

2183
2-10-75

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2183

AN ORDINANCE relating to the implementation of the State Environmental Policy Act and establishing categorical determinations of environmental significance and adding a new title to the Bellevue City Code.

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

Section 1. There is hereby added to the Bellevue City Code a new title and chapter to be entitled the "Bellevue Environmental Procedures Code," may be cited as such and will be referred to herein as "this code."

4.02.010 Policy. The policies and objectives of the State Environmental Policy Act of 1971, as amended, herein referred to as SEPA, are hereby adopted as the policies and objectives of the City of Bellevue.

Furthermore, the City, recognizing that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment, declares that to the fullest extent possible the City will utilize a systematic, interdisciplinary approach to insure the integrated use of the natural and social sciences to:

- A. Develop and maintain a high quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environment of the City.
- B. Take action necessary to provide the people of the City with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- C. Insure that living species are maintained at a level which will insure their perpetuity.
- D. Insure that the long term protection of the environment shall be the guiding criterion in public decisions.
- E. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

4.02.012 Purpose. The purpose of these procedures is to provide the City of Bellevue with principles, objectives, criteria, and definitions to provide an efficient overall City-wide approach for implementation of the State Environmental Policy Act of 1971, RCW 43.21C, as amended.

4.02.014 Applicability. All activities, public or private, requiring an application to the City for any lease, permit, license, certificate or other entitlement for use of land shall be subject to the provisions of these procedures and the State Environmental Policy Act as amended.

4.02.020 Definitions. General. Whenever the following words are used in these procedures, they shall have the meaning prescribed to them in this section.

Activity. Any action undertaken by a public or private person which results in physical and/or social impacts on the environment.

Applicant. Any person who requests from the City a lease, permit, license, certificate or other entitlement for use concerned with any usage pertaining to land.

Approval. The decision by the City which commits to a definite course of action in regard to an activity intended to be carried out by any person.

Approval occurs upon the earliest commitment to issue or the issuance by the City of a discretionary contract, grant, subsidy, loan or other form of financial assistance, lease, permit, license, certificate, or other entitlement for land use. Legislative action in regard to a project may constitute approval.

Categorical determination. Exemption from the requirement for the preparation of an environmental assessment, an environmental impact statement or a negative declaration for a class of projects based on a finding by the City Council that the class of projects does not have a significant effect on the environment.

City. The Municipal Corporation of Bellevue and all official departments and elements thereof.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to property, life, health, welfare of the public, or essential public services as designated by the City Manager or his designee.

Environment. The physical and social conditions which exist within the area which will be affected by a proposed activity including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, economics, and objects of historical, cultural, or aesthetic significance.

EIA - Environmental Impact Assessment. A preliminary analysis performed by the responsible official to determine whether an EIS or negative declaration must be prepared.

EIS - Environmental Impact Statement. A detailed statement setting forth the environmental effects and considerations pertaining to an activity as specified in RCW 43.21C.030 (C), as amended, of the State Environmental Policy Act.

Environmental Coordinator. Person designated by the City Manager or his designee to coordinate all environmental documents for the City.

Lead Department. Department having primary authority and responsibility for an activity. In the case of uncertainty the lead department is the department which has the major responsibility for the proposed activity, or the department designated by the City Manager.

Negative Declaration. A statement by the City that an activity, although not categorically exempt, would not have a significant effect on the environment and therefore does not require an EIS.

NEPA. The National Environmental Policy Act of 1969 (P.L. 91-190; 42 U.S.C. 4321-35), as amended.

Notice of Action. A brief statement that the City approves or determines to carry out a project which is subject to the requirements of SEPA.

Person. Any individual, firm, association, organization, partnership, business, trust, corporation, company, district, county, city, town, the state, and any of the political subdivisions of such entities.

Responsible Official. The individuals designated by Department Heads as responsible for the coordination of environmental matters for their respective departments.

SEPA. The State Environmental Policy Act of 1971, RCW 43.21C, as amended.

Threshold Determination. The initial decision as to whether an EIS is required for an activity.

4.02.030. Informational requirements. Consistent with SEPA, the City or any person applying to the city for a permit, license, certificate or other entitlement for use, shall provide such information and documents as deemed necessary and appropriate for an adequate environmental assessment on all projects related to land use which constitute or may constitute an impact on the environment and which does not qualify as an exemption under this code. The Environmental Coordinator may require additional information and/or documents to permit an adequate assessment of the project.

Based on such information and documents, the Environmental Coordinator shall make a determination as to whether

- a) A negative declaration may be issued on the project; or
- b) An environmental impact statement shall be required.

4.02.035 Negative Declaration. A negative declaration shall be prepared for any activity which the City finds will not have a significant adverse effect on the environment.

4.02.040 Environmental Impact Statements. An environmental impact statement shall be prepared for any activity which the City finds may have a significant effect on the environment, whether the project is to be carried out by the City or an applicant whose project is subject to approval, financial support, or some other involvement by the City. The City may prepare an EIS by its own efforts or by contract. The preparation of the EIS shall be the responsibility of the lead department. However, the City shall require an applicant to supply data and information, and to pay the entire costs for the preparation of an EIS by the City or its agent. Applicants shall be advised of projected costs of EIS preparation prior to actual preparation of the statement and shall post bond or otherwise insure payment of such costs.

4.02.042 Subsequent EIS. Where an EIS has been prepared and with concurrence of the Environmental Coordinator, no additional EIS need be prepared unless:

- A. Substantial changes are proposed in the action which will require major revisions to the EIS, due to the involvement of new environmental impacts not considered in the original EIS; or

B. There are substantial changes with respect to the circumstances under which the action is to be undertaken which will require major revisions in the EIS due to the involvement of new environmental impacts not covered in the original EIS.

4.02.044 Use of a Single EIS. A single EIS may be utilized to describe more than one activity if such activities are deemed to be essentially the same in terms of environmental impact. Furthermore, an EIS prepared in connection with an earlier activity may apply to a later activity, if the circumstances of the activity are deemed to be essentially the same.

4.02.050 City Departments. Consistent with SEPA and these procedures, all City departments shall:

A. Conduct, monitor and evaluate their activity, to protect and enhance the quality of the environment, within the budgetary limitations determined by the City Council.

B. Whenever required by the provisions of these procedures, prepare or have prepared necessary environmental documents prior to undertaking any action or any formal recommendation or proposal which, if adopted, implemented or approved, would commit the City to any course of action.

C. Develop and promulgate, in accordance with the provisions of these procedures, such supplementary procedures as may be required to carry out the responsibilities mandated by these procedures, SEPA and NEPA.

D. Designate a departmental "responsible official" to act as a liaison to the City Environmental Coordinator and provide such technical support as may be required to implement these procedures, SEPA and NEPA.

4.02.052 Planning Department. The Planning Department shall:

A. Publish and make available instruction manuals to assist City departments in understanding and/or drafting Environmental Impact Assessments and Statements and in evaluating the environmental effects of actions and programs.

B. Publish a timely index of all environmental impact statements and negative declarations.

C. Maintain a permanent file of all Draft and Final Environmental Impact Statements and negative declarations.

D. Make draft and final Environmental Impact Statements available at cost to those who formally request them.

4.02.054 Environmental Coordinator. The City Manager or his designee shall appoint an Environmental Coordinator who shall be the coordinator for the City for all environmental matters for the City, and shall:

A. Administer policies, regulations, ordinances and laws in accordance with the provisions set forth in these procedures, SEPA and NEPA.

B. Develop procedures and guidelines for the review of activities subject to SEPA to insure that environmental amenities and values and economic and social considerations will each be given appropriate weight in decision making.

C. Assess from a technical standpoint the adequacy of Environmental Impact Statements prepared by any person. Inadequate Environmental Impact Statements will be referred back to the originator for revision.

D. Make the threshold determination on all actions subject to SEPA which are not specifically exempted herein.

E. Promulgate such guidelines, rules and regulations which shall contain specific procedures to be utilized by all City departments or its agents in preparation of Environmental documents, and for the evaluation of actions to be undertaken by the City. These guidelines shall be binding on all City departments and all other persons requesting permits, licenses or other action by the City.

4.02.056 Interdepartmental Responsibility.

A. Interdepartmental coordination. Where the authority and responsibility for the initiation of a proposed action is shared by more than one department, the lead department shall be responsible for carrying out the duties imposed herein, and shall coordinate such activities with the Environmental Coordinator.

B. Review and comment by departments on non-City originated statements. Requests from other local, state or federal agencies for consultation and comment on Draft Environmental Impact Statements issued by that agency shall be referred to the Environmental Coordinator who shall notify all departments of the request and forward copies of the statement to the appropriate departments. A single comment for the City shall be developed by the Environmental Coordinator from the reviews of the departments and forwarded to the requesting agency.

4.02.060 Fees and Bond Requirements.

A. In preparing environmental documents or causing them to be prepared for activities initiated by some entity other than the City, the City shall charge and collect a reasonable fee from such person or entity to cover costs incurred by the City in its environmental assessment and in the preparation of environmental documents.

B. In addition, the City may contract directly with a consulting agency for preparation of environmental documents for activities initiated by some person or entity other than the City and may bill such costs and expenses directly to the applicant. Such consultant shall be selected by the City after a call for bids and in consultation with the applicant. The City may require the applicant to execute and file with the City a bond in an amount sufficient to cover consultant costs and expenses prior to processing of any application for permit from said City.

C. The City may charge and collect a fee from any person for the actual cost of reproducing a draft or final EIS requested by a member of the public.

4.02.075 Consideration of the EIS. Where substantial adverse impacts which cannot be mitigated will result from a proposed action, the City may disapprove such proposed actions. However, an EIS indicating an adverse impact does not require that a major action be disapproved. The City shall balance environmental, economic, and social objectives.

Section 2. There is hereby added to the Bellevue City Code a new chapter establishing categorical determinations of no environmental significance as follows:

4.04.010 Classes of Action without Significant Environmental Impact

The City has considered the environmental impact of the following classes of action and determined that such classes of action are not major actions with a potential for significant effect on the quality of the environment. Therefore the following classes of action do not require a further determination of environmental significance, an environmental assessment, the preparation of an environmental impact statement, or the preparation of a negative declaration:

4.04.012 Class A. General.

1. Unrelated to Land Use. Proposed actions in which there is clearly no possible land use relationship, no directly resultant environmental impact, or which do not constitute a final and decisive action.

2. Information Collection and Dissemination, Research and Planning Studies. Projects or actions involving basic data collection, planning, research, feasibility or planning studies and resource evaluation activities. These may be for strictly information gathering purposes, or as a part of a study leading to an action which the City has not yet approved, adopted, or funded. This class includes the engagement of consultants to furnish planning, design and related services for proposed City projects.

3. Ministerial projects. Projects which do not require any discretionary act on the part of a City employee or City agency such as issuance of business licenses, approval of final subdivision maps, approval of utility service connections and disconnections, etc.

4. Property acquisition or sale. Any actions taken by the City in the acquisition of land or property, sale of land or property, lease or rental of land or property by any department or official acting for and on behalf of the City.

5. Donation of Lands. Any action taken by any person donating, selling, leasing or renting property or land to the City.

6. Emergency Projects.

A. Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed.

B. Emergency repairs to public service facilities necessary to maintain service.

C. Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

7. Administrative Actions. Actions involving the City's procurement of general supplies and services, assessment and collections of taxes, borrowing of funds, review and payment of claims, personnel actions (e.g. hiring, terminations, appointments, promotions, allocations of positions, reductions in force), departmental coordination of plans and actions, preparation of City budget and the budgeting for general administrative and operational actions, Council adoption of the budget and application and acceptance of grant funds subject to state and federal requirements.

4.04.014 Class B. Existing Impact Statement or Determination or Equivalent.

(1) Actions for which an adequate Environmental Impact Statement or its equivalent has previously been prepared for the project or for another stage of decision-making, by a City department or by another governmental jurisdiction, pursuant to the National Environmental Policy Act of 1969, as amended, or the State Environmental Policy Act of 1971, as amended.

(2) Actions related geographically or as logical parts in a chain of contemplated actions for which an environmental impact statement has previously been prepared by a City department or by another governmental jurisdiction.

(3) Actions for which a determination of no environmental significance has previously been made by a City department and a negative declaration has been prepared:

PROVIDED, that in the case of all Class B actions, the Environmental Coordinator must determine that there has been no substantial change in the scope of the proposed action or in the anticipated environmental impact.

4.04.016 Class C. Existing Facilities.

Class C consists of actions involving the inspection, repair, maintenance or minor alteration of existing public or private structures, utility, telephone and transit facilities or mechanical equipment, involving no material expansions or changes of use beyond that previously existing, including but not limited to:

(1) Resurfacing or maintenance of existing paved streets, sidewalks and pathways, provided that in the case of the streets such resurfacing will not result in the addition of a new lane;

(2) Inspection, repair or maintenance of sewers, mains, pipes, telephone and power underground wires, utility substations, tunnels, treatment plants, pumping and regulator stations and related facilities;

(3) Inspection, repair or maintenance of local bus stops, loading zones and pullout lanes, overhead wires, public transit stations, shelters, access facilities, transit signs and signals;

(4) Inspection, repair or maintenance of existing railroad facilities such as road beds, tracts, bridges and signals on railroad right-of-way;

(5) Inspection, repair or maintenance for flood control or passage of fish such as emergency flood protection actions and debris removal from stream channels.

(6) Inspection, repair or maintenance of park and recreation building facilities; landscape and support systems such as lighting, irrigation, drainage, fencing and parking lots.

4.04.018 Class D. New Construction of Small Structures and Other Minor Development.

Class D consists of actions involving the construction, location or modification of single small structures or facilities, not in conjunction with the building of two or more such units, and other minor development including, but not limited to:

(1) Single family residences, duplexes, and small apartments (4 units and less);

(2) Barns, loafing sheds or similar agricultural structures;

(3) Small offices, recreation, service and storage buildings designed for an occupant load of 25 persons or less and with less than 2500 square feet of floor area;

(4) Grading or filling consisting of the excavation for basements, footings, etc. associated with Class D structures and developments and other grading or filling of 500 cubic yards or less of earth material which is not associated with a Class C structure or development;

(5) Accessory structures including garages, guest houses, carports, patios, fences, and recreational facilities;

(6) Local bus stops, loading zones and pullout lanes, shelters, access facilities;

(7) Commercial signs, transit and traffic signs and signals;

(8) Minor road and street improvements such as channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts;

(9) Installation of hydrological measuring devices;

(10) Minor construction of water, sewage, electrical, telephone, gas and other utility facilities to serve Class D structures and other development, including but not limited to extensions, upgrades, connections and support facilities;

(11) Demolition of buildings and structures.

(12) Minor Park and Recreation improvements such as fencing, irrigation, drain tile, etc.

4.04.020 Class E. Minor Land Uses

Class E consists of actions involving minor alterations in land use or minor temporary uses of land having short-term effects on the environment, including, but not limited to:

(1) Variances based on special circumstances applicable to subject property such as size, slope, topography, location or surroundings and not resulting in any change in land-use or density;

(2) Short subdivision approvals, i.e. the approval of a division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease;

(3) Extensions or changes in plats, planned unit developments, planned residential unit development and zoning reclassifications where there has been no material adverse environmental change in the originally proposed action;

(4) Vacation and abandonment of streets and roads.

4.04.022 Class F. Inspections, Law Enforcement, Fire and Emergency Medical Services, Protection of Health and Environment

Class F consists of inspection activities to check for the performance, quality, health or safety of a structure or construction thereof, and enforcement actions taken to obtain conformance with local or state law or regulations, fire and emergency services, regulatory actions taken by City departments, as authorized by state or local law, to assure the maintenance, restoration, enhancement or protection of the public health and the environment, including, but not limited to:

(1) Inspection of structures and facilities, including schools, and related enforcement actions for compliance with building and health regulations;

- (2) Inspection of food service establishments, mobile home parks, swimming pools and related enforcement actions for compliance with health regulations;
- (3) Police patrol, harbor patrol, and traffic law enforcement.
- (4) Fire and Medic I activities.
- (5) Emergency disinfection procedures, routine rat control activities;
- (6) Animal control activities;
- (7) Enforcement actions to obtain restoration of land and structures in compliance with state and local laws for the protection of the environment, such as State Shoreline Management Act, local grading regulations, zoning enforcement; etc.

4.04.024 Class G. Business and Other Regulatory Licenses

Class G consists of actions involving the licensing of business and related activities, including, but not limited to:

- (1) Business and occupation licenses;
- (2) Licenses for private security services, taxicab and other vehicles for hire;
- (3) Licenses for massage parlors, pawnbrokers, amusement device;
- (4) Licenses for sale or display of fireworks between June 28 and July 5th;
- (5) Licenses or permits for food services;
- (6) Animal control licenses.

4.04.026 Class H. Review and Comment Actions

Class H consists of actions in which a City department or division reviews and comments on the plans, budgets, grant requests, environmental impact statements, projects and other actions proposed by City departments, non-City agencies and the public.

4.04.028 Locations Where Certain Class Determinations Not Applicable

The actions in Classes C, D and E shall not be considered a categorical exemption when the project or activity is located in a geographic area with a sensitive or unique environment, defined as follows:

- (1) "Shorelines of the state" as defined in the Shoreline Management Act, RCW 90.58, and Resolution No. 2441;
- (2) Areas where slope, soil or other natural characteristics indicate severe limitations in accommodating man-made structures or other modifications.

The following areas are included in this subsection:

- A. Steep slopes which consist of all lands over 25% slope and those lands under 25% slope which represent a potential hazard by reasons of soil erosion or landslide as defined below, and associated sedimentation, together with related ravines and narrow benches located within or immediately adjacent to these slope areas;
- B. Areas having soils subject to severe or very severe erosion hazard (as described in reference 1 above)
- C. Areas having soils subject to severe or very severe slippage (landslide) hazard (as described in reference 1 above) and/or geologic soils mapped as potential landslide hazard areas (as described in reference B above) and in areas of known occurrences of slides.
- D. Areas having soils with high shrink-swell potential.
- E. Areas of "Wetlands" or "Poorly Drained Soils" in flat terraces adjacent to small streams and/or poorly drained depressional soils.

Section 3. Nothing in this ordinance shall exempt an activity from other City of Bellevue permit requirements.

2183
2-4-75

Section 4. If any provision of this ordinance or code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

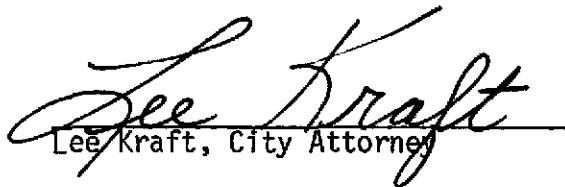
PASSED by the City Council this 10 day of February, 1975, and signed in authentication of its passage this 10 day of February, 1975.

(SEAL)



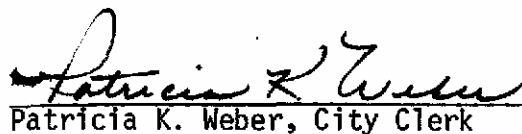
Richard M. Foreman, Mayor

Approved as to Form:



Lee Kraft, City Attorney

Attest:



Patricia K. Weber, City Clerk

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