

AN ORDINANCE relating to environmental policy; prescribing procedures to implement Ch. 43.21C RCW and Ch. 197.10 WAC; establishing exemptions, providing procedures for assessing proposed actions, and for preparation of environmental impact statements; establishing fees with respect thereto.

TITLE

COUNTY ENVIRONMENTAL POLICY ORDINANCE

Chapters:

- .04 Introduction
- .08 Scope
- .12 Nonexempt areas
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Chapter    .04

Introduction

Sections:

- .04.010 Adoption by reference.
- .04.020 Authority, purpose and intent.
- .04.030 Additional definitions.

   .04.010 Adoption by reference.

Mason County hereby adopts by reference the policies of the State Environmental Policy Act of 1971 (RCW 43.21C) together with the provisions of Chapter 197.10 of the Washington Administrative Code, hereinafter cited as the SEPA Guidelines.

   .04.020 Authority, Purpose and Intent.

(1) The County possesses the authority to deny or condition actions so as to mitigate or prevent adverse environmental impacts. This authority applies to all County activities including actions as defined in this ordinance.

(2) This ordinance is promulgated pursuant to the authority and directives provided in RCW 43.21C.030 and WAC 197-10-800. The purpose of this ordinance is to establish guidelines--consistent with those adopted by the Council on Environmental Policy for statewide utilization-- setting forth methods and means of implementing SEPA at the local level in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the Act. It is the intent of the Board of County Commissioners that compliance with the guidelines of this ordinance shall constitute complete procedural compliance with SEPA for any major action undertaken by authority of Mason County.

(1)

Auditor

.04.030 Additional Definitions.

In addition to those definitions contained within WAC 197-10-040, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of Mason County established by statute, ordinance, resolution, rule or order.

(2) "ERC" means the Environmental Review Committee established herein for the review of appeals of threshold determinations, resolution of disputes and general administration of this ordinance.

(3) "SEPA Information Center of Mason County" means the office of the Mason County Planning Department, located at 428 Birch Street, Shelton, Washington. P. O. Box 186, 98584, telephone 426-5593.

(4) "SEPA Guidelines" means Chapter 197-10 WAC adopted by the State of Washington, Council on Environmental Policy.

(5) "Non-Exempt areas" shall mean environmentally sensitive areas designated by Mason County pursuant to WAC 197-10-177.

Chapter .08

Scope

Sections:

- \_\_\_ .08.010 Applicability.
- \_\_\_ .08.020 Exemptions.
- \_\_\_ .08.030 Minor new construction.
- \_\_\_ .08.040 Water rights.
- \_\_\_ .08.050 Judicial activity.
- \_\_\_ .08.060 Enforcement and inspections.
- \_\_\_ .08.070 Business and other regulatory licenses.
- \_\_\_ .08.080 Activities of the Legislature.
- \_\_\_ .08.090 Activities of agencies.
- \_\_\_ .08.100 Review and comment actions.
- \_\_\_ .08.110 Purchase or sale of real property.
- \_\_\_ .08.120 Minor land use decisions.
- \_\_\_ .08.130 Procedural actions.
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- \_\_\_ .08.150 Variances under Clean Air Act.
- \_\_\_ .08.160 Burning permits.
- \_\_\_ .08.170 Water quality certifications.
- \_\_\_ .08.180 Financial assistance grants.
- \_\_\_ .08.190 Information collection and research.
- \_\_\_ .08.200 Utilities.
- \_\_\_ .08.210 Natural resources management.
- \_\_\_ .08.220 Local improvement districts.
- \_\_\_ .08.230 Non-actions.
- \_\_\_ .08.240 Emergency actions.
- \_\_\_ .08.250 Activities of state agencies.
- \_\_\_ .08.260 Status of categorical exemptions in nonexempt areas.

.08.010 Applicability. Unless exempted under provisions of Chapter .08 hereof, every action proposed by a County department and every action proposed by a private applicant for which a license is required by the County, shall proceed only in compliance with this ordinance. Non-exempt actions proposed by other agencies for which a license is required by Mason County shall comply with this ordinance to the extent permitted by provisions of Chapter 197-10 WAC. The scope of a proposal to be considered under provisions of this ordinance shall be the total proposal, including its direct and indirect impacts, functionally related activities, and future actions associated with the proposal as enunciated in WAC 197-10-060. For purposes of making a threshold determination for projects initiated by private applicants, the action of granting a County license shall constitute the action requiring such determination.

.08.020 Exemptions. (1) Governmental activities or approvals of activities of the types in sections .08.030 through .08.250 are not major actions, and proposal for such activities are exempted from the threshold determination (including completion of the environmental checklist) and EIS requirements of SEPA, the SEPA Guidelines and this ordinance.

(2) No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature. No presumption as to the significance of the impacts upon the environment shall be given to any proposed action merely because it was not exempted.

(3) Proponents of activities thought to be exempt may but are not required to request a Statement of Exemption from the lead department, the ERC, or the SEPA Information Center. Such requests shall be submitted in writing and shall contain sufficient detail and description of the activity on which to base a determination of exempt status. If the proposed activity is determined to be exempt, a Statement of Exemption signed by the appropriate Responsible Official will be provided.

(4) The following activities in Sections .08.030 through .08.250 are categorically exempted from the provisions of this ordinance except as otherwise provided in Section .08.260:

.08.030 Minor New Construction. The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this section apply to all governmental licenses required to undertake the construction in question, except rezones or any license governing emissions to the air or water:

(1) The construction of any residential structure of four dwelling units or less.

(2) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 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 feedlots.

(3) The construction of an office, school, commercial, recreational service or storage building with less than 4,000 square feet of floor area, and with associated parking facilities designed for twenty automobiles or less.

(4) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(5) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(6) 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, highway landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including minor widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(7) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(8) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(9) The construction of a parking lot designed for twenty automobiles or less.

(10) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as Class I, II, III and IV forest practice under Chapter 200, Laws of 1975, Ex. Sess. or regulations promulgated thereunder except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(11) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(12) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facilities exempted by this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(13) Additions or modifications to or replacement of any building or facility exempted by this section when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(14) The demolition of any structure or facility, the construction of which would be exempted by this section, except for structures or facilities with recognized historical significance.

.08.040 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:

(1) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(2) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

.08.050 Judicial activity. The following shall be exempt:

(1) All adjudicatory actions of the judicial branch.

(2) 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 ordinance, are not exempted by this section.

.08.060 Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(1) 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 section; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this section.

(2) All inspections conducted by an agency of either private or public property for any purpose.

(3) Fire department, police patrol and traffic law enforcement except where such involves any physical construction activity.

(4) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety; PROVIDED, That no open burning shall be exempted under this section, nor shall the application of any pesticide or chemical. No license shall be considered exempt by virtue of this section; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this section.

(5) Any suspension or revocation of a license for any purpose.

.08.070 Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(1) All licenses to undertake an occupation, trade or profession.

(2) All licenses required under electrical, fire, plumbing, heating and safety codes, but not including building permits.

(3) Licenses to operate amusement devices and entertainment carnivals, circuses and other traveling shows, dances, music machines and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses required for permanent construction of any of the above.

(4) Licenses for solicitation or door to door sales, private security and detective services, and taxicabs and other vehicles for hire: PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this section.

(5) Licenses for close-out sales.

(6) Licenses for food or drink services, sales and distribution.

(7) Licenses for the sale or display of fireworks.

(8) Animal control licenses.

(9) The renewal or reissuance of a license regulating any present activity or structure that was either exempted under this chapter, or the subject of a declaration of non-significance or an EIS, so long as no material changes have occurred since the determination of exemption, or completion of the prior declaration or EIS.

.08.080 Activities of the Legislature. All actions of the state legislature are hereby exempted: PROVIDED, That this section shall not be construed to exempt the proposing of legislation by any agency.

.08.090 Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(1) The procurement and distribution of general supplies, equipment and services previously authorized, or necessitated by previously approved functions or programs.

(2) The assessment and collection of taxes.

(3) 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 section.

(4) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(5) The review and payment of vouchers and claims.

(6) The establishment and collection of liens and service billings.

(7) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(8) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(9) Adoptions or approvals of utility, transportation and solid waste disposal rates.

.08.100 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.

.08.110 Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(1) The purchase or acquisition of any right to real property by an agency.

(2) The sale, transfer or exchange of any publicly owned real property by an agency to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use.

(3) The lease of real property by an agency to a private individual or entity, or to any agency or federal agency, only 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 ordinance.

.08.120 Minor land use decisions. The following land use decisions shall be exempt:

(1) 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 subdivision or short platting within a plat or subdivision previously exempted under this section.

(2) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(3) Classification of land for current use taxation pursuant to Chapter 84.34 RCW, and classification and grading of forest land under Chapter 84.33 RCW.

.08.130 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.

.08.140 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 section.

.08.150 Variances under Clean Air Act. The granting of variances pursuant to RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

.08.160 Burning permits. The issuance, revocation or suspension of permits for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting the issuance of burning permits shall not be exempt.

.08.170 Water quality certifications. The granting or denial of water quality certifications pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 USC §1341) shall be exempt.

.08.180 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.

.08.190 Information collection and research. Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any agency action which commits the agency to proceed with the proposal.

.08.200 Utilities. The utility-related actions listed below shall be exempt: PROVIDED, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, together with repair, replacement, maintenance, operation or alteration by an agency or private entity which does not change the action from an exempt class.

(1) All communications lines, including cable TV, but not including microwave towers or relay stations.

(2) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances, including, utilizing or related to lines eight inches or less in diameter.

(3) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the over-building of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(4) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(5) All developments within the confines of any existing electric substation, reservoir, pump station or well; PROVIDED, That additional appropriations of water are not exempted by this section.

(6) Periodic use of chemical or mechanical means to maintain a utility or highway 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.



(7) All grants of franchises by agencies to utilities.

(8) All disposals of rights-of-way by utilities.

(9) All grants of rights-of-way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

.08.210 Natural resources management. In addition to the other exemptions contained in this chapter, the following natural resources management activities shall be exempt:

(1) All Class I, II, III and IV forest practices as defined by Chapter 200, Laws of 1975, Ex. Sess., or regulations promulgated thereunder, except those forest practices designated by the forest practices board as being subject to SEPA evaluation.

(2) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(3) Licenses of approvals to remove firewood.

(4) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(5) Issuance of leases for Christmas tree harvesting or brush picking.

(6) Issuance of leases for school sites.

(7) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(8) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(9) 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.

(10) Issuance of rights-of-way, easements and use permits to use existing public roads in nonresidential areas.

.08.220 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 WAC 197-10-170 and -180.

.08.230 Non-actions. Proposals for activities which are not "actions" as defined in WAC 197-10-040(2) are not subject to the threshold determination and EIS requirements of this chapter.

.08.240 Emergency actions. The undertaking of emergency actions, as determined by the ERC, shall be exempt from the requirements of this ordinance, provided a Statement of Exemption is obtained in accordance

with the procedures of this Chapter as stated above. Emergency actions shall include, but not be limited to, those actions which must be undertaken immediately, or within a time too short to allow full compliance with this ordinance, in order to avoid:

- (a) An imminent threat to public health or safety;
- (b) An imminent danger to public or private property;
- (c) An imminent threat of serious environmental degradation.

.08.250 Activities of state agencies. The exemptions established by Chapter 197-10-175 WAC, applicable to specific activities of state agencies, are hereby incorporated by reference as exemptions under this ordinance.

.08.260 Status of categorical exemptions in nonexempt areas. The categorical exemptions of the following subsections of this chapter do not apply within the various areas defined in Chapter 12 of this title:

- .08.030 (1), (2), (3), (4), (5), (6), (9), (14); .08.070 (3);
- .08.110 (1), (2); .08.120 (1); .08.200 (1), (2), (3), (4);
- .08.210 (6).

Chapter .12

Nonexempt areas

Sections:

- .12.010 Nonexempt areas.
- .12.020 Shorelines of the county.
- .12.030 Flood plain areas.
- .12.040 Geological hazard areas.
- .12.050 Known archeological resource areas.
- .12.060 Maps of nonexempt areas.

.12.010 Nonexempt areas. Pursuant to WAC 197-10-177, Mason County herewith designates as nonexempt areas the following:

.12.020 Natural and Conservancy Shorelines of the county. Shorelines of the County as defined in the Mason County Shorelines Master Plan, the extent of which are delineated and mapped by the County, and designated as "Natural" or "Conservancy" environments, are nonexempt areas.

.12.030 Flood plain areas. Flood plain areas associated with streams along which the 100-year flood plain boundary has been established by acceptable methods which equal or exceed the criteria for approximate or detailed methods as identified in the Flood Insurance Study Guidelines and Specifications, U. S. Department of Housing and Urban Development (HUD), January 1975, as amended, are nonexempt areas.

.12.040 Geological hazard areas. Geological hazard areas within the county as identified by the Washington State Department of Natural Resources (DNR), Division of Geology and Earth Resources, and designated as follows, are nonexempt areas:

- (1) Areas of unconsolidated sediments susceptible to damage from differential settlement and seismic shaking; and

(2) Areas of unstable slopes, which are more specifically categorized as:

(a) Areas of potential instability because of underlying geologic conditions and physical characteristics associated with steepness;

(b) Areas of historical or still active landslides; and

(c) Areas of old landslide debris that may become less stable with development.

.12.050 Known archeological resource areas. Known archeological resource areas as mapped by the Office of Archeology and Historic Preservation, Washington State Parks and Recreation Commission, are nonexempt areas.

.12.060 Maps of nonexempt areas. Except with respect to known archeological resource areas, the nonexempt areas designated above are delineated on maps available for inspection at the SEPA Public Information Center, and such maps are hereby adopted by reference as part of this ordinance. The exemptions referenced in Section .08.260 hereof do not apply within nonexempt areas, and a threshold determination shall be required for all such actions proposed therein. In addition, certain categorical exemptions do not apply on "lands covered by water" (as defined in Chapter 197-10-040 (18) (WAC), and this remains true regardless of whether or not lands covered by water are mapped.

## Chapter .16

### Administration

#### Sections:

- .16.010 Lead departments.
- .16.020 General lead department responsibilities.
- .16.030 Further methods for determining lead departments and responsible officials.
- .16.040 Environmental Review Committee.
- .16.050 Duties of ERC.
- .16.060 Functioning of ERC.
- .16.070 Appeals.
- .16.080 Fees.
- .16.090 Public Hearings.

.16.010 Lead departments. WAC 197-10-200 through -270 shall be employed to determine lead department designation, responsibility and status, by substituting the word "department" for the word "agency" wherever that latter term is used in WAC 197-10-200 through -270.

.16.020 General lead department responsibilities. A lead department shall be responsible for:

- (1) Complying with the threshold determination procedures of Chapter .20 hereof;

(2) Preparation of, or supervision of the preparation of, draft and final EIS's; and

(3) Assuring departmental compliance with other applicable provisions of Chapter 197-10 WAC and this ordinance.

.16.030 Further methods for determining lead departments and responsible officials. For actions initiated by the Board of Mason County Commissioners, the lead department shall be determined by the Board; in such cases, however, the Board shall serve as the Responsible Official. In all other cases, the Responsible Official shall be the head of the lead department. The lead department for all proposals initiated by a County department shall be the department making the proposal. For proposed private projects requiring licenses from only one County department, the lead department shall be the department with jurisdiction. When licenses for private projects are required from more than one County department, the lead department shall be determined by the first department receiving an application for a license, subject to concurrence by the ERC.

.16.040 Environmental Review Committee. There is hereby created an Environmental Review Committee (ERC) composed of:

(1) The Mason County Prosecuting Attorney, or his designee, or such other attorney, or his designee, appointed by the Board of County Commissioners.

(2) The Mason County Engineer, or his designee.

(3) The Director of the Mason County Planning Department, or his designee.

(4) A staff member of the Thurston-Mason Health District, Environmental Health Section.

.16.050 Duties of ERC. The ERC shall be responsible for overseeing the administration of this ordinance, and shall have the following specific duties:

(1) To recommend to the Board of County Commissioners methods and procedures for the fair and efficient implementation of all requirements and policies of this ordinance, including necessary amendments thereto;

(2) To resolve disputes among county departments regarding the responsibilities of SEPA compliance, including:

(a) The determination, when necessary of lead department in the case of proposed actions involving decisions of more than one county department;

(b) The obligation of providing responses to consultation requests from other agencies; and,

(c) The allocation of technical workloads back to the various county departments.

(3) To rule on requests for determination of exempt status, including emergency actions, that may be forwarded by acting departments;

(4) To review and act upon proposed withdrawals of declarations and appeals of threshold determinations initiated by county departments;

(5) To determine the adequacy of draft and final EIS's and supplements thereto which are referred to the ERC and for which the County is responsible or otherwise has an interest;

(6) To periodically review and propose revisions in the designation of environmentally sensitive areas;

(7) To generate agreements among departments and with other agencies designed to facilitate coordination and cooperation in the implementation of the SEPA Guidelines.

.16.060 Functioning of ERC.

(1) Matters to be considered by the ERC may be initiated by any county department. Requests for statements of exemption, appeals of threshold determinations and other issues raised by members of the public or other agencies may be directed to the lead departments or the SEPA Public Information Center, which, in turn, shall determine whether to bring such issues before the ERC.

(2) The ERC may meet informally and may act by written or oral concurrence without actually meeting.

.16.070 Appeals.

(1) All appeals from any administrative action or nonaction hereunder may be taken to the Board of County Commissioners.

(2) Appeals to any court may only be taken after a decision of the Board of County Commissioners has been made and shall be taken within ten (10) days of such determination.

.16.080 Fees. The following fees shall be required for actions by the county in accordance with the provisions of this ordinance.

(1) Environmental Checklists. For all proposals requiring an Environmental Checklist and for which the County is the lead agency, the County shall charge the following fees:

(a) The construction of any single family residential structure in a nonexempt area by an owner, lessee, or contract purchaser for his own use or for the use of his family, a fee of fifteen dollars (\$15.00).

(b) For all other actions, a fee of thirty dollars (\$30.00).

(2) Environmental Impact Statements.

(a) For all proposals requiring an EIS for which the County is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the County, the County may collect a

reasonable fee from any applicant to cover the cost incurred by the county in the preparation of an EIS. This fee shall be in the form of an initial deposit of \$1,000.00 and additional deposits as those funds are expended in the preparation of the EIS. Applicants shall be advised of projected costs of the statement prior to actual preparation.

(b) The responsible official may determine that the county will contract directly with a consultant for preparation of environmental documents for activities initiated by some persons or entity other than the county, and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by the county after a request for proposals is called for, and in consultation with the applicant. Applicants may be required to post bond or otherwise insure payment of such costs.

(c) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a) and (b) of this subsection which were collected for costs not incurred.

(3) No fee shall be collected by the county for performing its duties as a consulted agency.

(4) The SEPA Public Information Center of the county is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

(5) The county may charge any person for copies of any document prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by Chapter 42.17, RCW.

.16.090 Public Hearings. Public Hearing on a proposal -- when required.

(1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases, a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist the lead agency in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty-five days of the listing of the proposal in the "EIS Available Register;" or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty-five days of the listing of the proposal in the "EIS Available Register."

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the listing of the proposal in the "EIS Available Register" and no earlier than fifteen days from such date of listing.

(4) Notice of all public hearings to be held pursuant to WAC 197-10-480 (2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For non-project actions the notice shall be published in the general area where the lead agency has its principal office. The notice shall be published no later than five days preceding the hearing. For non-project proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

(a) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained at the lead agency's SEPA public information center.

(5) Whenever a public hearing is held on the environmental impact of a proposal, it shall be open to discussion of all environmental documents and any written comments which have been received by the lead agency prior to the hearing. A copy of the draft EIS shall be made available for public inspection at the public hearing.

#### Chapter .20

#### Review Procedure

#### Sections:

- .20.010 Environmental checklist.
- .20.020 Insufficient information.
- .20.030 Threshold determination.
- .20.040 Initial EIS procedures.
- .20.050 Draft E.I.S.
- .20.060 Final E.I.S.
- .20.070 Other agency E.I.S.
- .20.080 Effect of Ordinance on county activities.
- .20.090 SEPA Public Information Center.

#### .20.010 Environmental checklist.

(1) Except when the need for an EIS has been predetermined in accordance with WAC 197-10-300 (2), an environmental checklist shall be completed by the proponent of every nonexempt proposal. The checklist shall be in substantially the form prescribed by WAC 197-10-365 and shall be made available by the lead department, which may assist private applicants in completing the form. The environmental checklist should be submitted in conjunction with an application for a license, and shall be filed with the lead department prior to the initiation of normal review procedures associated with licensing activities.

(2) Upon initial review of the environmental checklist by the lead department, the threshold determination criteria of WAC 197-10-060 and -360 shall be applied to the checklist in order for the lead department to make a determination of environmental significance of the proposal. In most cases, the time required to complete a threshold determination should not exceed fifteen days, except when information in addition to the checklist is required.

.20.020 Insufficient information. In the event the lead department determines the information available to it is not reasonably sufficient to make such a determination, it may initiate one or more of the additional information gathering techniques of WAC 197-10-330 as follows:

(1) Require the applicant to furnish further information regarding specific categories on the environmental checklist;

(2) Conduct further studies and/or field investigations to provide information on environmental impacts of the proposal; and

(3) Consult with other agencies with jurisdiction over the proposal.

.20.030 Threshold determinations.

(1) When the lead department has obtained information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall make a threshold determination and prepare either a negative or an affirmative declaration substantially in the form provided in WAC 197-10-355. The lead department shall then complete the following procedures:

(a) For proposals involving other departments or agencies with jurisdiction, the lead department shall prepare a proposed declaration and forward the same, together with the environmental checklist, to any other county departments with jurisdiction and, when the determination is negative, to State and Federal agencies with jurisdiction.

(b) For proposals for which no other action or approval is required by any other departments or agencies, the lead department shall issue a final declaration.

(c) In either of the above cases, the lead department shall forward the declaration to the SEPA Public Information Center for recording in the appropriate register.

(2) Any person or agency may submit written comments on a proposed declaration to the lead department within fifteen (15) days from the date of its listing in the register. Departments of Mason County government may provide comments on proposed declarations to the lead department at any time prior to final disposition of the proposal. In light of comments received, the lead department shall reconsider its threshold determination and may, but is not required to, modify or reverse its proposed declaration. At the discretion of the lead department, the proposed declaration may be scheduled for consideration by the Environmental Review Committee.

(3) If the lead department determines a proposal will not have a significant adverse impact on the quality of the environment and this determination is not changed as a result of the foregoing review procedures, the lead department's proposed negative declaration shall be adopted as a final declaration of nonsignificance prior to, or concurrently with, official action on the proposal. Issuance of a final declaration of nonsignificance completes the procedural requirements of this ordinance and of the SEPA Guidelines, unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 197-10-345. However, nothing in this section shall prohibit the lead department from withdrawing any proposed or final declaration of nonsignificance in accordance with WAC 197-10-375 when:



(a) New information becomes available, prior to issuance of a non-exempt license, indicating that the proposal may have significant adverse environmental impacts; or, at any time when:

(b) The proposal has been modified in a manner which may cause the proposed action to have significant adverse environmental impacts; or,

(c) The negative declaration was procured by misrepresentation or lack of full disclosure by the proponent of the proposal.

(4) In the event the lead department determines that a proposal will have a significant adverse effect upon the quality of the environment, or when the additional information gathering techniques do not provide information reasonably sufficient to assess any potential adverse environmental impacts of a proposal, the lead department shall prepare a declaration of significance and follow the procedures described above, except that proposed affirmative declarations need not be transmitted to other agencies with jurisdiction. The lead department may add to the declaration of significance a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the impacts. If at any time the proponent modifies the proposal so that, in the judgment of the lead department, all significant adverse environmental impacts resulting therefrom are eliminated, the declaration of significance shall be withdrawn and a negative declaration entered instead. Upon issuance of declaration of environmental significance, however, the lead department shall initiate the EIS preparation procedures of this ordinance.

.20.040 Initial EIS procedures:

(1) The provisions of WAC 197-10-400 through -695 are hereby incorporated by reference and clarified as to applicability and implementation by Mason County. Once the requirement for an EIS has been established either by mutual agreement of the project sponsor and the responsible official, or by the threshold determination procedures of this chapter, the lead department shall initiate draft EIS preparation procedures. The responsible official of the lead department shall determine who is to participate in the preparation of the draft EIS.

(2) In the case of private projects for which the responsible official determines that the applicant will be required to prepare an EIS, the applicant shall be immediately so notified. The responsible official shall supervise the preparation of an EIS by a private applicant or by a consultant retained by the private applicant, directing the areas of research and examination to be undertaken as well as the organization of the resulting document. The responsible official will also coordinate any pre-draft consultation procedures requested by the applicant in accordance with WAC 197-10-410.

(3) No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the lead agency of Mason County, prepared by or under direction of the responsible official of the lead department. Prior to its distribution, the responsible official must be satisfied as to the contents, objectivity and adequacy of the EIS.

.20.050 Draft E.I.S.

(1) All draft EIS's shall be prepared in accordance with the criteria of WAC 197-10-425 through -444. The following additional elements, as determined by the responsible official on a case by case basis, may be considered a part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this ordinance:

- (a) Employment
- (b) Economic values
- (c) Tax base
- (d) Cultural factors

(2) The time required to complete a draft EIS may vary according to the workloads of individuals preparing the document, the amount of research to be undertaken, economic considerations and other factors. When pre-draft consultation with other agencies occurs, consulted agencies will have forty-five (45) days in which to respond, after which such responses must be incorporated into the draft EIS. In the case of private projects requiring action by the Planning Commission, the application shall be held in abeyance until completion of a draft EIS, and may, at the discretion of the Planning Commission, be held in abeyance until a final EIS is available. Upon publication of a draft EIS approved by the responsible official, the

lead department shall list the proposal in the "EIS Available Register" maintained at the SEPA Public Information Center, and shall circulate the draft EIS in accordance with WAC 197-10-460. There shall be allowed a maximum period of thirty five (35) days from the date of listing the proposal in the "EIS Available Register" for agencies and members of the public to forward to the lead department any comments upon or substantive information related to the proposal and the draft EIS, except that consulted agencies with jurisdiction may be granted a fifteen day extension by the lead department if additional time is required to develop a complete new data on the proposal.

.20.060 Final E.I.S.

Final EIS's shall be prepared by or under direction of the lead department within seventy-five (75) days of listing the proposal in the "EIS Available Register", except that the lead department may extend the time period whenever it determines that the scope of the proposal or its associated impacts are unusually complex. In any case a final EIS, when required, must be completed prior to undertaking any major action. The preparation and circulation of final EIS's shall be in compliance with WAC 197-10-550 through -600. When no comments critical of the scope or content of the draft EIS are received by the lead department, a statement to that effect may be prepared by the lead department, and such statement together with the draft EIS shall constitute the "final EIS". When the lead department receives any comments critical of the scope or content of the draft EIS, the lead department may either:

- (1) Incorporate into the draft EIS all pertinent comments received, together with a response to each;
- (2) Prepare a document containing a general response to the comments received and incorporate the document into the draft EIS; or
- (3) Rewrite the contents of the draft EIS in order to respond to critical comments received. The document resulting from any of these steps, or from any combination thereof, shall constitute a "final EIS".

.20.070 Other agency E.I.S.

In the event a lead department is considering a major action for which an EIS has been prepared pursuant to SEPA, or for which an EIS has been prepared either for a different proposed action or by another agency for the same proposal, the lead department may utilize such previously prepared EIS's or portions thereof, within the limitations established by WAC 197-10-650 through -695. In such cases, the lead department shall be satisfied as to the adequacy of the previous EIS and, if necessary, shall prepare draft and final supplements to the EIS to insure that it meets the requirements of the SEPA guidelines.

.20.080 Effect of Ordinance on County Activities.

(1) The EIS process shall be combined with the existing planning, review and project approval processes being used by each department with jurisdiction over a proposal. When required to be prepared, the declaration of non-significance or the EIS being utilized shall accompany a proposal through the existing review process. No major action on a proposal for which an EIS has been required shall be taken prior to seven days from the publication of the final EIS and its listing in the "EIS Available Register" maintained at the SEPA Public Information Center.

(2) The county, applicant for, or proponent of any action may publish notice of action pursuant to RCW 43.21C.080 for any action in order to establish a time limitation for commencing a challenge to such an action. The form of the notice shall be as prescribed by the Department of Ecology and/or substantially in the form and manner set forth in RCW 43.21C.080.

(3) Each department shall develop internal procedures for providing responses to consultation requests from other departments or agencies pertaining to threshold investigations, pre-draft consultation or draft EIS's.

.20.090 SEPA Public Information Center.

(1) The following is hereby designated as the SEPA Public Information Center for Mason County:

Mason County Planning Department  
P. O. Box 186  
428 Birch Street  
Shelton, Washington 98584  
(206) 426-5593

(2) The Planning Department Office shall undertake all of the duties assigned to a SEPA Public Information Center by WAC 197-10-830, which includes maintenance of the following documents and registers:

(a) Copies of all declarations of non-significance filed by the county, departments thereof, and other agencies, for a period of one (1) year.

(b) Copies of all EIS's prepared and filed by lead departments and other agencies, for a period of three (3) years;

(c) A "Proposed Declaration of Non-Significance Register";

(d) An "EIS Available Register"; and

(e) An "EIS In Preparation Register".

(3) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request, subject to the charging of reasonable fees related to the costs of reproduction and mailing.

Chapter .24

Legal Provisions

Sections:

- .24.010 Severability
- .24.020 Effective Date
- .24.030 Adoption

.24.010 Severability. If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

.24.020 Effective Date. The adoption of this ordinance is necessary for the preservation and protection of the public health, safety and general welfare of Mason County and its public institutions, and it shall take effect immediately.

.24.030 Adoption. Adopted this 9th day of May, 1977.

BOARD OF COUNTY COMMISSIONERS  
FOR MASON COUNTY, WASHINGTON

By John Barickman  
Chairman

Fred C. Cole  
John Taylor

Attest:

Russ E. Boyson  
Mason County Auditor

Approved as to Form:

By Bryan E. McJannet  
Prosecuting Attorney