

CHAPTER 20.08
CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA

Sections:

- 20.08.010 Determination of Consistency
- 20.08.020 Initial SEPA Analysis
- 20.08.030 Categorically Exempt and Planned Actions

20.08.010 Determination of Consistency:

- A. Purpose: When the City receives a development application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this Chapter and the City's adopted SEPA ordinance, Chapter 20.04 and Chapter 20.08, Critical Areas and Resource Lands ordinance.
- B. Consistency: During the development application review, the City shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of such development regulations, the City shall determine whether the items listed in this subsection are defined in the City's adopted comprehensive plan. This determination of consistency shall include the following:
 - 1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
 - 2. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density;
 - 3. Availability and adequacy of infrastructure and public facilities and services identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities and services as required by Chapter 36.70A RCW; and
 - 4. Character of the development, such as compliance with specific development standards. (Ord. 2105, 12/23/02)

20.08.020 Initial SEPA Analysis:

- A. The City shall also review the development application under the requirements of the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City Environmental Policy Ordinance, Chapter 14.06, and shall:
 - 1. Determine whether the applicable regulations require studies that adequately analyze all of the development application's specific probable adverse environmental impacts;
 - 2. Determine if the applicable regulations require measures that adequately address and/or mitigate such environmental impacts;
 - 3. Determine whether additional studies are required and/or whether the development application should be conditioned with additional mitigation measures; and
 - 4. Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and comprehensive plan, including mitigation for specific project impacts that have not been considered and addressed at the comprehensive plan or development regulation level.
- B. In its review of a development application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.

- C. If the City bases or conditions its approval of the development application on compliance with the requirements or mitigation measures described in subsection A of this section, the City shall not impose additional mitigation under SEPA during project review.
- D. A comprehensive plan, subarea plan, development regulation or other applicable local, state or federal law adequately addresses an impact if the City has identified the specific adverse environmental impacts through the planning and review processes under Chapter 36.70A RCW and Chapter 43.21C RCW, and:
 - 1. The impacts have been avoided or otherwise mitigated; or
 - 2. The City has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.
- E. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its development application approval on compliance with these other existing rules or laws.
- F. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided for by Chapter 43.21C RCW.
- G. The City shall also review the application under Title 14, the City Environmental Regulations Ordinance. (Ord. 2105, 12/23/02)

20.08.030 Categorically Exempt and Planned Actions:

- A. Categorically Exempt: Actions categorically exempt under Chapter 43.21C.110(1)(a) RCW do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned on or denied under SEPA.
- B. Planned Actions:
 - 1. A Planned Action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
 - 2. A "Planned Action" means one or more types of project action that:
 - a. Are designated planned actions by ordinance or resolution adopted by the City;
 - b. Have had the significant adverse impacts adequately addressed in an environmental impact statement prepared in conjunction with:
 - 1) A comprehensive plan or subarea plan adopted under Chapter 36.70A RCW, or
 - 2) A fully contained community, a master planned resort, a master planned development or a phased project;
 - c. Are subsequent or implementing projects for the proposals listed in 2(b) of this subsection;
 - d. Are located within an urban growth area, as defined in RCW 36.70A.030;
 - e. Are not essential public facilities, as defined in RCW 36.70A.200; and
 - f. Are consistent with the City's comprehensive plan.

- C. Limitations on Planned Actions: The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the City, and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

- D. Limitations on SEPA Review: During project review, the City shall not reexamine alternatives to or hear appeals on the items identified in 20.08.010(B), except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as the details of site plans, transportation demand management, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts. (Ord. 2105, 12/23/02)