

TOWN OF GRANITE FALLS

ORDINANCE NO. 360

ENVIRONMENTAL POLICY

BE IT ORDAINED:

SECTION 1. That a new Title be added to the Town of Granite Falls Code as follows:

Title 20

ENVIRONMENTAL POLICY

Chapters

- 20.04 Authority
- 20.08 General Requirements
- 20.12 Categorical Exemptions and Threshold Determinations
- 20.16 Environmental Impact Statements
- 20.20 Commenting
- 20.24 Using Existing Environmental Documents
- 20.28 SEPA and Agency Decisions
- 20.32 Definitions
- 20.36 Agency Compliance
- 20.40 Forms

Chapter 20.04

Authority

20.04 Authority. The Town of Granite Falls, Washington, adopts this Ordinance under the State Environmental Policy Act (SEPA), RCW 43.21c.120, and the SEPA Rules, WAC 197-11-904.

This Ordinance contains this town's SEPA procedures and policies.

The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this Ordinance.

Chapter 20.08

General Requirements

20.08.010 General Requirements. This part contains the basic requirements that apply to the SEPA process. The town adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference.

WAC

- 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

20.08.020 Additional definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this Ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

- (1) "Department" means any division, subdivision or organizational unit of the town established by ordinance, rule or order.
- (2) "SEPA rules" means chapter 197-11 WAC adopted by the Department of Ecology.
- (3) "Ordinance" means the ordinance, resolution, or other procedure used by the town to adopt regulatory requirements.
- (4) "Early notice" means the town's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
- (5) "Planning Commission" means Town of Granite Falls Planning Commission.

20.08.030 Designation of responsible official. For those proposals for which the town is the lead agency, the responsible official shall be the Planning Commission of the Town of Granite Falls.

- (1) For all proposals for which the town is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "Lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in 10.08.010 (WAC 173-806-020).
- (2) The town shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.
- (3) When the town is not the lead agency for a proposal, all departments of the town shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No town department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the town may conduct supplemental environmental review under WAC 197-11-600.

20.08.040 Lead agency determination. If the town or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object the determination. Any objections must be made to the agency originally making the determination and resolved within fifteen days of receipt

of the determination, or the town must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the town may be initiated by the planning commission.

(1) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal. (That is: Which agencies require nonexempt licenses?).

20.08.050 Transfer of lead agency status to a state agency. For any proposal for a private project where the town would be the lead agency and for which one or more state agencies have jurisdiction, the town's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the town shall be an agency with jurisdiction. To transfer lead agency duties, town's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the town shall also give notice of the transfer to the private applicant and to any other jurisdiction over the proposal.

Chapter 20.12

Categorical Exemptions and Threshold Determinations

20.12.010 Purpose and adoption by reference. This chapter contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The town adopts the following sections by reference, as supplemented in this ordinance, including WAC 173-806-080 (use of exemptions) and WAC 173-806-190 (Environmentally sensitive areas):

WAC

- 197-11-300 Purpose of this part
- 197-11-305 Categorical exemptions
- 197-11-310 Threshold determination required
- 197-11-315 Environmental checklist
- 197-11-330 Threshold determination process
- 197-11-335 Additional Information
- 197-11-340 Determination of nonsignificance (DNS)
- 197-11-350 Mitigated DNS
- 197-11-360 Determination of significance (DS)/initiation of scoping
- 197-11-390 Effect of threshold determination
- 197-11-800 Categorical exemptions
- 197-11-880 Emergencies
- 197-11-890 Petitioning DOE to change exemptions.

20.12.020 Use of exemptions. The Planning Commission shall determine whether a license and/or proposal is exempt. The Planning Commission's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements

of this title shall apply to the proposal. The town shall not require completion of an environmental checklist for an exempt action.

(1) In determining whether or not a proposal is exempt, the Planning Commission shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the Planning Commission shall commence environmental review.

(2) If a proposal includes both exempt and nonexempt actions, the town may authorize exempt actions prior to compliance with the procedural requirements of this Ordinance, except that:

(a) The Town shall not give authorization for:

1. Any nonexempt action;
2. An action that would have an adverse environmental impact; or
3. Any action that would limit the choice of alternatives.

(b) The Planning Commission may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would have no purpose if nonexempt action(s) were not approved; and

(c) The Planning Commission may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are indicated on maps referred to in this Ordinance.

20.12.030 Environmental checklist.

(1) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certification or other approval not exempted by this Ordinance; except, a checklist is not required if the town and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency.

(2) For private proposals, the town will require the applicant to complete the environmental checklist, providing assistance as necessary. For town proposals, the department initiating the proposal or the Planning Commission shall complete the environmental checklist for that proposal.

(3) The town may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if the following occurs:

(a) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

20.12.040 Mitigated DNS.

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

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the town is lead agency; and

(b) Precede the town's actual threshold determination for the proposal.

(3) The responsible official shall respond to the request for early notice within twenty (20) working days. The response shall:

(a) Be written;

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

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

(4) As much as possible, the town should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the town shall base its threshold determination on the changed or clarified proposal and should make the determination within twenty (20) days of receiving the changed or clarified proposal;

(a) If the town indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the town shall issue and circulate a DNS under WAC 197-11-340(2).

(b) If the town indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the town shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct a 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen (15) day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the town.

(8) If the town's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the town should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(9) The town's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the town to consider the clarifications or changes in its threshold determination.

Chapter 20.16

Environmental Impact Statements

20.16.010 Purpose and adoption by reference. This part contains the rules for preparing environmental impact statements. The town adopts the following sections by reference, as supplemented by this part:

WAC

- 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 (Optional)
- 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.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

20.16.020 Preparation of EIS--Additional considerations.

(1) Preparation of draft and final EIS (DEIS and FEIS) and draft and final supplemental EIS (SEIS) is the responsibility of the responsible official. Before the town issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by town staff, the applicant, or be a consultant selected by the town or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the town will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the town's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The town may require an applicant to provide information that the town does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the town may request under another ordinance or statute).

20.16.030 Additional elements to be covered in an EIS. The following additional elements are 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:

(1) Population characteristics, including distribution by age, sex and ethnic characteristics of the residents of the geographic area affected by the environmental impacts of the proposal, shall be covered in all EIS's, either by being discussed or marked "N/A".

(2) Where significant impact thereon is apparent, the responsible official may include any of the following as additional elements of the environment for the purpose of EIS content:

- (a) Economy;
- (b) Cultural factors;
- (c) Social policy analysis;
- (d) Cost benefit analysis;
- (e) Historic preservation;
- (f) Applicable adopted local and regional goals, policies, plans,

laws and regulations; provided, that the economy shall be an additional element of the environment in any EIS on a proposal to adopt or amend legislation.

Chapter 20.20

Commenting

20.20.010 Adoption by reference. This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The town adopts the following sections by reference, as supplemented in this part:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 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.

20.20.020 Public notice.

(1) The Town of Granite Falls shall give notice of the issuance of a DNS (WAC 197-11-340(2)), DS (WAC 197-11-300(3)), draft EIS (WAC 197-11-453(5)), and draft Supplemental EIS (WAC 197-11-620) as follows:

- (a) Publishing notice in a newspaper of general circulation in the town, or general area where the proposal is located; and
- (b) Posting the property by the applicant or town for site-specific proposals; and
- (c) Mailing a written notice to all property owners of record within five hundred feet of the external boundaries of the proposal site.

(2) The Town may provide additional public notice by one or more of the following methods:

- (a) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- (b) Notifying the news media;
- (c) Placing notices in appropriate regional, neighborhood, ethnic or trade journals;
- (d) Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

20.20.020 Integration of public notice requirements. Whenever possible the town shall integrate the public notice required under this chapter with existing or future notice procedures for the town's nonexempt permit(s) or approval(s) required for a proposal.

20.20.030 Additional notice of environmental documents. In addition to the notice requirements of Section 10.20.020, the notice of a public hearing required for a nonexempt license shall contain reference to the type and availability of the environmental documents issued for the nonexempt license.

20.20.040 Scoping notice. Whenever a DS is issued under WAC 197-11-360(), the scoping procedures for the proposal shall be included as required in WAC 197-11-408.

20.20.050 Cost of notice. The town may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of

this ordinance relating to the applicant's proposal.

20.20.060 Designation of official to perform consulted agency responsibilities for the town.

(1) The Planning Commission shall be responsible for preparation of written comments for the town in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) The Planning Commission shall be responsible for the town's compliance with WAC 197-11-550 whenever the town is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the town.

Chapter 20.24

Using existing environmental documents

20.24 Purpose of this part and adoption by reference. This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the town's own environmental compliance. The town adopts the following sections by reference.

WAC

- 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.

Chapter 20.28

SEPA and Agency Decisions

20.28.010 Purpose and adoption by reference. This part contains rules (and policies) for SEPA substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The town adopts the following sections by reference:

WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

20.28.020 Substantive authority.

(1) The policies and goals set forth in this Ordinance are supplementary to those in the existing authorization of the Town of Granite Falls, Washington.

(2) The town may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this Ordinance; and

- (b) Such conditions are in writing; and
- (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- (d) The town has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- (e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The town may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The town designates and adopts by reference the following policies as the basis for the town's exercise of authority pursuant to this section:

(a) The town shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage;
5. Maintain, wherever possible, an environment which supports diversity and a variety of individual choice;
6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The town recognizes 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.

(c) The town adopts by reference the policies in the following town ordinances, resolutions and plans as currently adopted or hereafter amended:

1. Town of Granite Falls Comprehensive Plan;
2. Town of Granite Falls Shoreline Management Program;
3. Town of Granite Falls Zoning Ordinance; and
4. Town of Granite Falls Subdivision Ordinance.

(5) Except for permits and variances issued pursuant to Chapter (Shoreline Management) of the town code, when any proposal or action not requiring a decision of the town council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the Town Council. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the Town Council shall be on a de novo basis.

20.28.030 Appeals. The Town of Granite Falls established the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

(1) Any agency or person may appeal the town's procedural compliance with Chapter 197-11 WAC for issuance of the following:

(a) A final DNS: Appeal of the DNS must be made to the Town Council within 20 days of the date the DNS is final (see WAC 197-11-390(2)(a)).

(b) A DS: The appeal must be made to the Town Council within 20 days of the date the DS is issued.

(c) An EIS: Appeal of the FEIS, substantive determination or both, (if both they must be consolidated) must be made within 20 days of the date the permit or other approval is issued, to the Town Council.

(2) For any appeal under this subsection, the town shall provide for a record that shall consist of the following:

(a) Findings and conclusions;

(b) Testimony under oath; and

(c) A taped or written transcript.

(3) The town may require the appellant to provide an electronic transcript.

(4) The procedural determination by the town's responsible official shall carry substantial weight in any appeal proceeding.

(5) The town shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance established a time limit for commencing judicial appeal.

20.28.040 Notice/statute of limitations.

(1) The town, applicant for or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the town clerk or County Auditor, applicant or proponent pursuant to RCW 43.21C.080.

Chapter 20.32

Definitions

20.32.010 Purpose of this part and adoption by reference. This part contains uniform usage and definitions of terms under SEPA. The town adopts the following sections by reference, as supplemented by WAC 173-806-040.

WAC

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 exemptions.
197-11-722 Consolidated appeal.
197-11-724 Consulted Agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-748 Environmentally sensitive area.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-794 Significant.
197-11-796 State agency.
197-11-798 Threshold determination.
197-11-799 Underlying governmental action.

Chapter 20.36

Agency Compliance

20.36.010 Purpose of this part and adoption by reference. This part contains rules for agency compliance with SEPA, including rules for

charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The town adopts the following sections by reference, as supplemented by WAC 173-806-045 through 173-806-043 and this part:

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for a private project requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

20.36.020 Environmentally sensitive areas.

(1) Certain categorical exemptions shall not apply when located in identified environmentally sensitive areas. The exemptions set forth in WAC 197-11-800 (1)(b)(1), (2), (3), (4), and (5); (2)(d)(g); (4)(a); (4)(b); (6)(a); (14)(c)(d); (24)(a), (b), and (c), and (d); and (25)(h), shall not apply when the proposed activity is located within any of the following environmentally sensitive areas:

(a) Rural, conservancy and natural environment as designated by the Town of Granite Falls Shoreline Management Master Program.

(b) All lands designated environmentally sensitive on the town of Granite Falls Comprehensive Plan map, which is hereby adopted by reference.

(c) Unidentified exemptions shall continue to apply within environmentally sensitive areas of the town.

(2) The town shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The town shall not automatically require an EIS for a proposal merely because it is proposed in an environmentally sensitive area.

(3) Certain exemptions do not apply on lands covered by water; and this remains true regardless of whether or not lands covered by water are mapped.

20.36.040 Fees. The town shall require the following fees for its activities in accordance with the provisions of this ordinance:

(1) Threshold determinations. For every environmental checklist the town will review when it is lead agency, the town shall collect a fee of \$50.00 from the proponent. This fee is in addition to any other fee or

charge required by the town. No threshold determination will be made until payment of this fee.

(2) Environmental Impact Statement.

(a) When the town is the lead agency for a proposal requiring an EIS and the responsible official determines that an EIS shall be prepared by employees of the town, the town may charge and collect a reasonable fee from any applicant to cover costs incurred by the town in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(b) The responsible official may determine that the town will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the town and may bill such costs and expenses directly to the applicant. The town may require the applicant to post bond or otherwise insure payment of such costs. Such consultants shall be selected by mutual agreement of the town and applicant after a call for proposals.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The town may collect a reasonable fee from the applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicants proposal.

(4) The town may not collect a fee for performing its duties as a consulted agency.

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

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

Chapter 20.40

Forms

20.40.010 Adoption by reference. The town adopts the following forms and sections by reference:

WAC

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. This Ordinance shall take effect from and after its passage, approval and posting, according to law.

THIS ORDINANCE IS HEREBY ADOPTED by the Town Council of the Town of Granite Falls this 26 day of September, 1984.

Approved by the Mayor this 26 day of September, 1984.

Louis Sawyer
MAYOR

Attest:

Gerry James
Town Clerk

I, Gerry James, being first duly appointed, qualified and acting Clerk of the Town of Granite Falls, Washington, a Municipal Corporation, do hereby certify that the foregoing Ordinance No. 360, is a full, true and correct copy of the original Ordinance passed on the 26 day of September, 1984 as said Ordinance appears in the book of Ordinances of the Town and said Ordinance became effective on the 26 day of September, 1984, and that the same was duly posted on the 26 day of September, 1984, at the following three public places of said Town.

1. U.S. Post Office
2. Town Hall
3. Konnerups