surface or marine waters).

(4.) (d) Department of Natural Resources (tidelands, shorelands, or state-owned or managed lands).

(5.) (e) Planning and community affairs agency.

(6.) (f) Department of WILDLIFE (Game).

(I.) (9) Noise.

(1.) (a) Department of Ecology.

(2.) (b) Department of Social and Health Services.

(J.) (10) Recreation.

(1.) (a) Department of Commerce and Economic Development.

(2.) (b) Department of WILDLIFE (Game).

(3.) (c) Department of Fisheries.

(4.) (d) Parks and Recreation Commission.

(5.) (e) Department of Natural Resources.

(K.) (11) Archaeological/historical.

(1.) (a) Office of Archaeology and Historic Preservation.

(2.) (b) Washington State University at Pullman (Washington Archaeological Research Center).

(L.) (12) Transportation.

(1.) (a) Department of Transportation.

(2.) (b) Utilities and Transportation Commission.

(3.) (c) Municipality of Metropolitan Seattle (METRO).

25.05.922 LEAD AGENCY RULES.

The rules for deciding when and how an agency is the lead agency (Section 25.05.050) are contained in this part. The method and criteria for lead agency selection are in Section 25.05.924. Lead agency rules for different types of proposals as well as for specific proposals are in Section 25.05.926 through 25.05.940. Rules for interagency agreements are in Sections 25.05.942 through 25.05.944. Rules for asking the Department of Ecology to resolve lead agency disputes are in WAC 197-11-946. Rules for the assumption of lead agency status by another agency with jurisdiction are in Section 25.05.948. Rules for designation of responsible department where the City is the lead agency are in Section 25.05.910.

25.05.924 DETERMINING THE LEAD AGENCY.

(A.) (1) The first agency receiving an application for or initiating a nonexempt proposal shall determine the lead agency for that proposal, unless the lead agency has been previously determined, or the agency receiving the proposal is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in Sections 25.05.926 through 25.05.944.

(B.) (2) If an agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and an explanation. If the agency receiving this determination agrees that it is the lead agency, it shall notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition the Department of Ecology (DOE) for a lead agency determination under Section 25.05.946.

(C.) (3) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition DOE for a lead agency determination within fifteen (15) days of receiving the determination. Any such petition on behalf of the city shall be initiated by the Mayor or the Mayor's designee.

(D.) (4) An applicant may also petition DOE to resolve the lead agency dispute under Section 25.05.946.

(F.) (5) To make the lead agency determination, an agency must determine to the best of its ability the range of proposed actions for the proposal (Section 25.05.060) and the other agencies with jurisdiction over some or all of the proposal. This can be done by:

(1.)(a) Describing or requiring an applicant to describe the main features of the proposal;

(2.) (b) Reviewing the list of agencies with expertise;

(3.) (c) Contacting potential agencies with jurisdiction either orally or in the project.

(B.) (2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the Department of Natural Resources.

(C.) (3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the Department of Natural Resources; however, for projects under RCW 78.52.-125, the EIS shall be prepared in accordance with that section.

(D.) (4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, Chapter 76.09 RCW, the lead agency shall be the Department of Natural Resources; however, for any proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(E.) (5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(F.) (6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), Chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.

(G.) (7) For a pulp or paper r or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

(H.) (8) For proposals to construct a pipeline greater than six inches (6") in diameter and fifty (50) miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(I.) (9) For proposals that will result in an impoundment of water with a water surface in excess of forty (40) acres, the lead agency shall be the Department of Ecology.

(J.) (10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million (1,000,000) or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(K.) (11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand (10,000) barrels per day or more not under the jurisdiction of EFSEC, the lead agency shall be the Department of Ecology.

(L.) (12) For proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent (10%) or more of design capacity, the lead agency shall be the Department of Ecology.

(M.) (13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the Department of Social and Health Services.

25.05.940 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.

(See WAC 197-11-940)

25.05.942 AGREEMENTS ON LEAD AGENCY STATUS.

Any agency may assume lead agency status if all agencies with jurisdiction agree.

25.05.944 AGREEMENTS ON DIVISION OF LEAD AGENCY DUTIES.

Two (2) or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved shall designate one (1) of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these rules. Other agencies with jurisdiction shall be notified of the agreement and determination of the nominal lead agency.

25.05.945 DOE RESOLUTION OF LEAD AGENCY DISPUTES.

(A.) (1) If the agencies with jurisdiction are unable to determine which agency is the lead agency under the rules, any agency with jurisdiction may petition the Department of Ecology (DOE) for a determination. The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. The petition shall be filed with DOE within fifteen (15) days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with DOE a written response to the petition within ten (10) days of the date of the initial filing.

(B.) (2) Within fifteen (15) days of receipt of a petition, DOE shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. DOE shall make its determination in accordance with these rules and considering the following factors (which are listed in order of descending importance):

(1.) (a) Magnitude of an agency's involvement.

(2.) (b) Approval/disapproval authority over the proposal.

(3.) (c) Expertise concerning the proposal's impacts.

(4.) (d) Duration of an agency's involvement.

(5.) (e) Sequence of an agency's involvement.

(C.) (3) For resolution of interdepartmental lead agency disputes see Section 25.05.910.

25.05.948 ASSUMPTION OF LEAD AGENCY STATUS.

(A.) (1) An agency with jurisdiction over a proposal, upon review of a DNS (Section 25.05.340) may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." This notice shall be substantially similar to the form in Section 25.05.985. Assumption of lead agency status shall occur only within fifteen (15) days of issuance of a DNS, and must first be approved by the Mayor or the Mayor's designee.

(B.) (2) The DS by the new lead agency shall be based only upon information contained in the environmental checklist attached to the DNS transmitted by the first lead agency on the matters contained in the environmental checklist.

(C.) (3) Upon transmitting the DS and notice of assumption of lead agency status, the consulted agency with jurisdiction shall become the "new" lead agency and shall expeditiously prepare an EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

25.05.950 SEVERABILITY.

IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THIS CHAPTER OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED.

25.05.955 EFFECTIVE DATE.

(See WAC 197-11-955 for effective date of WAC 197-11).

(Subchapter XD PART ELEVEN — FORMS

25.05.960 ENVIRONMENTAL CHECKLIST

Environmental Checklist

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetland and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, or runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

___ deciduous tree: alder, maple, aspen, other

___ evergreen tree: fir, cedar, pine, other

___ shrubs

___ grass

___ pasture

___ crop or grain

___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

___ water plants: water lily, eelgrass, milfoil, other

___ other type of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

14. Transportation

a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

g. Proposed measures to reduce or control transportation impacts, if any.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature:

Date submitted:

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

25.05.965 Adoption notice.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box)

☐ DNS ☐ EIS ☐ Other

Description of current proposal

the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☐ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by

Responsible official

Position/title

Phone

Address

Date Signature

(OPTIONAL)

☐ You may appeal this determination to (name)

at (location)

no later than (date)

by (method)

You should be prepared to make specific factual objection. Contact to read or ask about the procedures for SEPA appeals.

☐ There is no agency appeal.

25.05.980 Determination of significance and scoping notice (DS).

DETERMINATION OF SIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF EIS

Description of proposal

Proponent

Location of proposal

Lead agency

EIS Required. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030 (2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas for discussion in the EIS:

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for giving us your comment is:

Responsible official

Position/title

Phone

Address

Date Signature

(OPTIONAL)

☐ You may appeal this determination of significance to (name)

at (location)

no later than (date)

by (method)

You should be prepared to make specific factual objection. Contact to read or ask about the procedures for SEPA appeals.

☐ There is no agency appeal.

25.05.985 Notice of assumption of lead agency status.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of current proposal

Proponent

Location of Proposal

Initial lead agency

New lead agency

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts:

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official

Position/title

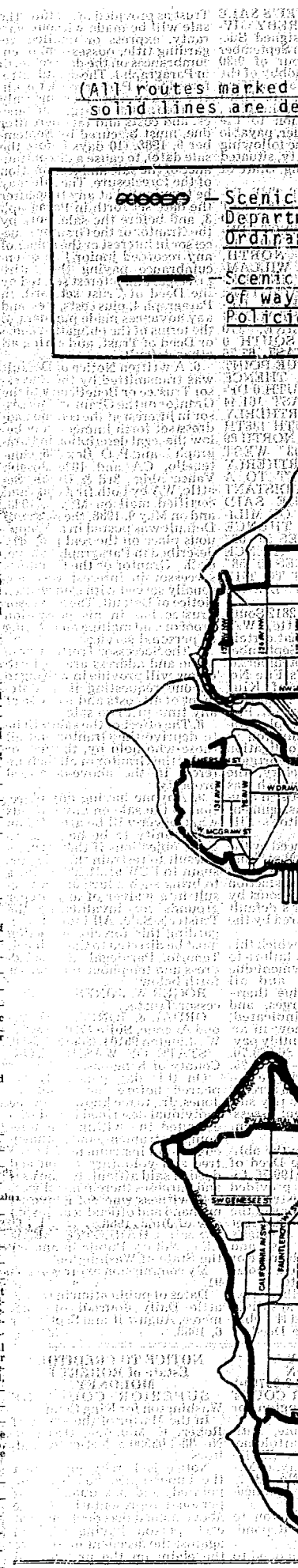
Phone

Address

Date Signature

25.05.990 Notice of action.

NOTICE OF ACTION



significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the site of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

TO BE COMPLETED BY APPLICANT. — EVALUATION FOR AGENCY USE ONLY

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: _____

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

milfoil, other

other type of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: _____

mammals: deer, bear, elk, beaver, other: _____

fish: bass, salmon, trout, herring, shellfish, other: _____

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from site?

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

b. Has the site been used for agriculture? If so, describe.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing?

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing?

c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

tion with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

25.05.965 Adoption notice.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box)

☐ DNS ☐ EIS ☐ Other

Description of current proposal _____

Proponent _____

Location of current proposal _____

Title of document being adopted _____

Agency that prepared document being adopted _____

Date adopted document was prepared _____

Description of document (or portion) being adopted _____

If the document being adopted has been challenged (197-11-630), please describe:

The document is available to be read at (place/time) _____

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the desisionmaker.

Name of agency adopting document _____

Contact person, if other than responsible official _____ Phone _____

Responsible official _____

Position/title _____

Phone _____

Address _____

Date _____ Signature _____

25.05.970 Determination of Nonsignificance (DNS)

DETERMINATION OF NONSIGNIFICANCE

Description of proposal _____

Proponent _____

Location of proposal, including street address, if any _____

Lead agency _____

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with

☐ You may appeal this determination of significance to (name) _____

at (location) _____

no later than (date) _____

by (method) _____

You should be prepared to make specific factual objection. Contact _____ to read or ask about the procedures for SEPA appeals.

☐ There is no agency appeal.

25.05.985 Notice of assumption of lead agency status.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of current proposal _____

Proponent _____

Location of Proposal _____

Initial lead agency _____

New lead agency _____

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated _____

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts: _____

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official _____

Position/title _____

Phone _____

Address _____

Date _____ Signature _____

25.05.990 Notice of action.

NOTICE OF ACTION

Notice is given under SEPA, RCW 43.-21C.0-80, that (name of agency or entity) took the action described in (2) below on (date) _____

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of Chapter 43.21 RCW (State Environmental Policy Act) shall be commenced on or before (date) _____

2. Description of agency action: _____

3. Description of proposal (if not covered by (2)): _____

4. Location of proposal (A sufficient description should be given to locate the site, if any, but a complete legal description is not required): _____

5. Type of environment review under SEPA (include name and date of any environmental documents): _____

6. Documents may be examined during regular business hours at (location, including room number, if any): _____

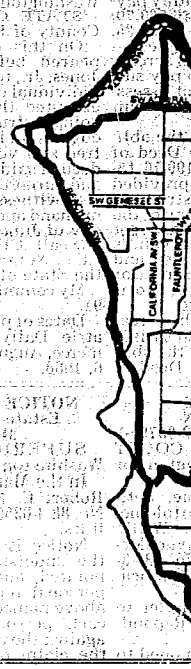
7. Name of agency, proponent, or applicant giving notice: _____

8. This notice is filed by (signature of individual and capacity in which the person is signing): _____

_____ Date _____

Passed by three-fourths vote of the City Council the 11th day of July, 1988, and signed by me in open session in authentication of its passage this 11th day of July, 1988.

JIM STREET,
President Pro Tem of the City Council.
Approved by me this 15th day of July, 1988.
CHARLES ROYER,
Mayor.
Filed by me this 15th day of July, 1988.
Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.
(Seal) By MARGARET CARTER,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller & City Clerk.
(Boldface denotes deletion.)
Date of official publication in Daily Journal of Commerce, Seattle, August 16, 1988.
(C-573-X)



lead agency. This information is
lable to the public on request.
There is no comment period for this
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This DNS is issued under 197-11-340(2);
lead agency will not act on this proposal
15 days from the date below. Comments
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.05.980 Determination of significance
scoping notice (DS).
TERMINATION OF SIGNIFICANCE
AND REQUEST FOR COMMENTS
ON SCOPE OF EIS
escription of proposal
roponent
ocation of proposal
ead agency
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your comment is:
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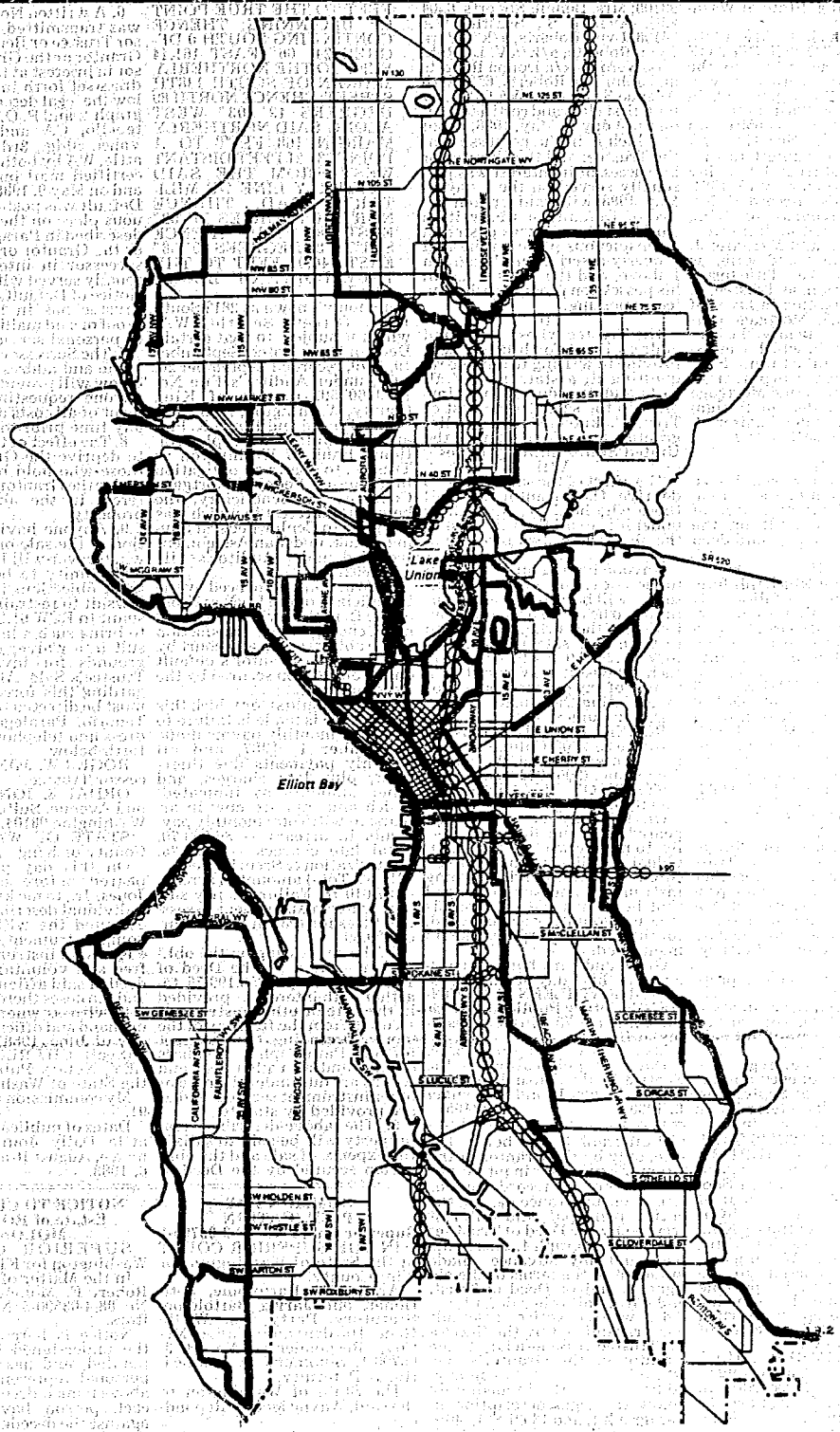
.05.985 Notice of assumption of lead
ncy status
NOTICE OF ASSUMPTION
OF LEAD AGENCY STATUS
escription of current proposal
roponent
ocation of Proposal
itial lead agency
ew lead agency
he initial lead agency concluded that
proposal was not likely to have signifi-
t adverse impact on the environment, ac-
ding to its determination of non-
ificance dated
e have reviewed the environmental
cklist and related information. In our
nion, an environmental impact state-
nt (EIS) is required on the proposal,
ause of the following impacts:
ou are being notified that we assume the
onsibility of lead agency under SEPA,
uding the duty to prepare an EIS on the
posal.
esponsible official
osition/title
hone
ddress
ate Signature
.05.990 Notice of action.
NOTICE OF ACTION
Notice is given under SEPA, RCW 43.-
C.0-80, that (name of agency or entity)

Exhibit 1

SEPA SCENIC ROUTES

(All routes marked in the map below by either circles or broad solid lines are designated scenic routes for SEPA purposes)

LEGEND

- Scenic routes described by Seattle Engineering Department, Traffic Division map and designated by Ordinance 97027.
- Scenic routes identified as protected view rights or way in the Seattle Mayor's April 1987 Open Space Policies Recommendation.