

Chapter 14.90

STATE ENVIRONMENTAL POLICY ACT (SEPA)

Sections

- 14.90.010 Adoption by Reference of Chapter 197-11 WAC
- 14.90.020 Designation of SEPA Responsible Official
- 14.90.030 Initiation of Environmental Review
- 14.90.040 Categorical Exemptions
- 14.90.050 Environmental Checklist
- 14.90.060 Mitigated Determination of Non-Significance (MDNS)
- 14.90.070 Cost of Environmental Impact Statement
- 14.90.080 Substantive Authority
- 14.90.090 Environmentally Sensitive Areas

14.90.010 Adoption by Reference of Chapter 197-11 WAC. Pursuant to the State Environmental Policy Act, RCW 43.210.120, (“SEPA”) the City hereby adopts Chapter 197-11 WAC by reference.

14.90.020 Designation of SEPA Responsible Official. The City Planner shall administer this chapter and shall be the City’s responsible official under SEPA pursuant to WAC 197-11-910. Other City officials initiating SEPA applicable actions shall notify and coordinate with the City Planner.

14.90.030 Initiation of Environmental Review. Pursuant to WAC 197-11-055(4), environmental review may begin whenever, in the opinion of the City Planner and consistent with WAC 197-11-100 and WAC 197-11-335, sufficient information exists to reasonably assess the environmental impact of a proposal.

14.90.040 Categorical Exemptions. All of the categorical exemptions in WAC 197-11-

800(1) shall apply in the City of Snohomish, except that in the environmentally sensitive areas designated in SMC 14.90.090 the exemptions set forth in WAC 197-11-800(1) and 197-11-800(24) shall not apply.

14.90.050 Environmental Checklist. Pursuant to WAC 197-11-315, the City shall provide the applicant, and the applicant shall complete and submit to the City, an environmental checklist, and the applicant shall pay the City the fee set by Council resolution for review of environmental checklists.

14.90.060 Mitigated Determination of Non-Significance (MDNS). Pursuant to WAC 197-11-350, all mitigation measures incorporated in an MDNS shall be deemed conditions of approval of the underlying permit decision and shall be enforced as provided in Chapter 14.85 SMC.

14.90.070 Cost of Environmental Impact Statement (EIS). Pursuant to WAC 197-11-100 and WAC 197-11-420, the applicant shall pay all costs associated with preparation and circulation of an EIS to evaluate the environmental impact of the applicant’s proposed development. The draft and final EIS shall be prepared under the direct supervision of the City Planner, pursuant to a 3-party contract involving the applicant, the City, and the preparer. The City may in part offset these costs by charging non-governmental entities for copies of any documents prepared under this section. The City Planner shall have the authority to determine that the EIS preparer is qualified to perform the work.

14.90.080 Substantive Authority. The City may condition or deny a permit application, even though it may conform to this Development Code, as necessary to mitigate environmental impacts pursuant to WAC 197-11-660, provided said condition

or denial is based on the Comprehensive Plan, the Development Code, the Shoreline Management Master Program, the Design Standards (both inside and outside the Historic District), the Building Codes, the City's Utility Extension Policy, the City's Stormwater Management regulations (Ch. 15.16 SMC), or the agency responsibilities established by RCW 43.21C.020 (2), which are hereby adopted by reference. (Ord. 2173, 2009)

14.90.090 Environmentally Sensitive Areas.

- A. The map(s) associated with Chapters 14.255 thru 14.280 SMC identify the areas of the City that are considered environmentally sensitive. The categorical exemptions in WAC 197-11-800 that are inapplicable for these areas are WAC 197-11-800(1) and 197-11-800(24). All other categorical exemptions shall continue to apply within environmentally sensitive areas.

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

- C. Certain categorical exemptions in WAC 197-11-800 do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 2082, 2005)