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Introduced by JOHN T. O'BRIEN

MOTION NO. 1335

73 - 702

A MOTION approving certain procedures of the County Executive relating to the Executive's review functions under Ordinance 1700 and the State Environmental Policy Act.

WHEREAS, the County Council has passed and the County Executive has approved Ordinance No. 1700, "an ordinance implementing the State Environmental Policy Act in King County through the adoption of a county environmental policy and through the provision of procedures of determining and considering the environmental impact of actions taken by the county;" and

WHEREAS, pursuant to Ordinance No. 1700, the County Executive has developed and proposed the procedures contained herein relating to his review functions under Ordinance 1700 and the State Environmental Policy Act of 1971 (SEPA);

NOW, THEREFORE, BE IT MOVED by the Council of King County:

(1) Establishment of Executive Committee. There is hereby established in the office of the County Executive a committee to be known as the "County Environmental Impact Committee" (hereinafter referred to as the "Committee"), consisting of the following members, or their designee: the director of the Community and Environmental Development Department; the director of the Public Works and Transportation Department; the director of the Seattle-King County Department of Public Health; and the director of the Budget Program Planning Department.

1 who shall be the chairman. The Prosecuting Attorney, or his
2 designee, shall act as counsel for the Committee.

3 The Committee shall assist the County Executive in
4 the implementation and supervision of Ordinance 1700 and SEPA
5 within King County and shall also have the specific responsibil-
6 ities delegated and enumerated herein. It shall not be the
7 function of the Committee to make substantive decisions of
8 approval or disapproval on the projects, applications and other
9 actions which are the subject of the Ordinance 1700 and SEPA
10 requirements.

11 (2) Operations and Procedures of the Committee. The
12 Committee shall meet at such times as the chairman of the
13 Committee, any two members of the Committee, or the County
14 Executive shall request or at such other times as provided
15 herein. The Committee shall utilize as its clerical and
16 professional staff designated personnel from each member's
17 respective department.

18 The Committee shall act by majority vote. Three
19 members shall constitute a quorum. Each member, including the
20 chairman, shall have one vote. In the event that there is no
21 majority vote among the members of the Committee present, the
22 question shall be submitted to the County Executive. Meetings
23 may be convened upon oral notice.

24 (3) Lead agency. In the case of uncertainty as to
25 which county department, if any, is the "lead agency" pursuant
26 to Section 2(b) of Ordinance 1700, the Committee shall consider
27 the matter and make the designation.
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1 (4) Review of determinations of environmental signifi-
2 cance. Notices of every determination of environmental signifi-
3 cance, made on an action by action basis pursuant to Section 3
4 of Ordinance 1700, shall be promptly submitted to each member
5 of the Committee or his designee for review: Provided, That such
6 notice is not required in the case of those types of actions which
7 the member has indicated are unnecessary to review because of their
8 minimal impact or because of his prior consultation. The
9 Committee shall consider and review such determinations of
10 significance in each case in which one or more members of the
11 Committee, including the member who made the initial determination,
12 requests such a review. Members of the public and private
13 applicants aggrieved by the determination of significance and
14 interested non-county agencies may also request the Committee
15 or any member of the Committee to review such determinations of
16 significance where a written request is made, within ten (10)
17 days of the public announcement of such determination, supported
18 by statement of reasons for reversing such determination: Provided,
19 That there is no such public appeal to the Committee for those
20 actions which are subject to the requirement of a public
21 hearing and include the opportunity for appeal of the subject
22 action to the county council or board of appeals, such as
23 zoning actions and conditional use permits. The Committee may
24 concur in or reverse the determination of significance made or
25 the Committee may require further information in support of
26 the determination made. No member shall vote on a determination
27 of significance made within his own department. In the case of
28 applications by private persons and non-county agencies, the
29 review of determinations of environmental significance shall
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1 be performed in a manner consistent with the time limits provided
2 in Section 3 of Ordinance 1700. The determination of environ-
3 mental significance by the responsible official shall be final,
4 unless review by the Committee is obtained as provided herein, in
5 which case the decision of the Committee shall be the final
6 determination.

7 (5) Periodic review of categorical determinations.

8 The Committee shall, pursuant to Section 9(e) of Ordinance 1700,
9 make a review of the categorical determinations of significance
10 within approximately one year of their initial approval by the
11 County Council and at such times thereafter as the Committee
12 determines appropriate. The County Council must approve all
13 additions, deletions or modifications of the categorical
14 determinations of significance.

15 (6) Redeterminations of environmental significance.

16 In every case described in Section 10(b) of Ordinance 1700, where
17 a declaration of no significant impact is initially prepared and
18 subsequently a redetermination made to prepare an environmental
19 impact statement, the Committee shall consider and review such
20 redeterminations of significance when requested as provided in
21 Paragraph (4) above. The responsible official making such a re-
22 determination shall give written notice of the redetermination
23 and the grounds for such redetermination to the private applicant
24 or non-county agency applicant, if the action involves such an
25 applicant. Prior to reviewing the redetermination, the Committee
26 shall give the applicant fifteen (15) days to submit to the
27 Committee written comment objecting to such redetermination. The
28 Committee may concur in or reverse the redetermination of
29 significance or require further information in support of the re-
30 determination made. No member shall vote on a redetermination of
31 significance made within his own department.
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1 (7) Extensions of time for impact statement preparation.

2 For proposed actions, involving applications by private persons
3 and non-county agencies, that are unusually large or significant
4 in terms of magnitude or the area affected, the responsible
5 official may apply to the Committee for an extension of the
6 time limits provided in Section 7(f) of Ordinance 1700 for the
7 preparation of an environmental impact statement. The responsible
8 official shall specify in writing the good cause alleged for the
9 extension and notify the applicant. The applicant shall have
10 at least five (5) days, from the receipt of notification, to
11 object in writing to the Committee prior to its decision. The
12 Committee may grant such extension, for good cause, in increments
13 of thirty (30) days. No member shall vote on a request for
14 extension made within his own department.

15 (8) Failure of applicant to provide information. Any

16 responsible official who refuses to process and consider the
17 application of a private person or non-county agency for failure
18 to submit information required of the applicant pursuant to
19 Section 11 of Ordinance 1700 shall provide such applicant and
20 the Committee with a written notice stating the grounds for
21 refusing to process and consider the application. The Committee
22 shall consider and review the responsible official's action
23 and approve or disapprove. Prior to making its review, the
24 Committee shall give the applicant fifteen (15) days to submit
25 to the Committee written comment objecting to the responsible
26 official's refusal to process and consider the application.
27 No member shall vote on such a refusal made within his own
28 department. The written decision by the Committee or, where
29 required, the County Executive, shall be transmitted by certified
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1 mail to the applicant. The decision of the Committee or, where
2 required, the County Executive, shall be final unless within
3 twenty (20) days of receiving the written decision the applicant
4 files a written appeal and statement of the reasons for the
5 appeal with the King County Board of Appeals.

6 (9) County review of non-county impact statements.

7 The director of the Budget Program Planning Department or his
8 designee shall act as the county clearinghouse to coordinate
9 the distribution and review, pursuant to section 12 of Ordinance
10 1700, of environmental impact statements prepared by non-county
11 agencies. The jurisdiction by law or special expertise of
12 county departments with respect to the environmental impact
13 involved in projects and activities reviewed by the county
14 includes those types of environmental impact set forth in the
15 attached "Appendix A". The review by county departments should
16 not be duplicative.

17 (10) Delegation of duties by responsible county
18 officials. The duties of responsible county officials under
19 Ordinance 1700, including the duty to make determinations of
20 environmental significance, prepare declarations of no signifi-
21 cant impact, and prepare environmental impact statements, shall
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1 be delegated to designated heads of divisions within the
2 responsible official's department in those cases where the
3 responsible official determines that such delegation is
4 reasonable and consistent with the responsibilities of such
5 division head.

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8 PASSED this 3rd day of December, 19 73.

9 KING COUNTY COUNCIL
10 KING COUNTY, WASHINGTON

11 
12 VICE Chairman

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14 ATTEST:

15 
16 ACTING Clerk of the Council

1
2 APPENDIX A

3 County departments have jurisdiction by law or special
4 expertise with respect to the following types of environmental
5 impacts:

6 (1) Community and Environmental Development Department:

- 7 (i) uses of land for agriculture, housing,
8 commerce, industry, recreation, education,
9 public buildings, open space;
10 (ii) transportation and traffic;
11 (iii) public services and utilities;
12 (iv) shoreline and floodplain development;
13 (v) capital improvement;
14 (vi) mineral excavation and reclamation;
15 (vii) waste discharge in water courses;
16 (viii) wildlife;
17 (ix) vegetation;
18 (x) structural safety;
19 (xi) fire hazards;
20 (xii) grading;
21 (xiii) aesthetics;
22 (xiv) housing.

23 (2) Public Works Department:

- 24 (i) transportation and traffic;
25 (ii) sewer and water systems;
26 (iii) flood control;
27 (iv) storm drainage and erosion;
28 (v) river and stream regulation;
29 (vi) public services and utilities;
30 (vii) solid waste.

1 (3) Seattle-King County Department of Public Health:

2 (i) sewer and water systems;

3 (ii) solid waste and sanitary fills;

4 (iii) waster discharge;

5 (iv) water quality;

6 (v) air pollution;

7 (vi) milk, meat and food production;

8 (vii) pesticides;

9 (viii) toxic minerals;

10 (ix) hazardous substances;

11 (x) noise

12 (xi) odors;

13 (xii) other matters of public health.

14 (4) Budget Program Planning Department:

15 (i) uses of land;

16 (ii) capital improvements;

17 (iii) transportation and traffic.

18 (5) Department of Executive Administration:

19 (i) utilities installations;

20 (ii) management of county property;

21 (iii) business licenses.