

# Ordinance No. 00172

[\(Council Minutes 98/05/18\)](#)

ORDINANCE NO. 172

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 14.02.030 and 14.02.040 of the Lakewood Municipal Code and creating a Section 14.02.035 of the Lakewood Municipal Code relating to new Environmental Rules & Procedures

WHEREAS, since incorporation, the City of Lakewood has been responsible for enforcement of certain State mandated rules and regulations; and,

WHEREAS, among those areas of responsibility are the provisions and regulations of the Washington State Environmental Policy Act; and,

WHEREAS, recent legislative and administrative changes have lead to the development of changes to the state 14.02.030 and 14.02.040 of the Lakewood Municipal Code and creating a Section 14.02.035 of the Lakewood Municipal Code relating to new Environmental Rules & Procedures

WHEREAS, since incorporation, the City of Lakewood has been responsible for enforcement of certain State mandated rules and regulations; and,

WHEREAS, among those areas of responsibility are the provisions and regulations of the Washington State Environmental Policy Act; and,

WHEREAS, recent legislative and administrative changes have lead to the development of changes to the state=s Environmental Policy Act, incorporating provisions that address such things as the state=s Growth Management Act; and,

WHEREAS, in furtherance of those responsibilities, and in compliance with the mandated action required on local jurisdictions, an Ordinance has been developed which would set the parameters of City enforcement, incorporating the new state environmental rules and procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

SECTION 1. That Section 14.02.030 of the Lakewood Municipal Code, be, and the same hereby is, amended to read as follows:

14.02.030 Adoption by reference.

The following Sections of Chapter ~~197-11~~ 173-806 of the Washington Administrative Code (WAC), together with the Sections of Chapter 197-11 WAC adopted by reference therein, as presently existing and as may subsequently be amended, are hereby adopted by reference, as if fully set forth herein:

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-050 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of Non-Significance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS Timing.

197-11-408 Scoping.

197-11-410 Expanded scoping.

197-11-420 EIS Preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other considerations.

197-11-450 Cost-benefit analysis.

197-11-455 Issuances of DEIS.

197-11-460 Issuances of FEIS.

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-510 Public notice.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement - Procedures.

197-11-625 Addenda - Procedures.

197-11-630 Adoption - Procedures.

197-11-635 Incorporation by reference - Procedures.

197-11-640 Combining documents.

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-722 Consolidated appeal.

197-11-724 Consulted agency.

197-11-726 Cost-benefit analysis.

197-11-728 County/city.  
197-11-730 Decision maker.  
197-11-732 Department.  
197-11-734 Determination of nonsignificance (DNS).  
197-11-736 Determination of significance (DS).  
197-11-738 EIS.  
197-11-740 Environment.  
197-11-742 Environmental checklist.  
197-11-744 Environmental document.  
197-11-746 Environmental review.  
197-11-748 Environmentally sensitive area.  
197-11-750 Expanded scoping.  
197-11-752 Impacts.  
197-11-754 Incorporation by reference.  
197-11-756 Lands covered by water.  
197-11-758 Lead agency.  
197-11-760 License.  
197-11-762 Local agency.  
197-11-764 Major action.  
197-11-766 Mitigated DNS.  
197-11-768 Mitigation.  
197-11-770 Natural environment.  
197-11-772 NEPA.  
197-11-774 Nonproject.  
197-11-776 Phased review.  
197-11-778 Preparation.  
197-11-780 Private project.  
197-11-782 Probable.  
197-11-784 Proposal.  
197-11-786 Reasonable alternative.  
197-11-788 Responsible official.  
197-11-790 SEPA.  
197-11-792 Scope.  
197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-908 Environmentally sensitive areas.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

197-11-950 Severability.

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

173-806-010 Authority.

173-806-020 Purpose of this part and adoption by reference.

173-806-030 Additional definitions.

173-806-040 Designation of responsible official.

173-806-050 Lead agency determination and responsibilities.

173-806-053 Transfer of lead agency status to a state agency.

173-806-055 Additional considerations in time limits applicable to the SEPA process.

173-806-058 Additional timing considerations.

173-806-065 Purpose of this part and adoption by reference.

173-806-070 Flexible thresholds for categorical exemptions.

173-806-080 Use of exemptions.

173-806-090 Environmental checklist.

173-806-100 Mitigated DNS.

173-806-110 Purpose of this part and adoption by reference.

173-806-120 Preparation of EIS--Additional considerations.

173-806-125 Additional elements to be covered in an EIS.

173-806-128 Adoption by reference.

173-806-132 Public notice.

173-806-140 Designation of official to perform consulted agency responsibilities for the City.

173-806-150 Purpose of this part and adoption by reference.

173-806-155 Purpose of this part and adoption by reference.

173-806-160 Substantive authority.

173-806-170 Appeals.

173-806-173 Notice/statute of limitations.

173-806-175 Purpose of this part and adoption by reference.

173-806-180 Adoption by reference.

173-806-185 Purpose of this part and adoption by reference.

173-806-205 Effective date.

173-806-220 Severability.

173-806-230 Adoption by reference.

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173-806-080 Use of exemptions.

173-806-090 Environmental checklist.

173-806-100 Mitigated DNS.

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173-806-155 Purpose of this part and adoption by reference.

173-806-160 Substantive authority.

173-806-170 Appeals.

173-806-173 Notice/statute of limitations.

173-806-175 Purpose of this part and adoption by reference.

173-806-180 Adoption by reference.

173-806-185 Purpose of this part and adoption by reference.

173-806-205 Effective date.

173-806-220 Severability.

173-806-230 Adoption by reference.

(Ord. 42 '1 (part), 1996.)

SECTION 2. That Section 14.02.040 of the Lakewood Municipal Code, be, and the same hereby is, amended to read as follows:

14.02.040 Additional definitions.

In addition to those definitions set forth in Section 14.02.030, the following words and terms shall have the following meanings, unless the context indicates otherwise:

A. "Advisory body" means any body, established by the City Council, the responsibilities of which include review of development proposals for the purpose of making recommendations to the Council.

B. Council means the City Council of the City of Lakewood.

C. "Department" means the Department of Community Development.

D. "Development" means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alteration of the land which is subject to City approval and to the requirements of SEPA.

E. "Hearing Examiner" means the City Hearing Examiner as established by City of Lakewood Ordinance No. 13.

F. "SEPA" means Chapter 43.21C Revised Code of Washington (RCW), as now existing or as may subsequently be amended.

G. "SEPA rules" means Chapter 197-11 Washington Administrative Code (WAC) adopted by the Department of Ecology, as now existing or as may subsequently be amended.

H. "Final staff evaluation of checklist" means that documentation and report of City staff's analysis of the checklist and any identified impacts. The report identifies any necessary findings, policies and the type of determination.

I. Terms adopted by reference. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this Chapter refer to legislative body, city, county or otherwise, so long as such reference is to the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood, or an appropriate official thereof. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this Chapter refer to the planning commission of the legislative body adopting and/or enforcing the environmental policies thereof, such references shall be construed to mean the City of Lakewood Planning Advisory Board. Any reference to the position title, department, or office of the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood SEPA responsible official.

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SECTION 3. That a new Section 14.02.035 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

14.02.035 Options and additions to provisions adopted by reference.

In addition to the WAC provisions adopted by reference herein, the following options are adopted and incorporated herein by this reference:

A. WAC 173-806-050 Lead agency determination and responsibilities.

(4) If the City of Lakewood or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city/county must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city/county may be initiated by the City's SEPA Responsible Official.



B. WAC 173-806-058 Additional timing considerations. (1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's/county's staff recommendation to any appropriate advisory body, such as the planning commission.

C. WAC 173-806-100 Mitigated DNS. (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(3) The responsible official should respond to the request for early notice within fifteen (15) working days. The response shall:

(a) Be written;

(b) State whether the city/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city/county to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(6) (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1) A mitigated DNS is issued under either WAC 197-11-340 (2), requiring a ~~fifteen~~ fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

#### SECTION 4. GENERAL SEVERABILITY.

That if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstances shall not be affected.

#### SECTION 5. EFFECTIVE DATE.

That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 18th day of May, 1998.

CITY OF LAKEWOOD

Attest:

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Bill Harrison, Mayor

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Alice M. Bush, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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