

ORIGINAL

0153-ORD
05/01/98

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5067

AN ORDINANCE relating to updating the Environmental Procedures Code to conform to amendments to the State Environmental Policy Act Rules as promulgated by the State Department of Ecology and as required by state law; amending Sections 22.02.020, 22.02.036D, and 22.02.038A of the Bellevue City Code; and adding a new Section 22.02.170 to the Bellevue City Code.

WHEREAS, RCW requires the City to adopt its own rules and procedures for implementing State Environmental Policy Act rules and guidelines including any revisions; and

WHEREAS, the SEPA rules were amended in October 1997; and

WHEREAS, it is the intent of the Bellevue City Council to continue its commitment to regulatory reform by ensuring that City codes are consistent with state law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 22.02.020 of the Bellevue City Code is hereby amended as follows:

22.02.020 Adoption by reference.

The city adopts by reference, as though fully set forth in this chapter, the following sections and subsections of Chapter 197-11 WAC (the SEPA rules) as adopted by the Department of Ecology of the state of Washington, and as the same may be hereafter amended:

WAC	
197-11-020(3)	Purpose;
197-11-030	Policy;
197-11-040	Definitions;
197-11-050	Lead agency;
197-11-055	Timing of the SEPA process;
197-11-060	Content of environmental review;
197-11-070	Limitations on actions during the SEPA process;
197-11-080	Incomplete or unavailable information;
197-11-090	Supporting documents;
197-11-100	Information required of applicants;

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197-11-158	GMA project review--Reliance on existing plans, laws, and regulations;
197-11-164	Planned actions--Definition and criteria;
197-11-168	Ordinances or resolutions designating planned actions-- Procedures for adoption;
197-11-172	Planned actions--Project review;
197-11-210	SEPA/GMA integration;
197-11-220	SEPA/GMA definitions;
197-11-228	Overall SEPA/GMA integration procedures;
197-11-230	Timing of an integrated GMA/SEPA process;
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping;
197-11-235	Documents;
197-11-238	Monitoring;
197-11-300	Purpose of this part (Categorical exemptions and threshold determination);
197-11-305	Categorical exemptions;
197-11-310	Threshold determination required;
197-11-315	Environmental checklist;
197-11-330	Threshold determination process;
197-11-335	Additional information;
197-11-340	Determination of nonsignificance (DNS);
197-11-350	Mitigated DNS;
197-11-355	Optional DNS process;
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	Issuance of DEIS;
197-11-460	Issuance of FEIS;

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197-11-500	Purpose of this part (Commenting);
197-11-502	Inviting comment;
197-11-504	Availability and cost of environmental documents;
197-11-508	SEPA register;
197-11-535	Public hearings and meetings;
197-11-545	Effect of no comment;
197-11-550	Specificity of comments;
197-11-560	FEIS 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 (SEPA and agency decisions);
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;
197-11-721	Closed record appeal;
197-11-722	Consolidated appeal;
197-11-724	Consulted agency;
197-11-726	Cost-benefit analysis;
197-11-728	County/city;
197-11-730	Decisionmaker;
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;

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197-11-744	Environmental document;
197-11-746	Environmental review;
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;
197-11-775	Open record hearing;
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;
197-11-900	Purpose of this part (Agency compliance);
197-11-902	Agency SEPA policies;
197-11-904	Agency SEPA procedures;
197-11-906	Content and consistency of agency procedures;
197-11-908	Critical areas;
197-11-910	Designation of responsible official;
197-11-912	Procedures of consulted agencies;
197-11-914	SEPA fees and costs;
197-11-916	Application to ongoing actions;
197-11-920	Agencies with environmental expertise;
197-11-924	Determining the lead agency;
197-11-926	Lead agency for governmental proposals;

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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;
197-11-942	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;
197-11-960	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.

Section 2. Section 22.02.036D of the Bellevue Land Use Code is hereby amended as follows:

22.02.036 Environmental impact statements.

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D. Procedures for Scoping.

1. The environmental coordinator shall consult with agencies, affected tribes, and the public when determining the scope of an environmental impact statement by any or all of the following means. The specific method to be followed shall be determined on a proposal-by-proposal basis by the environmental coordinator, but, at a minimum, shall include subsection (a) below:

a. The environmental coordinator shall give notice that an EIS is to be prepared, which notice shall provide that agencies, affected tribes and the public may submit written comments on probable significant adverse impacts, reasonable alternatives, mitigation measures, and licenses or other approvals that may be required; comments must be submitted to the environmental coordinator not later than 21 days from the date of issuance of the determination of significance.

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When the scoping notice is issued in conjunction with a Notice of Application under RCW 36.70B.110, the comment period shall be no less than 14 days. Such notice shall be given as specified in BCC 22.02.065. Additionally, notice may be sent to any individuals or community groups known by the responsible official to have a possible interest in the proposal. Notice of the intent to prepare an EIS and the opportunity for commenting on the scope thereof may be sent with other public notices concerning the project.

b. The environmental coordinator may conduct a meeting to provide the opportunity for oral comment on the scope of the EIS. Notice of such meeting shall be published in a newspaper of general circulation at least 7 days prior to the date of the meeting. The scoping meeting may be combined with other meetings or hearings concerning the proposal.

c. The environmental coordinator may prepare or direct the EIS consultant to prepare a scoping questionnaire or information for distribution to interested parties, affected tribes and responsible public agencies for their response.

2. The appendix to the EIS shall include a summary of the issues raised during the scoping process and whether those issues have or have not been determined significant for analysis in the EIS. If a public meeting is held pursuant to this section, a tape of the meeting or a transcript thereof shall be included in the environmental coordinator's official file on the proposal, except that a tape or transcript is not required if an informal workshop is held. If an informal workshop is held, a written summary of the workshop shall be prepared. All written comments regarding the scope of the EIS shall be included in the proposal file.

3. The public and agency consultation process regarding the scope of the EIS shall normally occur within 30 days after the determination of significance is issued, unless the environmental coordinator and the proponent agree on a later date.

Section 3. Section 22.02.038A of the Bellevue Land Use Code is hereby amended as follows:

22.02.038 When a previously prepared EIS is adopted to meet the EIS requirement for a different proposal.

A. When a proposal is determined to have a probable significant adverse environmental impact, and the EIS requirement for that proposal is proposed to be met by adoption of a previously prepared EIS, then a proposed notice of adoption shall be issued and a minimum 14-day comment period provided. Notice of this comment period shall be provided by the notice method specified in BCC 22.02.065.

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Section 4. A new section 22.02.170 is hereby added as follows:

22.02.170 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.

Section 5. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 4th day of May, 1998, and signed in authentication of its passage this 4th day of May, 1998.

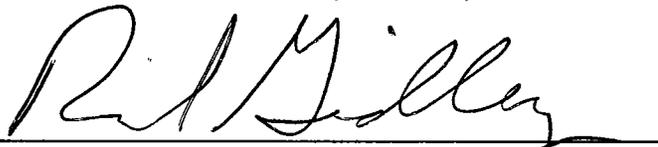
(SEAL)



Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard Gidley, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 8, 1998